

BRIGHTON & HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/02586	<u>Ward:</u>	WISH
<u>App Type</u>	Full Planning		
<u>Address:</u>	Gala Bingo Hall & Adjacent Carpark 193 Portland Road		
<u>Proposal:</u>	Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground, part first floor, new D1/D2 unit at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units (40%). Surface car parking and landscaping at rear. (Resubmission of withdrawn application BH2008/00600).		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	07 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01 December 2008
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Ms Kath Kane, Downland Housing Association Ltd, C/o C J Planning, 80 Rugby Road, Brighton		

1 SUMMARY

This proposal is for the redevelopment of the former Gala Bingo Hall, which is located on the north side of Portland Road at the corner of School Road, for a mixed used scheme comprising a new GP surgery, new D1/D2 unit and 38 residential flats.

Concerns are raised in respect of the height, scale and design of the development in respect of neighbouring developments and the resulting impact on neighbouring amenity. In particular, the linked walkways and the resulting impact on neighbouring amenity in terms of loss of privacy and future occupiers when the walkways are used.

In addition, the supporting documentation accompanying the application fails to justify the loss of the existing Gala Bingo Hall in accordance with local plan policies.

All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Turning to the communal amenity space, concern is raised in respect of the fact that not all of the future occupiers will have access to the communal amenity space.

The application is therefore recommended for refusal.

2 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 reasons:

1. The development by reason of scale, bulk, height and mix of uses is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of its form, bulk, scale, height and positioning in the site, would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, of the Brighton & Hove Local Plan.
3. Policy SR21 of the Brighton & Hove Local Plan resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR21.
4. Policy HO20 of the Brighton & Hove Local Plan resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. Insufficient information has been made for the loss of this element of the facility, contrary to the policy, and to the detriment of the amenities of the local population.
5. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
6. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space would not be accessible for all of the residents of the development. It would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties
7. The proposed development would by reason of its height, scale and positioning in close proximity to the northern boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. The proposal would therefore be contrary to planning

- policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. The proposed development would by reason of the external walkways along the north elevation lead to a significant level of overlooking and consequential loss of privacy to the occupiers of adjoining properties to the detriment of neighbouring residential amenity. Furthermore, the linked walkways by reason of the positioning of windows serving habitable rooms would have a detrimental impact on the amenity of future occupiers by reason of overlooking and noise and disturbance. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
 9. The car parking, by reason of its positioning in close proximity to the northern boundary of the site, together with the potential for frequent trips during the day in connection with the use of the Doctors Surgery will lead to a significant level of noise and disturbance for neighbouring occupiers to the north and future occupiers of the proposed development. The proposal would therefore be contrary to planning policies SU10 and QD27 of the Brighton & Hove Local Plan.
 10. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan.
 11. Notwithstanding inaccuracies between the accompanying plans and the supporting documentation, the applicant has failed to demonstrate that the introduction of a 161 square metres of A1 floor space would not have a detrimental impact on the existing town and local centres in order to ensure that the vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. P01, PO2, PO3 A, PO4 A, PO5 A, PO6 B, PO7 D, PO8 D, PO9 D, P10 C, P11 D, P12 D, P13 D, P14 A, P15 C, P016 E, P017 C, P018 C, P20 submitted on 1 September 2008.

3 THE SITE

This application relates to the site of the Gala Bingo Hall, which is located on the north side of Portland Road at the junction with School Road. The building has been vacant since 2003. Residential properties along Marmion Road abut the site to the north. Commercial properties with residential above adjoin the site to the east and south along Portland Road with West Hove School to the west.

4 RELEVANT HISTORY

The site has been occupied by the current building since 1933, when it was constructed as a Granada Cinema. In 1968 planning permission was granted for the change of use of the premises to indoor squash courts, followed by a mixed cinema/sports hall use and indoor games use. In 1974, a further planning application was granted for a Bingo Social Club (ref: **M/18392/74**), under which the premises were most recently in operation. There have since been numerous applications in association with the Bingo Hall use, the most

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recent being a disabled access ramp to the front entrance doors, granted in August 2000 (ref: **BH2000/01467/FP**).

Planning permission was refused in November 2003 for the demolition of the bingo hall and associated car park and construction of 50 Sheltered Apartments (Category II) and House Managers accommodation, communal facilities, landscaping and 14 car parking spaces (ref: **BH2003/02020/FP**). The reasons for refusal were as follows:

1. Policy SR23 of the Brighton & Hove Local Plan Second Deposit Draft resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that the replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. No attempt has been made to address these issues, thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR23.
2. The proposed development would fail to make any provision for affordable housing, contrary to policy H3 of the Hove Borough Local Plan and HO2 of the Brighton & Hove Local Plan Second Deposit Draft.
3. The applicant has failed to demonstrate how the development will meet sustainability objectives in terms of efficiency in use of energy and materials and minimisation of construction waste as required by policies SU2 and SU13 of the Brighton Local Plan Second Deposit Draft.
4. No contribution towards the provision of public art has been offered as part of this major development, contrary to policy QD6 of the Brighton & Hove Local Plan Second Deposit Draft.

Planning permission was refused in April 2005 for the demolition of the bingo hall and construction of a range of three to six storey building of 54 private and affordable flats and 34 car parking spaces (ref: **BH2005/00335/FP**). The reasons for refusal were as follows:

1. Policy SR23 of the Brighton & Hove Local Plan Second Deposit Draft resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use (and indeed a restriction on sale for the same use) thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR23.
2. Policy HO20 of the Brighton & Hove Local Plan Second Deposit Draft resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. No justification has been made for the loss of this element of the facility,

contrary to the policy, and to the detriment of the amenities of the local population.

3. Policy QD2 of the Brighton & Hove Local Plan requires that all new developments be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including, amongst other criteria, the height, scale, bulk and design of existing buildings, and the natural and developed background or framework into which the development will be set against. The proposal would by reason of its density, design, height and scale form an overdevelopment of the site to the detriment of local residential amenity and the character and appearance of the street scene.
4. Policies BE1 of the Hove Borough Local Plan and QD14 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft seek to protect amenity. The proposed new dwellings would, by reason of their density, design, scale and proximity to neighbouring properties, have an overbearing effect on the occupiers of those properties contrary to the policies referred to above.
5. Policy HO new policy of the Brighton & Hove Local Plan Second Deposit Draft requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. It is considered that it would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties.
6. Policy HO13 relates to accessible and lifetime homes and states that a proportion of all new dwellings on larger sites should be built to a wheelchair accessible standard. The proposal only provides for one unit to wheelchair standards and makes no reference to the lifetime home standard. The proposal would therefore be contrary to policy, to the detriment of the future adaptability of the housing stock to meet the needs of occupiers.
7. The applicant has failed to demonstrate how the development will fully meet sustainability objectives in terms of efficiency in use of energy and materials as required by policy SU2 of the Brighton Local Plan Second Deposit Draft.
8. Whilst the applicant has demonstrated a willingness to enter a Planning Obligation to address policy requirements, no such Obligation has been entered into. The following issues should have been addressed:- cost of the agreement, securing affordable housing, securing contributions towards the provision of educational facilities, open space, sustainable transport measures and a per cent for art contribution. This is contrary to policy QD28 of the Brighton & Hove Local Plan, which seeks the inclusion of such elements within Obligations where appropriate.

An application was withdrawn in May 2008 for the demolition of existing building. Redevelopment of site to provide new GP Surgery at part ground floor, part first floor, new A1/A2/D1/D2 units at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units. Surface car parking and landscaping at rear (ref: **BH2008/00600**).

5 THE APPLICATION

Planning permission is sought for a mixed development comprising of a 1077 square metre doctors surgery; a 161 square metre D1/D2 unit and 38 residential flats arranged as a part three, part four and part five storey block. The GP Surgery would be located within the ground floor of blocks 1 and 2 and the first floor of block 1, whilst the D1/D2 unit would be located within the ground floor of block 3. Of the 38 residential units, sixteen will be affordable. The affordable units comprise of 7 one bedroom units, 7 two bedroom units and 2 three bedroom units. In terms of the market housing, it is proposed to provide 8 one bedroom units, 8 two bedroom units and 6 three bedroom units. Four of the affordable units will be built to wheelchair accessible standards. Car parking will be provided at the rear accessed from Portland Road. Of the 19 spaces, 4 will be allocated to the wheelchair accessible units with the remainder allocated to the GP surgery.

All of the units would benefit from private amenity space in the form of balconies or terraces with some units additionally benefiting from communal roof terraces.

The Planning, Design and Access Statement advises that the “footprint along the Portland Road frontage is long and relatively narrow, being one unit in depth. At the eastern end of the scheme, the building is two full storeys in height, with an ‘attic’ floor set within an asymmetrical roof form, matching the height and form of the adjoining terrace. This section of the building is terminated by a full three storey flat roof element over the gated access to the rear and the Portland Road residential entrance. Beyond this, the building rises to three storeys, with the top floor set back to form balconies. Turning the corner with School Road offers the opportunity to increase the height of the building to a further storey to create a focal end stop to the terrace, politely stepping down where the site adjoins the rear of Marmion Road.” In addition, the Planning, Design and Access Statement asserts that the “resultant built form successfully addresses the urban design requirements and offers a far more pleasing and harmonious street scene along Portland Road together with a more efficient and effective use of the site.”

In terms of appearance, the Planning, Design and Access Statement advises that the “building has been designed so that changes in materials and elevational treatment break down the scale of the elevation...The elevation of Portland Road is intended to blend in with the Edwardian shops, using similar type and colour of brickwork to the upper floors and render to the ground floor, with pitched roofs and dormer windows...The predominant facing material to blocks 1 and 2 corner building will be terracotta cladding system of long narrow panels known as ‘baguettes.’

Statement of community involvement:

The applicant has submitted details of the consultation undertaken prior to the submission of the application. This includes meetings with stakeholders, neighbouring occupiers and ward councillors and letters to the surrounding area between February 2006 and the submission of the current application. The information includes a summary of the feedback received following a

consultation event held in April 2007 at St Philips Church, New Church Road, between 1pm – 7.45pm. Invitations were sent to neighbouring occupiers, businesses, ward councillors and the local MP. The feedback suggested that the introduction of a surgery, the affordable housing and sustainability were welcomed. There were, however, concerns raised in respect of design, density and car parking. The report does not identify how the scheme has evolved following the public consultation.

6 CONSULTATIONS

External

Neighbours:

17 letters of objection have been received. The addresses of the objectors are listed in Appendix A. The letters raise the following points:

General:

- the scheme is an overdevelopment of the site with no provision for parking for residents or for the large staff group and patients using the surgery;
- the need to maintain a financially viable scheme would appear paramount to the developer. This is evident in the applicant's apparent threats within the supporting documentation, such as "the viability of the scheme is in balance" and "serious financial implications to the scheme" should not be justification for overdevelopment;

Design & Scale:

- the size of the new building will be significantly bigger than the existing building;
- the scale of development is inappropriate for the area;
- the design is unsuitable for the area;
- the existing building is an attractive building of historical importance to the local area and at the very least the frontage should be kept;
- the design is a 'retro' architectural design many of which have since been demolished. The open communal walkways merely promoted anti-social behaviour;
- the building extends well beyond the building line in School Road;
- all other blocks of flats nearby in Portland Road are set back from the pavement and stand in their own ground, the proposal is out of keeping with this standard;
- the plan describes five or four storeys in height, whereas the maximum norm for buildings fronting the pavement in this area is for three;

Use:

- whilst the proposed use of dwellings is appropriate to the area, the site will be vastly overdeveloped;
- 38 dwellings is a ridiculous number of dwellings to shoehorn into a tiny space;
- the loss of a large community space and the social amenity that was enjoyed by local residents;
- the scheme fails to address the needs of the local area for elderly

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- sheltered housing;
- the use of the surgery is wholly inappropriate on the grounds that it will generate more traffic in an already busy and potentially dangerous area;
- the PCT have admitted to some local residents that the Bingo Site is the wrong location;
- a survey conducted by the Clarendon and Portland Association shows that only 5% of local residents wanted further medical facilities;
- the residents of Marmion Road do not want a surgery;
- there is a current desire to create more affordable family housing within the area, however, there are only 2, 3 bedroom two bedroom units;

Impact on amenity:

- the increased site coverage will have an overbearing impact on neighbouring properties to the north;
- the development will result in loss of light to neighbouring occupiers;
- the development will result in overlooking and loss of privacy, parking by the open walkways at the rear;
- the open walkways will result in noise and disturbance;
- open decked walkways have proved historically to result in anti-social behaviour;
- a Doctor's surgery is built on the site there will be a huge increase in noise and disturbance;
- increased traffic noise and disturbance;
- air pollution on Portland Road is already very close to the air quality objective, the doctor's surgery will push this pollution over the limits;

Transport:

- the parking provision is totally inadequate for the area;
- increased traffic flows will impact on child road safety;
- there are road safety problems in the area and the proposed scheme will increase the problems;
- the existing car park is not used to the same extent as the proposed car park;
- the Primary Care Trust have said that patients will travel by bus, but people rarely take public transport when they are very ill or injured;
- the council should conduct travel surveys and not rely on those carried out by the Primary Care Trust;
- the controlled parking zone in Marmion Road is not properly enforced at peak times, parking problems will increase as a result of the development;
- the surgery will increase parking congestion in the surrounding area, particularly at school times;
- the car free development policy was dropped long ago in favour of a more balanced approach and residents will be allowed permits which is contrary to the planning application;

Inaccuracies:

- Section 4 Paragraph 4 (page 10) of the Planning, Design and Access Statement states "there is a parking service area to the rear of this

terrace, with an arched access accessed at both the east and west ends by a flat arch under the first floor.” The area at the rear of the shops is a private right of way for the owners of approx. 23 freehold garages entirely separate from the shops and flats. As this road is a private right of way there is no right to park except for loading or unloading for those holders of the right of way;

- Section 7 Paragraph 3 (page 19) states “off-site, the area is served by Stoneham Park, less than 500m walking distance from the application site and Davis Park, 500m to the south. Stoneham Park has a well-equipped children’s play area, café, tennis courts, informal kick about space and grassed seating area and Davis Park has tennis courts and informal play facilities.” Neither park has tennis courts;
- Section 7 Access (page 30) Bus Routes – the no. 7 bus passes the site at approx. 7.20am, 7.48am and 8.00am from Portslade. It does not pass in the opposite direction at any time;
- the planning application form states that there will not be a new access, yet the plans show a new access;
- the scheme extends over the public footpath;
- the applicant has indicated that there are 28 existing car parking spaces, yet the space is regularly filled with 35 plus cars;
- drawing no. PO7 indicates that 20 cycle spaces will be placed on land not owned by the applicant and in the location of the current local recycling centre;
- the applicant has indicated that the existing floor space is 2,548 sq metres, they have only provided the ground floor layout of the existing building that accounts for 1,262 sq metres of D2 use. Previous owner’s plans of the first floor indicate that this was largely open space with an upper tier seating;
- the application form states there will not be any employment, yet there is a doctor’s surgery on the site;

Additional Concerns:

- the applicant’s have not consulted local residents;
- there are not enough school places in this area of Hove;
- it is easy to gain support from the non resident groups and individuals who will support each every application for their own gain.

A total of **420** letters of objection in a standard letter have been received. The addresses of the objectors are listed in Appendix A. The letter is attached as Appendix B.

A letter has been received from **Celia Barlow MP** objecting to the application on the following grounds:

- Gala Bingo site is located in a densely populated residential area which has seen a lot of development in recent years. Many residents have expressed concern about the high level of development in the area and feel that this is unsustainable;
- concerns regarding density have been ignored;
- with only 19 car spaces, the proposals will lead to an increase in traffic, which will compound the existing parking problems of the area;

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- the relocation of the GP surgeries will lead to people from outside of the immediate locality travelling to the site, many by car and adequate parking provision for the surgery, homes and retail units, is not provided in the application;
- concerns have been expressed regarding the close proximity of balconies to the pavement area of Portland Road and the consequent overlooking from the balconies;
- the residents of Marmion Road will be overlooked by the development and suffer a loss of privacy, possibly contravening their rights under Article 8 of the Human Rights Act 1998;
- the light analysis undertaken did not include 80 and 82 Marmion Road;
- the widespread local consultation promised previously did not take place;
- this application seems very similar to application BH2008/00600 which was withdrawn.

1 letter of support has been received. The address of the supporter is listed in Appendix A. The letter raise the following points:

- the previous concern regarding the pharmacy has been overcome since the pharmacy has been eliminated from the scheme;
- The new building is a pleasant design and would be a huge improvement on the current eye-sore;
- The proposed development would be lower than the present structure.

Brighton & Hove City Teaching Primary Care Trust: Brighton & Hove City PCT through its Estate's Strategy has identified the need for a large primary care development in the Central/West Hove area. The PCT is supportive in principle of the plans for the GP surgery at the Bingo Hall site as it provides sufficient capacity to meet the needs of the existing population as well as projected future growth. The PCT is still in the process of undertaking patient and public consultation as well as assessing the financial viability of the scheme and the outcome of both these exercises will inform the PCT's final decision as to whether it will support this development.

EDF Energy: No objection providing rights regarding access and maintenance to cables within the area are maintained as existing.

South East Regional Design Panel: The Panel are very supportive of the approach to the design and feel that the resulting building would be a positive addition to this area of Portland Road.

The site is located on Portland Road which is one of Hove's main thoroughfares. The area is typified by two and three storey buildings with retail and commercial spaces on the ground floor. The site is currently occupied by a former cinema building which has more recently been used as a bingo hall. The building is now vacant, in a state of disrepair and adds little to the quality of the local environment.

The current development seeks to replace the cinema building and adjacent car park with a terrace reflecting the height and form of Portland Road with a larger block at the south west corner of the site with the lower two floors

occupied by community health facility. We feel that this form of development successfully reflects the scale of the street while addressing the corner with School Road.

The Panel are very supportive of the combination of community and commercial uses and the mix of residential unit types accommodating a wide range of users.

The Panel are pleased that efforts have been made to reduce the apparent length and bulk of the Portland Road elevation but feel this could be improved with more emphasis on the vertical elements within the elevation. Greater investigation into the type and colours of materials on the building may help to reflect the local identity of this area of Hove and create a more contextual response. The incorporation of public art within the proposals is welcomed and this large building could be further enlivened through the incorporation of additional art work.

The detailing of the landscaping to the rear of the building is important and this has been successfully handled, however, the quality of the public realm to Portland Road is equally critical and this needs more attention to create an attractive and positive setting of the building.

The aspiration to achieve a high percentage of renewable energy on the site is encouraging and the density of the development and on this accessible edge of town centre location should enable the developer to achieve up to Level 4 of the Code for Sustainable Homes.

Southern Gas Networks: There are Low/Medium/Intermediate Pressure gas main in the proximity to the application site. No mechanical excavations are to take place above or within 0.5m of the Low Pressure and Medium Pressure system and 3 metres of the Intermediate Pressure system.

Southern Water: Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. Also there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and any existing properties and land may be subject to a greater risk of flooding as a result. Further investigations should be undertaken by the applicant in respect of surface water disposal. Conditions should be attached in the event planning permission is granted requesting further works.

Sussex Police: The walkway access at first and second floor levels causes

no concern, as there is access control to the ground floor entrances and to the doors leading to the walkways. The doors to the walkways could either be integrated into the ground floor access control or have suited keys.

The Theatres Trust: No objection in principle to the demolition of the former Granada Cinema or to the redevelopment of the site. However, where demolition is proposed for a former entertainment and community building of this type, it is recommended that the Council be satisfied that it is surplus to cultural, community, townscape or regeneration requirements before granting demolition.

The Granada Cinema was built in 1933 and designed by the architect H. L. Hemsley and had 1638 seats. The theatrical use of the Granada appears to have been quite extensive in the early years, being constructed as a cinema but with a stage capable of live performance. It was built with full stage facilities, including a fly tower, band room and dressing rooms. If consent were to be given for redevelopment on the site there should be a condition imposed to record the former Granada Cinema prior to the commencement of the works. Theatrical buildings are an unusual subject matter and often researched by the general public. The Theatres Trust has a substantial collection of material (including photographs, slides and plans) relating to theatre buildings and is currently developing our theatre database to improve public access to this information.

Internal

Access Officer: Lifetime homes and wheelchair access housing are acceptable. It would be useful to request a detailed plan of the ground floor wheelchair store. Details of the shopfront and accessible toilet should be submitted prior to occupation.

Economic Development: The Economic Development team has no adverse comments to make with regard to this application but welcomes the redevelopment of the site to contribute to the needs of the city.

Education: A contribution of £68,922 has been requested. The site is in an area where there is significant pressure in both the primary and secondary sectors. Consequently the education contribution is sought for both primary and secondary education. Since the development is in Hove, a contribution towards sixth form education is also sought.

Environmental Health: Comments awaited

Housing Strategy: The scheme proposes the provision of 16 units of affordable units, which equates to 40% in accordance with policy HO2. Based on the Housing Needs Survey 2005, the Council seeks a tenure mix of 55% of the affordable units for rent and 45% for shared ownership. In the event of the RSL being unable to obtain public subsidy for the rented affordable units, the units will convert to 100% affordable home ownership (shared ownership). The RSL would need to demonstrate that public subsidy is not available for this scheme.

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The affordable housing should be owned and managed by a Registered Social Landlord approved by the City Council and who has entered into a nomination agreement with the council will manage the properties. The council will expect 100% nomination rights in the first instance to the affordable housing units.

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The units should be tenure blind and fully integrated with the market housing/distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

The units should be compliant with the current Housing Corporation Design & Quality Standards; meet Secure by Design principles. Private outdoor amenity space provided in the form of balconies and terraces, plus ideally access to ground floor space including play areas.

The units should all be built to lifetime homes standards and four of the affordable are proposed to be built to wheelchair accessible standards. The units should meet the following standards – 1 bedroom flats 51 sq metres; 1 bedroom wheelchair flats 51 sq metres; 2 bedroom flats 66 sq metres; 2 bedroom wheelchair flats 77 sq metres; 3 bedroom flats 76 sq metres. The mix of 7 one bedroom units, 7 two bedroom units and 2 three bedroom units is welcomed.

Open Space: A contribution of £70,304 has been requested.

Percent for Art: A contribution of £24,000 has been requested. Page 17 of the accompanying Planning, Design and Access Statement advises that the applicant has suggested that that percent for art contribution is used to provide a feature window or similar applied artwork above the residential entrance on Portland Road.

Planning Policy: Whilst the GP surgery is welcomed and should be encouraged due to the recognised and identified public needs set out in the City Wide Estates Strategy, regard to the implications of the introduction of other uses on this site and the reduction of the existing community use floor space needs to be carefully considered. In respect to the loss of community use floor space the applicant has sought to demonstrate criterion 'd'. Policy HO20 seeks that the applicant demonstrates that the site is no longer needed not only for its existing use but also for other types of community use. Note that criterion 'd' refers to 'site' rather than floor area/premises. Criterion 'd' therefore allows the flexibility for a variety of community use providers to purchase a site at respective land value and use as existing or redevelop to suit their respective means (e.g. could increase the floor space) it is therefore less restrictive than just offering a space within a development. It is noted the applicant has submitted marketing information but nowhere does it indicate what the expected rent or site price was. This does not enable us to investigate/check whether the price sought was realistic and took into account

not only the planning use but also the condition of the premises (e.g. the presence of asbestos etc). It is not unusual for an applicant seeking to demonstrate exceptional circumstances apply to obtain opinions from at least three marketing agents (e.g. on the price and demand etc).

Indeed the marketing information submitted in respect of the 161 sq metres community space suggests there is a lack of community use sites in the city. It also indicates higher rental community uses would only be viable as this is a redeveloped scheme thus suggests some potential users would be excluded from the site due to the rent/price to be charged. However, this fails to take into account the 'enabling' housing development. To ensure this space actually performs the function of community use rather than lie empty it should either have an agreed future occupier or the applicant needs to submit details demonstrating that the residential management will include arrangements for the maintenance of this space and for making it available to community/residents for 'community use.'

Without a future occupier or a commitment within the residential management arrangements to manage and maintain the community space it is not felt the objective of policy HO20, in respect to the 161 sq metres space, is being met. Whilst the applicant has tried to justify the reduction in floor space, the lack of a future occupier for the 161 sq metres could indicate the limited floor space being offered is not viable. The cumulative impact of an incremental loss in community space/sites could have a significant effect on the range of facilities offered to the community.

The GP surgery space should be appropriately secured via condition/s106.

With respect to policy SR21, the applicant has sought to demonstrate that criteria 'b' and 'c' would not apply because there is a reduced demand for Bingo Halls thus the facilities are not to be replaced nor is the applicant seeking to provide improved facilities that meet the aims of the sport and recreation strategy. In respect of criterion 'a' the applicant has submitted information detailing where other sites lie in proximity to the one. Whilst this does not in itself demonstrate an excess in provision it does help to show there is not a complete lack of provision. Similar to HO20, this policy (SR21) seeks the retention of recreation (D2) uses and thus the retention of recreation premises/land values. Potentially the marketing information could help to justify an exception to this policy. The information submitted on the marketing of the site appears to show that a health and fitness provider was interested in the site, however, the landowner at the time chose not to accept their offer as there were concerns over the seriousness of the offer. Without further information on this it is hard to assess the 'redundancy' of this site for recreational purposes. Indeed the letter from Flude in respect of the D1/D2 space in the proposed scheme indicates there is an increase in enquiries from D2 businesses including specialist fitness centres. There is insufficient information to demonstrate an exception to policy SR21 is justified.

Traffic Manager: To comply with policies TR1 QD28 the applicant will be expected to make a financial contribution in-line with the scale of the

development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip.

The Department for Communities and Local Government's Planning Policy Guidance 13 – Transport (PPG13) set out the Government's national objectives for transport policy with respect to the planning system. Point 7 of paragraph 6 notes that *"in order to deliver the objectives of this guidance ... when considering planning applications local authorities should ... use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys"*. Paragraph 84 notes that *"Planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either in their own or as part of a package of measures"*.

In line with the requirement of Transport Act 2000 "A New Deal for Transport" Brighton & Hove City Council acting as Local Transport Authority has produced a Local Transport Plan (LTP) setting out the Council's local objectives and measures to promote sustainable transport choices in the city. To fund and implement these measures Local Transport Authority's are required to secure contributions from both the private and public sector. A majority of the required funding is secured via a settlement for central government. The difference between this settlement and the total LTP funding requirement, sometimes referred to as the shortfall or funding gap, is to be secured from other public sector bodies and private sector organizations, including developers.

TR1 notes that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking, and cycling. The narrative supporting this policy notes that it has strong links with other policies in the local plan and makes particular reference to policy, among others, QD28. QD28 states that the achievement of public transport infrastructure enhancements, contributions towards pedestrian and cycle route infrastructure, and off-site highway improvements/traffic calming schemes will be sought by means of planning obligations when planning permission is granted. The contribution is required satisfy the requirement for the Applicant to provide *"details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development"*. It would not be reasonable to expect an Applicant of a small-scale (in transport impact terms) development to fully fund the construction or implementation of a scheme identified in the LTP. It is reasonable to require Applicants to make a contribution based upon the scale of the respective transport impact or change in transport characteristics to ensure that the accumulative impact of all small-scale developments can contribute towards *"sustainable transport choices and reduce reliance on the car for work and other journeys"*.

For this proposal the contribution should be:

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Proposed development 38 units * 5person-trips * £200 * 75% = £28,500
Doctors Surgery 775m²/100m² * 142peron-trips * £200 * 75% = £165,075
Total Contribution £193,575

The submitted car parking report makes it clear that there is sufficient on-street car parking space available to accommodate the demand created by this proposal.

Urban Design Officer: This application lies in the School Road character area of the Sackville neighbourhood, as identified in the draft Urban Characterisation study. Sackville neighbourhood is classified as ‘an urban pre-1914 residential inner suburb whose original character has been eroded. Small terraced housing arranged over a clearly defined grid pattern in narrow streets with little tree planting. Low rise but high density with good access to services. Strong architectural cohesion but eroded public realm. School Road character is described in the draft study as ‘Schools and commercial buildings, with small terraced houses, close to railway line.’

The previous cinema building, although once an important landmark along Portland Road, has now fallen into considerable disrepair and can be considered as an eyesore.

A design and access statement is included in the submission. This statement clearly lays out the principles that have guided the design of the proposed building. The statement also asserts that all units achieve lifetime homes standards and that the building is mobility accessible.

In Urban Design terms the different and active use on the ground floor is considered to be a positive factor.

The articulation of the front façade is considered to have successfully broken up the building, and the transition with the adjoining buildings on Portland Road is considered to be appropriate. The proposal is, however, taller than other similar housing developments in the location and coupled with the prominence of the site a high quality building is considered essential. The highest part of the site being located on the corner is considered appropriate.

The applicant is offering good quality materials for the façade, although samples particularly on the terracotta cladding and external render could be agreed by condition. Smooth self-coloured render would be recommended.

The apparent walkways at the rear of the building are considered to be a cause of concern. This could be overcome by careful management, limiting the number of dwellings with access to each, and good security at the building entrances.

7 **PLANNING POLICIES**

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

PLANS LIST – 12 NOVEMBER 2008

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

S1	Twenty One Criteria for the 21 st Century
S6	Development and Change within Towns
E1	General
E5	Safeguarding Existing Land and Premises
H1	Housing provisions
H4	Affordable Housing
H6	Other Local Housing Requirements
TR1	Integrated Transport and Environment Strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling
TR16	Parking Standards for Development
TR18	Cycle Parking
EN26	Built Environment

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR16	Potential rail freight depot
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
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
HO7	Car free development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Planning Advisory Notes

PAN03:	Accessible housing and Lifetime Homes
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8 **CONSIDERATIONS**

The determining issues in respect of this application relate to firstly, whether the proposed development accords with local plan policies; secondly, whether the scale and design of the proposed development is considered acceptable; thirdly, whether the scheme achieves an acceptable sustainability level; fourthly, whether the proposal will be detrimental to neighbouring amenity; whether the scheme is considered acceptable in respect of environmental health issues and traffic.

Design:

The application site has a main frontage to Portland Road and a side frontage to School Road. Whilst building heights and uses vary along Portland Road, the immediate surroundings of the application site are characterised by two storey properties with commercial at ground floor and residential above to the east and south, a school to the west and two storey terraced residential properties to the north.

The accompanying Planning, Design and Access Statement advises that the “building will comprise of three distinct but conjoined elements...Block 1, on the corner of Portland Road and School Road, will rise to mainly 5 storeys to give a distinct focal point to the scheme, echoing the corner of the former bingo hall, although it will be substantially lower than the highest point of the existing building. The corner of the block that faces Marmion Road will be stepped down to four storeys...Block 2, running along Portland Road will rise to four storeys, with a shallow metal clad monopitch roof falling to the north. The top storey will be set back to form balconies for the upper units. Block 3, also running along Portland Road, will rise to three storeys...The roof of this block has been carefully designed to read as a traditional form on the front

elevation, with the pitch matched to the adjoining terrace to the east.”

In terms of height, the highest part of the proposed scheme will be less than the highest part of the existing building, since the height of the proposed scheme is 16 metres, whilst the height of the highest part of the existing building is 18 metres. However, it is important to note that the height of the existing building steps down from the corner point of Portland Road and School Road along both elevations to a height of 15 metres along the west elevation. So that, parts of block 1 in the proposed scheme would be higher than the existing building. Furthermore, not only does the existing building step down in terms of height but the elevational treatment also steps in and out rather than a continuous flat plane elevation. The panelling along both Portland Road and School Road steps in and out creating a varied frontage rather than a long continuous elevation. Whilst, it is therefore acknowledged that the existing Gala Bingo Hall is a large building compared to its immediate surroundings, the step in height, together with the staggered elevations assists in reducing the dominance of the overall building. It is also important to note, that the proposed scheme projects further forward onto the pavement facing School Road compared to the existing building, which would create an overbearing structure on the resulting narrow pavement along the School Road frontage.

As previously stated, the highest part of the proposed building is block 1, which is positioned at the corner of Portland Road with School Road. The previously withdrawn scheme did not introduce a step in the height of the building at this point and concern was raised in respect of how the building would be viewed in the context of Marmion Road in terms of building bulk and the dramatic step change in height between two storey traditional terraced properties along Marmion Road and a five storey flat roof block of flats. The bulk of block 1 was compounded further by the height of the ground floor, which appeared compressed and poorly proportioned when viewed in the context of the height of the main structure.

In an attempt to overcome this concern, the current scheme introduces a step down in the height of block 1 and the ground floor has been increased in height. However, the height of the ground floor continues to appear poorly proportioned in comparison to the rest of the frontage. The use of render at ground floor level with terracotta panelling above merely seeks to emphasise the dominance of the upper floors and is compounded by the fact that the upper floors project further forward than the ground floor. In addition, the slight set back introduced along the School Road frontage is not considered sufficient to reduce the bulk of the building. The stepped element would be four storeys in height and the change between the proposed development and the existing dwellings to the north, is still considered to dominate the height and form of the traditional two storey terraced dwellings to the north. The dominance of the School Road elevation is accentuated further by the fact there is only limited distance before the structure steps to five storeys in height. The limited distance between four and five storeys is not considered sufficient to reduce the bulk of this element and would be seen as a dominant five storey flat roof structure, which would extend beyond the building line of

the neighbouring residential properties to the north. The encroachment beyond the building line of neighbouring properties to the north further accentuates the dominance of the building. The building siting hard against the footpath and extending further across the footpath compared to the existing building only seeks to emphasise the overbearing impact of the building on neighbouring buildings. It is therefore considered, that the proposed development by reason of height, together with the depth, width and positioning of the building would create an overbearing, incongruous feature that is considered out of keeping with surrounding development and the scale of the traditional dwellings to the north. The bulk of the structure is compounded further by the fact that the site is clearly visible from longer views along Portland Road, due in part to the scale and positioning of the West Hove school buildings to the west of the application site. The height changes between the proposed development and the existing school buildings would be dramatic and would therefore be clearly visible from the west creating an overly dominant structure, out of keeping with the surrounding area. It is therefore considered that the scale of the development and the prominence of the building in the street scene, in particular the School Road elevation would appear as an excessively high building, well detached from any comparable building in scale and bulk in the immediate surroundings. This element of the building would benefit from being scaled down introducing a progressive reduction in the height of the School Road elevation, so as to respond more positively to the existing scale of the immediate residential surroundings.

Further concern is raised regarding the materials used and the appropriateness of the terracotta baguettes, in the context of the character and appearance of Portland Road and the transition between the differing materials between block 1 and block 2 would appear disjointed and incoherent.

To summarise, the development by reason of excessive height and scale, site coverage and bulk would represent an incongruous feature that is considered an overdevelopment of the site.

Loss of the Bingo Hall:

Policy SR21 refers to loss of indoor recreation facilities and advises that “planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted except where all of the following conditions are met:

- a) it can be demonstrated that there is an excess of provision within the catchment area of the facility;
- b) the facilities are to be replaced by improved facilities that meet the aims of the City Council’s sport and recreation strategy; and
- c) replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.

The supporting information accompanying the application states that “the wording of this policy and the supporting text is clearly slanted towards sport-

based activities.” The City Sports Strategy published in 2006 is used as evidence of this, since bingo is not discussed in the document. However, the strategy published specifically relates to sport and therefore it would be inappropriate to discuss other forms of recreation that are not orientated towards sport. Notwithstanding this, policy SR21 specifically relates to indoor recreation facilities, whether sports or leisure. Planning Policy officers have commented on the application and have advised that there is insufficient information to demonstrate an exception to policy SR21 has been justified. The applicant has sought to demonstrate that criteria ‘b’ and ‘c’ would not apply because there is a reduced demand for Bingo Halls thus the facilities are not to be replaced nor is the applicant seeking to provide improved facilities that meet the aims of the sport and recreation strategy. In respect of criterion ‘a’ the applicant has submitted information detailing where other sites lie in proximity to this one. Whilst this does not in itself demonstrate an excess in provision it does help to show there is not a complete lack of provision. Similar to policy HO20, policy SR21 seeks the retention of recreation (D2) uses and thus the retention of recreation premises/land values. Potentially the marketing information could help to justify an exception to this policy. The information submitted on the marketing of the site appears to show that a health and fitness provider was interested in the site; however, the landowner at the time chose not to accept this offer, as there were concerns over the seriousness of the offer. Without further information on this, it is difficult to assess the ‘redundancy’ of this site for recreational purposes. Indeed the letter from Flude in respect of the D1/D2 space in the proposed scheme indicates there is an increase in enquiries from D2 businesses including specialist fitness centres.

It is also important to note, that letters received in respect of application BH2003/02020/FP clearly demonstrated that there was considerable concern that the closure of the hall would result in the loss of a facility which not only provided a leisure facility, but provided older people in particular with the opportunity to socialise, with a further opportunity of having a meal on the premises.

Policy HO20 of the Brighton & Hove Local Plan seeks to retain community facilities and states planning permission will not be granted for development proposals that involve the loss of community facilities. Exceptions may apply where:

- a) the community use is incorporated, or replaced within a new development; or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

The Planning, Design and Access statement accompanying the application considers that “the proposal includes a significant community facility element in the form of a brand new purpose built surgery that would benefit all

members of the local community.” However, the floor space currently proposed would result in a net loss of floor space compared to the floor space provided by the current building. The supporting documentation states that the “gross floor space in the existing building amounts to approximately 2458 square metres, although only the ground floor (approximately 1262 square metres) has been publicly accessible since 1973 when the bingo use commenced. The proposed new purpose-built surgery at 1077 square metres and D1/D2 lock-up unit at 1612 square metres would almost exactly replace the publicly available floor space, with a shortfall of just 24 square metres.” To clarify, the lock up unit would be 161 square metres, but the overall shortfall would still be 24 square metres. However, in terms of assessing a loss of community use, Planning Policy officers have previously advised that all of the available floor space should be taken into account, whether the space is public or private since non-public areas are just as essential for the operation of such uses. Furthermore, this does not take into account the ability of an alternative community use to maximise the use of the entire building through renovation or alteration or to redevelop the site as a whole to match the existing floor space.

On this basis, planning policy officers have advised that it is therefore necessary for the applicant to demonstrate part d) of policy HO20. To respond to this, the applicants have submitted a marketing report, which includes an explanation of why the premises closed. The report further states “that no serious or achievable alternative community, leisure or other D1/D2 use was forthcoming during two separate extensive marketing periods. Only one offer was made by a leisure/fitness operator. It is important to note that criterion ‘d’ refers to ‘site’ rather than floor area/premises and therefore allows the flexibility for a variety of community use providers to purchase a site at a respective land value and use as existing or redevelop. In terms of the marketing information submitted, the details fail to indicate what the expected rent or site price was and therefore does not enable an assessment as to whether the price sought was realistic and took into account not only the planning use but also the condition of the premises. Furthermore, it does not advise whether the price between the first and second round of marketing was reduced to increase potential interest. Planning policy officers have advised that it is “not unusual for an applicant seeking to demonstrate exceptional circumstances apply to obtain opinions from at least three marketing agents (eg on the price and demand etc).”

Further concerns have been raised regarding the proposed independent D1/D2 use. The marketing information submitted in respect of this space, suggests there is a lack of community use sites in the city. This therefore implies a demand, yet at the same time the documentation is advising that there are no interested parties for the unit. For this reason, it could be an indication that the size of the unit is too small. The documentation also indicates higher rental community uses would only be viable as this is a redeveloped scheme thus suggesting some potential users would be excluded from the site due to the rent/price to be charged. However, this fails to take into account the ‘enabling’ housing development’ and that costs could be offset by the scheme generally. Planning policy officers remain concerned

in respect of the lack of a known future occupier. A potential mechanism to overcome this problem is for the applicant to ensure and demonstrate that the residential management will include arrangements for the maintenance of this space and will be responsible for making it available to community/residents for 'community use.' This assurance has not been forthcoming and without a future occupier or a commitment within the residential management arrangements to manage and maintain the community space, it is not considered that the objective of policy HO20 has been met.

The previous withdrawn scheme (application BH2008/00600) sought greater flexibility in respect of the independent unit and proposed either an A1/A2/A3/D1/D2 unit. At the time the application was withdrawn the applicant was advised that the introduction of an A1 use would be contrary to both local plan policies and Planning Policy Statement 6. The proposed application site lies in an out of centre location in Hove. The nearest retail centre to the application site is Portland Road Local Centre, which is protected by policy SR6 of the Brighton & Hove Local Plan. Proposals for new retail development in locations outside existing retail centres trigger national and local tests of need, scale, sequential approach, impact and accessibility to be satisfied which are required by Planning Policy Statement 6 Planning for Town Centres and local plan policies SR1 and SR2. No information was submitted with the previous application to justify the introduction of A1 floor space in this location. Section 1 of the accompanying Planning, Design and Access Statement provides a summary of the changes made between the previous withdrawn scheme and the current scheme. This advises that the "A1/A2/A3 element has been removed from the stand-alone unit." However, drawing no. PO7 Revision D shows the independent unit as either D1/D2/A1/A2.

Residential Accommodation:

The scheme seeks to provide 38 residential units. Policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states "where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing. The policy applies to all proposed residential development, including conversions and changes of use. Of the 38 proposed residential units, the scheme would provide 16 units of affordable housing, which equates to 42%. The accompanying Planning, Design & Access Statement states that 55% of the affordable housing will be provided for rent with the remainder provided for shared ownership. This provides 9 units for social rent and 7 for shared ownership. In terms of Housing Strategy, an appropriate tenure mix between accommodation for rent and shared ownership is considered to be 60% social rent and 40% shared ownership. However, Housing Strategy do not object to the tenure mix in respect of the proposed scheme.

In terms of the affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development Standards, meet EcoHomes 'very good' rating, incorporate Joseph Rowntree 'Lifetime Home' standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 square metres for

one bedroom units; 51 square metres for one bedroom wheelchair units; 66 square metres for two bedroom units; 71 square metres for two bedroom wheelchair units; and 76 square metres for three bedroom units. Two of the two bedroom rented units (unit 8 and unit 24) fail to meet the housing strategy standard of 66 square metres. However, Housing Strategy does not object to the undersized units, since the units meet English Partnerships' Quality Standards. All of the allocated disabled units would be provided for social rented, of the four wheelchair accessible units, two would be one bedroom and two would be two bedroom. Furthermore, all would meet the minimum internal standard of 51 square metres for one bedroom wheelchair accessible units and 71 square metres for two bedroom wheelchair accessible units. Four disabled car parking spaces would be provided at ground floor level for the wheelchair accessible units.

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The Housing Needs Study 2005 provides an indication of the mix of units required to meet the housing need within the city. An appropriate mix of units overall would include 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units.

The proposal includes 38 units, of which 15 would be one bedroom units, 15 would be two bedroom units and 8 would be three bedroom units. The mix would comprise 39% one bedroom units, 39% two bedroom units and 21% three bedroom units. The accommodation is heavily weighted towards one bedroom units and two bedroom units and does not deliver a sufficient number of three bedroom units. The mix of accommodation proposed does not provide an appropriate mix of accommodation in line with policy HO3.

Turning to the affordable accommodation, an appropriate mix would include 40% of one bedroom units, 50% of two bedroom units and 10% three bedroom units. The 16 affordable units would comprise of 7 one bedroom units, 8 two bedroom units and 2 three bedroom units. This would provide a mix of 43% for one bedroom units, 43% for two bedroom units and 12% three bedroom units in accordance with policy HO3.

To summarise, whilst the provision of three bedroom accommodation is not considered sufficient in the market housing provision, since the proposed development achieves an appropriate mix in respect of the affordable provision the mix of residential accommodation does not justify refusal of the application in this instance.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the

development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Given that the three bedroom flats are likely to be occupied by families the extent of the amenity space attached to a number of units is not considered acceptable. For example, unit 16, a three bedroom unit would only benefit from a small balcony area. Similarly units 17 and unit 28, both two bedroom units would only benefit from limited balconies. Units 26 and 27, both one bedroom units would benefit from very small balcony areas, which are not considered to comply with the requirements of policy HO5.

The Planning, Design and Access Statement advises that “there are two communal roof gardens, one over part of block 1, for use by the residents of units 13-16, 29-32 and 35-38 and another over part of the flat roof element of block 3 for use by the residents of units 25-28 only.” It is not clear from the supporting documentation how these spaces will be protected for the use of these residents only. Furthermore, by the fact that the spaces are communal, it does not constitute private amenity space in accordance with policy HO5 of the Brighton & Hove Local Plan.

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes and applies an outdoor recreation space standard of 2.4 hectares per 1,000 population to new housing developments. The provision must be split appropriately between children’s equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

The scheme includes landscaped roof gardens above the residential accommodation at fourth floor level above block 3 and above block 1. The communal roof terraces would, however, only be accessible by a proportion of the residents. For example, the communal roof garden above block 1 will be provided for the residents of units 13-16, 29-32 and 35-38 and the communal area above block 3 will be provided for the residents of units 25-28. Since not all of the occupiers will have access to the communal gardens, it cannot be classified as communal outdoor recreation space in accordance with policy HO6. In addition, the scheme does not include any space for children’s equipped play space or adult/youth outdoor sports facilities. According to the Planning, Design and Access Statement “there is limited space available on the site and although the landscaped area (at ground floor level) could be allocated for this purpose, it is likely to prove understandably unpopular with the residents of Marmion Road that back onto this area of the site. The space is also remote from the flats, is not directly overlooked and set within an area that is shared with cars. All in all, this renders the space wholly unsuitable for informal play. For this reason, the space will be restricted to the D1/D2 unit and will be included within its demise for letting purposes.”

Whilst policy HO6 does state that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site, may be acceptable. For the scale of this development, a financial contribution of £70,304 would be required to compensate the communal open space

deficiency on site. However, given that the application relates to a new build development on a large flat site adjoining existing garden areas, it is expected that the scheme could provide some communal open space and further indicates that the scheme represents an overdevelopment of the site.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime home standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. In addition, policy HO13 requires development of more than ten new dwellings to provide 10% of the affordable to be built to wheelchair standards and 5% overall to be built to wheelchair standards. The supporting documentation accompanying the application states that the proposal complies with the requirements of policy HO13 and detailed floor layouts for a number of units showing how the units comply with lifetime home standards have been submitted. The Access Officer commenting on the application has advised that the units in respect of compliance with lifetime home standards are considered acceptable.

In terms of the wheelchair accessible housing, the accompanying Planning, Design and Access statement advises that four units have been designed to meet wheelchair standards and will be within the affordable housing. Policy HO13 requires that the percentage of homes to be built to a wheelchair accessible standard on major schemes to be 5% overall with 10% of the affordable units to be wheelchair accessible. This would equate to two units overall. The scheme provides four units, which is above the threshold required by policy HO13. Whilst there is no provision of wheelchair accessible housing in the market accommodation, since the provision is more than expected in the affordable, this is considered acceptable in this instance. The Access Officer, in commenting on the application does not raise an objection to the scheme in respect of wheelchair accessible housing. Further details regarding the ground floor wheelchair store in the event planning permission is granted could be required by condition.

Sustainability:

A sustainability statement accompanied the application and in accordance with Supplementary Planning Guidance Note 21: Sustainability Checklist, a checklist accompanied the submission. The application was submitted prior to the adoption of SPD08. The report provides an evaluation of different sustainable measures which could be used in the development and proposes the following technologies are incorporated into the scheme: double glazing incorporating thermal control, natural ventilation, efficient lighting and green roofs.

In accordance with Supplementary Planning Guidance Note 21: Sustainability Checklist, a checklist accompanied the submission, of the twenty-two criteria, 15 would be fully met, 3 would be partially met, and 2 are classified as not applicable. Two responses do not include a determination of whether the scheme will fully meet or partially meet the energy questions, which include “has the development been developed with regard to the principles of policy SU2 and Supplementary Planning Guidance 16 on Renewable Energy and

Energy Efficiency? /Does the development incorporate sustainable energy sources such as combined heat and power (CHP), Solar and Wind?” Whilst details have been provided, the completed checklist does not indicate an assessment of whether the scheme will fully meet or partially meet the questions. Furthermore, not all of the principles of policy SU2 have been addressed within the response. For example, the documentation does not consider c) measures that seek to reduce water consumption; or d) measures that enable the development to use grey-water and rainwater; or e) the use of materials and methods to minimise overall energy and/or raw material inputs. A scheme of this scale could include measures for grey water or rainwater recycling in accordance with policy SU2 of the Brighton & Hove Local Plan. No information has been included in respect of this. In terms of renewable energy resources, Supplementary Planning Guidance Note 21 sets a target of at least 15% of the total power needs of the development to come from renewable or sustainable sources. The supporting documentation states “using a mix of solar panels and photovoltaic cells incorporated into the roof covering, 17% will be achieved for the residential units.” Technical details of both the type and amount of solar panels and photovoltaic cells is not included in the application, however, this could be required by condition in the event planning permission was granted.

The employment criteria, which are partially met, refer to whether the development will add a diverse range of employment opportunities and encourage both start-up and expanding businesses; whether the scheme will provide training opportunities and whether the construction material will be reused or recycled from sustainable resources and from a source within 20km. Since the development does not include traditional employment uses, it is not considered unreasonable for the scheme to only partially meet two of the three economy and work responses. In terms of construction material, the response states that “it is unlikely that the materials for a development of this scale could be sourced from within 20km, particularly the specialist cladding materials. All standard fixtures and fittings and white goods will be sourced locally.” The information, however, fails to provide any information to support this assertion, such as providing examples.

The response in respect of private and communal amenity space is considered to be fully met. However, as previously addressed in the report, there are concerns in respect of the private amenity space provided and the scheme does not include communal open space in accordance with policy HO6 of the Brighton & Hove Local Plan.

Further concern is raised in respect of the lack of technical and supporting information. For example, in response to ‘will the development achieve a BREEAM/EcoHomes rating of very good or excellent’ the supporting documentation advises that it is proposed that a BREEAM rating of ‘very good’ will be achieved for the non residential elements and the residential section will achieve a rating for the Code for Sustainable Homes of Level 3. Whilst a completed Pre-Assessment has been completed for the Code for Sustainable Homes, which confirms that the scheme will achieve Level 3, it is not clear whether the document has been completed by an Accredited

Assessor. The application has not been accompanied by a completed Pre-Assessment for the non residential element.

In terms of bathrooms, out of a total of forty six bathrooms within the residential accommodation, only 17 (37%) would benefit from natural light and ventilation, which is considered contrary to the requirements of policy SU2 of the Brighton & Hove Local Plan and contracts the submitted sustainability statement which states that natural ventilation is important to the scheme. Policy SU2 requires applications to introduce “measures that seek to reduce fuel use and greenhouse gas emissions...and in particular regard should be given to...daylight and sunlight.” According to the Planning, Design and Access Statement “all bathroom doors will have glazed fanlights above to supplement natural light.” However, a number of the bathrooms lead from internal corridors that will not benefit from natural light and ventilation and the benefit of borrowed lighting from internal corridors is therefore questioned.

Since the proposal results in a net gain of five units a Site Waste Management Plan should be submitted in compliance with SPD 03 Construction and Demolition Waste. A Waste Management Plan accompanied the application. However, this fails to provide clarity in terms of how much will be recycled and where materials will be taken. Whilst named contractors are listed, this is only indicative and not definite. Moreover, the information in respect of construction is not considered sufficiently detailed. The information is not considered sufficient for a Waste Management Plan in accordance with SPD03 Construction and Demolition Waste. Whilst the submitted statement is not considered sufficiently detailed, the lack of information is not considered to justify refusal of the application, since further information could be required by condition in the event the application was recommended for approval.

Impact on Amenity:

Concerns have been raised by neighbouring occupiers in respect of loss of light, overshadowing, loss of privacy and noise and disturbance as a result of the proposed development. Since commercial buildings abut the site to the east and south with residential above, and a school to the west and due to the orientation and sun’s movement, the occupiers most affected by the development are those residential occupiers to the north along Marmion Road.

A Sunlight, Daylight & Massing Study accompanied the submission. This includes daylight, sunlight and overshadowing data using BRE guidelines. The daylighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. In terms of sunlighting angles there is a requirement to assess windows of surrounding properties where the main windows face within 90 degrees of due south. Calculations are taken at the centre of each window on the plane of the inside surface of the wall. This is called the Vertical Sky Component. The BRE guidelines states that “if the vertical sky component, with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing

building will notice the reduction in the amount of skylight.” The report advises that the rear windows of the terraced houses between 56 – 82 Marmion Road have been analysed based on the existing Vertical Sky Component and the VSC after the proposed development. According to the Sunlight report accompanying the application “with the proposed development the VSC does not fall below 27% and is not reduced below 0.8 of its former value. In some cases the VSC is moderately higher than previously.” The report concludes that the “proposed development would not negatively impact the availability of light to the terrace houses in Marmion Road.” Overshadowing diagrams have been produced for the 21 March, 21 June, 21 September and 21 December for both the existing and proposed for 9am, 12pm, 3pm and 6pm. The information does not provide any analysis of the shadow diagrams, however, it can be seen that the shadow diagrams show that the overshadowing levels will be generally less as a result of the development compared to the existing structure. Notwithstanding, this, concerns are raised by the increased building bulk of the structure. Given the depth of block 1, together with the height of the structure and the limited separation distance between the rear elevation of block 1 and the northern boundary of the site with neighbouring properties, the development is considered to create an overly dominant structure. Furthermore, the proposal will appear unacceptably imposing for neighbouring occupiers and significantly heighten the sense of enclosure to these properties, particularly since part of the site currently offers open views through to Portland Road. Whilst it would be expected that this open area should be developed as part of a scheme on the site, development of this height along the whole Portland Road frontage would significantly increase the sense of enclosure. The proposal is therefore considered contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan, which seeks to protect neighbouring amenity. Whilst it is acknowledged that the existing building is positioned in close proximity to the neighbouring residential buildings to the north, this should not be used to justify the scale and bulk of a building that would similarly have a detrimental impact on neighbouring amenity, since planning policies seek to protect neighbouring residential amenity. In addition, block 3 would project a further 3.8 metres than the rear elevation of the adjacent property to the east and is similarly considered to represent an increased sense of enclosure for the residential occupiers to the occupiers of 185 Portland Road. Indeed, the opportunity should be take to reduce any existing adverse impact on neighbours.

The linked walkways at the rear would provide access to the proposed residential flats in block 2 and block 3. In total, 21 units would be accessed from the rear walkways at first and second floor level. The walkways serving the access to the residential units fronting Portland Road would provide views across to the back gardens and rear elevations of the dwellings along Marmion Road. A distance of 15 metres would separate the rear elevation of blocks 2 and 3 and the northern boundary of the site, with an additional 9.4 metres to the rear elevation of the Marmion Road properties. Limited distances separating the rear elevation of blocks 2 and 3 and the gardens of the properties along Marmion Road would afford views across and would cause a material loss of privacy to neighbouring properties. The limited separation distances, together with the height of the walkways would

exacerbate the overlooking and loss of privacy, which is considered contrary to policy QD27 of the Brighton & Hove Local Plan. Whilst the scheme introduces screens opposite each of the entrance doors to the flats, this does not account for people walking along the walkways to access each flat. The east facing elevation of block 1 similarly includes windows serving habitable rooms, which would overlook neighbouring residential properties to the north.

The scheme proposes the provision of nineteen spaces, four of which are to be allocated to the four wheelchair accessible, the remainder will be allocated to the Doctors Surgery. The parking would be positioned along the northern boundary of the site, the neighbouring residential properties along Marmion Road with the rear access path in between. The parking adjacent to the boundary with Marmion Road, given the movements associated with a Doctors surgery which is likely to generate traffic movements throughout the day this would have an unacceptable on neighbouring occupiers to the north by reason of increased noise and disturbance.

In terms of the amenity of future occupiers the supporting documentation includes a daylight analysis for a number of units within the development to determine the internal daylight levels. The report concluded that all of the habitable rooms within the two units assessed (both located in block 1) would exceed the minimum daylight levels required by BRE guidance. Concern is however, raised regarding the walkways and the potential loss of privacy and noise and disturbance resulting from people using the walkways. Windows serving habitable bedrooms face onto the walkways and are the only source of natural light, ventilation and outlook. There is no set back introduced and given the narrow width of the walkways is considered to have a detrimental impact on neighbouring amenity.

Transport:

According to the Planning, Design and Access Statement “there will be a gated access to the site from Portland Road leading to a landscaped parking area which will have a total of 19 parking spaces, comprising 13 spaces for essential car users from the surgery, 2 disabled spaces for patients only and 4 disabled spaces for residents of the 4 dedicated wheelchair flats. Close to the rear of the surgery will be a secure covered area for 10 cycles for the surgery. A further secure covered store for 24 cycles for residents and staff of the D1/D2 unit will be located close to the residential entrance.” The applicants propose that the remaining residential units would be car free. Concerns have been raised by neighbouring occupiers regarding the lack of parking provided with the scheme, for future visitors to both the GP surgery and the independent D1/D2 use and both future residents and visitors to the residential flats.

The Traffic Manager has commented on the application and does not object to the level of car parking provided and the fact that the residential units, with the exception of the four disabled units, would be a car free development. A car parking report accompanied the application, which reviewed the existing parking capacity of the area and concluded that there are sufficient on-street car parking spaces available to accommodate the demand created by the

proposal. Policy TR1 of the Brighton & Hove Local Plan states that development proposals should provide for the demand for travel that they create and maximise the use of public transport, walking and cycling. The Traffic Manager has therefore requested a contribution of £193,575.

Additional considerations:

Concerns have been raised relating to balconies overhanging the pavement. However, this is not a material planning consideration.

During the course of the application, the applicant submitted draft amendments in an attempt to address the concerns raised in respect of height and scale of the building; the walkways and the loss of the existing use. The amended plans were not submitted formally and none of the information has been the subject of further neighbour consultation. The amendments to the scale of the School Road elevation do not address the concerns previously discussed above. In respect of the walkways, a supporting letter from Downland's Neighbourhood Manager is included. This states that a "suited access system will be employed, only residents and their guests will have access through the main entrance. Further security and privacy is provided through controlled entry to each corridor." Whilst, this may address the concerns raised in respect of management of the space, this would not satisfy the overlooking and loss of privacy previously raised above. The documentation also provides different screening options for the walkways to avoid overlooking to the north. One of the options, however, includes a high wall, which would result in limited outlook for the future occupiers since this provides the only outlook and source of natural light and ventilation for a number of habitable rooms. In order to address the comments raised in respect of the loss of the building, an additional letter has been received from Flude Commercial. Further comments are expected at the time of writing the report from Planning Policy and will be updated in the additional representations list.

9 CONCLUSIONS

To conclude, the supporting documentation accompanying the application fails to justify the loss of existing D2 floor space on site in accordance with local plan policies.

The scheme proposes the creation of 38 residential units, of which 16 (42%) would be affordable. Whilst the mix of units provided in the affordable sector are considered acceptable. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Turning to the communal amenity space, since this is proposed to be accessed only by a number of residents, this does not constitute communal amenity space in line with policy HO6 of the Brighton & Hove Local Plan.

Significant concerns are raised in respect of the scale, height and design of

the development, which is considered to represent an overly dominant structure, out of keeping with the surrounding development and represents an overdevelopment of the site.

The scale of block 1 will result in an overbearing impact in respect of neighbouring amenity. Concerns are, also raised in respect of overlooking for neighbouring residential occupiers and future occupiers from the external walkways.

To conclude, the development by reason of scale, height, design and positioning of the structure, together with mix of uses and examples of poor private amenity space and lack of communal open space is considered to represent an overdevelopment of the site and the application is therefore recommended for refusal.

10 EQUALITIES IMPLICATIONS

The proposal would provide 16 affordable units. All of the proposed units should meet Lifetime Home Standards and a proportion of the residential units should be built to wheelchair accessible standards in accordance with Policy HO13 of the Brighton & Hove Local Plan and PAN 03: Accessible Housing and Lifetime Homes.

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Appendix A – Addresses of respondents to public consultations:

Letters of Objection

88	Barnet Road
6 (x2)	Bearcroft, Weobley, Herefordshire
115	Conway Street
28; 29; 36; 44; 54; 58; 64; 72; Peason & Wilkinson	Marmion Road
9	Reed Walk, Newbury
4	St John Street, Hereford
11; 12 (x2)	Scott Road

Letters of Objection (received from a standard letter)

GFF 1; 7; 9 (x2); 15; 17; 21; 26; 28; 29; 35; 48;	Alpine Road
1 (x2); 2 (x3); 4; 8 (x2); 9; 12; 14 (x2); 16; 18 (x2); 20 (x3); 21 (x2); 22; 26; 28; 31; 34 (x2); 35; 38; 39 (x2); 46; 47 (x2); 49 (x2); 51; 52 (x2); 53; 54 (x2); 60; 61; 63 (x2); 64; 65; 66; 67 (x2); 73 (x2); 79	Bolsover Road
1 Derwent Court, 1; 2 Derwent Court, 1 (x2); 3 Derwent Court, 1 (x2); 4 Derwent Court, 1; 2; Flat 1 Hadley Court, 3; Flat 3 Hadley Court, 3; Flat 5 Hadley Court, 3; Flat 2 Dudley Court, 4; Flat 3 Dudley Court, 4 (x2); Flat 4, 4; 4; 7; 8 (x2); 10 (x2); 1 Avon Court, 12; 17	Dallington Road
GFF 73	Goldstone Villas
4; 6 (x2); 12 (x2); 14; 16; 17 (x2); 18 (x2); 24 (x2); 28 (x2); 29 (x2); 30; 32; 36a; 37; 39; 41; 46; 47 (x2); 49 (x2); 50 (x2); 51 (x2); 54 (x2); 55; 56; 62; 63; 66; 67 (x2); 68 (x2); 84	Grange Road
17; 24; 25; 28; 33; 35; 37 (x2); 38; 40; 42; 45; 46; 48 (x2); 52; 60;	Hogarth Road
1; 5; 6 (x2); 7 (x2); 8 (x3); 10; 11 (x5); 12 (x3); 14; 18 (x2); 20 (x2); 23 (x2); 25; 29 (x2); 31 (x2); 33 (x2)	Kendal Road
1 The Forge; 4 The Forge (x2); 5 The Forge; Flats 2 (x2), 3, 4 Goodwood Court, 2; 3; 4 (x2); 22; SGB	Kingsthorpe Road
13 (x2)	Lennox Road
1; 2; 8; 15; 17; 20; 25; 38	Linton Road
29	Lyndhurst Road
1a; 1b; 3; 5 (x2); 6; FFF 7; 12; 14; 16;	Marmion Road

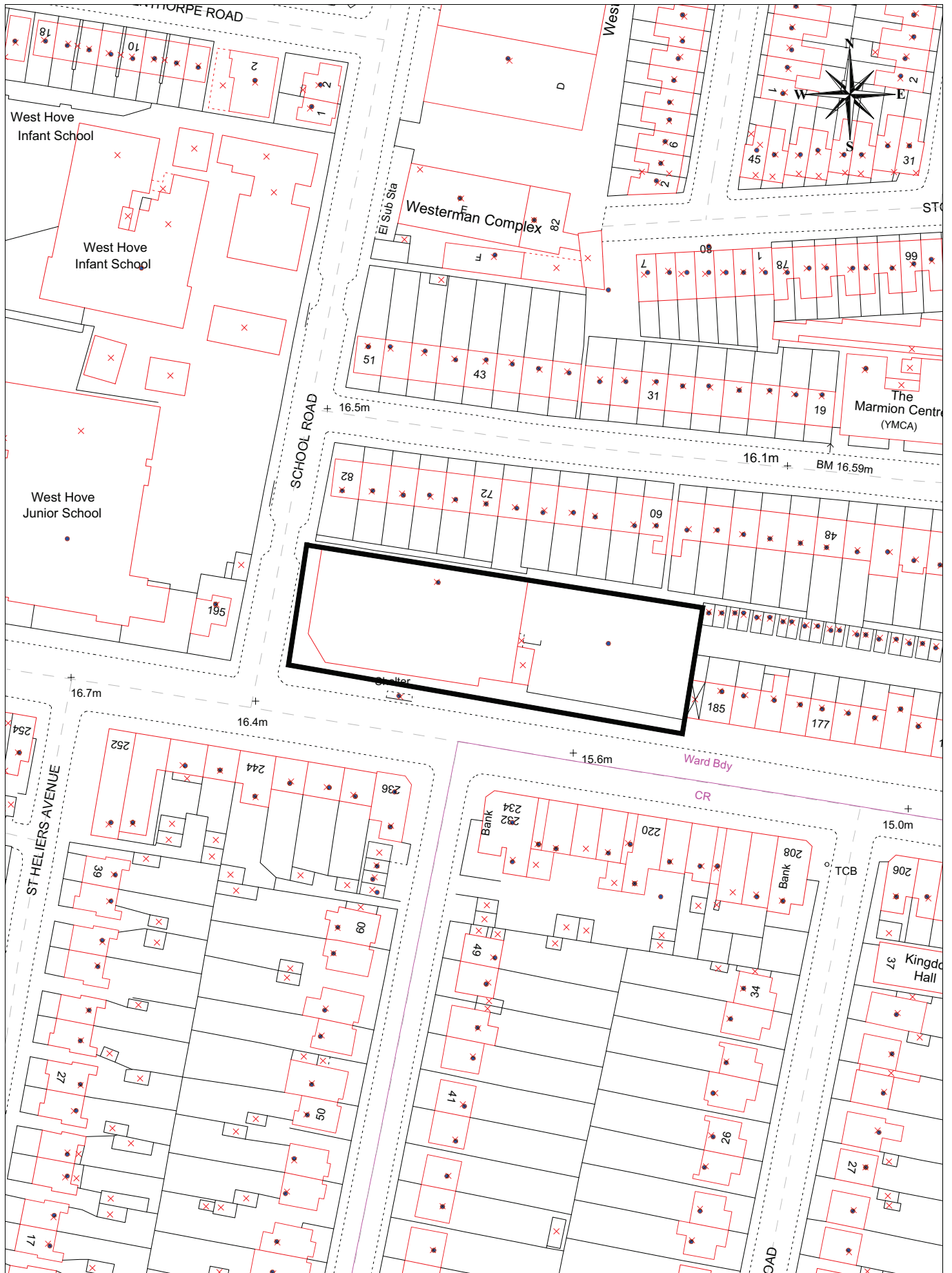
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18 (x2); 21; 22; 23 (x2); 24; 25; 26 (x2); 27 (x2); 28 (x2); 29 (x2); 31 (x2); 33 (x2); 34 (x2); 35 (x2); 36 (x2); 38; 39 (x2); 40; 42; 44 (x2); 45 (x2); 46; 47; 49; 50 (x2); 52 (x2); 54; 56 (x2); 60; 64 (x2); 70; 72 (x2); 74; 76; 80	
5; 8; 10; 13; 21; 22	Milnthorpe Road
Flat 1, 6; 9; Flat 2, 10; 11; 15; 16; 20; FFF 23; 25; 26; 27; FFF 28; 28; 29; GFF 29; 31 (x2); 32; 33	Modena Road
121; 123	Montgomery Street
1; 2 (x2); 10; 14; 16; 42 (x2)	Payne Avenue
Flat 3, 166; 256 (x2); 270	Portland Road
1; 4; 8; Flat 1, 17; 18; 19; 19A; TFF 20; 21; 24; 26; 28 (x2); 30; 31 (x2); 33; 34; 35 (x2); 38	Raphael Road
7; 8; 9; 10; 13; 17; 18; 19; 22; 24; 25; 26; 27 (x2); 29; 29A; 32; 37	Ruskin Road
70	Rutland Road
37	St Heliers Avenue
2; A J Autospray, The Westerman Complex; Red Herring Studios, The Westerman Complex; Tyre Express, The Westerman Complex; Cliffords of Brighton; Elizabeth Lawrence Jeweller	School Road
2 (x2); 3 (x2); 10; 11	Scott Road
6; 7; 16; 22; 24; 36; 38; 40; 42;	Shelley Road
1; 5; 14; 16; 17; 18; 23; 27; 33; 34; 35; 37; 42; 44; 46; 58; 60; 76; 4 Maynards Sweet Factory; Flat 3, 80; Unit 7, 80;	Stoneham Road
4; 5; 6; 8; 9; 13; 23; 25; 41; 47; 54; 55; 57; 59; 60; 62;	Tamworth Road
20, 22, 27, 28, 30 (x2), 32, 34, 36 (x2)	Titian Road
29	Wordsworth Street

Letters of Support

76	Lawrence Road
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LOCATION PLAN



BH2008/02586

SCALE 1:1250

Gala Bingo Hall, 193 Portland Road



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

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Planning Application for the Gala Bingo Hall site

Design, height and scale form an over development

Open spaces have been provided for a scheme

It is anticipated that this development is likely to generate

concerns to child road safety located as it is opposite

measures included in the proposal.

Provision of facilities for older people.

Proposals to build on land that is currently a public park

Overhangs that overhang the pavement are a potential hazard

to pedestrians many children from the nearby school, who

pass under the balconies above their head.

Overlooking and a loss of natural light to neighbours

Walkways between flats will cause noise pollution

and anti-social behaviour.⁷⁰

<u>No:</u>	BH2008/02532	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Hyde, Rowan Avenue, Hove		
<u>Proposal:</u>	Development for 28 new sheltered residential units with one additional caretakers unit, associated support and recreational areas with private landscaped gardens.		
<u>Officer:</u>	Chris Wright. Tel: 292097	<u>Received Date:</u>	07 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 November 2008
<u>Agent:</u>	LCE Architects, 164 -165 Western Road, Brighton		
<u>Applicant:</u>	Mr J Regan, Birch Restorations Ltd, Hove		

1 SUMMARY

The application site is situated in the Hangleton locality and comprises an undeveloped area of land accessed from Rowan Avenue and bounded on all sides with residential development in the form of two storey housing and a block of sheltered flats to the north (Lions' Gate). The site was created as a recreation ground in the 1950s and subsequently became playing fields used by Alliance and Leicester sports and social club.

The proposal is for the redevelopment of the southwest part of the site by way of two blocks comprising a total of 28 sheltered flats and a caretaker flat. The two buildings would have flat roofs and would be three to three and a half storeys in height. Their appearance would be of white painted render sections and buff brick, with steel balconies and aluminium glazing. The site of the playing fields would be landscaped to form private amenity space for use by residents of the new development and the 39 flats in Lions' Gate.

The north block would comprise ten units of affordable sheltered housing, all 2-bed flats, whilst the southern block would include 18 units and would include a day room.

Access would be from Rowan Avenue which also serves the 39 flat development in the northern part of the site, Lions' Gate.

The supporting information submitted fails to justify the proposal in terms of the principle of the development, the site being previously undeveloped and the scheme resulting in the loss of land which was formerly playing fields and should be allowed to remain as urban open space. In terms of national policy and guidance the proposal is contrary to PPS3: Housing and PPG17: Planning for Open Space, Sport and Recreation.

The applicant has not offered a satisfactory mix of affordable units in accordance with the needs identified in the 2005 Housing Needs Survey.

The blocks are situated too near to existing houses in Rowan Avenue and the levels of activity, comings and goings from the development combined with

the height of the buildings which would enable overlooking, would have a detrimental impact on residential amenity.

The form and design of the buildings is considered plain and uninteresting whereby they lack interesting architectural features and have a utilitarian appearance.

In terms of access the development would be served by a single roadway which would serve a total of 68 dwelling units and result in intensified usage of the junction onto Rowan Avenue. The proposed does not indicate a cycle lane or any other measures to integrate with the local footpath or cycle lane networks. Having a single access, the development will lack permeability and connectivity, concentrating the most frequent movements in one area of the site.

The applicant has offered a unilateral undertaking obliging them to make a £75,000.00 contribution towards open space and recreation to address the deficiencies that would be brought about as a result of the development proposal and the loss of the playing fields. This offer has also come about to compensate for an earlier S106 agreement that has not been honoured and required the developer of Lions' Gate to make provision for new playing fields and changing facilities to the south of the site, the area now proposed as private landscaped gardens for the sheltered flats.

This offer exceeds the total requirement of £41,402.00 for both transport infrastructure improvements and open space/recreation provision but the development will result in the loss of open space in an area which is already deficient in terms of quantity of outdoor recreation space, and will suffer an increasing shortfall over the coming years as the local population increases. The modified legal agreement put forward does not justify a departure from the development plan.

In view of the above the application is recommended for refusal.

2 **RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **Refuse** planning permission for the following reasons and subject to the Informatives set out below:

1. The development of the site is not acceptable in principle because the land does not qualify as being previously developed and is not a site allocated for housing in the Brighton & Hove Local Plan. As such the proposal represents a departure from policy and the applicant has not provided sufficient justification for a departure from the development plan, notably policies HO1 and QD20 of the Brighton & Hove Local Plan, which set out site allocations and housing targets and seek to resist proposals that would result in the loss of areas of urban open space that are important to people because of their recreational, community and historical value; and is contrary to the definitions of previously developed land contained in Planning Policy Statement 3: Housing (2006).

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2. Planning Policy Guidance Note 17: Planning for Sport, Open Space and Recreation, states that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements. In the absence of an independent assessment carried out by the applicant it is considered that it has not been adequately demonstrated that the land is surplus to requirements and should not be retained as open space. Planning policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and QD20 and QD21 of the Brighton & Hove Local Plan seek to retain public and private open space and allotments except in exceptional circumstances, none of which have been identified. For these reasons the proposal is contrary to PPG17, policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011, and policies SR20, QD20 and QD21 of the Brighton & Hove Local Plan. Contrary to the objectives of Local Plan policies HO2, HO3 and HO4 the proposal fails to make the most effective use of the site achieving a maximum density of 37 dwellings per hectare and with an inadequate mix of both affordable and market units that does not accord with the requirements identified in the Council's Housing Needs Survey.
3. Policy HO2 of the Brighton & Hove Local Plan requires developments that are capable of producing 10 or more dwellings to provide 40% affordable housing. The proposed scheme would only provide 34.5% affordable housing. No information has been submitted to demonstrate that the scheme is not capable of providing 40% affordable housing and is therefore contrary to policy HO2 of the Brighton & Hove Local Plan.
4. Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation in the affordable sector fails to provide any one or three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock.
5. Policies QD6 and QD28 of the Brighton & Hove Local Plan seek provision of new public art in major development schemes, or a financial contribution towards public art, appropriate to the development. The proposal does not incorporate public art or set out the required framework for such provision off-site and is therefore contrary to policies QD6 and QD28.
6. The design, layout and appearance of the buildings is unacceptable and neither creates a sense of place, enhances the locality nor takes into account the characteristics of existing development including the form, scale and proximity of the surrounding family homes. The form, scale, massing, style and external finishes of the proposed buildings are considered incongruous, plain and utilitarian and do not achieve a sufficiently high standard of design or incorporate visual or architectural features of interest that might otherwise justify a modern approach to the development. As such the proposal would give rise to harm to visual amenity and the character and appearance of the immediate environs and is contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan.
7. The proposed development would, by reason of its height, scale and positioning in close proximity to the western boundary of the site, lead to a significant overbearing effect and increased sense of enclosure to

neighbouring properties to the detriment of living conditions of existing occupiers. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

8. The proposed development would, by reason of its height, scale, positioning in the site, together with the internal floor layouts of flats, lead to a significant level of overlooking and consequential loss of privacy to the occupiers of adjoining properties, to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
9. The proposal would result in a total of 68 flats (including Lions' Gate) being served by a single access point which is inadequate in terms of width and visibility, whilst allowing for minimal connectivity and site permeability and making no provision for a cohesive cycle and pedestrian network in and out of the development. The proposal is therefore contrary to policies TR8 and TR14 of the Brighton & Hove Local Plan.
10. The applicant has failed to demonstrate that the scheme would be efficient in terms of energy, water and materials and does not include any indication of sustainable design and renewable energy features in the scheme. In addition, the application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.
11. Policy HO13 of the Brighton & Hove Local Plan requires new development to meet Lifetime Homes' standards in that it can be adapted for disabled use and residents' changing mobility needs in the future without the need for major structural alterations. The internal layout, communal areas and access ways do not meet the standards reasonably expected by the council hence the proposal conflicts with the requirements of policy HO13.

Informatives:

1. This decision is based on drawing nos. 07675/PA/001 Revision A; 07675/PA/002; 07675/PA/003; 07675/PA/004; 07675/PA/005; 07675/PA/006; 07675/PA/007; 07675/PA/008; and 07675/Design&Access submitted on 7th August 2008 and 18th August 2008.

3 THE SITE

The proposal relates to a site measuring 0.77 hectares located south of Lions Gate and accessed via a single roadway between Nos. 93 and 95 Rowan Avenue.

The plot of land presently comprises an area of open grassland measuring 89m by 59m and an area of wasteland comprising unkempt hard surfaced parking area and an ad hoc yard for builders' waste and dumped white goods.

4 RELEVANT HISTORY

M/1903/51 Recreation ground – granted on the 20th December 1951

M/3471/54 Sports Pavilion – granted on the 10th December 1954

M/11432/65 Outline application for residential development – allowed to lapse on 11th May 1965

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M/14696/70 Extension to existing sports pavilion and clubhouse with parking for 24 vehicles – granted on the 3rd August 1970

3/78/0725 Extension to club room bar area, bar extension and resiting of 20 car parking spaces – granted on the 26th February 1979

3/79/0399 Erection of Groundsman's store/garage – granted on the 6th August 1979

3/81/0488 Extension to car park to form addition parking for 18 cars – granted on the 25th September 1981

3/82/0533 Ground floor changing room extension – approved on the 22nd of October 1982

3/93/0380(OL) Outline application for conversion of existing clubhouse to form 2 no. detached houses – refused on the 8th of September 1993.

3/93/0381(OL) Outline application for development of 8 linked residential units – refused on the 8th of September 1993.

3/93/0578(O/L) Outline application for development of 8 linked residential units – refused on the 26th of November 1993.

3/93/0579(OL) Outline application for conversion of clubhouse to form 2 no. detached houses – refused on the 8th of December 1993.

3/94/0288(F) Internal and external alterations to form new entrance, caretaker's flat and general upgrading to re-instate existing club (retrospective) – granted on the 4th of July 1994.

BH1999/01245/OA Two storey block affordable flats, improvements to sports facilities – approved on the 2nd of December 1999.

BH2000/03007/OA Demolish 95 Rowan Ave., residential development on northern part of site occupied by Clubhouse and tennis courts. Improvements to playing fields including new changing facilities and pitches – approved with S106 on the 9th of October 2002.

BH2001/02545/FP Proposed additional football/tennis facilities and changing facilities – approved on the 9th of April 2002.

BH2002/02206/FP Erection of 39 flats for the elderly, caretaker's accommodation and common room – approved with S106 on the 20th of January 2003.

BH2003/02279/INV

BH2004/01816/FP Extension to existing development to provide 2 no. additional flats and laundry room – approved on the 23rd of September 2004.

BH2005/00249/FP Conversion of lounge to form an additional 1 bedroom flat – refused on the 14th of March 2005 (loss of common room/communal facilities).

BH2005/01271/OA Outline application for 7 dwellings – appeal withdrawn on 7 September 2006.

BH2006/03568 Certificate of Lawfulness to establish an existing use as a builder's store and as a car park – refused on the 8th of January 2007.

5 THE APPLICATION

The proposal is for 28 sheltered flats and a caretaker's apartment to be accommodated in two flat roof buildings of between three and three-and-a-half storeys height. The proposal will achieve a maximum density of 37 dwelling units per hectare.

The north block will have a square footprint of 17.5m long by 16m whilst the south block will be 40m in length and 16m deep. When viewed from the north

the development will be 8.6m above ground level whilst from the south would have a height of 7.6m. The tallest parts of the building would measure between 9m and 9.5m above ground level. The blocks will be situated between 10m and 16m from the back gardens of existing houses in Rowan Avenue and between 28m and 33m from the rear elevations of the houses themselves. Each block is to have external finishes comprising buff brick, white painted render, PPC aluminium windows and balconies with steel balustrades and timber handrails. Some recesses in the brickwork are proposed next to windows.

Parking is to be incorporated at basement level and on ground level, with access and turning coming off the existing roadway leading to Lions Gate.

An area of open grass measuring 89m x 59m, formerly a recreation ground, is to be made into private landscaped gardens.

Accommodation is to comprise as follows:

North Block

- Ground floor: 2 no. two bedroom flats, four parking spaces and bike store.
- First floor: 4 no. two bedroom flats
- Second floor: 4 no. two bedroom flats
- *Total: 10 x 2-bed flats*

South Block

- Lower ground floor: 2 no. two bedroom flats
- Ground floor: 2 no. one bedroom and 3 no. two bedroom flats and 2-bed caretaker flat, office and reception.
- First floor: 5 no. two bedroom and 3 no. 1 bedroom flats
- Second floor: 2 no. two bedroom flats and 1 no. three bedroom unit.
- *Total: 5 x 1-bed flats; 12 x 2-bed flats; and 1 x 3-bed flat*

6 CONSULTATIONS

External:

Neighbours:

Sixteen letters of representation have been received from the occupiers of **138 and 148 Elm Drive; 59, 77, 79, 81 Rowan Avenue; 52d Norton Road; 63 North Lane; 5, 7, 8, 14, 15 May Tree Walk; 1 anonymous from May Tree Walk** objecting to the scheme for the following reasons:-

Principle and loss of open space

- Loss of the open space and playing fields.
- The area has historically been a recreation area and should continue to be, or be brought back to its best as an area the local community can enjoy.
- Concern all remaining open areas are being developed.
- The last development was to include reinstated junior football pitches for the use of a local football team (public use) but these have not been provided. The site has instead been left overgrown and used for

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- rubbish dumping.
- The proposal would result in the loss of sports facilities in the area for young children.
 - Concern the remaining open land will not be landscaped as proposed by the developer considering past history where they did not provide the new playing fields.
 - Will the development always remain sheltered housing?
 - The development has a very low proportion of one bedroom units which is not in keeping with usual sheltered housing?
 - Twenty-three of the proposed flats have two or more double bedrooms, which is unnecessary if they are to be inhabited by elderly residents.
 - Some of the two bed flats will have a larger floor area than the 1930s' terrace houses bounding the proposal site.
 - The site does not fit into the categories for brown-field sites defined by the European Union.
 - The surrounding area is already densely populated.
 - There is now a severe shortage of playing fields and the proposal, if granted consent, would result in the loss of another valuable playing field.
 - There are a number of psychiatric clinics, nursing homes, polyclinics and primary schools in the area. The addition of 28 more sheltered flats is not appropriate.
 - The proposal is not for the benefit of Hangleton or the community but for the personal gain of the developers.
 - Developers and consortiums are unable to understand that development of the site is unacceptable.
 - The Hyde Social Club and Birch Restoration Ltd. both took over the site knowing its redevelopment would be opposed by residents and the council.
 - Previous schemes from 1993 have been refused.
 - The existing Lions' Gate is a three storey monstrosity.
 - Contrary to the answer given on the application forms, the development will involve the loss and change of use of non-residential floorspace.
 - It is too early for the developers to say the proposal would not impact on features of geological conservation.

Design and siting

- Why the building is not situated in the middle of the site to mirror Lions' Gate and away from existing houses.
- Why the building has a flat roof when all the surrounding buildings have pitched roofs.
- The buildings are too tall and will be out of keeping with and overpower the existing buildings in this residential area.
- The flat roof design is uninspired and boxy in appearance and does not match or blend in with the properties backing onto the site.
- All of the surrounding buildings which back onto the site have pitched roofs.
- Flat roof dormers have been refused to the rear roof slopes of houses

backing onto the proposal site in the past and the design of the blocks should attract similar criticism in policy terms.

- Homeowners will shortly be subject to stricter controls over laying areas of hardstanding in a bid to reduce incidents of flash flooding. Why then, is the local council building houses on every last scrap of grassland?

Local services

- Extra pressure on local amenities.
- There is not a proper hospital serving the area, only a polyclinic, rehabilitation accommodation, housing for the homeless and on any remaining land houses are being built.
- A local school shut and houses were built in its former grounds. Only one of the houses has been sold, to somebody who rents it out.

Wildlife and nature conservation

- Many years of long grass was cleared by the developer recently and destroyed the established habitats of many animals including hedgehogs. The RSPCA or Council were not interested in investigating the site whilst the clearance works were taking place.
- Prior to submitting the application the applicant cleared the site using a JCB which has destroyed all wildlife and the long grass that had grown up over the years.

Residential amenity

- At the height proposed the building will overlook existing residents' homes and rear gardens.
- The proposal will result in loss of privacy for existing residents.
- Some residents in Elm Drive have found loss of privacy from the existing flats (Lions' Gate) very distressing.
- Adjoining residents will suffer from overshadowing.
- Increased security risks for existing residents.
- Lighting might cause loss of amenity by spilling onto neighbouring properties. A security light at Lions' Gate is causing a nuisance by shining into residents' bedrooms at night.
- If the destruction of the green area is approved fencing should be put in place before building commences.

Access

- Access not being suitable. Too narrow for vehicles to pass going opposite directions.
- Inadequate access for emergency services' vehicles.
- The number of overall residents, proposed and including the existing development in the north part of the site, being too great for the existing access.
- Further increase in traffic in the area.
- Further noise from traffic entering and leaving the site, especially large plant during construction.
- Emergency vehicles accessing 24 hours a day will disturb local

residents.

- The proposal has a lack of parking provision in relation to the number of flats to be built.
- The proposed 28 flats, having 55 bedrooms or up to 110 bed spaces, will only have 11 parking spaces.
- The existing access road to the site remains unfinished.
- The northern block will not have a lift and will not therefore be fully accessible to the disabled.
- Access to the site is off Rowan Avenue, a narrow one-way street which is also a bus route.
- Increased traffic will endanger the safety of children.

Other issues which may not be considered material

- Danger of fire spreading to nearby houses.
- Number of internal emergency exits.
- Birch had a meeting with a councillor when the application was filed. Why can't local residents have a meeting with a member of the Planning Committee before the decision is made?
- Loss of views.
- Loss of property values.
- Right to light.
- Another injection of elderly into the area will further upset the socio-economic balance of the area.
- How can people living in sheltered residential units afford cars?

A letter of representation has been received from the **Green Field Residents' Association** objecting to the proposal on the following grounds:-

"The residents' main concerns are overshadowing, loss of privacy and increase of traffic noise. These are the same set of concerns raised when the original planning application was submitted for 'Lions' Gate'. In addition, the association would like to be represented and have the opportunity to speak at planning meetings where this application is reviewed or discussed. The purpose of the association attending planning meetings is that residents would like clarification on the position with the previous application that allowed the building of Lions' Gate on the brownfield site. Part of that planning permission was based on improvements to the site and provision of sports facilities. We are several years on from planning permission being granted and construction of Lions' Gate being completed, yet the promise of changing rooms, football pitches, tennis courts, perimeter fence, landscaping, tree planting and clearance of the building site have never been fulfilled. Also, this latest application is based on the premise that a 'builder's yard' can be classified as brownfield land. There was a time when this yard did not exist. What will prevent further 'builders' yards' from appearing on this site if this new application is approved, allowing further development in years to come?"

Sport England: Objection. It is understood that the site of the proposed development forms part of, or constitutes a playing field as defined in the 1996 Statutory Instrument No. 1817. Sport England has therefore assessed the application in light of their Playing Fields Policy.

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The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless, in the judgement of Sport England, one of five specific circumstances applies.

Sport England is aware that previous applications for development at this site proposed that Area B would remain as playing field land and comprise junior football pitches. However, it is understood that this latest application proposes the loss of the playing field land. This latest application proposes that Area B is converted to private landscaped gardens for use by the residents of Lions Gate and the proposed new development. From the information received it appears that the applicant is offering a financial contribution of £75,000 for the provision of recreational facilities in the local area to compensate for this loss of playing field land.

Unfortunately the information received does not provide the necessary detail on the nature of this financial sum including how the figure of £75,000 has been obtained, where it will be directed along with the timing of the resulting replacement provision.

Given the proposed loss of playing field land and lack of detail on any replacement provision, Sport England is not satisfied that the development meets any of the specific circumstances to their Playing Fields Policy, these being:

[E1] “A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.”

[E2] “The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.”

[E3] “The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.”

[E4] “The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.”

[E5] “The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”

Consequently Sport England wishes to raise an objection to the application.

Southern Water: Objection. Southern Water has stated there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Existing properties and land may be at increased risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development and Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. If consent is granted an informative should be added to advise the developer they will need to enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development. Two planning conditions should also be imposed to ensure development does not commence until details of the proposed means of foul sewage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water and that the flats are not occupied until adequate provision is in place.

Sussex Police: No objection. This is a low/medium crime risk area and no major concerns are identified with the proposals. However, it is disappointing that the Design and Access Statement fails to make reference to the crime prevention measures considered in the proposed development, contrary to advice in Circular 01/2006 and PPS1. Improvements would include a psychological barrier at the entrance to the scheme, and an electronically operated roller shutter or similar at the entrance to the basement parking as well as a residents' swipe card entry system or coded pad; use of laminated glazing; coded trade access (not timed); fitment of viewers and chains to all individual flat doors; restrictors to ground floor windows; an audio visual link with electronic release to the main entrance; and ideally compliance with the Secured By Design scheme (particularly the affordable units – www.securedbydesign.com).

EDF: No objection. No objection is raised to the proposal but advice regarding rights of access and maintenance of electricity cable has been copied to the applicant.

Southern Gas Networks: No objection. No objection is raised to the proposal but advice relating to gas mains and works near to them has been copied to the applicant.

Fire Brigade: No comment

Internal:

Urban Design: Objection. The application site lies in the Neville character area of the West Blatchington neighbourhood, as identified in the draft Urban Characterisation Study. West Blatchington neighbourhood is classified as 'suburban downland fringe with a 20th century residential suburb that has evolved over time, enveloping earlier villages and farmsteads. Low rise, low density housing arranged over a typical suburban layout. Weak architectural

cohesion but cohesive public realm.’ Neville is described in the draft study as ‘semi-detached housing built around very large blocks, with educational, open space or other community uses within the middle.’

This application is not considered to fit in with the existing character of the area, and does not provide a quality addition to the neighbourhood as required by national and local design policies. The bulk, height, roof form and general appearance of this proposal is considered to be unacceptable for this location.

The Design and Access Statement gives examples of flat roofed and ‘nearly’ flat roofed buildings in the vicinity. None of these are within sight of any part of the application site and most are not considered to be within this neighbourhood, defined by the draft Urban Characterisation Study. Apart from the two storey shopping parade, the examples given are not considered to be good quality elements within the townscape.

The application site is considered to be backland development. Local design policy QD3 states that ‘Proposal for ‘backland’ development will be rigorously examined in respect of these features and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings.’ The quality of the spaces created between this proposal and those existing semi-detached houses that would back onto it is considered particularly poor. The proposal does not provide new through routes, nor areas of public amenity. The assertion this will ‘create a considerable increase in Security by Design through natural surveillance of the current disused field area and the rear gardens of the surrounding properties’ is considered to be flawed. The site is already partially enclosed and otherwise well overlooked by Lions’ Gate and the surrounding semi-detached houses.

The application is considered unsuitable for this location.

Planning Policy: Objection.

Loss of playing field

The main policy issue with regard to this application concerns the loss of a playing field and hence adopted Brighton & Hove Local Plan Policy SR20 ‘Protection of public and private outdoor recreation’ is particularly relevant. The policy seeks to resist the loss of public or private recreational or sporting facilities and gives particular attention to the need to retain playing fields.

The policy states that planning permission will not be granted for development on areas of outdoor recreation space, other than that which is incidental and appropriate to the respective recreation uses – unless it can be demonstrated that the land is not an important open space under the terms set out in the Urban Open Space policy (QD20) and

- a. there is not an existing deficiency in accessible outdoor recreation space in the respective locality and it will not create a deficiency in outdoor recreation space;
- b. the land physically cannot be made accessible to the public;
- c. the sports, recreation and amenity facilities can best be retained and

- enhanced, including where appropriate, the creation of suitable access to the public, through redevelopment of a small part of the site; or
- d. the proposal is of benefit to the local community and includes provision of an appropriate alternative site, which is accessible to the public, provides similar community and amenity facilities, and, is in a suitable location so as to serve the original catchment area.

The application does not demonstrate that any exception in terms of criteria a-d, as listed above, should be made.

It is clear that earlier consents (BH2000/03007/OA and BH2002/02206/FP) which permitted residential development on the northern part of the site (formerly occupied by Clubhouse and tennis courts) together with consents (BH2001/02545/FP) for changing facilities and additional football/tennis facilities were clearly intended to mark the 'maximum' extent of the loss of open space/outdoor recreation facilities and, most importantly, to provide for the qualitative improvements to the playing fields. As part of the BH2002/02206/FP consent, the applicant entered into a planning obligation to secure the remaining playing field as open space to ensure that there would be no further pressure for residential development on the site in the future.

The application asserts that the area of land on the western part of the site (where the current proposal sites the additional sheltered housing block) is a brownfield site, i.e. previously developed land. This is disputed given that the car parking was historically located in this vicinity to facilitate and serve the use of the former Clubhouse and sports facilities; hence was 'ancillary' to the main use of the site as playing fields and a sports/social club. This view is supported by PPS3, Annex B, and PPG17, paragraph 14. The recent use of part of this land as a Builder's Store represents 'unlawful development' (Certificate of Lawfulness was refused in January 2007) and does not therefore constitute previously developed land.

Emerging Open Space, Sport and Recreation Study

The open space audit identifies a deficiency in outdoor sports in accordance with the open space standard in the Local Plan and also in the draft Open Space, Sport and Recreation Study. The loss of this open space would be contrary to SR20, QD20 and PPG17. Indeed the loss of the site to a residential development that generates demand for open space makes it even harder to justify. Whilst the quality of open space is important PPG17 requires the setting of local standards not just for quality but also quantity and accessibility. There is a lack of open space sites in the city and none have been identified for purchase in the area of this site. The commuted payment of £75,000 proposed would not therefore justify the loss of the open space which is a valuable resource and instead should have money spent on its own quality to improve provision in the area.

The draft Open Space, Sport and Recreation Study can be found on the Council's website as a background study to the Local Development Framework.

The Study assesses the results of the audit undertaken by the council of all open space, both private and public, that could be identified (excluding some very small sites). As expected in a city where densities are increasing and land is scarce the draft study does not identify any surpluses. In comparison with other authorities the city's open space provision per head of population is low, especially in respect of outdoor sports areas. The draft report has recommended a standard for outdoor sports which is approximately double the current provision due to the needs of the city as identified by the consultants. The recommended standard still remains half the minimum standard recommended by Fields in Trust (formerly the National Playing Fields Association) so is not felt to be unduly aspirational. The draft standard means the city will need to provide an additional 121 hectares by 2026 to address the outdoor sports needs of the future population and housing growth requirements. This will be challenging and will certainly require the retention of all existing open space and initiatives to optimise their full potential. This will be explored further in the strategies that are to be prepared by City Parks upon the completion of the Open Space, Sport and Recreation Study.

Whilst the Open Space, Sport and Recreation Study is still in draft form, the information from the audit and current space per head of population is not subject to change. The loss of the open space is not supported by the Study and thus would be contrary to PPG17 and would conflict with the outdoor sports standard currently contained within policy HO6 which is based on the Fields in Trust standard. The loss of the open space is felt to be contrary to the planning objective of contributing to the achievement of sustainable development.

The applicant has submitted a draft Unilateral Undertaking to provide £75,000 for off-site outdoor recreation space/qualitative improvements. Policy SR20 criterion 'd' does potentially accept as an exception the provision of an alternative site, which is accessible to the public, providing similar community and amenity facilities, and which is in a suitable location so as to serve the original catchment area. Policy QD20 also requires alternative appropriate open space provision of a suitable size, type, layout, character, appearance and location. The onus is therefore on the applicant to find, purchase and provide the alternative site. As raised above there is a lack of sites in the local area and the council is not aware of where this money could be spent to purchase and provide an appropriate alternative site. Without the provision of an alternative site the quantity of space per head of population will decrease and would affect quality of life and be contrary to the current outdoor sports standard and also the draft recommended standard in the emerging Open Space, Sport and Recreation Study and thus contrary to Government advice in PPG17. Indeed all the time the private open space is 'allowed' to be developed, hope value will be added to remaining open space sites increasing the purchase price beyond its lawful use and making it extremely unlikely that £75,000 would purchase something of equivalent nature to that being lost. Whilst it is recognised that the quality of open space is also of importance and PPG17 requires standards to be set not just for quantity but also quality and accessibility, the intention is that all the standards should be met. Whilst at a time of challenging housing requirements a pragmatic

approach may be needed when applying policy HO6 to new housing requirements. It is not felt a financial payment to help improve the quality of existing public open spaces justifies the loss of an urban open space especially when a deficiency has been identified. In order to emphasise this point, the quality of an open space is meaningless if there is no site or the space is too small to cater for the demands put upon it – however good the quality of football pitch it will not enable more than two teams to play at any one time. With an increasing population the needs for open space will only get greater thus making all existing open spaces more important. When considering the creation of sustainable communities it is not appropriate to purely consider a short period of time. Whilst the site is not being used at present to best open space effect (even though the council had taken a pragmatic approach to the site in the past to help address this) strategies will need to be devised to make better use of such spaces in order to meet the needs of a high density city. As there is no duty on a council to provide open space (except allotments) it is likely, in time, other innovative solutions will be developed to help private open space owner optimise the open space use of their asset.

The proposal is not only seeking to remove an open space but also to build upon it a use that generates a demand for open space. In relation to the proposed use, if it were considered acceptable for all this demand to be provided via a financial contribution, this would equate to a financial contribution of £18,202.

Housing Strategy: Objection. In terms of the delivery of affordable housing as per policy HO2 of the Brighton & Hove Local Plan, the Council would expect 40% of the units to be for affordable housing with a mix of 55% rented and 45% shared ownership. These figures are impacted by the decommissioning of existing council and social rented sheltered housing taking into account any net shortfall and current vacancy rates. Brighton Lions' is a Registered Social Landlord but not one of the preferred partners of the Council. The council would normally expect the affordable housing to be delivered by an approved partner RSL who has entered into a nomination agreement with the Council, which would expect 100% nomination rights to the affordable housing through the Homemove team. A lettings plan should also be provided.

In October 2008 Housing Strategy identifies 1417 applicants on the housing register over the age of 60 in the Hangleton and Hove area, but not all of these will require or be in need of sheltered housing.

Accessibility Officer: Objection There does not seem to be any mention of policy HO13 in the Design and Access Statement.

Lifetime Homes

Of the bathrooms on the entire development only the three bedroom unit at second floor level is currently suitable. In at least five of the bathrooms elsewhere on the development it is unlikely that a wheelchair user would be able to get into the bathroom and would certainly not be able to close the

door. It is difficult to see how fittings could be altered to facilitate side transfer.

The en-suite bathrooms with corner shower units might be suitable if the shower drainage could accommodate a change to a wet room which would allow side transfer if required.

The lift car should be at least 1400mm x 1100mm (inside sizes). The lift shaft does not appear to scale as being large enough to accommodate the correct size of lift.

Where a door opens towards the user there should be a 300mm space between the leading edge of doors and the adjacent wall and this is not achieved in places.

Wheelchair accessible housing

There should be two units designed and fitted to be suitable for a wheelchair user as built but currently there are none. It is not possible to comment fully until the wheelchair user units are identified and the designer should consider PAN03: Accessible Housing & Lifetime Homes which gives a clear indication of the issues which should be addressed. Despite this, the following general points, whilst not exhaustive, are already apparent and should be noted:

- The lobby leading from the car park to the lift is not suitable for a wheelchair user. This is particularly relevant because one of the designated parking spaces is at lower ground floor level.
- The parking spaces for wheelchair users should be protected from the elements. One is currently outdoors.
- The bathrooms in the wheelchair accessible units should be arranged to allow sufficient space for a wheelchair user to reach all of the fittings, to turn around and be able to achieve side transfer from the wheelchair to the toilet (as built, not as a later modification). There should be space for a bath and a shower.
- A 1.7m x 1.1m space, open on the long side, should be provided immediately inside the units for storing and charging an electric scooter/wheelchair.
- Suitable turning and circulation spaces are required in the kitchens, living rooms, dining rooms and bedrooms.
- Switches and sockets need to be at least 700mm above floor level and all domestic controls should be easily accessible.
- A wheelchair user should be able to access and use all external spaces, balconies or terraces and communal facilities, both outside and inside the building. External paths should be at least 1500mm wide, at a suitable gradient and should not be surfaced with loose materials.
- There is no obvious convenient travel route between parking space 11 and the entrance to the flats (it is not clear whether the set of spaces 8-11 is meant to be relevant to the application).

Leisure Services/Quality of Life/Green Spaces/City Parks:

There are several (football) teams playing in the local area, including

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Hangleton Rangers who would be interested in using the sports pitches. Also Hove Park Colts have been moved from Hove Park because there is no longer a useable pavilion for them. Either of these clubs would be interested in using the sports pitches if they were provided. Hove Rivervale also play several matches each weekend.

Legal Services: Obligations under the s.106 agreement of 4th October 2002 (linked to permission BH2000/03007) for the laying out of sports facilities and transfer of the site to the Council remain outstanding, including payment of the £30,000 recreational contribution. No further progress appears to have been made or information made available as to the developer's intentions.

Traffic Manager: No objection. No objection is raised subject to a reasonable level of contribution towards improving sustainable modes of transport to the sum of £23,200.00 based on the current Local Transport Plan. In addition two conditions would be required to secure the details of cycle parking areas and to ensure that parking areas are provided prior to occupation of the flats and retained thereafter, whilst being kept for the parking of motor vehicles only.

The existing access (which serves Lions' Gate) is currently the subject of a s.106 agreement to be adopted as public highway when it is constructed to an appropriate standard. The poor condition of the existing access is not grounds to refuse the current application but is a matter for the Highway Authority to resolve with the developer of Lions' Gate.

At the junction with Rowan Avenue visibility to the south (direction of oncoming traffic) extends to 47.5m for a set back distance of 2.4m. The Manual for Streets (2007) notes that visibility in such circumstances should be a minimum of 43m, assuming vehicle speeds of 30mph. Vehicle speeds are closer to 20mph, which would mean visibility splays would need to be 22m at a set back distance of 2.4m.

The Manual for Streets goes on to say, "parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practice".

The access road is approximately 4.8m wide, which allows two way traffic flow and accords with relevant design standards. The bend in this road is beyond the boundary of the area of highway to be adopted as public highway.

Environmental Health: No objection. No objection is raised on environmental health grounds subject to an informative requiring the applicant to be mindful of historic mapping, according to which the south and east of the proposed development is listed as being an old chalk pit from 1873 to 1910-1912.

Adult Social Care: Consulted - comments awaited.

Private Sector Housing: Consulted – comments awaited.

City Clean: Consulted – comments awaited.

7 PLANNING POLICIES

Planning Policy Guidance:

PPG4: Industrial, commercial development and small firms

PPG13: Transport

PPG17: Planning for open space, sport and recreation

PPG24: Planning and noise

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

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

S1 Twenty one criteria for the 21st century

H1 Housing provision

H4 Affordable housing – general

H5 Affordable housing – exceptions policy

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*)

LT2 Provision of new facilities

LT13 Loss of sporting facilities

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

SU5 Surface water and foul sewage disposal infrastructure

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

QD6 Public art

QD15 Landscape design

QD16 Trees and hedgerows

QD20 Urban open space

QD25 External lighting

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
SR20 Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4: Parking Standards
SPGBH9: A Guide for Residential Developers on Provision of Recreational Space

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste
SPD08: Sustainable Building Design

Planning Advice Notes

PAN03: Accessible housing and Lifetime Homes
PAN05: Design guidance for the storage and collection of recyclable materials and waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11: Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
WLP12: Recycling as Part of Major Development

8 CONSIDERATIONS

The principal considerations in the determination of the application include the acceptability of developing the site; the principle of residential development; visual appearance and impact on neighbouring occupiers; highway and parking issues; sustainability; and the implications of the proposal on fulfilment of a legal agreement already entered into and dated 4 October 2002.

Principle-

This issue is not adequately addressed in either the applicant’s supporting statement or design and access statement. The proposal site is not considered to be previously developed land under the definitions given in Annex B of PPS3: Housing (2006). The land has, up until the recent past, been used as a recreation ground and sports pitches. PPS3 states land in built-up areas, such as parks and recreation grounds, which, although it may feature paths, pavilions and other buildings, has not been previously developed. In any case there is no presumption that previously developed land is necessarily suitable for housing development or that the whole of the

curtilage should be developed. This is echoed in earlier advice contained in PPG17: Planning for Open Space, Sport and Recreation (2002) which says existing open spaces, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements and developers must consult the local community and be able to demonstrate their proposals are widely supported by them. In addition PPG17 advises the recreational quality of open spaces and access to them can be eroded by insensitive development or incremental loss of the site.

The applicant believes the proposal site to constitute previously-developed land. However, there are no existing buildings on the site with the exception of two small and temporary cabins, two skips used for builders' waste, dumped white goods and a large amount of scrap materials which gives the site an untidy appearance. Regularisation of this use of the west part of the proposal site by way of a Certificate of Lawfulness was sought in 2006 (ref. BH2006/03568) and subsequently refused. This decision was appealed but was subsequently withdrawn by the applicant.

Historically the whole of the proposal site was originally intended for improved recreation use, including provision of two sports pitches and changing facilities as part of a S106 agreement (dated 4 Oct 2002) relating to the grant of consent for residential development on the northern part of the Hyde site (ref. BH2000/03007/OA), which was originally occupied by the Alliance and Leicester pavilion and leisure buildings. A subsequent planning application for the additional football facilities and changing facilities required by the S106 agreement was approved (ref. BH2001/02545/FP). It was on the basis of such provision that the principle of residential use on the northern part of the site was considered acceptable and satisfied open space and playing field policies. The approved plan shows the changing room building, parking and playing fields as occupying the current proposal site. The applicant has not carried out their obligations in accordance with the legal agreement.

In 2002 another application, this time for 39 sheltered flats was submitted (ref. BH2002/02206/FP) and this development now forms the Lions' Gate complex occupying the northern part of the site. The legal agreement of 4 October 2002 was linked to this application by way of a Deed of Variation dated 16 January 2003.

During the intervening years the developer has not fulfilled their obligations in accordance with the legal agreement and now proposes further residential development on part of the site intended for sports/recreation use. To compensate for the loss of these facilities the applicant is offering to enter into a new legal agreement which will involve payment of a commuted sum of £75,000 for off-site outdoor recreation provision. This offer is considered unsatisfactory because the applicant has not identified any suitable and similar sites in the local area which would serve the existing catchment area and there is a shortfall in the quantity of open space per head of the existing population which will be made worse following the extra demand generated by the proposed development and the increasing population of the city as a

whole. In these respects the proposal is contrary to the objectives and requirements of policies SR20 and QD20 of the Local Plan, which seek to retain open space and recreation space.

In addition the proposed buildings are situated in the western part of the site which would impede access to the remaining open space and hence prejudice its future use as a public recreation facility.

Notwithstanding the principle objection to the scheme as outlined above, the residential accommodation proposed is a further concern. Concerns are raised as to whether the application will make the best and most effective use of the site – only some 30% of which will be occupied by buildings –achieving a density per hectare of little more than the national indicative minimum set out in paragraph 47 of PPS3: Housing.

To conclude this section, the proposal concerns previously undeveloped land which should not be developed in principle, and which, according to an outstanding legal agreement, should form improved outdoor recreation space and sports pitches. In the event the proposal was to be considered acceptable in principle, at a density of 37 dwellings per hectare (just above the minimum set out in PPS3 and a low level for flatted units) on this site of 0.77 hectares, the scheme would not make the most effective or efficient use of the site for housing purposes.

Mix of dwelling types and tenures-

The scheme seeks to provide affordable sheltered flats within the northern block, comprising ten 2-bed flats. Housing Strategy has commented there is a large number of people over the age of 60 years (1417 in October 2008) on the council list and in the Hangleton and Hove area who are looking for property, but it is not possible to ascertain what proportion of these require sheltered housing.

Policy HO2 of the Brighton & Hove Local Plan requires provision of 40% affordable housing overall, for proposals of ten or more dwelling units. The ten units proposed out the total number of 28 units equates to 35.7%, falling to 34.5% if the caretaker's flat is also taken into consideration. The documents submitted by the applicant state the tenure mix would be 100% social rented sheltered housing with no intermediate shared ownership or key worker housing. In addition, although the applicant has submitted a draft Unilateral Undertaking to provide affordable units, they have yet to formally identify a Registered Social Landlord, although it is understood they are liaising with the Brighton Lions' Housing Society Ltd., who are a registered charity and also a Registered Social Landlord and are interested in running the affordable sheltered housing in conjunction with the existing Lions' Gate sheltered housing.

Brighton Lions' is not one of the Council's preferred RSLs according to Housing Strategy, and as such the Council would not have 100% nomination rights to the affordable sheltered housing. In addition, Housing Strategy would require a mix of 55% rented and 45% shared ownership meaning the

proposed tenure mix of 100% social rented is not acceptable.

Turning to the mix of affordable units the application proposes 100% 2-bed flats. Housing Strategy requires a split of 40% 1-bed; 50% 2-bed; and 10% 3-bed. This is to cater for identified housing need in the affordable sector.

Housing Strategy also require affordable housing to meet or exceed the Housing Corporation's current Design and Quality Standards (April 2007), incorporating the Building for Life Criteria and a minimum of Level 3 of the Code for Sustainable Homes. In addition, affordable 2-bed units must be built to have a minimum internal floor space of 76 square metres where they could be inhabited by up to 4 persons. The units proposed in the north block, having two double bedrooms each could accommodate up to 4 persons and should have minimum internal floorspace of 76 square metres. However, the floor areas proposed are between 53.4 square metres and 56.7 square metres, more than 25% below the minimum required. These figures compare poorly with the proposed floor areas of the 2-bed market units in the south block which would have some 65.1 square metres (though still short of the minimum required for affordable housing).

The first and second floor affordable sheltered flats would benefit from 2.5 square metre balconies as private outdoor amenity space.

In summary, the proposal does not include a sufficient percentage of affordable housing; a satisfactory mix of tenures between social rented and shared ownership; does not identify a RSL which is a preferred partner of the Council; would not provide a sufficient mix of dwelling types; and does not meet the minimum standards required by Housing Strategy in terms of floor area.

Housing mix-

Excluding the caretaker's flat (which may not be sold or could be occupied only for short periods depending on who is employed as caretaker), the mix of 1, 2 and 3-bed flats in the south block equates to a 28%, 66% and 5.5% split respectively. Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The Housing Needs Study of 2005 (updated in the Strategic Housing Market Assessment in April 2008) provides an indication of the mix of units required to meet the housing need within the city and an appropriate mix of units is usually 30% one bedroom units, 40% two bedroom units and 30% of three bedroom units overall. Recent residential developments have generally led to a heavier weighting towards smaller dwelling units which reduce the choice across the city with fewer larger units available. This is contrary to the approach advocated in para. 24 of PPS3.

Taking into account the affordable housing, the proposed mix would be an 18/78.5/3.5 percentage split between 1-bed, 2-bed and 3-bed units, which is wide of the identified housing need in the city. As such the scheme does not accord with policy HO3.

Appearance-

Policy QD2 of the Brighton & Hove Local Plan requires new development to emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics including the height, scale, bulk and design of existing buildings, the layout of streets and spaces and patterns of movement within the neighbourhood. Policy QD3 requires new development to make efficient and effective use of sites and seeks to ensure proposals are appropriate in the context of the prevailing townscape and avoid town cramming, with rigorous examination of backland sites, whilst policy QD4 requires development proposals to protect or enhance the sky line.

In addition, PPS1: Delivering Sustainable Development and PPS3: Housing, aim to create sustainable, inclusive and cohesive communities over the long term and require development proposals to take the opportunity for improving the character of an area – creating well-mixed and integrated developments that bring people together. Development proposals should seek to create places which relate well to their surroundings and enhance local character and good design should complement neighbouring buildings and the local area in terms of scale, layout and access. Design which is inappropriate in its context should not be accepted. The Urban Designer has raised an objection because the bulk, height, roof form and general appearance of the proposal would not provide a quality addition to the neighbourhood and would be incongruous with the surrounding buildings which are predominantly two storey houses with pitched roofs arranged in a typical suburban layout. None of the flat roof buildings referred to in the Design and Access Statement are within sight of the application site or fall into the same neighbourhood category and not all are positive contributors to the townscape in visual terms. The applicant's justification for the flat roofs is simply to reduce to the overall height of the development.

The style and external appearance would appear to look dated, with much use of render and timber panels with square shaped windows and grey aluminium doors. The form of the buildings is simplistic and not well articulated, with long elevations and unbroken flat roofs and an absence of architectural features of interest or unique features. The design and external appearance is not considered truly contemporary and references to the small number of flat roof dormers attached to some adjacent houses and reference to use of similar finishes including buff brick, red brick and painted render are tenuous. The basic and utilitarian style would not age well and the two large blocks would dwarf neighbouring terraced houses whilst their form and depth of the buildings would be unduly bulky, giving the buildings an obtrusive and intimidating character in relation to surrounding dwellings.

The two buildings, along with Lions Gate, would not be well grouped and would not create a sense of place when approached from Rowan Avenue. Certainly the existing Lions Gate and the new development would appear as two disparate entities with no meaningful relationship with one another in terms of appearance and design and would not form a cohesive development of The Hyde site. The appearance, height, scale and form of the proposed

buildings would also jar with the pitched roofed two storey houses adjacent.

The new buildings would be sited along the west side of the application site close to houses in Rowan Avenue and, along with Lions Gate, would effectively form a barrier to the remaining open space occupying the southeast corner. This arrangement does not represent an imaginative approach to developing the site and creating a high quality of urban environment that integrates with the layout of surrounding streets and residential buildings. The Urban Designer has objected to the poor quality and design of the space between the proposed buildings and the houses on the east side of Rowan Avenue which back onto the site.

There is limited access to the site and no through routes would be available to the public, severely limiting connectivity and segregating the development site from the neighbouring communities. This would not be conducive to the creation of a sustainable community and is not in the spirit of government aims for sustainable development.

Housing Strategy comments that to ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The affordable housing should be 'tenure blind' and fully integrated with the market housing. It should be distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

The affordable housing block, whilst separate from the market sheltered housing, would have similar form and be finished using similar materials and finishes and in a style matching the south block although the internal specification is clearly inferior to that of the south block. The floor areas are greater in the south block and none of the flats in the north block would have en-suite shower/W.C. provision contrary to the majority of units in the south block.

Policy QD6 of the Brighton & Hove Local Plan seeks provision of new public art in major development schemes, or a financial contribution towards public art, appropriate to the development proposal. The proposal does not incorporate public art or set out the required framework for such provision off-site and is therefore contrary to policy QD6.

In summary the proposed form, design, layout and scale of the proposed development would neither relate well with or enhance the character of the local area or integrate well with the local community. In addition the scheme neither incorporates public art nor provides for a means of contributing to public art elsewhere in the locality.

Amenity space-

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy

balconies are taken into consideration.

In both blocks each flat would benefit from either a 2.5 square metre balcony or ground floor patio (beneath the balconies above) and in the case of the 3-bed unit in the south block, a roof terrace. It is not clear from the elevation drawings how the ground floor patios would be enclosed and delineated from the communal landscaped grounds and similarly, it is not clear whether there would be railings or a raised wall surrounding the roof terrace on the south block, either for safety or screening purposes.

Furthermore, the development would, by reason of the loss of publicly accessible outdoor recreation space, provide just under a hectare of private, landscaped communal gardens for residents. This area would also be used by existing residents of the 39 flats in Lions' Gate. Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space and applies a standard of 2.4 hectares per 1,000 population in new housing developments. As such the amount of private landscaped gardens could provide for up to 210 residents (catering for an occupancy of 3 persons in each of the 67 flats comprising the proposed development and Lions' Gate). However, to fully comply with policy HO6, the outdoor space must be appropriately divided between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

Clearly the communal open space proposed does not satisfy these requirements and as such this element of the proposal is contrary to the aims of policy HO6.

Accessibility and Lifetime Homes

Policy HO13 requires that new residential dwellings are built to lifetime homes' standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Furthermore, where proposals are for more than ten units, a proportion should be built to wheelchair accessible standards. More detailed guidance is presented in Planning Advice Note 03: Accessible housing & Lifetime Homes.

The proposal is not supported by the council's Accessibility Officer for a variety of reasons, including the width and position of doorways, the size and layout of bathrooms, absence of circulation areas, specific wheelchair user flats and inadequate access and path ways.

The proposal is for a wholly new development and there is no reason why Lifetime Homes' standards cannot be met through careful and considered design. The proposal does not comply with the requirements of policy HO13 and the applicant provides no justification for this.

Neighbour amenity-

Policy QD27 does not look favourably on development that would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The application requires consideration of both existing

residents' living conditions and those of future occupiers of the proposed flats.

Those existing residents in closest proximity to the proposal are along the eastern side of Rowan Avenue and it is these residents who are most likely to be affected by the development in terms of residential amenity and impact on living conditions. The presently undeveloped area at the end of their rear gardens would become a driveway parking area and ramp leading to the basements beneath the new flats. This use is likely to create noise generated by vehicular movements but is considered far enough away at a minimum of 16.5m from the rear elevations of the houses (and a minimum of 2m from the ends of rear gardens) not to present a significant issue. In the event permission is granted a condition could be imposed seeking clarification of boundary treatment and acoustic fencing to mitigate the impact of additional traffic noise.

Between three storeys and three and a half storeys in height (8m – 9.5m above ground level), the development will introduce a new level of impact on existing residents in Rowan Avenue, who despite being up to 31m from the west elevations of the proposed buildings, would experience loss of privacy in their rear garden areas. The harm to living conditions that would arise would be to preclude the enjoyment of the neighbours' private gardens and due to the extra storey of development the sense of being overlooked at all times, having a detrimental effect on residential amenity, contrary to the objectives of policy QD27. Six balconies attached to living rooms in the upper floors of the proposed flats would face the rear elevations of properties in Rowan Avenue and the highest point of the roof of the development would be 4.5m above the eaves height of properties in Rowan Avenue, allowing a bird's eye view of these existing residents' homes and eroding their privacy and along with the large scale and height of the development it would also have an overbearing impact.

The applicant proposes all street and pavement lighting would be low level wall lights and bollards only. No external lighting is proposed in the private landscaped area. However, in order to comply with local plan policy QD25: External lighting, should Members be minded to grant consent, a condition should be imposed to control external lighting to prevent detriment to amenity and light pollution, particularly upward light pollution.

In view of the significant matters described above the proposal is believed to conflict with policy QD27 of the Brighton & Hove Local Plan.

Secured by Design-

Policy QD7 requires developments of more than ten residential units to clearly demonstrate how crime prevention measures have been incorporated into the layout and design in order to be considered favourably. Such details have not been provided although the applicant is intending to meet Secured by Design standards and argues natural surveillance of the site will increase as a result of the development. This last point is slightly misleading because the entire site is already overlooked from all side by residential properties and as such benefits from a considerable degree of natural surveillance already.

A Police box is proposed in the southern block, which is intended as a community facility. Sussex Police have not commented on this aspect of the proposal and it is not clear how useful or what the demand for this facility would be.

Highway and parking-

In accordance with the requirements of policy TR1 and TR19 of the Local Plan and SPGBH4: Parking Standards, outside Areas of Controlled Parking dwellings for elderly (including affordable sheltered units) require a maximum of one car parking space per two dwellings, an additional space for residential staff, e.g. the caretaker, and one space for Orange or Blue Badge holders per 10 dwellings. One secure cycle space should be provided per 3 dwelling units.

The application could require a maximum of 17 parking spaces (including two for disabled persons) and a minimum of 9 cycle parking spaces. The proposal includes provision for 11 parking spaces, including 3 for disabled, and 8 cycle parking spaces. Thus there would be shortfall of one cycle parking space and a shortfall of 6 parking spaces below maximum standards.

The proposal site is within walking distance of local shops in Hangleton Road and bus services operate along Rowan Avenue. As such future residents need not have to rely on private car use and the development would not necessarily affect on-street parking in surrounding roads with overflow parking.

The applicant states the design of access roads and turning facilities are suitable for emergency vehicles but this has not been verified by the Fire Brigade.

Sustainability-

Policy SU2 of the Local Plan seeks efficiency of development in the use of energy, water and materials and new development should demonstrate a high standard of efficiency.

Most flats have primary glazing to east and west elevations to maximise passive solar gain and a minimal number of windows on the north elevation. However, this represents a less than satisfactory scenario in terms of natural ventilation which requires northerly openings to allow cooling during the hotter months as air flows right the way through the building. The main habitable room openings (balcony doors) are proposed in the east and west elevations of the proposed buildings and not predominantly in the southern elevation. Indeed few of the flats have a southerly aspect owing to the siting and layout of the buildings and their internal room layout. As such passive solar gain would not be maximised.

The applicant is committed to achieving a minimum of Level 3 of the Code for Sustainable Homes (equivalent to a 'Very Good' rating under the superseded Ecohomes ratings) and describes insulation, low energy lighting, efficient

sanitary fitting and energy efficient boilers while solar vacuum tubes are proposed on the flat roof slopes to provide 80% of hot water requirements and supply 16% of each flat unit's energy needs. No technical information or pre-assessment accompanies the application and as such there is no data available to verify how these assertions have been reached.

The proposal does not include satisfactory provision for the recycling and re-use of rainwater or for recycling grey water. The absence of such provision is made more significant in light of the representations submitted by Southern Water stating existing sewer capacity is not adequate to service the proposed development. Under policy SU5 of the Brighton & Hove Local Plan (Surface water and foul sewage disposal infrastructure), should permission be granted, the development or occupancy of the development would have to be phased in step with the introduction of the additional sewage infrastructure required.

Of the 28 flats (29 including caretaker flat) all bathrooms would be internal with the exception of one en-suite on the top floor of the south block which would have a small window, meaning virtually the whole development would be totally reliant on mechanical ventilation and artificial light in bathrooms and toilets.

Finally, despite the large expanses of flat roof shown on the drawings submitted, there is no scheme for a green roof. Green roofs are proven to aid cooling in the summer and to keep heat inside buildings during the winter – minimising the energy consumption otherwise demanded by artificial heating and air conditioning.

In view of the above the proposal is not of a satisfactory standard in terms of efficiency and as such is contrary to the aims of policy SU2.

Recycling and waste minimisation-

In order to satisfy the objectives of policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and policy SU13 of the Brighton & Hove Local Plan, precise details of a waste minimisation, re-use, recycling and disposal strategy during construction must be submitted. The document put forward by the applicant details how materials will be recorded, stored and carefully transported around the site but does not identify specific materials that could be recycled or their quantities or the contractors who would be able to take the waste and recycle it off site.

Landscaping, biodiversity and nature conservation-

The proposal seeks to create a private landscaped arboretum with various types of tree planted and species inspired by the formal gardens of Sussex Square and Lewes Crescent in Kemp Town. Topography would largely remain as existing because residents with mobility difficulties would require a reasonably level surface. The scheme broadly satisfies the requirements of policy QD15 of the Brighton & Hove Local Plan which seeks use of high quality landscaping materials and effective use of existing landscape features and the level of new tree planting is supported by policy QD16.

9 CONCLUSIONS

The application seeks to carry out development on a site that has not been previously developed and that would prejudice the future use of a sports and recreation facility presently subject of a legal agreement.

The new application is seeking to supersede the previous legal agreement. However, Legal have advised the previous S106 agreement which sought provision of recreation facilities to be leased to the council in the south part of the site can be enforced and brought to bear. In this respect it is not clear why the proposed buildings are positioned along the west edge of the site if the applicant considers the area to be previously developed and despite the siting no useable public recreation space would remain.

The applicant states the new sheltered residential development would not encroach beyond the boundary line of the S106 agreement, but clearly the siting of the proposed buildings and their proposed use as flats for the elderly would prejudice the future use of the remaining land as public recreation space. The offer of a new legal agreement does not justify a departure from the development plan.

The mix of housing types and tenure is contrary to the requirements of the development plan and identified housing need in Brighton & Hove.

The proposal raises serious concerns over the form, scale, layout, design and appearance of the buildings and their compatibility with existing residential development around the site and the adjacent Lions Gate sheltered housing development. The height, massing, siting of windows and openings and close proximity to existing dwellings also raises significant residential amenity issues, namely overlooking and an overbearing impact to the detriment of residents' living conditions and reasonable enjoyment of their homes.

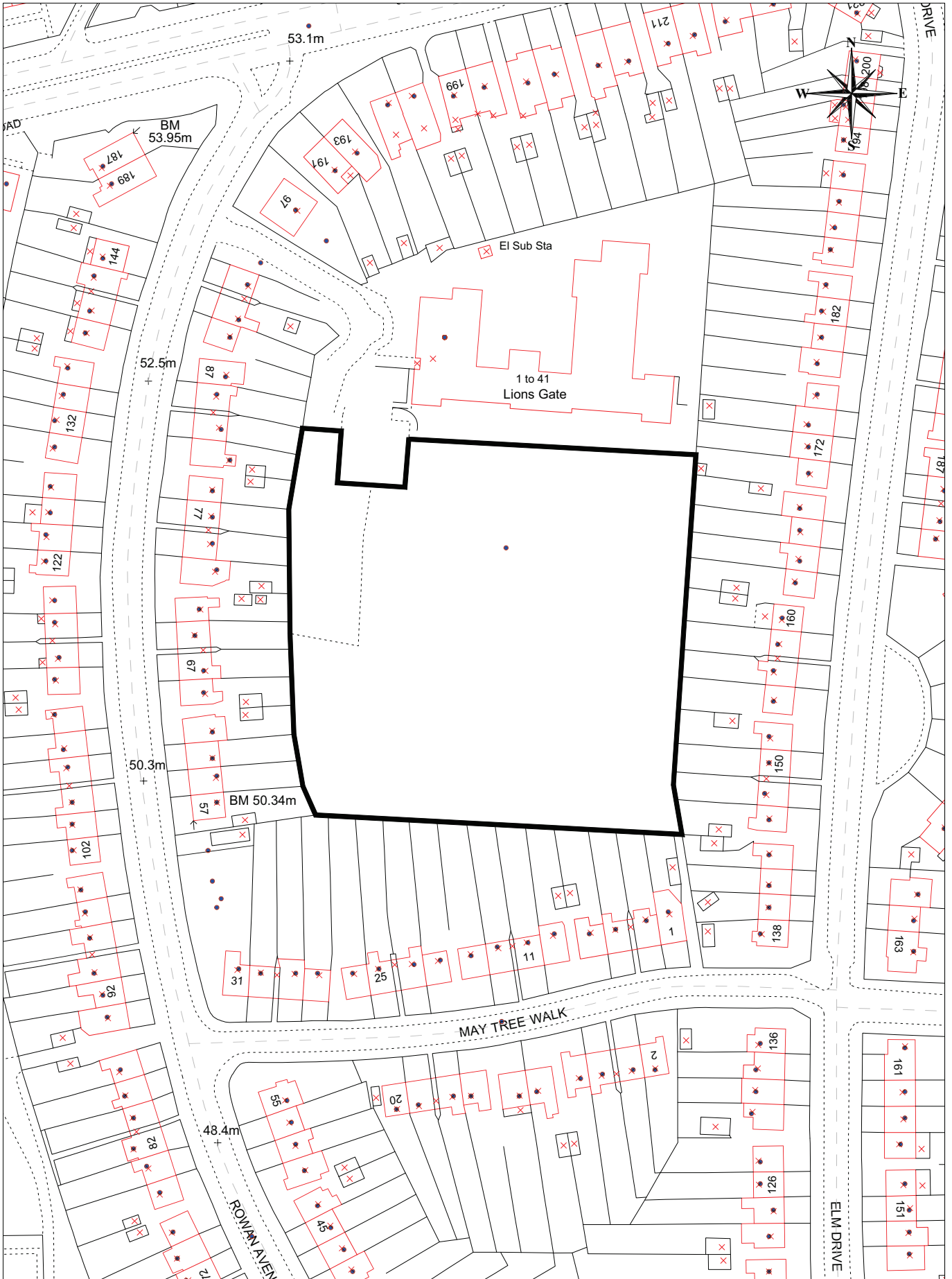
The internal layout, parking areas and pathways within the development do not meet Lifetime Homes standard and the sustainable design and energy saving features proposed are inadequate, particularly the absence of a green roof, water and greywater recycling and the fact nearly all of the bathrooms and toilets would be internal and thus reliant solely on mechanical ventilation and artificial light – which is not energy efficient.

In view of the above the recommendation put forward is for the refusal of permission for the reasons detailed in section 2 above.

10 EQUALITIES IMPLICATIONS

The application does not satisfy Lifetime Homes' standards and would neither be accessible to persons with mobility difficulties and wheelchair users, nor easily adaptable to the disabled and for people's changing needs without major structural alterations.

LOCATION PLAN



BH2008/02532

SCALE 1:1250

The Hyde Rowan Avenue



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

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<u>No:</u>	BH2008/02479	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Flexer Sacks building, Wellington Road		
<u>Proposal:</u>	Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	01 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 November 2008
<u>Agent:</u>	Barry Field Architects, 7 Queen Square, Brighton		
<u>Applicant:</u>	City Gateway Developments Ltd, 121-123 Davigdor Road, Hove		

1 SUMMARY

The application relates to the eastern half of the former Flexer Sacks factory which occupies a prominent site within the South Portslade Industrial Estate fronting Wellington Road. The building has been vacant since 2000.

The application proposes a mixed use development comprising ground floor health club, music venue and rehearsal studios, with new and refurbished office accommodation at first and second floor levels. The existing first floor off-street parking will be retained and all elevations will be refurbished. The main issues of consideration in the determination of this application are the departure from policy EM1; the nature and balance of the proposed uses; their impact on neighbouring amenity and transport; and design and sustainability issues.

The application is considered acceptable on design, amenity and sustainability grounds. However, the proposal entails the loss of approximately 1700sq metres of employment floorspace on an identified employment site. There is inadequate information to support the type, amount and mix of non-employment (D2) uses proposed on the site, and demonstrate that it is necessary to enable the regeneration of the building and delivery of employment uses on the site. Furthermore it has not been demonstrated that the proposal will not have an unacceptable impact on transport; particularly with regards the potential trip generations and traffic impact resulting from the development; the quality and need, or otherwise, for improvement in the local provision of buses, taxis and cycles; and an assessment of the off-street parking provision in relation to the proposed uses. The application is therefore recommended for refusal.

2 RECOMMENDATION

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

reasons set out below:

1. The application site is located within the South Portslade Industrial Estate which is allocated by policy EM1 of the Brighton & Hove Local Plan as an employment site for industrial and business use under Use Classes B1 and B2. The proposal entails the loss of employment floorspace on an identified employment site. There is inadequate information to support the type, amount and mix of non-employment (D2) uses proposed on the site, and demonstrate that it is necessary to enable the regeneration of the building and delivery of employment uses on the site. The application is therefore contrary to the aims of the adopted Brighton & Hove Local Plan policy EM1.
2. The application, and submitted Transport Assessment, fails to demonstrate that the proposal will not have an unacceptable impact on transport; particularly with regards the potential trip generations and traffic impact resulting from the development; the quality and need, or otherwise, for improvement in the local provision of buses, taxis and cycles; and an assessment of the off-street parking provision in relation to the proposed uses. The proposal is therefore considered contrary to the adopted Brighton & Hove Local Plan policies TR1, TR4, TR14, TR18, TR19 and SU15.

Informatives:

- 1) This decision is based on drawing no. 766 99 submitted 1st August 2008; a Planning Statement, Design & Access Statement, Transport Assessment, Noise Impact Assessment, Site Waste Management Plan, Biodiversity Indicators, and drawing nos. 766 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 & 110 submitted 27th August 2008.

3 THE SITE

This application relates to the eastern portion of the former Flexer Sacks building on the northern side of Wellington Road bounded by Middle Street to the west, North Street to the north and Camden Street to the east. The building is currently vacant, and has been since 2000. The previous use was primarily within Use Class B2 (general industry) with ancillary elements of B1 (office) and B8 (storage) uses. The site comprises a three-storey office building, first floor roof-top car park, and single and two-storey production / distribution areas.

The eastern part of the site, fronting Camden Street, comprises a hand car wash use and public house; neither of which are included as part of this application. The western unit is currently occupied as an vehicle repair centre, with adjoining uses fronting North Street including a storage and distribution and first floor dance centre.

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

4 RELEVANT HISTORY

Planning Permission was refused in 2002 for the use of the adjoining eastern

half of the building (the site now under consideration) for self storage (ref: **BH2001/02406**). The application was refused on the grounds that the site was allocated for employment uses, and there was inadequate information to demonstrate that the number of jobs to be created would be similar to the former use. A subsequent appeal against this decision was dismissed. When dismissing the appeal the Inspector considered that the site was well located for B1 and B2 uses and there was nothing to indicate that the building could not be brought back into such use.

Planning permission was granted for the change of unit 3 (abutting the application site to the west) from B1/B2 uses to storage in 2003 (ref: **BH2003/01207/FP**). This permission took into account that the premises were unsuitable for B1 or B2 use, and the remainder of a much larger section of the Flexer Sacks building had been successfully let for B1/B2 use.

Outline Planning permission was granted by Planning Applications Sub-Committee in September 2003 for 'redevelopment of factory site to create a mix of B1 (office / light industrial) with ancillary showroom use and D2 (leisure) including new floor space and additional 3 storeys, parking provision for approximately 100 cars' (ref: **BH2003/02334/OA**). This balance of uses was considered acceptable, replacing general industrial floorspace with a mix of light industrial and offices uses, with the proposed D2 (gym) use occupying the harder-to-let areas and ancillary to the overall use. This permission was not commenced within 5-years of the approval and has now expired.

A certificate of lawfulness for the proposed use of part of the site (now subject of this application) as a cash and carry operation was refused in 2006 as the change of use exceeded the floor area permitted by the General Permitted Development Order 1995 (ref: **BH2006/01691**).

Planning permission was refused in November 2006 for a change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis) with changes to front elevation (Wellington Road) & roof line (ref: **BH2006/03339**). The reasons for refusal related to the loss of B1 and B2 floorspace which had not been justified as an exception to policy; inadequate information demonstrating how the proposal complied with maximum car parking standards and would maximise the use of walking or cycling; highway safety hazards resulting from a proposed lay-by on Wellington Road; and inadequate waste management measures.

A three-year temporary permission was granted in September 2006 for a change of use from B1 (light industrial use) to D1 Dance School (at first floor level within the western building, abutting the application site) (ref: **BH2006/02298**). A two-year temporary permission was granted in February 2008 for use of a warehouse building fronting Camden Street (abutting the application site) as hand car wash and valet surface (ref: **BH2008/00654**). Temporary permissions were considered acceptable as they allow the respective uses to continue until the premises were used once more for industrial purposes and long-term employment.

5 THE APPLICATION

The application seeks consent for a change of use of the existing B2 building to a mixed use development. The building will incorporate a self-contained health club with swimming pool, music venue, and recording / rehearsal studio at ground floor level; refurbished office accommodation at first floor level; with further refurbished office accommodation at second floor level. An extension at second floor level fronting Wellington Road is also proposed to provide additional office accommodation.

Access to the proposed uses would be from the northern side of the building fronting North Road and extended entrance lobbies. The existing first floor parking deck, with spaces for 82 vehicles, will be retained as will the access ramp off North Road.

6 CONSULTATIONS

External:

Neighbours: no comments have been received.

East Sussex Fire & Rescue Service: unless documentation is provided demonstrating compliance with section B5 of Approved Document B of the Building Regulations 2000, the Fire Service object to the proposals.

EDF Energy: no objection provided rights regarding access and maintenance to cables within the area are maintained.

Southern Gas Networks: no mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: no comment.

Sussex Police: the site is within a medium crime risk area but do not identify any major concerns with the proposals. Comments are provided to reduce the opportunities of crime and fear of crime as part of the development.

Internal:

Economic Development: the site has been vacant since the demise of Flexer Sacks in 2000. The site had been actively marketed since the applicant took ownership and various letting proposals have been offered to try to attract tenants to the building. However, due to the condition and layout of the building this has not be conducive to attracting modern business requirements. As well as advertising through the applicants appointed commercial agents the site has also been advertised on the Council's commercial property database since November 2004.

The proposal will include refurbished offices on the existing site together with an additional storey of offices which is welcomed. The B1 element of the proposal will provide space for over 130 jobs which is significantly more than the whole of the former Flexer Sacks site (this application covers approximately half of the former site) which is welcomed and supported. Additional employment opportunities will also be provided in the leisure and

performing space provided in the proposal which again is welcomed.

The proposal will bring back into operational use a building that has lain vacant for some considerable time and will provide a development of modern appearance in an area that requires investment to upgrade the image of the area along one of the main access routes into the city from the west.

Environmental Health: there are a number of areas where information is lacking or insufficient and particularly with regards to noise. These relate to plant and machinery for air handling or air conditioning for the offices, plant and equipment for the lift rooms, swimming pool heating, mitigation for the soundproofing of the recording studios and also extraction equipment such as flues from the ground floor level café.

Furthermore there is a lack of a desktop survey or references to former potential contamination on the site.

Planning Policy: the proposal is contrary to policy EM1 in the Brighton & Hove Local Plan as it allows non employment uses within a designated employment site. Since the previous scheme was allowed in 2004 the Employment Study (2006) has been completed and indicates the need to protect existing B1 and B2 employment sites.

If the applicant is seeking approval of this scheme as an exception to policy they need to make a very robust case that the non employment uses are required to enable the refurbishment of the building. On this basis they will need to submit or consider the following:-

1. the employment use should remain the primary use on the site and with a ground floor location.
2. that there is no loss of employment (B1/2) floorspace. The current scheme appears to show a 1700sqm shortfall.
3. financial evidence is submitted to support the type, amount and mix of enabling uses proposed on the site.

Traffic: the submitted TA does not address the following areas:-

1. the potential trip generations by any mode or traffic impact.
2. an audit of the quality of provision for buses, taxis and cycles locally and the need or otherwise for improvement.
3. a comparison of the proposed parking levels with SPG4.
4. a car park layout.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR4 Travel Plans

TR7 Safe Development

TR14 Cycle access and parking

TR18 Parking for people with a mobility related disability

TR19 Parking standards

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

SU10 Noise nuisance
SU11 Polluted land and buildings
SU14 Waste management
SU15 Infrastructure
QD1 Design - quality of development and design statements
QD2 Design - key principles for neighbourhoods
QD3 Design - efficient and effective use of sites
QD4 Design - strategic impact
QD6 Public art
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
QD28 Planning Obligations
EM1 Identified employment sites (industry and business)
EM12 Shoreham Harbour - mixed uses

8 CONSIDERATIONS

The main issues of consideration in the determination of this application are the departure from local plan policy EM1; the nature and balance of the proposed uses; their impact on neighbouring amenity and transport; and design and sustainability issues.

Proposed change(s) of use

The application site is located within the South Portslade Industrial Estate which local plan policy EM1 identifies for industrial and business use within Use Classes B1 (businesses) and B2 (general industrial); on such sites there should be no overall loss of employment floorspace and sites. The Employment Land Study (2006) supports this approach and indicates that to ensure there are sufficient employment sites existing B1 and B2 sites should be retained.

The application, despite the additional office accommodation at second floor level, entails a loss of approximately 1700m² of employment (B1/B2) floorspace as a result of the proposed ground floor health club and music venue (D2). As such there is a conflict with the aims of the above policy.

The application site has been vacant for a prolonged period of time following the closure of the Flexer Sacks factory in 2000. The applicant has advised that since 2003 the premises has been actively marketed and this has included the sale, long-term leasing and short-term flexible leasing of the whole site and its potential sub-division to maximise the number of potential tenants. The application also includes letters from the marketing agents, Oakley Commercial, stating that 'the property has been fully exposed to the open market ensuring all potential tenants are aware of the available accommodation but unfortunately the property is proving difficult to let despite offering flexible lease terms'.

The applicant therefore considers that enabling development / uses are necessary for the proposals to be viable and to bring the site into commercial use, and this view is shared by the site's marketing agents.

The Council's Economic Development team support the application and confirm that the site has been actively marketed but the condition and layout of the building is not conducive to meeting modern business requirements. Economic Development therefore consider that the proposal will bring back into operational use a building that has lain vacant for some considerable time whilst providing space for significantly more jobs than the whole of the former Flexer Sacks operation.

The proposal has the potential to regenerate a building that has been vacant for a prolonged period of time, which is neglected in appearance and has a detrimental impact on the immediately surrounding area. To secure the refurbishment and upgrade of the building for employment uses it is recognised that non-B1/B2 uses may need to be introduced to the site. This was accepted as part of an earlier outline approval on the site (ref: BH2003/02334/OA) which considered a proposed gymnasium to be an acceptable enabling element complementing the proposed main (B1/B2) use; however, this permission was not implemented and has now lapsed.

As part of this application the submitted Planning Statement states that enabling development is necessary for the proposals viability. However, no evidence has been submitted to demonstrate this or justify the net loss of employment floorspace on an identified employment site and there is concern that the ground floor health club and music venue uses could fragment an important and prominent industrial estate. The enabling uses should be the minimum required to bring the employment site back into viable use. To demonstrate this, and justify an exception from local plan policy, evidence would be expected to support the type, amount and mix of enabling uses proposed on the site.

As part of this application there is inadequate information to demonstrate that the proposed enabling uses are necessary, and how they will facilitate the regeneration of the building and delivery of employment uses on the site. Whilst the supporting statements indicate a breakdown of employment levels that would be generated by the proposals this does not address the above policy conflict.

Notwithstanding the above there are elements of the proposal which are welcomed and supported. For example, the office floorspace at first and second floor levels has been designed to be capable of use by small serviced, incubator units or larger office suites and conference rooms, allowing maximum flexibility in the use of these spaces; and the proposed recording studio which occupies an area of the building particularly unsuitable for modern industrial uses due to extremely poor natural lighting. Furthermore, despite the policy conflict outlined above, a health centre and music venue would not conflict with, or prejudice the future of, the surrounding employment uses.

Transport

Local plan policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport,

walking and cycling. The application is accompanied by a TA which concludes that 'the proposed development is highly accessible to all modes of transport and that there will be no significant impact on the existing highway network'.

The Transport Manager has assessed the submitted TA and identifies problems relating to the lack of consideration of potential trip generations or traffic impact resulting from the proposal; an inadequate audit of the quality of provision for buses, taxis and cycles locally, and the need or otherwise for improvement; no comparison of the proposed parking levels with regards supplementary planning guidance note 4 (parking standards); and the absence of a car park layout. It is also noted there is potential for conflict between different uses on the site, particularly with regards vehicle access arrangements and on-site parking provision.

For the above reasons there is insufficient information to demonstrate that the proposal will not have an unacceptable impact on transport. The proposal is therefore considered contrary to local plan policies TR1, TR4, TR14, TR18 and TR19.

Design and appearance

The premises has been vacant since 2000 and this is reflected in the neglected appearance of the building. The application proposes extensive refurbishment works with new window openings, rendered elevations and sun louvers to all elevations. There are concerns that the roof form and fenestration of the additional storey relate poorly to the remainder of the building and that the Wellington Road frontage is unduly dominated by bulky sun louvers. However, these concerns are outweighed by the overall improvements that will create a modern appearance to the building and also improve the appearance of the immediately surrounding area.

The proposal incorporates a change of use in excess of 1000 sq metres and as a major development would require the provision of public art. However, as the application is not considered acceptable in its current form this requirement has not been progressed.

Impact on neighbouring amenity

Impact of the proposed uses

The application is accompanied by a Noise Impact Assessment which recommends a number of soundproofing measures be incorporated in the construction and adaptation of the existing and new buildings on the site. The assessment advises that the outlined measures would ensure noise generated by the development does not exceed acceptable standards. There are no reasons to disagree with these findings.

Environmental Health have commented on the application and consider that insufficient information has been submitted with regards noise from plant and machinery for air handling or air conditioning of the offices, plant and equipment for the lift rooms, swimming pool heating, mitigation for soundproofing of the recording studios and music venue, and also extraction

equipment from the ground floor café.

It is considered that there are no apparent reasons why adequate noise attenuation measures could not be incorporated within the development to protect neighbouring amenity. In principle having regard to the location of the application site the proposal would therefore not result in disturbance to adjoining users of the Industrial Estate, which includes a mix of B1, B2 and B8 uses, or future occupants of the currently vacant public house adjoining the site. On this basis, despite the absence of specific information relating to noise attenuation, if necessary appropriately worded conditions could require further details of sound insulation measures, the implementation of the outlined measures, and control noise emissions outside the site.

Impact of the proposed extension

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

Sustainability

Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. The Design & Access Statement advises solar panels and photovoltaic cells are under consideration for the large areas of flat roof on the site, and the incorporation of such measures would potentially assist in reducing energy consumption for proposed uses within the building. Further measures include water consumption reducing measures and sun louvers to control solar gain. It is considered that if necessary further details of measures to reduce the use of energy, water and materials could be required by condition.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Site Waste Management Plan demonstrating how elements of sustainable waste management have been incorporated into the scheme. Whilst the submitted information is relatively brief there are no apparent reasons why waste could not be minimised in an effective manner and if necessary further details could be required by condition.

Future development on the site

The Design & Access Statement advises that at a later date two additional floors could be added over the existing rear block; as previously approved in outline form under ref: BH2003/02334/OA. If the extension were used to provide additional employment floorspace this would assist in overcoming the conflict with policy EM1 identified above. However, this extension is not proposed as part of the current application and only limited weight can therefore be attached to this possibility.

Conclusion

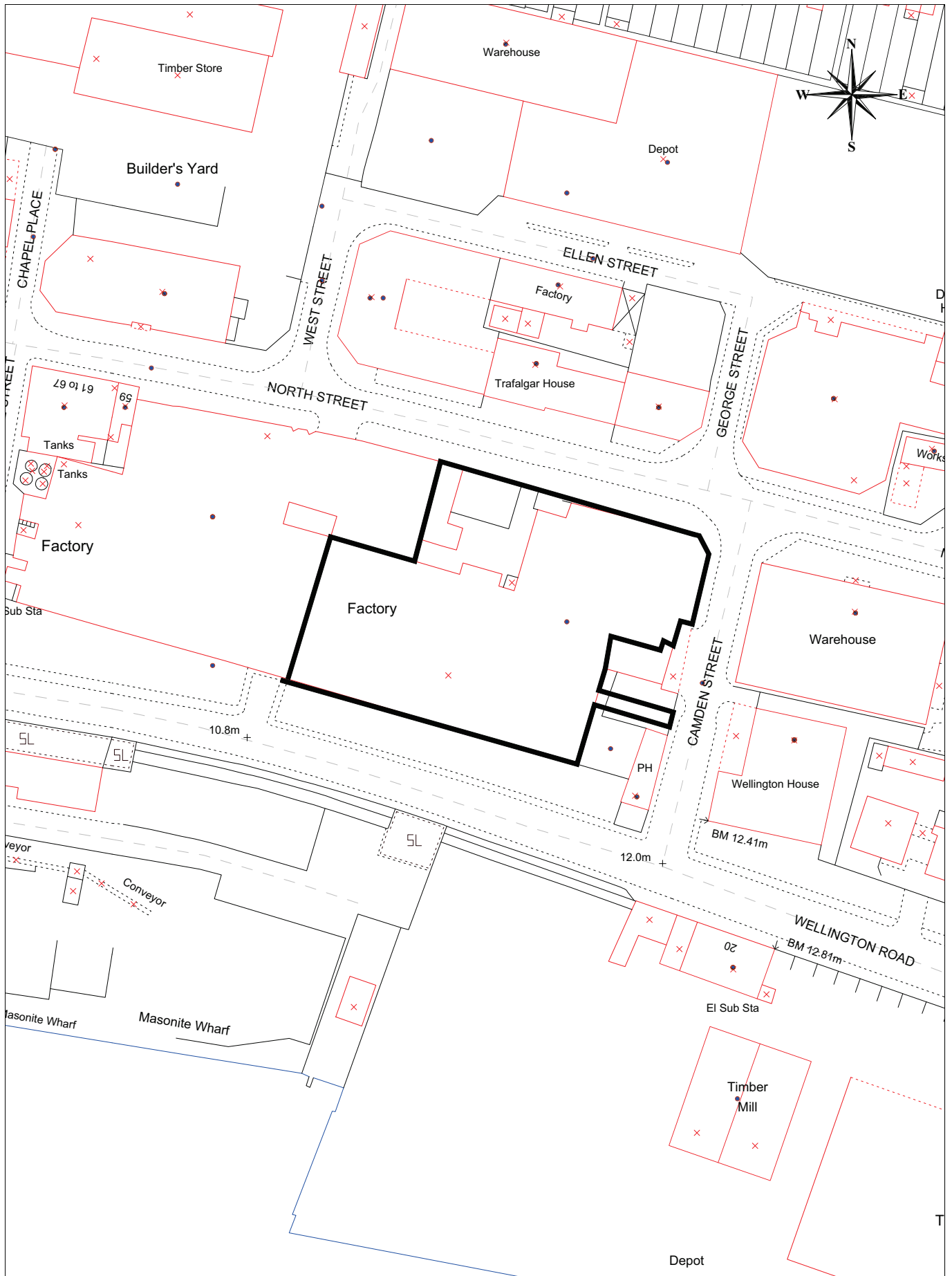
It is accepted that enabling development may be required to bring the employment site back into viable use. However, the proposal entails the unjustified loss of employment space and it has not been demonstrated how the type, amount and mix of proposed enabling uses will facilitate the regeneration of the building and delivery of employment uses. The proposed loss of employment floorspace and proposed health club (D2) use are therefore contrary to the aims of local plan policy EM1, which seeks to retain allocated sites, such as the South Portslade Industrial Area, for industrial and business uses within Use Classes B1 and B2.

In addition the submitted Transport Assessment fails to demonstrate that the proposed uses will not have an unacceptable impact on transport and the demand for travel, contrary to policies TR1, TR4, TR14, TR18 and TR19.

9 EQUALITIES IMPLICATIONS

All uses within the building are accessed through double doors on the North Road frontage, a lift shaft will provide access to all levels of the development. No car park layout has been submitted and it is not apparent what provision has been made for disabled parking, or how access from the first floor car park to ground floor uses would be facilitated.

LOCATION PLAN



BH2008/02479

SCALE 1:1250

Former Flexer Sacks Building, Wellington Road



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

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<u>No:</u>	BH2008/01164	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Roedean Crescent Brighton		
<u>Proposal:</u>	Demolition of existing dwelling and replacement with new contemporary house.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	28 March 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	09 July 2008
<u>Agent:</u>	Roche Barrett Estates, Brighton Media Centre, 68 Middle Street, Brighton		
<u>Applicant:</u>	Mr & Mrs Errol and Joanne Barrett, 25 Roedean Crescent, Brighton		

1 RECOMMENDATION

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

1. The proposal, by reason of its prominent siting, design, height, bulk and massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal, by reason of its siting, height, design, bulk and massing and balconies and roof terraces, coupled with varying site levels would result in overlooking and loss of privacy to and have an overbearing impact on, neighbouring properties, and would unduly impact on their living conditions and the use and enjoyment of their private amenity space. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. VA-01 – VA-08 Revision E, VA-10 – VA-15 Revision E, VA-20 – VA-23 Revision E, VA-30 Revision E, VA-031 – VA-033 Revision E, VA-34, VA-035 Revision E and VA-041 Revision E submitted on 10th September 2008.
2. The applicant has failed to submit full elevational details of the gallery. The applicant is advised that all elevations are required for each element of any scheme which may be resubmitted on this site in the future.

2 THE SITE

The site is a chalet style property situated within a predominantly residential suburban location which can be characterised by a mix of designs and scales. The western end of Roedean Crescent is characterised predominantly by mock Tudor style two storey dwellings set in spacious plots, those on the northern side of the road are set further back in the plots than those on the southern side. From number 21 the properties are stepped in closer to the

pavements edge but maintain a front garden area, with numbers 27 and 29 the closest to the pavements edge on the northern side of this stretch of the road. The eastern section of Roedean Crescent is characterised by a more modern two storey properties generally set within slightly smaller plots than those along the western stretch of the road. The land in this area slopes up to the north with the properties on the northern side of the road set on higher land than those on the southern side.

The site is located at one of the highest points along the road and comprises of a chalet style four bedroom property with a semi-circular driveway and integral garage. The rear garden slopes up to the north and is divided into two main terraces.

3 RELEVANT HISTORY

96/0252/FP – Erection of single storey flat roofed rear extension. **Approved** 19/04/1996.

4 THE APPLICATION

The proposal seeks planning permission for demolition of the existing property and erection of a modern three storey potentially seven bedroom dwelling with basement level.

The accommodation includes basement parking, cinema/games room, swimming pool, gymnasium and staff bedroom within the basement. The ground floor makes provision for kitchen, dining room, staff lounge and reception rooms, within the rear garden an art gallery is also proposed which is linked to the main dwelling via an access bridge. The first floor provides a study or bedroom, two suites and an additional bedroom with associated bathrooms and dressing rooms. The second floor contains the 'penthouse' bedroom, bath, dressing room and lounge. In addition to the rear amenity space the dwelling makes provision for balconies and a roof terrace.

5 CONSULTATIONS

External:

Neighbours:

15 letters of support were received from the occupants of **34 The Cliff, East Brighton Golf Club, Ocean Heights, 5 Roedean Crescent** (2 x letters), **24, 23 Roedean Crescent** (2 x letters), **214 Dyke Road, 2 Lenham Road, 21 Roedean Crescent, 209 Preston Road, 12 Regent Arcade, 9-10 Bristol Gardens and 49 Church Road.**

- There is no reason to object to this application.
- It is a welcome change to the usual application for flats in the Roedean area.
- It will enhance the character of the area.
- Great piece of architecture and the modern contemporary feel of the scheme is also supported.
- The scheme should consolidate Roedeans' position as one of the most desirable parts of the city to live complete with views of the marina, the golf course and Sussex downland.

PLANS LIST – 12 NOVEMBER 2008

- The scheme should generate good publicity and be good for the golf course business as well as the local populous.
- The proposed scheme is breath taking.
- This building will make a statement.
- Roedean is currently evolving
- Notable fresh approaches to design are occurring at 3, 31, 41, 43, 36 and 30 Roedean Crescent
- Contemporary designs have been approved else where in the city.
- The applicant's commitment to making the building green is applauded.
- The proposed window arrangement will be an improvement on the existing building with respect to overlooking – the window is secondary anyway.
- No concerns with respect to overlooking or overshadowing.
- The application is of the highest calibre which would perfectly suite the area.
- Hopefully it would encourage other development of fabulous contemporary houses.
- The building will enhance the area giving a more current marine feel.
- This is one of the finest freshest designs seen for quite some time and is the type of house in high demand and in poor supply in the city.
- It will generate good publicity for the city.
- This is a truly international piece of work and it is on par with some of the existing leisure and commercial projects that area planned for the vibrant and forward thinking city – ideally placed to embrace homes of this design.

Roedean Residents Association (2 x letters) – no objection (letter dated 28 January 2008)

- as long as discussions have been undertaken with neighbours. Our main concern is preventing the area being ruined by blocks of flats.
- Roedean is quite a unique and special area – the applicant is wished well as a new resident.

Roedean Residents Association raised an objection (letter dated 27 June 2008) to the application on the grounds that:

- The design of the house is totally out of character with the surrounding area.
- The house is too bulky, too high and too deep for the site.

The applicant's Design and Access Statement also contains details relating to consultations undertaken including those with neighbours at numbers 27, 20, 23, 24, 22 Roedean Crescent, Senior member and future captain of East Brighton Golf Club, the Vice Chair of Roedean Residents Association and partner at 34 The Cliff, David Barling – Planning Lawyer and local Estate Agents from Mishon Mackay, Knight Frank, Fox & Sons and Baron Neville.

21 letters of objection have been received from the occupants of **20** (5 x letters), **22** (3 x letters), **27** (3 x letters written on behalf of the occupants by a planning agent), **12, 16, 14, 18, 7** (2 x letters), **32, 8, 35 Roedean Crescent**

and **11 Roedean Way**. Their comments are summarised as follows:

- Concern is raised over the potential use of the site – the Design and Access Statement (DAS) described it's use for corporate entertainment – it wouldn't accord to policy EM4 – if it isn't going to be a single dwelling additional information is required to fully assess the application.
- Corporate entertainment would lead to serious concerns with respect to the affect on the character of the area, amenity and setting a precedent.
- Excessive car parking is proposed which exceeds adopted standards.
- The DAS alludes to an additional unit of accommodation on the site – self contained staff accommodation.
- Loss of privacy to number 23 and 27 from the balconies and windows even with the planters.
- Overshadowing and overbearing impact on number 27 due to the scale of the building.
- Excessive scale will harm the character of the area.
- The footprint is proposed to be doubled covering 50% of the curtilage.
- Contemporary dwellings have been built in the area which respect the bulk and rhythm of the street scene with a pitched roof element and eaves and ridge heights which respect those in the area.
- Roedean House is referred to which is not comparable as the dwelling is on a much larger plot than the proposal site.
- The dwelling is intimidating and domineering.
- The atrium is dominant and together with the entrance stairway make it appear like a corporate office block more akin to a city centre location.
- The site is close to a SSSI and no bio-diversity statement has been submitted.
- No objection is raised to the principle of the replacement of the dwelling as long as there is no negative impact on adjoining neighbours.
- In designing the replacement dwelling for number 27 it was important to the applicants and architect to maintain the footprint, bulk and height of the existing dwelling.
- The building is out of character and appearance with surrounding properties and the area and the prominence of the increased building mass.
- Over dominant structure would be further harmful to the visual appearance of the area.
- A convenient should be placed on the building to prevent conversion to flats and preventing business entertainment.
- The excavation waste to be used on the golf course should be moved off the site to the rear rather than via the street which would cause chaos.
- The building takes up the entire width of the plot.
- The front has been moved forward extensively and no longer in line with the other houses – making an unattractive impact on views from the west.
- The building will tower over the surrounding residences.

PLANS LIST – 12 NOVEMBER 2008

- There appears to be a commercial use introduced with the art gallery.
- Although the size of the building appears to have been reduced it still appears excessive within the plot.
- The pitched roof design does not take away from the fact that the two storey property has been replaced by a three storey dwelling.
- The façade is very imposing.
- There is a covenant on the houses to prevent them from being used for corporate purposes.
- This is a marine downland outlook not a Thunderbirds Launching Pad or some sort of Inca sacrificial temple.
- The letters of support from Estate Agents is to be expected due to selfish interests.
- There have been several modern developments which blend in extremely well.
- The site backs onto land which is an AONB/a designated National Park – views should be protected.
- The profile of the any new house should not materially exceed that of the existing house.
- Modern architecture and design is welcome but this is too dramatic a departure from the nature of the area – more like a series of flats with significant emphasis on the vertical.

Southern Water: no objection

Brighton & Hove Archaeological Society: no objection - The site lies within an area of intense archaeological sensitivity and therefore would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

South Downs Joint Committee: no objection – From open ground to the north (i.e. the National Park, as designated) the tower would be less noticeable. The dwelling would be a striking addition of a modern but appropriate design with welcome sustainability features that would not unduly impact on the National Park. Conditions relating to materials and external lighting should be imposed.

Environment Agency: no objection and suggested conditions relating to surface water disposal and protection of controlled waters.

Natural England: no objection unless the Council is aware of protected species which may be using the site or representations from other parties – a survey should be requested.

South Downs Society: No response received.

County Archaeologist: No response received.

Internal:

Ecology: The development within 100m of an SNCI and within 50m of a

garden pond. A biodiversity report should, strictly speaking, be required, it would need to explain why the development would have no significant effect on the SNCI to the north and would not have an adverse effect on aquatic life in nearby ponds.

Smooth Newt are protected from commercial sale only in the Wildlife & Countryside Act 1981 - provided their breeding site is not affected, their presence in a nearby garden would not normally impact this development proposal.

Traffic Manager: Raise an initial objection due to over provision of car parking in excess of national, regional and local guidelines. Therefore fails to comply with policies TR19 and SPG4.

The plan was subsequently amended to reduce the number of vehicles to two and no objection was raised. Conditions relating to securing cycle parking recommended.

6 PLANNING POLICIES

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - full and effective use of sites
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH 4: Parking Standards

SPGBH16: Renewable Energy and Energy Efficiency in Developments

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the affect upon the character of the area, the suitability of the proposed

dwelling having regard to the amenity requirements for the occupiers and the impact on neighbouring residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

The principle of development

The proposal seeks planning permission for demolition of the existing four bedroom dwelling and the erection of a modern three storey potentially seven bedroom dwelling with basement level.

The accommodation includes basement parking, cinema/games room, swimming pool, gymnasium and staff bedroom within the basement. The ground floor makes provision for kitchen, dining room, staff lounge and reception rooms, within the rear garden an art gallery is also proposed which is linked to the main dwelling via an access bridge. The first floor provides a study or bedroom, at two suites and an additional bedroom with associated bathrooms and dressing rooms. The second floor contains the 'penthouse' bedroom, bath, dressing room and lounge. In addition to the rear amenity space the dwelling makes provision for balconies and a roof terrace.

The Design and Access Statement originally submitted with the application made reference to, '*cater(ing) for both private and corporate entertainment*'. A number of neighbours were concerned that the applicant was intending to use the new development for a commercial entertainment venture. The Design and Access Statement has subsequently been amended to remove reference to this. Reference was also made to provision of self contained private accommodation for a member of staff to assist in the running of the property, which also raised concern with respect to the number of residential units proposed on the site; reference to a self contained unit were subsequently removed from the amended Design and Access Statement.

A number of objections have also been received which refer to the potential use of the property as flats. It is noted that subdivision of the property, and in particular the penthouse suite to provide a separate unit of accommodation could be achieved with limited alteration to the property. However, the application seeks planning permission for a single dwelling only, any intensification of the number of separate residential units would require planning permission and any application would be assessed on individual merit. Any commercial enterprise or entertainment would have to remain ancillary to the use of the property as a domestic dwelling.

The proposed replacement of the existing dwelling with a single dwelling house is considered acceptable in principle.

Impact on character and appearance of the area

Local Plan policies QD1, QD2 and QD3 ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD1 of the Local Plan requires design aspects such as the scale and height of development, to be taken into account while discouraging pastiche design. Policy QD2 of the Local Plan requires that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design of existing buildings.

The character of the dwellings located along Roedean Crescent do differ in scale, design and materials as do the plot sizes. However, characteristics of the area include large detached homes generally of suburban design with pitched roofs. The western end of Roedean Crescent is characterised predominantly by mock Tudor style dwellings, those on the northern side of the street have a considerable set back from the pavements edge and those on the southern side less so. From 19 Roedean Crescent the building line becomes more staggered and the set back from the pavement reduces with number 27 forming the most forward property on the northern side within views from the west looking along the street to the east.

Number 25 is set on slightly higher ground than neighbouring dwellings and although it is a chalet style property it appears more prominent in views from the west than the neighbouring two storey dwelling of number 27. From number 25 leading to the east along Roedean Crescent the character and design of the properties become more modern in design and character, and the use of materials more varied, however each dwelling still maintains a pitched roof of some sort. It is therefore considered that the site appears to be at a juncture between the identified dwelling styles along the street and can therefore take advantage of this within the design approach. In long views into the site from Roedean Road, the most distinctive characteristic is that of the pitched roofs on the properties.

The existing dwelling at number 25 is a relatively modest scale chalet style property with white rendered elevations and a hipped roof. Even with a fully hipped roof and a low eaves height of a maximum of approximately 5m the property is prominent in both views along Roedean Crescent and in long views from Roedean Road. As such the proposed development must pay regard to the prominence of its position within the streetscene and the wider area.

The principle of a modern designed dwelling on this site is considered acceptable. However the property must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. The proposal however is considered to pay little regard to the character of the area and the scale will read as a visual departure from the established pattern of development in the area. Furthermore, the overall height and width of the development with three and half storeys including the exposed 'basement' level entrance, in conjunction with a very shallow pitched roof design results in a bulk at a height that would read visually as a foreign element in the streetscape.

Similarities with respect to design issues can be drawn from a dismissed appeal for the demolition of the existing house at Linwood House, 12 Roedean Way and redevelopment for 9 flats, (BH2003/03174/FP – appeal ref: APP/Q1445/A/04/1153690), in 2005. The Inspector considered that although the block of flats would have a similar ridge height to the existing property, the Inspector still had concerns over the three storey scale of the development. The Inspector considered that the scale of the proposal would fundamentally alter the character of the scale of development in the area, from two storey family houses set behind Roedean Way to a much more visually intrusive three storey building of flats. As such the Inspector concluded that the scheme was contrary to Policies QD1, QD2, QD3, QD4 and HO4 of the Local Plan (then at its second deposit stage). It is of course noted that this application is for a single dwelling and that the scheme has been amended to include a shallow pitched roof over the half storey element, the overall bulk of the development, however, remains largely unaltered and is clearly comparable to the appeal at 12 Roedean Way.

The property reads as a three and half storey property from the front elevation with the exposed entrance to the basement level included. The bulk of the development is maintained at a width of approximately 17.8 (within a plot approximately 23m in width) to a height of approximately 11m from ground level. The overall height does not appear to exceed that of the existing dwelling according to the outline detailed on the plans, however the scheme entails a significant amount of excavation in order to allow the site to accommodate the proposed dwelling. Therefore comparing the heights of the existing and proposed dwellings in isolation is not an adequate assessment of the overall impact of the scheme on the character of the area. The existing dwelling is sited on the hilltop and the proposed dwelling, as shown on section A-A involves excavation of up to 6m in height to the rear of the building. The existing incline at the front of the site is to be replaced by a slight decline, reducing ground levels by approximately 2.5m at the front of the proposed dwelling resulting in the ground floor accommodation, according to the plans, being provided at a similar level to the neighbouring dwellings.

The existing property is sited further forward within the plot than that of number 23; the prominence of the property is further increased by the inclusion of the projecting east wing and full height atrium (measuring approximately 14.3m in height from ground level). Although it is noted that these elements have been amended to reduce the bulk of the development, objections are upheld with respect to their impact and dominance on the character of the street scene. There are other examples of front balconies and glass atriums on neighbouring dwellings along Roedean Crescent, they do not project to such an extent and are smaller in scale. It is also noted that the methods such as 'living walls' have been included on elements of the dwelling with the aim of 'breaking up the defined outline of the building', this is not considered to be an adequate solution to reducing the visual impact of this overly dominant and bulky building.

The existing front boundary treatment to neighbouring dwellings along Roedean Crescent varies. The majority are largely open with low brick walling

and vegetation. There are some examples of higher front boundary treatment and gated entrances however the majority are largely open. The proposal includes a white rendered front boundary wall and sliding slatted timber gates to a maximum height of approximately 2.5m in height, which is considered to be out of character with the prevailing character of the area. However, number 27 has a white rendered front wall at a lower height to that proposed and without gates and as such it is not considered likely that an appeal could be upheld on this basis alone.

Full elevational details of the proposed gallery, wc and changing facilities have not been provided, as such the full impact of the structure cannot be assessed.

It is noted that planning permission has recently been granted for extensions and alterations to number 3 Roedean Crescent BH2008/00598, which involves the removal of the existing pitched roof and the creation of a flat roof. As stated in the officers report the existing property has a relatively shallow pitched roof, it has a significant set back from the road. The report states, *'The inclusion of the curved glass elevations within the proposed side extension, helps to reduce the visual massing to the property and thereby reduces the impact of the proposed development upon the street scene. Furthermore the height of the overall property, as developed has been designed so that it steps down which reduces the mass and bulk of the property at higher levels.'* It was therefore considered that refusal of the application due to the exclusion of a pitched roof alone could not be justified at appeal. The significant difference between number 3 and number 25 Roedean Crescent is the prominence of the dwelling within the streetscene.

The proposed dwelling is unsympathetic to the existing neighbouring development and would appear out of scale and incongruous within the streetscene of Roedean Crescent, by reason of design, height and massing and would be of detriment to the character and appearance of the street.

Amenity for future and existing occupiers

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 site is situated within an area which is characterised by detached dwellings situated within spacious plots. The proposal site forms one of the larger sites along this section of Roedean Crescent and although the footprint of the dwelling is being enlarged, the retained garden land is considered appropriate to the scale and character of the development and is characteristic for the area.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. The applicant has submitted a Lifetime Homes Standard checklist and on examination of the plans, the scheme appears to be able to accord.

Policies TR14 and SU2 require all new dwellings to provide secure, covered

cycle parking and refuse and recycling storage. Within the sustainability section of the applicants Design and Access Statement, it states that recycling points will be provided inside and out of the building which will segregate the materials accordingly. The proposed siting of such facilities has not been indicated on the plans however it is considered that there is adequate space to make such a provision on the site. If the application were acceptable in all other respects a condition securing such facilities would be imposed. Within the western basement parking area adequate provision has been shown on the plans for secure cycle storage. The scheme is therefore considered to adequately accord to policies TR14 and SU2.

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 dwelling is considered to provide a good standard of living accommodation for future occupiers with a very generous floor area, providing adequate levels of light and ventilation to the majority of the accommodation on the upper floors. The basement has the provision of a 1m deep and 3.8m wide light well to the 'staff' bedroom which offers limited outlook however is considered to be acceptable.

The site, as previously stated, is situated at the highest point along Roedean Crescent. The applicant has submitted a detailed levels survey of the site as existing, however no exact detail relating to Ordinance Datum of the proposed levels on the site or of the adjoining neighbouring sites has been provided. Sections through the site from front to rear and across the site through number 23 and to the rear of number 27 showing the level of the terrace area have been submitted. The terrace to the rear of number 27 does not appear to have been shown wide enough however if the depth is accurate, it is shown as approximately 2.5m lower than the proposed rear level of number 25, the rear garden area at number 27 then rises up steeply to the rear of the site, roughly in line with the end of the rear extension.

The eastern side of the development from the front of the wing to the rear of the gallery measures approximately 40.4m, approximately 10.2m of the length between the rear of dwelling and the proposed gallery is only approximately 2m in height. The main dwelling is approximately 23.8m in depth at ground floor level and 20.7 at first storey level, at maximum height (not including the balustrade and proposed planting or the 'penthouse' which is approximately 3.3m in height above) of 7.5m. The existing property at number 25, which is equidistant from the eastern side boundary however only approximately 7.5m in depth at a maximum height to eaves level of approximately 5.5m before the roof slopes away into a full hip.

The overall height and depth of the eastern elevation, coupled with the proximity to the side boundary with number 27, the varying site levels, the significant level of glazing, and proposed balconies raise significant concerns with respect to the schemes impact on the residential amenity of number 27. It is noted that the windows to the majority of the windows are high level or are likely to be obscure glazed (those servicing bathrooms) some concern is

raised over the siting and angle of the window servicing the guest bedroom and its potential to overlook the rear elevation of number 27. The plans also indicate dense vegetation which exists along the eastern boundary to an approximate height of between 3 and 5m to be 'maintained to protect neighbours privacy'. However, without placing the trees under a Tree Preservation Order, the Council could not prevent the trees and vegetation being removed at a later date. 1m deep and 0.9m high planters have also been introduced in areas along the edge of the terrace and balconies with the aim of precluding adverse overlooking. Although it is considered to potentially lessen the impact, the length, number and height of the proposed balcony and terraced areas is considered to result in unacceptable levels of overlooking to neighbouring properties 23 and 27 Roedean Crescent.

The proposed west elevation, adjacent to the boundary is approximately 12.5m in depth at a maximum height of approximately 7.5m (not including the balustrade and proposed planting or the 'penthouse' which is approximately 3.3m in height above) with a gap of approximately 2m retained between the boundary. The existing dwelling is approximately 12.6m in depth along this elevation and approximately 5.6m to the height of the eaves approximately 0.2m away from the boundary. This relationship is more comparable therefore in scale to the existing dwelling on plan, and increases the separation from the boundary. However, the bulk above the eaves height is greater than the existing dwelling due to the omission of a hipped roof.

The rear of the building curves away from the boundary and at first and second storey level balconies are proposed which are angled towards the boundary with number 23. The plans are annotated to show a frosted glazed screen is proposed to preclude views in the bedroom of number 23, the window for which is within the eastern elevation at first storey level. It is not clear to what height the screen is proposed however it appears to be to a height of less than 1.5m which is not considered to be adequate to preclude overlooking to the secondary bedroom window or the rear garden area of number 23. It is noted that the existing property has a small secondary window to a bedroom which fronts onto the western boundary however the impact of the increased height and size of the balconies when compared with the existing window, the increased overlooking is considered to cause harm.

For the reasons stated above, the proposed development is considered to have an unacceptable impact on the residential amenity of neighbouring dwellings by way of an overbearing affect due to the increased bulk and scale of the property, particularly along the eastern boundary. Whilst it is noted that the overall height of the proposed building will not be higher than the ridge height of the existing building, which is approximately 10.5m in height, the proposed building has a larger footprint and bulk and massing at higher floors. These factors coupled with the lower site level of number 27 is considered to result in the proposal appearing over-dominant when viewed from neighbouring properties and their private amenity space which will be of detriment to their living conditions and use and enjoyment of their private amenity space.

The proposed dwelling will also result in unacceptable levels of overlooking from the proposed curved balconies at first and second floor towards number 23, the angled bay window to the guest bedroom on the eastern elevation and the penthouse roof terraces to number 27. The overall bulk and scale of the development coupled with the level of glazing and balconies will result in an unacceptable level of overlooking.

Traffic

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal and maximises travel by sustainable demands. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in SPG 4 Parking Standards. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The development proposes to maintain a semi-circular driveway and makes provision for basement level parking on both sides of the entrance staircase. The plans originally submitted detailed internal provision for 5 cars with additional parking possible on the driveway. The Council's Traffic Manager was consulted on the application and raised an objection due to over provision of car parking in excess of national and local guidelines therefore failing to comply with policies TR19 and SPG4.

The plans were subsequently amended to show two cars within the same size space, and the Traffic Manager withdrew his objection. The retained garage space and driveway to the front of the property still provides car parking in excess of the maximum standards which would encourage the use of cars at the expense of more sustainable means of travel.

Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. 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. Policy SU13 relates to minimisation and re-use of construction and demolition waste, the policy requires the submission of details to demonstrate how the development will prevent the unnecessary diversion of construction waste to landfill sites.

The applicant has included a section with their Design and Access Statement relating to sustainability issues. The section is divided up under headings including energy and water efficiency, site waste management and use of materials. The statement includes details to be included in the design of the property including photovoltaic cells on the eastern roof slope, the lighting of the property will be achieved using energy efficient lamps and PIR sensors will be used to ensure lights automatically turn off when rooms are not

occupied, rain water harvesting will be incorporated and the water collected used to irrigate the soft landscaping, topping up the swimming pool and flushing the toilets.

In addition to the site waste management section in the applicant's statement, a separate document has also been submitted which goes some way to addressing the requirements of the policy with the assistance of SPD03 – Construction and Demolition Waste which states the applicants intentions. If the application were to be approved a condition requiring the submission of further details would be imposed.

The applicant has also submitted a Sustainability Checklist which would not normally be required for a development of this scale. The additional information relates to how the development can be achieved sustainably in the form of 22 questions. In addition to this the applicant has submitted an EcoHomes Pre Assessment which demonstrates that the scheme can achieve a level of 'Very Good' (66.88). If the application were to be approved, a condition would be imposed to ensure that this level or equivalent was achieved.

The development site is within 100m of an SNCI and within 50m of a garden pond. As such, the Council's Ecologist has recommended that a biodiversity report should, strictly speaking, be required, it would need to do is explain why the development would have no significant effect on the SNCI to the north and would not have an adverse effect on aquatic life in nearby ponds.

A neighbour raised concern regarding the nearby presence of Smooth Newts, they are however protected from commercial sale only in the Wildlife & Countryside Act 1981 - provided their breeding site is not affected, their presence in a nearby garden would not normally impact this development proposal. The application was submitted prior to the new local requirements regarding ecology, as such the requirement for a biodiversity statement was not imposed at the point of registration. If the application were to be re-submitted, a statement would be required owing to the proximity of the SNCI and a garden pond. No protected species were reported or known to be using the site, as such a statement was not insisted upon.

The site address lies within an area of intense archaeological sensitivity. It is considered that policy HE12 can be complied with via a condition being attached to an approval which requires a watching brief to be carried out at the site, with regards to excavation work, as requested by the Brighton & Hove Archaeological Society.

8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION

The proposal will appear over-dominant when viewed from neighbouring properties and their private amenity space which will be of detriment to their living conditions and use and enjoyment of their private amenity space. It will also result in unacceptable levels of overlooking from the proposed curved balconies at first and second floor towards number 23, the angled bay window to the guest bedroom on the eastern elevation and the penthouse roof

terraces to number 27. The overall bulk and scale of the development coupled with the level of glazing and balconies will result in an unacceptable level of overlooking.

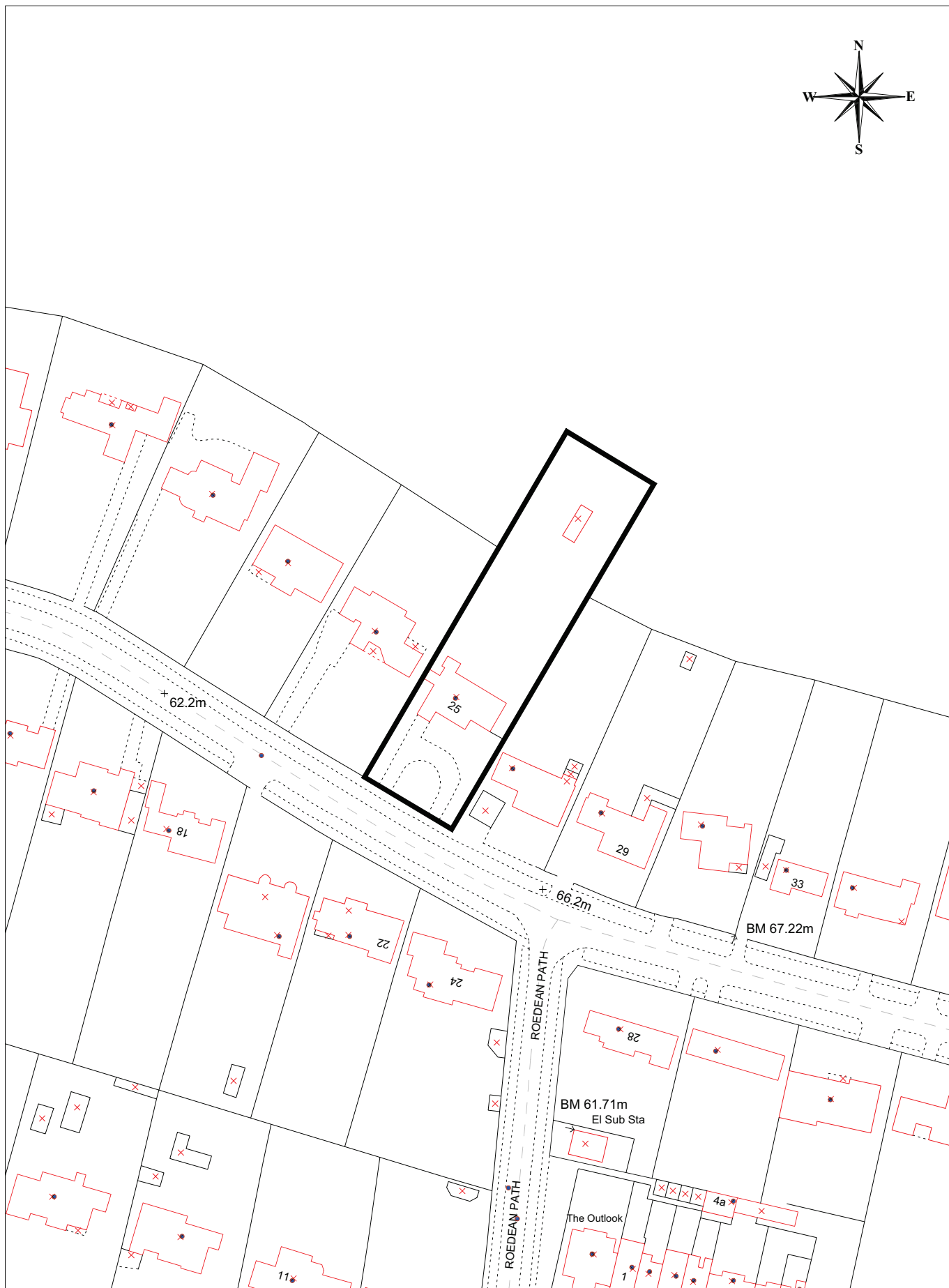
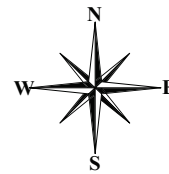
The proposed dwelling is unsympathetic to the existing neighbouring development and would appear out of scale and incongruous within the street scene of Roedean Crescent, by reason of design, height and massing and would be of detriment to the character and appearance of the street.

The proposed area allocated for car parking is in excess of the maximum standards which would encourage the use of cars at the expense of more sustainable means of travel.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2008/01164

SCALE 1:1250

25 Roedean Crescent



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

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<u>No:</u>	BH2008/02842	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	211 Old Shoreham Road Hove		
<u>Proposal:</u>	Conversion of single dwelling to form a 3 bedroom maisonette on ground and first floors and a one bedroom flat on second floor.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	26 August 2008
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	06 November 2008
<u>Agent:</u>	Mr M J Lewis, St Nicholas Lodge, 25 Church Street, Brighton		
<u>Applicant:</u>	Mr Vincent O'Rourke, Oak Lodge, 2 Princes Square, 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. 02.05A Refuse and recycling storage (facilities) (BandH)
3. 05.04 General Sustainability Measures
4. 06.02A Cycle parking details to be submitted (BandH)
5. Before development commences, revised floor plans, detailing the layout of the flats in respect to Lifetime Homes Standards shall be submitted to and approved by the Local Planning Authority in writing. **Reason:** As insufficient information has been submitted, to comply with policy HO13 the Brighton & Hove Local Plan.
6. No development shall take place until a revised written statement, consisting of a Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, 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.A277. 01 08 and 09 received on 11 September 2008, drawing no. 02 received on the 20 October 2008 and supporting statements received on the 26 August 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).

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

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

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and noise control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD14 Extensions and Alterations
- QD15 Landscape design
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes

Supplementary Planning Document

SPD03 Construction & Demolition Waste

Planning Advice Note

PAN 03 Accessible Housing and Lifetime Homes

PAN 05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste

(ii) for the following reasons:-

The proposed conversion retains a unit of accommodation suitable for family occupation. The standard of accommodation appears adequate and could achieve relevant lifetime homes. Cycle parking and refuse storage have been located on site. The development would not cause significant harm to neighbouring properties by way of loss of light, loss of privacy and the increased activity would not cause significant noise or disturbance.

2 THE SITE

The application relates to a semi-detached property on the north of Old Shoreham Road with a shared driveway and a detached garage to the rear of the property. The building appears to have an original front dormer window with the adjoining neighbour at no.209 having an identical feature. Many of the other properties in the street do not have front dormer windows, however the pair at no.219 and no.217 have a similar arrangement. The internal arrangement of the property also appears to support this the assertion that accommodation was originally planned in the roof space. A hip to gable roof extension and rear dormer window has been recently constructed.

3 RELEVANT HISTORY

BH2008/00785 – Conversion to form 3no. 1 bed room flats with dormer to the rear – withdrawn 30/5/2008 following the concern over the description of the development and standard of accommodation being proposed

BH2008/01945 Conversion to form 2 no.1 bedroom flats and 1 no. 2 bedroom flat. Refused 10th August 2008 for the following reasons:

- 1) Policy HO9 of the Brighton & Hove Local Plan requires that one of the converted units of accommodation should be suitable for family occupation. None of the proposed units are suitable for family occupation. Although the ground floor unit has two bedrooms it does have small and cramped living accommodation which fails to provide suitable accommodation and is symptomatic of an overdevelopment of the site. This unit does not represent the size and type of accommodation that responds to the Brighton & Hove's housing needs. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.
- 2) The proposal does not include the provision of any off-street car parking for all the flats and no details of cycle parking have been submitted. In the absence of measures to demonstrate that the proposed development can provide for the travel demand that it will create. The proposal is contrary to policies HO9, TR1, TR14, and TR19 of the Brighton & Hove Local Plan.
- 3) Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alteration. No information has been submitted with application to comply with the requirements of policy HO13 have been met.
- 4) The applicant has failed to demonstrate that the proposal has incorporated efficient use of energy water and resources. No refuse and recycling facilities are proposed. The development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan
- 5) Circular 01/2006 requires the submission of a Design and Access Statement to accompany all planning applications. A design and access statement should illustrate the process that has lead to the development proposal and to explain and justify the proposal in a structured way. The application has not been accompanied by a Design and Access Statement.

4 THE APPLICATION

The application seeks planning permission for the conversion of the existing

house in to two flats, a three-bed ground and first floor unit would have access to the garden, a one-bed unit is proposed at second floor level. There are no external changes proposed.

5 CONSULTATIONS

Neighbours: 205, 207, 209, 213, 215 232, 234, 238 Old Shoreham Road and 2 and 4 Cranmer Avenue object to the application for the following reasons:

- the development does not really result in increased occupancy
- in real terms this application represents a three bedroom house with a small studio above
- noise and disturbance to neighbouring properties due to increased occupancy
- the increased density would have a detrimental impact on infrastructure, including refuse and car parking,
- the area is characterised by semi-detached accommodation, small flats are not characteristic of the area and not practical for shared driveways,
- additional traffic movement would cause a noise and disturbance to neighbouring properties,
- increased vehicle movements would cause a highway safety issue,
- the development would have the potential for 5 cars on site and there is inadequate parking and congestion,
- refuse collection would be impractical, would be unsightly and have there potential for causing obstruction and a safety hazard,
- the development fails to provide for a means of escape
- cycle parking is poor and the garage is not of sufficient size to accommodate a car and bicycles,

Internal

Traffic Manager: No material change to the transport impact therefore no objection in principle. Cycle storage is considered to be of a poor standard.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and Alterations
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations

HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction & Demolition Waste

Planning Advice Note

PAN 03 Accessible Housing and Lifetime Homes

PAN 05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste

7 CONSIDERATIONS

The determining considerations for this application are the acceptability of the principle of the conversion, the quality of living conditions for future occupiers and those adjacent to the site, traffic and transport and sustainability matters.

Principle of Conversion

Brighton & Hove Local Plan policy HO9 specifies a range of criteria for the consideration of conversion schemes. Criteria (a) of the policy seeks to retain smaller self contained residential units, specifying a minimum threshold of 115m² floorspace for existing dwellings in conversion schemes, and requires the provision of a family unit in the proposed layout. The policy also requires that conversion proposals would not be detrimental to neighbouring properties, that the proposal would not result in unacceptable on-street car parking stress and that storage for refuse and bicycles is incorporated into the proposal.

The house has an approximate floor area of 130m² which is above the floorspace threshold of criteria (a) of policy HO9. The conversion also incorporates a three bedroom maisonette over the ground and first floors of the property. This flat would also have sole access to the garden. This accommodation is considered suitable for use family unit therefore responding to this specific requirement of policy HO9.

Impact on Amenity

Brighton & Hove Local Plan policies HO9 and QD27 require that new residential development provides suitable living conditions for future occupiers.

Policy HO13 of the Brighton & Hove Local Plan requires all new residential units to be constructed to Lifetime Homes standards. There has been little attempt to address these standards in this application. There is little detail submitted with the application and this therefore means that an assessment of

the scheme is difficult. It is recognised that the development seeks consent for a conversion within the envelope of the existing building and therefore it might not be possible to achieve all standards. Nevertheless it is expected at a minimum, that the applicant shows commitment to comply with a number of the standards. The conversion results in rooms that are generally a good size and the accommodation of a maisonette in particular would allow for many lifetime homes criteria to be met. Further details for the layout of kitchens and bathrooms of the new units, showing compliance with lifetime homes standards where practical, will be required by condition.

With regard to amenity of neighbouring properties there have been a number of objections from neighbouring properties regarding the impact of the increased occupation. It is recognised that 2 flats in the building could result in increased movements and activity compared to a single family unit, but this is not envisaged to have a significant impact on neighbouring properties by way of noise and disturbance that would justify refusal of the application in this instance.

Design and appearance

The property has been extended in the roof space by a hip-to-gable extension and a large dormer window on the rear elevation. These extensions appear to have been undertaken as permitted development and therefore do not form part of this planning application.

There are no external changes proposed as part of this application, although bin and cycle storage is shown on drawing number the A277/09

Traffic Matters

Brighton & Hove Local Plan policy TR1 requires development to address the related travel demand, TR7 requires that development does not compromise highway safety and policy HO7 states that car free development is acceptable in locations with good access to public transport and local services, where parking controls operate, and where it can be demonstrated that the site would remain genuinely car free.

The application form specifies that the single existing car parking space is to be retained and three cycle parking spaces are proposed. The Traffic Manager has not objected to the proposal in terms of the increase demand created given that this area is outside controlled parking designation. Nevertheless, it is considered that cycle parking should be improved upon. Policy HO9 specifies that cycle parking should be secure and covered and there is sufficient space to accommodate improved facilities. Further details shall be sought by way of a planning condition.

Sustainability

Brighton & Hove Local Plan policy SU2 requires new residential development demonstrate efficiency in the use of energy, water and materials. It is welcomed that habitable rooms would benefit from natural light and ventilation. Refuse and recycling facilities have been identified and cycle parking is located on the site.

Neighbours have also commented on issues with the practicalities of the conversion. Particular concern has been expressed regarding the use of refuse bins. However the area identified is considered sufficient. The Planning Advice Note on Design Guidance for the Storage and Collection of Recyclable Materials and Waste requires flexible storage facilities for converted houses. Such areas should be easily accessible both for residents and collectors. It is considered that the proposals meet this guidance.

Brighton & Hove Local Plan policy SU13 and SPD03: Construction and Demolition Waste require the minimisation of demolition and construction waste. Information has been provided with the application in this respect although should the application be successful it is felt that this would need to be elaborated upon to confirm the diversion of waste material away from landfill

Conclusion

The subdivision of the family house now retains a unit of accommodation suitable for family occupation. The standard of accommodation appears adequate and complies with some lifetime homes. Cycle parking and refuse storage have been located on site. Overall it is considered that a conversion into two units is acceptable for the site.

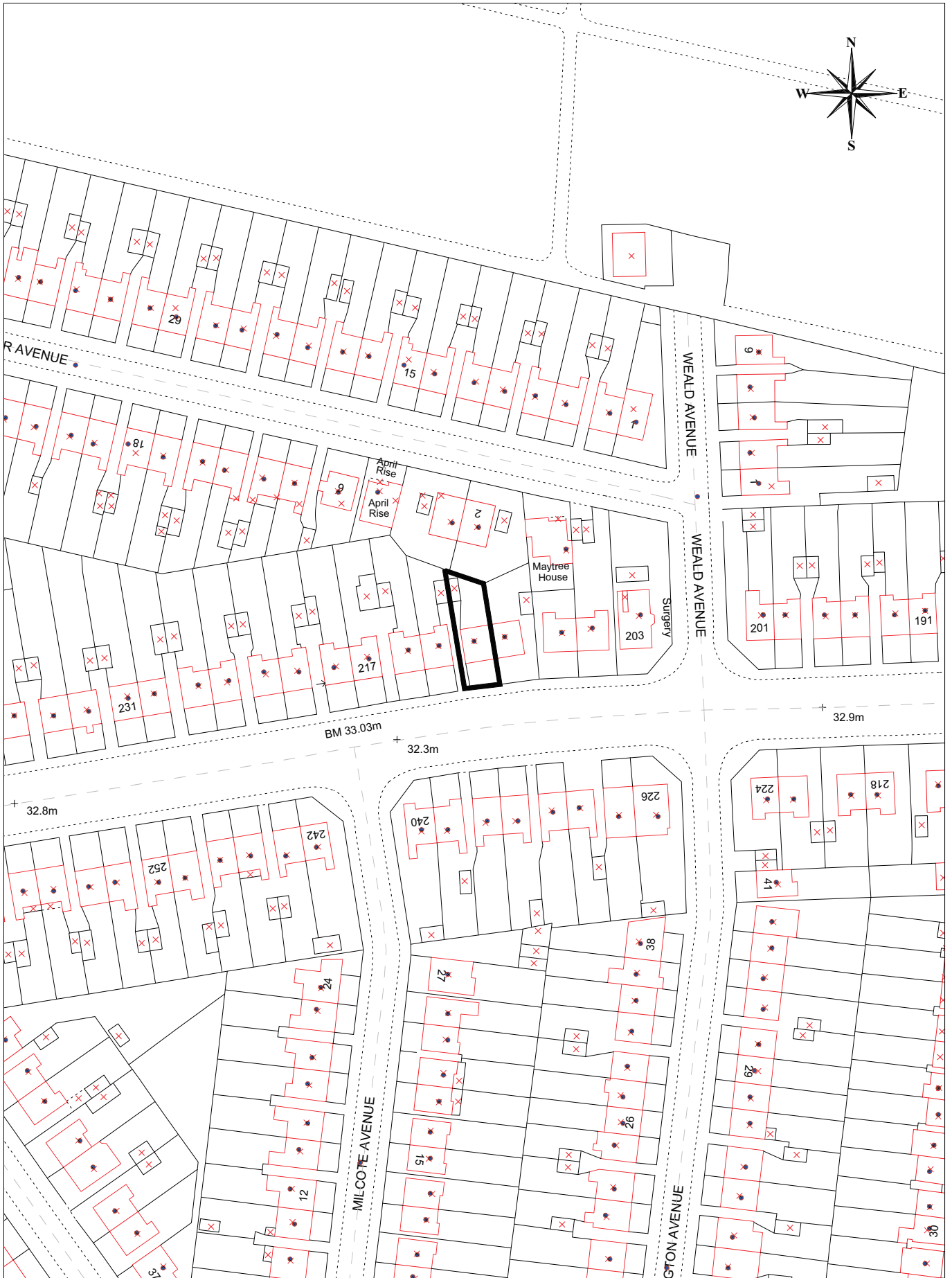
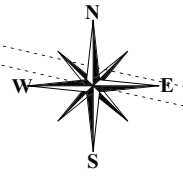
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed conversion retains a unit of accommodation suitable for family occupation. The standard of accommodation appears adequate and complies with some lifetime homes. Cycle parking and refuse storage have been located on site. The development would not cause significant harm to neighbouring properties by way of loss of light, loss of privacy and the increased activity would not cause significant noise or disturbance.

9 EQUALITIES IMPLICATIONS

The development is constrained within the envelope of the existing building but will meet lifetime homes standards when possible.

LOCATION PLAN



BH2008/02842

SCALE 1:1250

211 Old Shoreham Road



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

135

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<u>No:</u>	BH2008/02925	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	49 Old Mill Close Patcham Brighton		
<u>Proposal:</u>	Erection of detached bungalow.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	03 September 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 October 2008
<u>Agent:</u>	Tim Cording, 140 High Street, Steyning, West Sussex		
<u>Applicant:</u>	Mr & Mrs R Hopwood, 49 Old Mill Close, Patcham, Brighton		

1 RECOMMENDATION

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

1. The proposed development, by virtue of its subdivision of the existing plot, would be inconsistent with the pattern of existing development and detrimental to the open character of the area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of the location of the proposed dwelling, would disturb an active badger sett. In the absence of an ecological survey the application fails to take account of the presence of a protected species and would be likely to have an adverse impact, contrary to policy QD18 of the Brighton & Hove Local Plan and the Protection of Badgers Act 1992.
3. No tree survey has been submitted with the application, however the proposal would be within close proximity of existing protected trees on the adjoining site and may result in harm during construction. The application is therefore contrary to tree protection policy QD16 of the Brighton & Hove Local Plan.
4. The proposed dwelling would not be provided with adequate amenity space and would therefore not provide suitable living conditions for future occupiers and as such is contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan.
5. The applicant has failed to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such would be likely to result in excessive use of these limited resources. This would be contrary to policy SU2 of the Brighton & Hove Local Plan.
6. The applicant has failed to demonstrate that the application could meet the requirements of Lifetime Homes standards, contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing titled detached bungalow (unreferenced), design and access and waste management statements submitted on 03.09.08.

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

(ii) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

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

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 the site

QD15 Landscape design

QD18 Species Protection

QD27 Protection of Amenity

HO5 Provision of outdoor recreation space in residential development

HO6 Provision of outdoor recreation spaces in housing schemes

HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition waste

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

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

2 THE SITE

The site is a backland site located in the rear garden of 49 Old Mill Close, a small suburban cul-de-sac. Old Mill Close is characterised by a mix of detached and semi-detached two storey and single storey properties set within substantial plots of land. No. 49 Old Mill Close is a detached single storey bungalow.

3 RELEVANT HISTORY

BH2006/01260 – Land to rear of 47 & 49 Old Mill Close - Construction of 2 four-bedroom detached dwelling houses – Refused 14.06.06. **Appeal dismissed** 17.05.07.

4 THE APPLICATION

Planning permission is sought to construct a single storey detached dwelling in the rear garden of no. 49 Old Mill Close. The dwelling would be positioned in the north western corner of the rear garden, within a rectangular plot measuring approximately 14.6m wide by 20.3m long.

The proposed dwelling would have a floor area of 80m² and comprise a kitchen/dining room, living room, 2 bedrooms and a bathroom. The external measurements would be 8.7m wide x 10m to its deepest point x 5.8m to its highest point. The site would be enclosed by 2m high fencing to all boundaries.

The dwelling would be accessed via a driveway that would run along the western site boundary of 49 Old Mill Close.

5 CONSULTATIONS

External

Neighbours: A total of 9 letters of support have been received.

8 are from various occupiers of **28, 28A and Flat 1, 28 Carden Avenue, 47 Old Mill Close, 24 Midhurst Rise and 8 Warnham Rise** all stating “I write to give my support to the above application and trust that you approve the same”.

The remainder letter of support is from the occupier of **9 Ridgeside Avenue** confirming that there would be no detrimental impact to No. 9 Ridgeside Avenue or the general neighbourhood.

Internal

Transport Planning: We would not wish to restrict the grant of consent of this planning application, subject to the inclusion of the following conditions:

1. The crossover is re-constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.
2. The 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 thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
3. The applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site.

For this proposal the contribution should be: 1 residential unit*10 person trips*£200*100%= £2,000.00.

Arboriculturist: Comments awaited.

Ecologist: Comments awaiting, but during the course of the previous application the following comments were received:

“Badger paths are evident in the garden of no. 49. Badgers and their setts are protected from harm by the Protection of Badgers Act 1992. Both English Nature guidance and Local Plan Policy QD 18 encourage an assessment of whether the impact is necessary and whether steps can be taken to avoid it. Disturbance to the sett could be avoided and the impact on adjacent foraging habitat reduced by relocating the house at plot 2 to the south of the proposed

access road.

An objection is raised on the grounds the application fails to take account of the presence of a protected species, contrary to Local Plan Policy QD18. A detailed ecological survey/report is required for any further application on the site in accordance with the Protection of Badger Act 1992.”

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
- 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 the site
- QD15 Landscape design
- QD18 Species Protection
- QD27 Protection of Amenity
- HO5 Provision of outdoor recreation space in residential development
- HO6 Provision of outdoor recreation spaces in housing schemes
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition waste

Planning Advice Notes

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

7 **CONSIDERATIONS**

The main considerations in the determination of this application are the principle of the development, the impact on the street scene and wider area, impact on ecology, amenity and highway issues.

Principle of the development

The planning history of the site confirms that the development of this site (together with the adjoining land to the rear of no. 47) is unsuitable for the erection of 2no. two-storey dwellings. In the associated Inspector’s report, it confirms that the development is unacceptable for the following reasons:

- The proposal would severely upset the established character of the area;
- The details submitted are lacking in many respects, particularly showing the relationship with surrounding properties;

PLANS LIST – 12 NOVEMBER 2008

- The rear elevations would be perilously close to the mature trees on the northern boundary, and construction is likely to harm these;
- The absence of any ecological survey relating to the impact on a nearby badger sett.

The proposed development seeks to address some of these points, namely by reducing the scale of the development to just one single storey dwelling (albeit the development site has been reduced to include land within the curtilage of the existing no. 49 only).

However, many of the issues raised by the Inspector have not been fully addressed, which are discussed below in detail. It is therefore considered that the principle of the proposal is unacceptable.

Impact on street scene and wider area

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

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of streets and spaces;
- f. Linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. Patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. Natural landscaping.

In addition to the above, the development should take the opportunity to minimise the opportunities for crime to take place, through the integration of its design into the neighbourhood.

The subdivision of the plot itself would result in a new layout of development, which would be out of character of the wider area, by virtue of the siting and access through a new, long driveway, and thus it would appear at odds with the established patterns of housing within the locality. In addition, the smaller plot size created for the proposed unit would be out of keeping with the large spacious plot sizes within the immediate locality.

The previous Inspector considered this impact sufficient to warrant refusal and, albeit on half the appeal site, the current proposal would have the same impact.

The proposed dwelling would be positioned 5.3m from the north (rear) property boundary, 2.8m from the property boundary with no. 49 Old Mill Close and 3.2m from the boundary with no. 47 Old Mill Close. The building being located within this proximity to the side boundaries is not uncommon

within the locality, however all have substantially increased distances to the rear boundaries (due to having large rear gardens).

The site would also be visible from Old Mill Close due to the opening required for the access way, resulting in a number of driveway accesses within a relatively short piece of road frontage (approximately 18m) due to the site's location at the corner of the close.

The proposed dwelling would be smaller in size and bulk to the host property, and is not considered to cause detriment to the wider area in this regard.

Impact on Ecology

Policy QD18 requires that where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat protected under National Legislation, the applicant will be required to undertake an appropriate site investigation.

The Protection of Badgers Act 1992 protects badgers and their setts from harm and the protection of badgers and setts is a material planning consideration. Any building within 10m of a badger sett is regarded as disturbing to the sett.

If a development is proposed in an area where there are known to be badger setts they must comply with the provisions of the Protection of Badgers Act 1992. An ecological survey should be submitted by the applicant detailing the number of badgers on the site, the impact that the proposal is likely to have on badgers and if this can be mitigated, if the impact is necessary or acceptable and if a licence is required from English Nature.

No ecological assessment has been provided with the application, however, during course of the previous application and appeal the presence of badgers on the site was noted. Therefore, full details confirming that the current application would have no impact on badgers would be required to enable a full assessment to be made.

There is an established belt of trees to the northern boundary of the site, some of which are protected. The submitted plan confirms that no trees are to be felled as part of the application; however, due to the close proximity of the development to these trees, it is considered that the development may cause damage to them and as such the application is contrary to tree protection policy QD16.

Amenity Issues

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The living conditions of the proposed dwelling would generally be acceptable in terms of room sizes, privacy, outlook and access to daylight/sunlight.

Policy HO5 requires the provision of private and useable amenity space in new residential development appropriate to the scale and character of the area. The development has limited private and useable amenity space of insufficient size having regard to the size of the unit as a two bedroom dwelling, this aspect is considered inadequate.

As the development would be single storey, enclosed by a 2m high fence, there would be no overlooking or loss of privacy issues. Due to the location of the proposal, to the side and rear of the host and neighbouring properties, there are no issues surrounding loss of light, overshadowing or overbearing bulk/massing issues.

Highways Issues

TR1 requires that new development provides for the travel demand which it generates.

This application includes the provision of off-street parking by virtue of the proposed driveway to access the property. No details have been submitted to confirm the amount of parking spaces proposed, as no external layout is provided.

The proposal also incorporates safe secure cycle parking, and a condition could be recommended to ensure that there is no occupation of the units until this is in place, and to ensure that it is retained as such. This would accord with policy TR14.

Having regard to the Council's transport planning officers comments, if approved, a contribution would be required towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site, this contribution would be £3,000.00, which is calculated on a trip generation basis. The details of this could be included by condition and informative, and thus would be acceptable.

Sustainability

No information has been submitted with this application to assist with assessing whether the scheme could achieve compliance with policy SU2 of the Brighton & Hove Local Plan.

Lifetime Homes

No attempt has been made to address the requirements of policy HO13. Very little detail has been submitted to assist with an assessment.

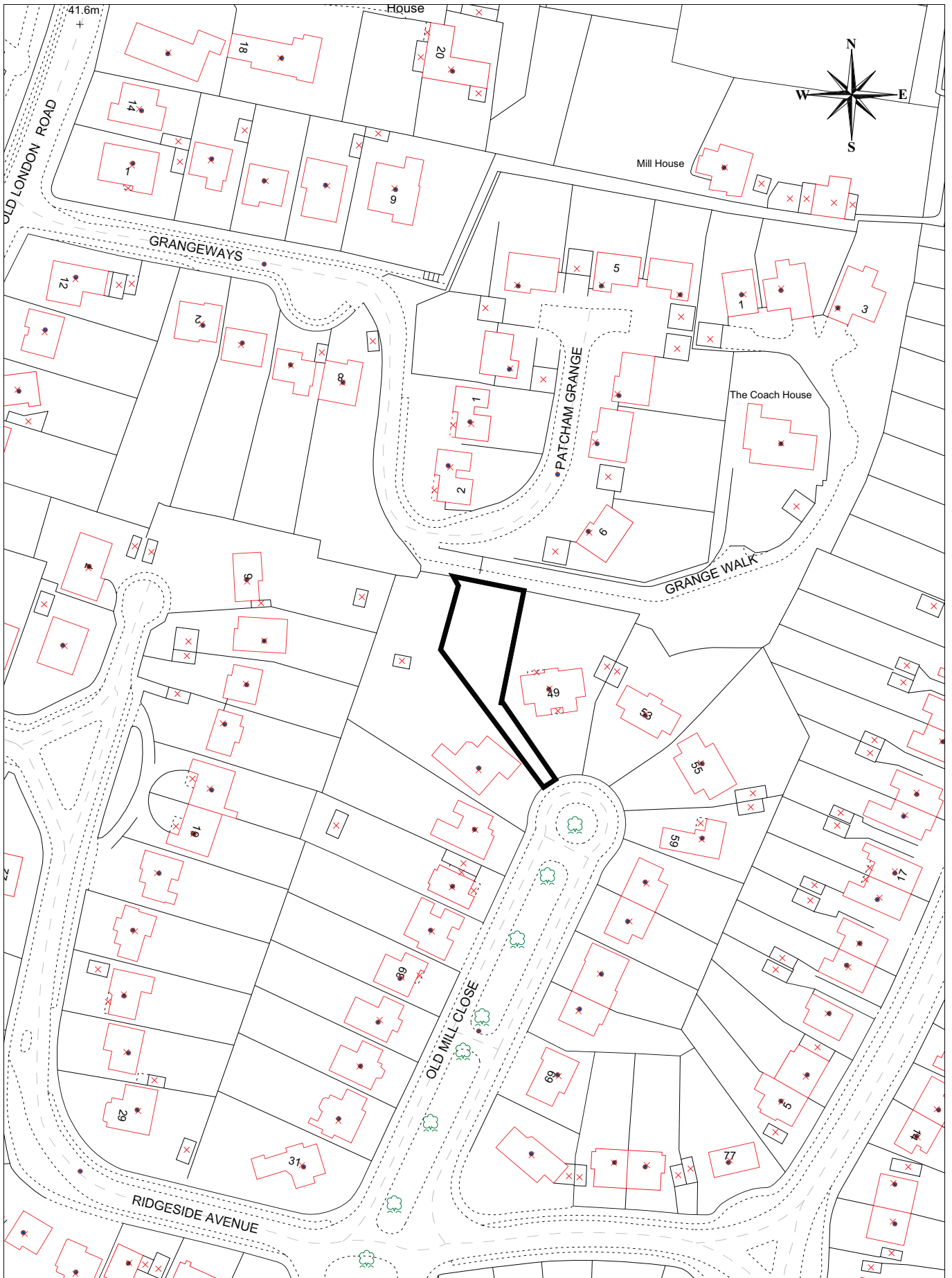
8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION

For the reasons set out above, the proposal is recommended for refusal on the grounds of adverse impact on the character of the area, inadequate information regarding impact on protected species and trees, inadequate amenity space being provided, and failure to demonstrate compliance with Lifetime Homes standards and sustainability measures.

9 EQUALITIES IMPLICATIONS

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

LOCATION PLAN



BH2008/02925

SCALE 1:1250

49 Old Mill Close



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<u>No:</u>	BH2007/04160	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the rear of 49/49a Downs Valley Road Brighton		
<u>Proposal:</u>	Erection of 2 storey dwelling with attached garage.		
<u>Officer:</u>	Liz Holt, tel: 291709	<u>Received Date:</u>	12 November 2007
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 January 2008
<u>Agent:</u>	Design Zone UK Limited, Unit 10 Arundel Mews, Arundel Place, Brighton		
<u>Applicant:</u>	Mr Jim Taylor, 5 Downs Valley Road, Woodingdean, Brighton		

1 RECOMMENDATION

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

Conditions:

1. 01.01AA Full Planning Permission
2. 03.01A Samples of Materials Non-Cons Area (BandH)
3. 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 Brighton & Hove Local Plan policies SU15, TR1, TR19 and QD28.
4. 05.01A EcoHomes / Code of Sustainable Homes
5. 02.01A No permitted development (extensions) (BandH)
6. 02.02A No permitted development (windows) (BandH)
7. The bottom section of the first floor south facing windows shall be formed of a solid panel and retained as such thereafter. Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
8. Access to the flat roof over the dwelling hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
9. The development hereby permitted shall not be occupied until the cycle parking facilities, as stated within the Design and Access Statement submitted on the 12th November 2007, have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times. Reason: To ensure that satisfactory facilities

PLANS LIST – 12 NOVEMBER 2008

for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

10. The development hereby approved shall not be occupied until the refuse and recycling storage facilities, to be located to the rear of the utility room, as stated within the Design and Access Statement submitted on the 12th November 2007, have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
- 11.04.02 Lifetime Homes
- 12.05.03 Waste Minimisation Statement
13. Notwithstanding the information set out in the Design and Access Statement submitted on the 12th November 2007 any removal or pruning of the large holly tree or the hedge which runs along the southern boundary of the site shall be carried out outside of the nesting season (1st March – 31st July). Reason: To protect nesting birds, their nests and eggs in accordance with Schedule 1 of the Wildlife & Countryside Act 1981 and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.
14. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to safeguard neighbouring amenity and to comply with policies QD2, QD16 and QD27 of the Brighton & Hove Local Plan.
15. No works shall commence until full details of a landscaping scheme, which includes an Arboriculturist Survey of the trees to be retained on the site, permeable hard surfacing, means of enclosure, and planting of the development, have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. P01 submitted on 12 November 2007, a Design and Access Statement submitted on 12 November 2007,

PLANS LIST – 12 NOVEMBER 2008

the letter submitted on 18 January 2008, drawing nos. P02RevA submitted on 9 May 2008, drawing nos. 08/159/01 and 08/159/02 submitted on 24 July 2008 and drawing nos. P03RevB submitted on 12 September 2008 and drawing nos. P04RevD and P06RevD submitted on 24 October 2008.

2. The applicant is advised that the requirements of condition 3 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.
3. IN.07 Informative – EcoHomes/Code of Sustainable Homes
4. 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).
5. The applicant is advised that condition 13 is also in accordance with Schedule 1 of the Wildlife and Countryside Act 1981.
6. This decision to grant Planning Permission has been taken:
 - (iii) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,
Brighton & Hove Local Plan:
 - TR1 Development and the demand for travel
 - TR7 Safe development
 - TR14 Cycle access and parking
 - TR19 Parking standards
 - SU2 Efficiency of development in the use of energy, water and materials
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - SU13 Minimisation and re-use of construction industry waste
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD3 Design – efficient and effective use of sites
 - QD14 Extensions and alterations
 - QD15 Landscape design
 - QD16 Trees and hedgerows
 - QD17 Protection and integration of nature conservation features
 - QD18 Species Protection
 - QD27 Protection of amenity
 - QD28 Planning obligations
 - HO3 Dwelling type and size
 - HO4 Dwelling densities
 - HO5 Provision of private amenity space in residential development
 - HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance
SPGBH4 Parking Standards

Supplementary Planning Document
SPD03 Construction and Demolition Waste

Planning Policy Statement
PPS3 Housing and

(ii) for the following reasons:-

The development would make an efficient and effective use of this site. The height and bulk of the proposed development would relate well to that of the existing surrounding properties located on Downs Valley Road and Chalkland Rise. The design of the dwelling is considered not to be of detriment to the visual quality of the Downs Valley Road street scene or the surrounding area. Furthermore the proposal would not result in any significant adverse impacts upon the amenities of the neighbouring properties.

2 THE SITE

The application relates to land located to the rear of nos. 49 and 49a Downs Valley Road and currently provides part of the rear garden areas for these properties. The site slopes upwards away from Downs Valley Road. The surrounding area is wholly residential.

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

Planning permission is sought for the sub-division of land to the rear of nos. 49 to and 49a and the construction of a two-storey, 3 bedroom dwelling with an attached garage.

5 CONSULTATIONS

External:

Neighbours:

47 Downs Valley Road, comments that the responsibility for the current driveway rests with no. 47a Downs Valley Road. In the event of an approval requests that whoever is responsible for the driveway erects a wall or fence along the border in order to preserve privacy.

51 Downs Valley Road, (3 letters received) object to the application on grounds of loss of privacy, over development of the area and the proposal not in keeping with the surrounding properties with regards to design, especially the lack of a pitched roof, and the proposed materials. Raise concern to the proposed flat roof being used for uses other than maintenance.

28A Chalkland Rise, object on grounds of loss of privacy and overshadowing, the building not being in keeping with its surroundings, the close proximity with the neighbouring property and increased noise.

30 Chalkland Rise, object to the application on grounds of the proposal being of inappropriate materials and design for the proposed location. It fails to adapt and merge in comfortably with the prevailing style of the countryside village. Also object on loss of privacy, overlooking and the development compromising any future backland development in their own garden. Concern raised to proposed flat roof becoming a balcony area,

32 Chalkland Rise, object to the application as the development is inappropriate and out of keeping with this part of Woodingdean where properties generally have large gardens and an open aspect. The large gardens encourage wildlife; any housing development will fundamentally change the ecology and nature of the area. The proposal, due to its orientation, will result in over looking and loss of privacy. If the application does succeed it is important that it is as unobtrusive and has a minimal impact on the environment as possible. The height of the stairwell should be the minimum which allows function and the colour and texture/cladding of external surfaces should be appropriate and muted, the whole building should be lowered as much as possible.

Internal:

Traffic Manager: (Original Comments 17/01/2008) Would not wish to restrict grant of consent of this application subject to the inclusion of conditions relating to a contribution towards sustainable methods of transport, the design and construction of the turning head and parking layout and the provision of secure cycle storage facilities.

Arboriculturist: There are several small trees in the rear gardens most of which are along the boundaries and form hedging. They are of little arboricultural value and the Arboricultural Section would not object to their loss.

Ecologist: The only features of note ecologically are a large holly tree and a hedge which runs along the southern boundary. Both these features could potentially be used by nesting birds and therefore in order to ensure compliance with Schedule 1 of the Wildlife and Countryside Act 1981. Recommend that a condition be attached to any planning permission requiring their clearance outside the bird nesting season (normally taken as 1 March – 31 July).

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
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD17 Protection and integration of nature conservation features
QD18 Species Protection
QD27 Protection of amenity
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HO3 Dwelling type and size
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Supplementary Planning Guidance
SPGBH4 Parking Standards

Supplementary Planning Document
SPD03 Construction and Demolition Waste

Planning Policy Statement
PPS3 Housing

7 **CONSIDERATIONS**

In the determination of the application consideration must be given to the impacts of the proposal upon the character and appearance of the Downs Valley Road street scene and the wider area. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions for future occupiers and transport issues matters must also be considered.

The Principle of the New Dwelling

The intention is to sub-divide the existing garden areas relating to nos. 49 and 49a Downs Valley Road, in order to provide a new plot upon which it is proposed to construct a 2 storey, 3 bedroom dwelling with an attached garage.

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land, land which is vacant or derelict and land which is currently in use but which has the potential for re-development. PPS3 identifies residential gardens as previously developed land. As set out above the application relates to existing garden areas related to nos. 49 and 49a Downs Valley Road, which will be sub-divided in order to accommodate the proposed development, which will have in a site area of approximately 408m².

In principle it is considered that the existing garden areas of nos. 49 and 49a Downs Valley Road are substantial enough to be subdivided in order to accommodate the proposed development without appearing too cramped or overdeveloped. The proposal would retain adequate plot sizes for the existing

properties, in keeping with the area's character.

A backland development to the rear of no. 47 Downs Valley Road was granted approval in 1961. This property has since been enlarged by way of the raising of the ridge height and the insertion of dormer windows to create a first floor level and a side extension (application BH2004/01409/FP and BH2007/03283 respectively).

Taking into account of national policy guidance, policy QD3 and the similar developments in Downs Valley Road it is considered that in principle the rear garden area of nos. 49 and 49a would be capable of subdivision and backland development. However the density and site coverage must respect the existing character of the area and neighbouring property amenity must be protected.

With regards to site coverage and density it is stated in the accompanying Design and Access Statement that the proposal takes into account the densities of the existing surrounding properties and the recently completed development within Kevin Gardens and as such the proposed property has been designed to reflect the existing residential density.

Design

The applicant intends to construct a two-storey dwelling with a modern art-deco appearance. The proposed dwelling will be formed of a flat roof, a staircase tower on the northern side of the property, two single storey flat roof sections and an attached garage to the west of the dwelling.

A characteristic of properties within this part of Woodingdean are their prominent pitched roofs. As set out above the proposal is for a new dwelling house constructed in a modern interpretation of an art deco style property with a flat roof.

The proposed dwelling will be located to the east of nos. 49 and 49a Downs Valley Road which are chalet bungalows. Despite the modern design of the proposed property and the omission of a pitched roof, as a result of the positioning of the proposed dwelling behind the existing properties and the urban form of the surrounding area it is considered that the proposed development will not be highly visible from within a majority of the Downs Valley Road street scene or the wider area. Therefore it is considered that the proposed development will not be of detriment to the character and appearance of the Downs Valley Road street scene or the wider area.

Plans submitted as part of the application show the proposed dwelling in context with properties located to the west of the site on Downs Valley Road and properties located to the east on Chalkland Rise and in context with no. 47a Downs Valley Road. The site is located on a gradient. In order to accommodate the proposed development plans show part of the land will be excavated. Overall it is considered that the height of the proposed dwelling is acceptable.

The external materials proposed are as follows,

- roof, grey GRP roof covering with concealed gutter and cedar clad fascia/soffit,
- walls, rendered blockwork painted off white with coloured band and horizontal cedar cladding to the south elevation whilst the proposed tower will be clad with vertical cedar cladding, and
- windows/doors, light grey powder coated aluminium windows and sliding doors, glass blocks to the proposed tower and a front door and garage door constructed of vertical timber cladding.

Despite the above information being submitted as part of the application, in order to ensure a satisfactory appearance to the development in accordance with policies set out in the Brighton & Hove Local Plan it is recommended that a condition is attached to the approval requesting the submission of samples prior to the commencement of the development.

Living conditions for future occupiers

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposal will result in the subdivision of the existing garden areas related to nos. 49 and 49a Downs Valley Road which will result in the provision of a front, rear and side garden area to the new dwelling and retained, albeit smaller, rear gardens to nos. 49 and 49a Downs Valley Road. Since submission of the application, following concerns raised by the Local Planning Authority, the proposed first floor balcony area has been removed.

Policy HO13 of the Brighton & Hove Local Plan requires the additional accommodation to be built to lifetime homes standards and the conversions to comply with the standards wherever possible. There are sixteen standards relating to lifetime home standards. Drawings submitted as part of the application show the possible positioning of a hoist within the garage to aid access, a roof joist within bedroom 2 also to allow for the installation of a hoist in addition to a section of the wall within bedroom 2 being a studwall to allow for future alterations for direct access into the adjacent bathroom area. Within the submitted Design and Access Statement it is stated that the design of the property takes into account lifetime homes standards. Due to the limited details provided as part of the application it is considered that the Lifetime Homes condition is attached to the approval.

Although no details are shown on the plans submitted as part of the application it is stated within the submitted sustainability statement that an area to the rear of the utility room allows for sufficient space for refuse and recycling and facilities. It is recommended that a condition is attached to an approval ensuring that these facilities are implemented.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. The sustainability statement submitted as part of the application does mention ways in which the proposed property is considered to be sustainable, for example the provision of

rainwater collectors for the garden area. The sustainability information details mentioned in the submitted Design and Access Statement is noted however the proposed development must be constructed to achieve a BREAM rating of Very Good/Excellent or a Code for Sustainable Homes rating of level 3 or higher, to accord with this Local Plan Policy. It is recommended that a condition is attached to the approval to ensure implementation of this element of the development, prior to commencement of the development.

Since submission of the application the proposal has been amended in order to incorporate a rooflight above the proposed first floor bathroom, to comply with policy SU2.

The sustainability statement also refers to building materials being sourced locally. It is considered that the information submitted in the statement is not sufficient in quality to accord to policy SU13 of the Brighton & Hove Local Plan and therefore a condition is recommended so that the information can be submitted and agreed prior to implementation.

Transport issues

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

The proposed development includes the provision of an attached single garage located to the west of the proposed dwelling house which will be accessed via the existing driveway related to no. 47a Downs Valley Road which is located between nos. 47 and 49 Downs Valley Road. A shared turning head will be located adjacent to the proposed garage. Despite the comments made by the Council's Traffic Manager it is considered that further details for the access road and turning head are not required as the access road is already present and used by no. 47a in addition to the area being located away from the main highway and therefore the turning head will only be used by the occupiers of the proposed dwelling and visitors.

The site address is not a controlled parking area. Policy TR1 states that all new development should be designed to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car.

An area for the secure storage of cycles has not been included on the plans submitted as part of the application. However it is considered that within the site sufficient space would be provided and the Design and Access Statement states that such facilities will be provided within the site. A condition is attached to ensure that such facilities are provided.

In accordance with advice from the Council's Traffic Manager the proposal is considered to accord with the criteria set out in policy TR1 subject to a contribution of £2000 to fund improved sustainable transport infrastructure in the vicinity.

Impact upon neighbouring properties amenities

The sole access to the proposed unit would be via an existing driveway which provides access to an existing backland development, no. 47a Downs Valley Road, located between nos. 47 and 49 Downs Valley Road. As a result of the approval of application BH2006/01816 the southern elevation no. 47 Downs Valley Road was extended further to the south resulting in the built form of this neighbouring property being located close to the driveway which currently provides access to no. 47a Downs Valley Road. The comments received by the occupier of no. 47 have been noted with regards to the request for a screen along the driveway to be installed to protect their privacy. The section of the existing driveway located adjacent to no. 47 Downs Valley Road will not be altered as a result of the proposed development. Overall it is considered that the intensity of the use of this access route as a result of the proposed development will not significantly increase and therefore will not have a significant adverse impact upon the amenities of the occupiers of nos. 47 and 49 Downs Valley Road.

In order to mitigate the impacts of the proposal upon the amenities of the occupiers of nos. 49 and 49a Downs Valley Road the proposed dwelling has been orientated so that the main windows within the property face south rather than west towards the properties in which the proposal will be located at the rear of.

The proposed dwelling will be located approximately 11m away from the new boundary which will divide the site of the proposed dwelling from the retained garden areas of the existing dwellings, nos. 49 and 49a Downs Valley Road. A minimum distance of approximately 26m will be located between the proposed western facing elevation of the new dwelling and the east facing elevation of nos. 49 and 49a Downs Valley Road. Due to the limited number of windows within the proposed western facing elevation of the new dwelling and the distance between the development and the existing properties located directly to the west of the site it is considered that the proposed new dwelling will not have a significant adverse impact upon the amenities of these neighbouring properties with regards to loss of privacy or overlooking.

Following concerns raised by the Local Planning Authority with regards to the adverse impacts upon the amenities of the neighbouring properties as a result of the proposed first floor balcony area the proposal has since been amended in order to omit this feature. It is acknowledged that the proposal still includes the provision of first floor south facing windows however the proposal no longer provides a raised amenity area which would have resulted in a higher level of loss of privacy and overlooking than the proposed windows within the southern facing elevation of the property which faces towards the rear garden areas of properties located on Downs Valley Road. .

Furthermore, there is established vegetation located along the southern boundary of the proposed site. The extent of vegetation to be removed is unclear, however, landscape conditions and a boundary fence condition are proposed in order to ensure that replacement planting and/or the installation of fencing occurs along this boundary which will help screen the development

and reduce overlooking. Land will be excavated and as a result the ground level of the proposed dwelling will be set at a lower ground level than the garden level of No.51. With screening along this boundary it is only the first floor windows which will overlook the end section of the garden of No.51. Therefore, it is considered that the proposal would not adversely impact on the residential amenity of No.51.

The proposed dwelling will be located a minimum of approximately 1.5m away from the existing boundary which divides the rear gardens of nos. 49 and 49a Downs Valley Road and properties located on Chalkland Rise. The existing west facing elevations of nos. 28a and 30 Chalkland Rise, which are located directly to the east of the site address, will be located approximately 34m away from the east boundary of the site address. Within the east facing elevation of the proposed dwelling a ground floor window and part of the curved glass staircase wall will be located. No significant adverse impacts upon the amenities of the eastern neighbouring properties are envisaged as a result of the proposal with regards to loss of privacy or overlooking.

Following concerns raised by the Local Planning Authority further plans such as a topographical survey of the site and the adjacent neighbouring properties have been submitted in order to demonstrate that the proposed dwelling will not have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

Due to the design, height and positioning of the proposed new dwelling in relation to the neighbouring properties it is considered that the properties surrounding the site address will not be adversely affected with regards to overshadowing or loss of light/sunlight as a result of the proposed development.

Finally in order to further protect the amenities of the neighbouring properties, it is recommended that a condition is attached to the approval stating that access to the flat roof of the property shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Other Issues

No objections to the removal of any vegetation within the site have been raised by the Council's Arboriculturist. However, following a site visit from the Council's Ecologist to the site features of note ecologically were identified, namely a large holly tree and the hedge which runs along the southern boundary of the site. It is not clear from the plans submitted as part of the application how exactly these elements will be affected by the proposed development, as these features could potentially be used by nesting birds, it is recommended that a condition is attached to the approval with regards to when these features can be altered or removed.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

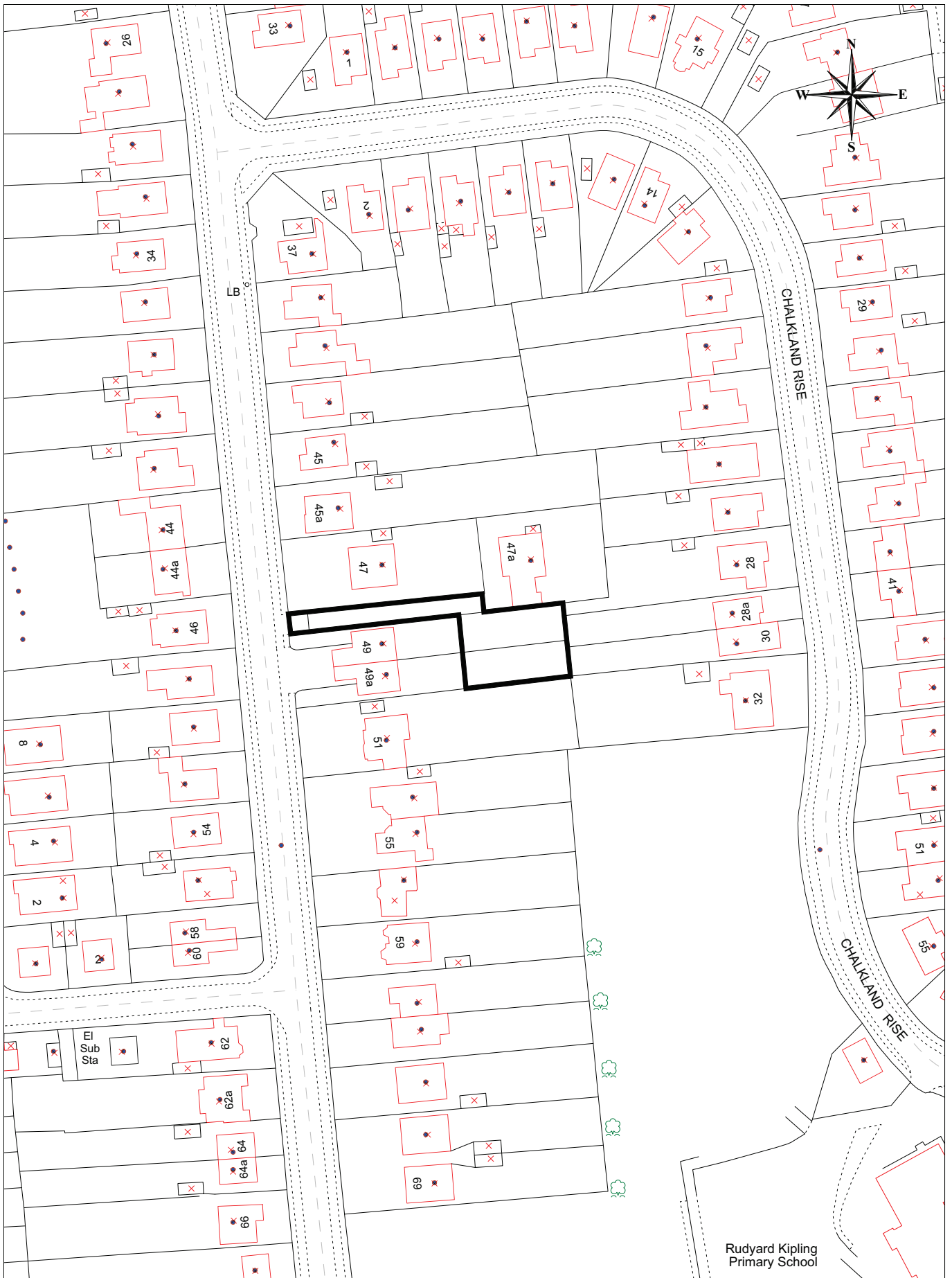
The development would make an efficient and effective use of this site. The height and bulk of the proposed development would relate well to that of the

existing surrounding properties located on Downs Valley Road and Chalkland Rise. The design of the dwelling is considered not to be of detriment to the visual quality of the Downs Valley Road street scene or the surrounding area. Furthermore no significant adverse impacts upon the amenities of the neighbouring properties are envisaged.

9 EQUALITIES IMPLICATIONS

The proposed dwelling is required to comply with Part M of the Building Regulations and the Council's Lifetime Homes Policy.

LOCATION PLAN



BH2007/04160

SCALE 1:1250

Land to rear of 49/49a Downs Valley Road



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

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<u>No:</u>	BH2007/04462	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Royal Alexandra Hospital, 57 Dyke Road		
<u>Proposal:</u>	Conservation Area Consent for demolition of existing buildings (former children's hospital).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Montpelier & Clifton Hill Adjoining West Hill	<u>Expiry Date:</u>	05 February 2008
<u>Agent:</u>	Boyer Planning Ltd, Groveland House, Church Road, Windlesham		
<u>Applicant:</u>	Taylor Wimpey UK Limited, Tyrell House, Challenge Court, Barnet Wood Lane, Leatherhead		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons set out in this report and resolves that the Local Planning Authority would have **Refused** conservation area consent for the reasons set out below, had an appeal against non-determination not been lodged by the applicant:

1. Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the sites development. In the absence of an approved planning application for the redevelopment of the site the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.

Informatives:

- 1) This decision is based on supporting statements (Boyer Planning & David Lewis Associates) and drawing nos. 7964 FE AS00 C, 602 E, 603 E & 604 E submitted 30th November 2007; and drawing nos. 7964 PL 15, 101 & 115 submitted 11th December 2007.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The site contains a collection of buildings with the main building dating back to 1880 and designed by the local architect Thomas Laison. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children until relocating to new premises on the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site was sold to the applicant in July 2007 and has been vacant since.

3 RELEVANT HISTORY

Planning permission was refused at Planning Committee in March 2006 for 'demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)'. The reasons for refusal were:-

1. *It is considered that the design of the development by virtue of its height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill conservation area and the setting of the West Hill conservation Area. In addition the Clifton Hill frontage would have a detrimental impact on the adjoining listed coach house. The proposal would therefore be contrary to policies, QD1, QD2, QD4, QD5, HE3 and HE6 of the Brighton & Hove Local Plan.*
2. *The applicant has failed to demonstrate that flats in the main block which have a north facing aspect would result in an acceptable and appropriate standard of accommodation. The proposal is therefore contrary to policy SU2, and HO4 of the Brighton & Hove Local Plan.*
3. *Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards into the design of the flats with no side transfer in any of the bathrooms.*
4. *The applicant has failed to provide sufficient information in order for the Local Authority to make an assessment of the suitability of the proposed bio mass fuel plant and is therefore contrary to policy SU9 of the Brighton & Hove Local Plan.*
5. *Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Management Plan with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. The information submitted is not considered sufficiently detailed to demonstrate compliance with policy SU13 and SPD03.*
6. *The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.*

An appeal against this refusal has been submitted to the Planning Inspectorate and will be considered at an enquiry, the date of which has yet to be set.

A revised planning application for 'demolition of all existing buildings. Erection of 151 residential units including 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping' is currently under consideration (ref: **BH2008/02095**).

A new application for conservation area consent has also been submitted, to accompany the above planning application, and is currently under consideration (ref: **BH2008/02808**).

4 THE APPLICATION

The application seeks conservation area consent for demolition of all existing buildings on the site. The application has been appealed for non-determination and will be subject of an enquiry, the date of which has yet to be set.

5 CONSULTATIONS

External:

Neighbours: 57 letters have been received from:-

Addison Road – 2
Brunswick Square – 15A
Chanctonbury Road – 17
Church Road – 191A
Clifton Hill – 17, 29
Clifton Place – 6, 10, 16
Clifton Road – 8, 9, 23
Clifton Terrace – 17
Compton Avenue – 6
Court Ord Road – 4
Dyke Road – Homeless House (flat 82)
Dyke Road – 28 (garden flat), 36
Freshfield Street – 2 (x2)
Granville Road – 1 (flat 9)
Guildford Street – 16
Holland Road – 73
Islingword Road – 72
Kemp Street – 45
Montpelier Street – 16 (x2)
Nevill Way – 4
Palmeira Avenue – 19 (FFF)
Powis Grove – 1 (x3), 1A, 1B, 5
Powis Road – 10
Powis Villas – 2, 5
Preston Drove – 35

Saxon Road – 22
Stafford Road – 50 (flat 1)
St Nicholas Road – 32
Sunninghill Avenue – 22
Temple Street – 22
Trafalgar Terrace – 9
Upper North Street – 41 (x2), 48
Victoria Place – 1
Victoria Street – 11, 16
West Hill Street – 2 (x2)
Woodside Avenue – 2, 7
Wykeham Terrace – 1, 2

8 letters of no address

objecting to the proposal for the following reasons:-

- the hospital is an important and much appreciated part of the landscape and its loss would be detrimental to the conservation area;
- there are many instances of similar buildings being successfully converted to flats;
- the proposal is not the best use of a site which could be developed within the existing façade;
- demolition should not be allowed without a full and public feasibility study into the possibility and merits of converting the main building for residential and community uses;
- the submitted costing of converting the hospital building appear to be inflated;
- regard should be given the retaining the twin cupolas which are an integral part of the Brighton skyline;
- the demolition would be a waste of perfectly good building materials and cause disruption, noise and general pollution;
- the proposed new buildings should be superior in design to the existing for demolition to be acceptable. The proposed development is not sympathetic to the surrounding area, is an overdevelopment, would harm neighbouring amenity and result in additional traffic congestion.

3 Castle Street and **77 (flat 2) Montpelier Road** support the demolition of buildings which are not historically or architecturally important.

4 Hendon Street considers that on balance the community needs a new surgery rather than a building kept in aspic.

Ancient Monuments Society: object to the proposed demolition. The hospital may not have the same sort of architectural characteristics as the stuccoed houses in the area but is representative of its building type and plays a distinctive role in the neighbourhood. PPG15 para 4.27 sets out a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. This advice is especially pertinent to the Royal Alexandra Hospital.

The Brighton Society: object to the proposed demolition. The Royal Alexandra Hospital is an exceptional building and its loss would be detrimental to the conservation area. The proposed design cannot be considered as exceptional and bring a bland presence to the conservation area.

The original southern building is an essential part of the City and a major contributor to both local conservation areas. Whilst the ancillary buildings may have to be demolished to provide an area for valid development the original southern building should remain as an essential part of Brighton and a major contributor to the conservation area.

CAG: object to demolition of the existing building which makes a hugely important contribution to the townscape. Members of the group mentioned other large non-domestic buildings in the city that had recently been successfully converted to residential use, most notably the former depository at 75 Holland Road, the French Convalescent Home and Rottingdean Place, and considered that the case for conversion had not been properly addressed.

District Valuer: a scheme that retains the main hospital building has been agreed to test whether it is economically viable. The Taylor Wimpey figures demonstrate a deficit of over £1.4m, whereas our figures show a small surplus for land acquisition of £161,620. This would be insufficient to bring the property forward for development. Consequently the tested conversion scheme is not financially viable. In order to make a conversion scheme financially viable 147 new-build units would be required on the remainder of the site.

English Heritage: the Princes Alexandra Hospital for Sick Children is an attractive building of the late 19th C and some fine features survive from this period, particularly the impressive Queen Anne revival 1881 main façade and return to the south. There have however been later additions and changes that compromise its overall architectural interest. The pavilion plan remains largely readable but by this date the arrangement, and indeed the specialist building type, were not rare. However, the building has clear interest in its local setting, and it makes a strong contribution to the character of the conservation area. The case for removal needs to be most carefully considered under the criteria set out in PPG15.

Regarding the other buildings on the site these too are generally of a scale and form and style that sit very comfortably with the context of the hospital and surroundings, they too have suffered insensitive additions but these are of such a nature that they could be removed. The villa on the NE corner of the site follows the pattern, rhythm and form of domestic buildings in Dyke Road. It contributes positively to the prevailing street form associated with domestic buildings on both sides of Dyke Road.

With regard to the proposed development (*ref: BH2007/04453*), any buildings here should suitably improve the site and its contribution to the conservation

area. However, earlier concerns remain. The development would impart a strong sense of bulk, lacking in the essential domestic scale and form that would sit sensitively in its surroundings. The principle buildings prominence is achieved via a combination of height, bulk and step change rather than elegance and interesting detail. Consider the current planning proposal should be rejected.

North Laine Community Association: object, the Alex is a landmark building in Brighton & Hove in a prominent City centre site and conservation area. Any development should retain the original building.

Regency Square Area Society: object to the proposed demolition. The building is a major feature within an important conservation area and has played a role in the personal lives of many people throughout Brighton & Hove. There is little point in having conservation areas if a building of this stature can be demolished.

The Victorian Society: object to the proposed demolition. Understand that some selective demolition is required on this site as, like many hospitals the Royal Alexandra has accrued a mixture of less than important buildings around it. It is also vitally important that some change does occur to ensure the financial viability and future of the hospital building, but we would like to stress that this should not be at the expense of a key historic feature of the Montpelier and Clifton Hill Conservation Area.

The Royal Alexandra Hospital is an attractive and well built part of the history of this area. It is still in fair condition and lends itself well to adaptation and so offers the possibility of a potentially exciting conversion project. The proposed replacement residential blocks are not of sufficiently remarkable design to warrant the destruction and waste of this historic building.

Internal:

Conservation & Design: the applicants contend that the hospital has been greatly altered and makes no positive contribution to the character or appearance of the Montpelier and Clifton Hill Conservation Area. Having inspected the various buildings, including their interiors there are a number of buildings on the site that do make a positive contribution, albeit their contribution would be significantly enhanced by the removal of later unsympathetic alterations, and the reinstatement of missing architectural features.

The original design of the principal hospital building is of a very pleasing Queen Anne revival style handled with conviction by a local architect with some fine local architecture to his name. Regrettably later extensions and alterations have significantly diminished its interest. English Heritage has considered a request to list the building but concluded that the building has been too greatly altered for it to have sufficient architectural or historic interest to merit listing. Nevertheless the hospital retains architectural merit. Of particular interest is the administration entrance block which retains many original external decorative features. It is richly modelled and provides an

exuberant contrast to neighbouring villas, no more no less than the location deserves. The interior is of no special interest. The wards have been subdivided, original external walls removed and the octagonal bays at the southern end have lost their shape and function. The cost of external restoration work will be considerable. Nevertheless it is considered readily adaptable to new uses, and having regard to its original function, room proportions and elevations it might equally well suit a commercial use as a residential use, but in either cases it will require very significant investment, that brings into question its viability.

As a whole the hospital site merits selective demolition and support for the retention of selected buildings is on the basis that they are capable of restoration, for example by the restoration of timber windows, external fabric and roof features and the removal of later extensions. Of the view that the future of the hospital building might reasonably depend upon the ease with which the building might be successfully converted and its original form and missing features restored.

The District Valuer's summary report concludes that a housing scheme of 55 dwellings, including the retention and conversion of the principal hospital building, would be insufficient to bring the site forward for development and that the 'conservation' option is not therefore considered financially viable. Moreover he suggests that some 147 new dwellings would be required, to ensure viability and to support the conservation deficit; in which case I would suggest that the preservation of the principal hospital building would require a housing development of a height and density well in excess of that, that might be considered acceptable having regard to the wider urban context and the setting of the hospital building. Cross subsidy would not therefore appear to be an option.

Other land use options are unlikely to achieve a commercially viable development for this site that might secure the building's preservation. Moreover public subsidy, e.g. through grants, would not be available to make up any deficit.

For these reasons it is reluctantly concluded that the hospital building is beyond economic repair, and accepted that there is no viable alternative use. Whilst this is hugely disappointing attention should now focus on securing a new development of the highest architectural quality that both preserves the area's character and produces benefits that outweigh the hospital building's loss.

In its present form agree with the opinion of both English Heritage and the Regional Design Panel that the proposed development is not of the required design quality having regard to the criteria in local plan policy QD1 nor contributes positively to its immediate surroundings and would, by virtue of its height, scale, bulk, mass and appearance, cause harm to the character and appearance of the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

6 PLANNING POLICIES

It should be noted that an informal Planning Advice Note was prepared in 2006 prior to the sale of the hospital site. The note was not subject to any form of public consultation and was not formally adopted as a supplementary planning document. The note therefore carries only limited weight in the determination of this application which should be determined in accordance in accordance with the Brighton & Hove Local Plan, unless material considerations indicate otherwise. In this instance relevant policies are:-

- HE8 Demolition in conservation areas, and
- Planning Policy Guidance 15: Planning and the Historic Environment.

7 CONSIDERATIONS

The main issue of consideration is whether the proposed demolition would preserve or enhance the character or appearance of the Montpelier & Clifton Hill and West Hill Conservation Areas.

The Royal Alexandra Hospital site is prominently positioned at the junction of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern end of Clifton Hill has the character of a quiet service lane for housing in Powis Grove and Powis Villas with the most distinctive features being the tree cover within the hospital site, flint boundary walling, and the newly listed former coach house. In contrast the semi-detached villas fronting the site on the eastern side of Dyke Road, within the West Hill Conservation Area, have a consistent and uniform rhythm and appearance distinct from the adjoining hospital development.

The applicant has commissioned an assessment of the architectural quality of the various buildings on the site. The report considers that taken as a whole the original building's design is of little architectural interest, noting that the original principal elevation composed 3 visually discrete symmetrical parts, two of which are now concealed behind a later contrasting addition and that these result in a series of independent unrelated elevations with little sense of cohesion. The report concludes that the existing buildings do not make a positive contribution to the appearance, character or quality of the conservation area and the proposal would remove an 'untidy and redundant hospital complex of little architectural merit or value'. This conclusion is not shared by the Council's Conservation Officer, English Heritage or the Victorian Society.

It is accepted that taken as a whole the hospital site merits selective demolition. For example at present the external spaces, access and routes through the site, and secondary buildings across the site provide an unsightly unplanned arrangement which has an adverse effect on the surrounding Montpelier & Clifton Hill and West Hill Conservation Areas. For this reason there is no objection to the demolition of these buildings.

Similarly the villa at the northern end of the site, although of a type and appearance typical of the area and period, is isolated and disconnected from other similar properties in the area and has been significantly disfigured by

later alterations and extensions, and its traditional garden setting lost. Its contribution to the area's character is therefore slight and subject to a satisfactory replacement building no objection is made to its demolition.

However, the principal hospital building, as extended, is an attractive building which retains a number of features from the late 19th C period and an impressive main façade. Whilst a request that the principal building and others are listed was rejected by the Secretary of State in 2006 English Heritage consider the building has a clear local interest and makes a strong contribution to the character and appearance of the Conservation Area. This importance is reflected by the Montpelier and Clifton Hill conservation area character statement which states that the Royal Alexandra hospital building 'is an important part of Brighton life and a well known local landmark'.

There is a presumption in both local and national policy in favour of retaining buildings, such as the principal hospital building, which make a positive contribution to the character or appearance of conservation areas. Local plan policy HE8 states that the demolition of a building and its surrounding which make such a contribution will only be permitted where all of the following apply:-

- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner / applicant);
- b) viable alternative uses cannot be found; and,
- c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Furthermore the policy advises that demolition will not be considered without acceptable detailed plans for the site's development.

The applicants have submitted a feasibility study for a development involving the renovation and conversion of a retained principal hospital building to 21 flats with new development to the rear comprising a further 34 flats, a modest number selected to safeguard the setting of the principal building. The study indicates that this alternative scheme, and retention of the principal building, would not be viable, even with a nil site value. There is no evidence to suggest deliberate neglect of the building and it is noted that although the building is not fully secured, with windows and doors open at the time of a site visit in September, this has not caused any demonstrable damage to the buildings structure or contributed to the overall findings of the feasibility study.

The District Valuer was instructed to assess the accuracy of the feasibility study and concluded that despite significant differences in the expected conversion costs (with the applicant's figure being significantly higher) a conversion / new build scheme of 55 units on the site would not be viable. In order for a scheme retaining the principal hospital building to be viable the District Valuer has indicated that 147 new-build flats would need to be

accommodated on the site. There are no reasons to dispute these findings.

If retained the hospital building would influence the scale of development that could be achieved elsewhere on the site. The assessed scheme (for 55 units) is of a significantly lower density than that proposed under recent proposals for development of the site (ref: BH2007/04453 & BH2008/02095). However, the scheme reflects the scale and height of development that could most likely be accommodated on the site in order to respect the setting of the retained principal hospital building.

The Conservation Officer has advised that the District Valuer's estimated number of units to make retention of the building viable would result in a height and density well in excess of that which might be considered acceptable having regard to the wider urban context and the setting of the principal hospital building. On this basis cross subsidy between old and new elements of the site is not an option, and there is little realistic possibility of public subsidy to make up the financial deficit.

For the reasons outlined above it is considered that the principal hospital building is beyond economic repair and that there is no viable alternative use for the premises.

PPG15 (Planning and the Historic Environment) advises that consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment: local plan policy HE8 requires that redevelopment should both preserve the area's character and produce substantial benefits that would outweigh the building's loss.

In terms of the merits of the proposed replacement building planning permission was refused at Planning Committee in March 2008 for 'demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)' (ref: BH2007/04453). The reasons for refusal related to the visual impact of the development on the character and appearance of the street scene, Montpelier and Clifton Hill and West Hill conservation areas and an adjoining listed coach house; the standard of accommodation within the development; sustainability and potential air pollution.

A revised application for 'demolition of all existing buildings. Erection of 151 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping' (ref: BH2008/02095) has been submitted. The application is currently under consideration.

As such there are not, at the present time, acceptable detailed plans for the sites development.

Conclusion

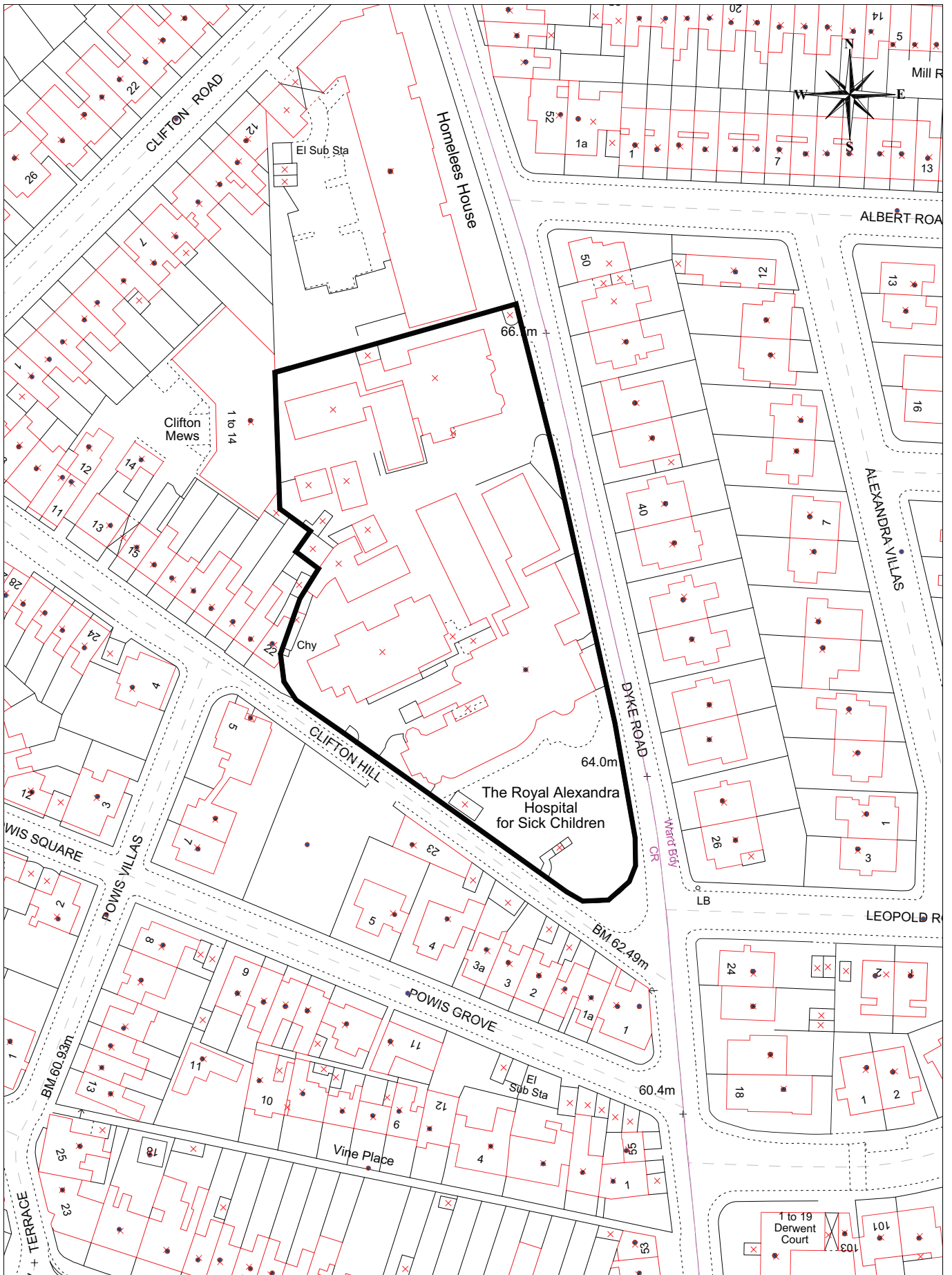
The existing hospital building makes an important and positive contribution to the Montpelier & Clifton Hill and West Hill conservation areas. However, it has been demonstrated that the retention and conversion of the principal building would require a level of development harmful to both the setting of the retained building and the surrounding conservation areas. It is noted that the supporting information and financial study do not explore other possible uses, combination of uses or other ways of converting the building. It is accepted that other land use options are unlikely to achieve a commercially viable development that might secure the preservation of the principal hospital building. It is therefore concluded that the hospital building is beyond economic repair / use and there are no viable alternative uses.

There are currently no acceptable plans for redevelopment of the Royal Alexandra hospital site. The approval of conservation area consent for demolition of the existing buildings on the site would therefore be premature and would potentially result in the creation of a gap site that would be harmful to the character and appearance of the conservation area. For this reason it is recommended that conservation area consent would have been refused had the applicant not appealed against non-determination.

8 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2007/04462

SCALE 1:1250

Royal Alexandra Hospital, 57 Dyke Road



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<u>No:</u>	BH2007/04446	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	7 Brunswick Street West Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Grade 1 Brunswick Town	<u>Expiry Date:</u>	26 March 2008
<u>Agent:</u>	PRP Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent		

This application is linked to an application for Full Planning Permission ref: BH2007/04452

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 are **Minded to Grant** listed building consent subject to no objection from **GOSE** and subject to the following Conditions and Informatives :

Conditions:

1. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall fully installed and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West. **Reason:** To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the finishes on the rear elevation. **Reason:** To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan

Informatives:

1. This decision is based on drawing nos. 02a received on 2 September 2008
2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local

Plan set out below:
Brighton & Hove Local Plan:
HE1 Listed Buildings

- (ii) for the following reasons:-
Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.
3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings. The existing rear flues have been referred to the Planning Enforcement Team for further investigation.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building. Correspondence from residential groups claims that the property, and others in the terrace are listed.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71 Alterations to flat with garage – approved 4th January 1972.

3/75/0093 Conversion of existing lock up garage to Licensed restaurant – Refused 17th March 1975

BH2007/00308 (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at planning application sub-committee, members decided to add an informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

The planning history on some of the neighbouring properties relevant to the current application as the approach proposed in this application has similarities to previous approvals in Brunswick Street West

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application) approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration ‘as built’ rather than for the authentic garage door style suggested by the Conservation and Design Team

There is a concurrent full planning permission seeking permission for the insertion of new windows to the front and rear at ground floor level

(BH2007/04452).

4 THE APPLICATION

Listed Building Consent is sought for the insertion of new windows to the front and rear ground floor of the building. The scheme has been amended during the course of its consideration. This proposed front elevation now reflects the design and appearance of the approved windows on the adjoining building at 9 Brunswick Street West.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the development. However having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of building should follow the design of recent approvals. Therefore the application for the amended design is recommended for approval.

5 CONSULTATIONS

Friends of Brunswick Square and Terrace, Brunswick Street West and Dudley Mews residents Association, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd and 5 Brunswick Street West, object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,
- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld
- the developer has knowingly carried out unauthorised works and confused and mislead neighbours and the conservation team
- the situation has been on-going for some time but the property has been occupied and the rental income earned
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed,

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those

to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

English Heritage; No comment

Internal:

Conservation and Design:

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE1 Listed Buildings

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building only. The accompanying full planning application considers all planning matters relating to the development, including the issues raised by neighbours.

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which is yet to be installed.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design Team however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. As a result false doors were suggested to disguise those installed and to be sympathetic to the original doors which were lost over time. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West Street scene. As a result, the solution for the front elevation of the building now proposed, is consistent with that approved for 9 Brunswick Street West. If granted, the development would result in improved continuity in the street scene and the setting of the listed building. This approach is supported by the Conservation Advisory Group and supported by some of the local residents. In this instance, the proposed fenestration is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to works being undertaken within a specified time period. The Conservation and Design Team have not objected to a rear sash window.

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been made to the flues on the rear elevation of the property. If undertaken after the property was considered as a listed building, such work would require listed building consent. Despite requests the applicant has not given details on these installations and these works have not been included as part of the application. This requires further investigation by the Planning Enforcement Team.

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of the Brunswick Terrace.

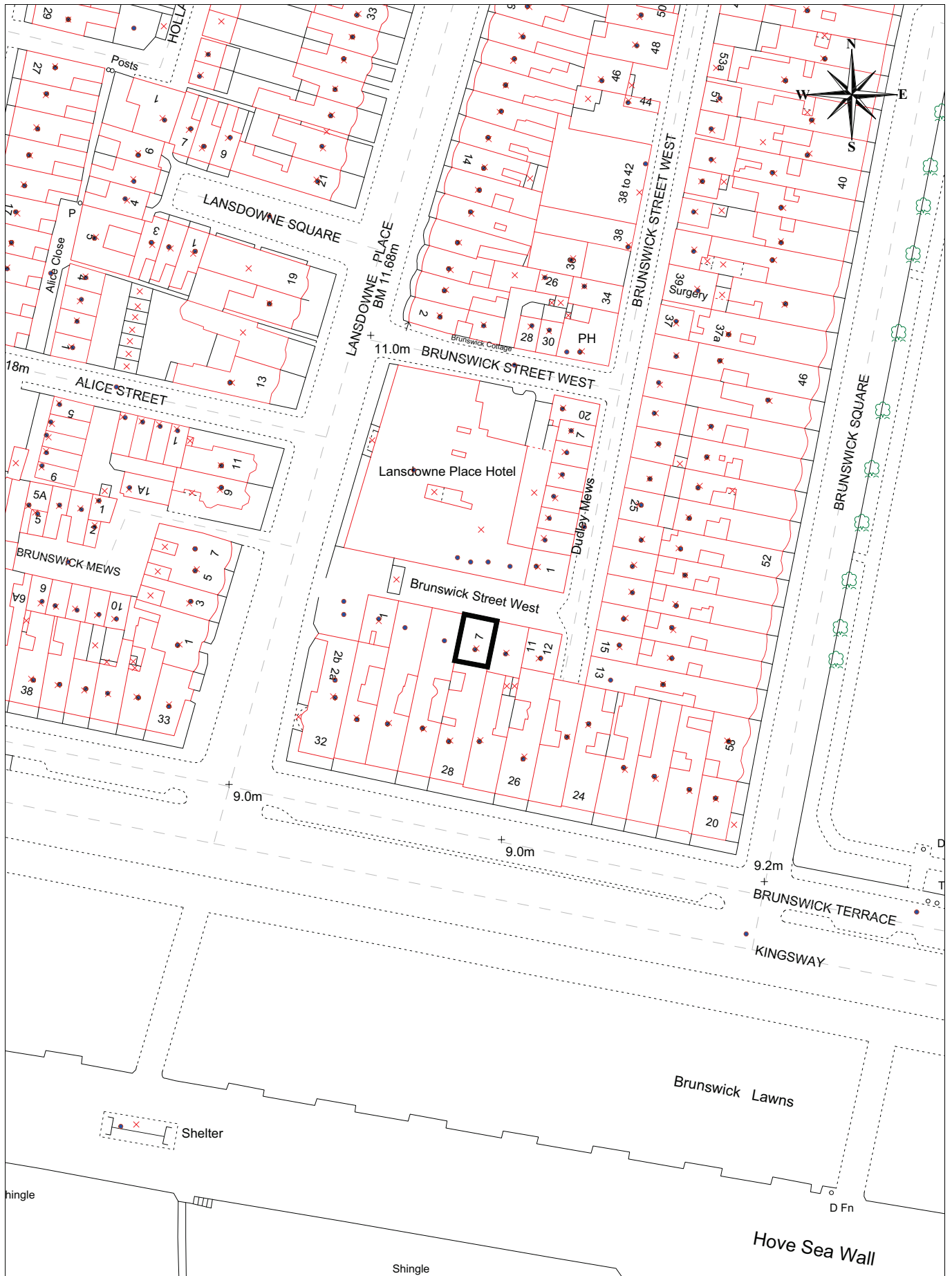
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2008/04446

SCALE 1:1250

7 Brunswick Street West



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<u>No:</u>	BH2007/04452	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Brunswick Street West Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Grade I	<u>Expiry Date:</u>	26 March 2008
	Brunswick Town		
<u>Agent:</u>	P R P Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent,		

This application is linked to an application for Listed Building Consent ref: BH2007/04446

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. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall be fully installed, with external finishes to match that of the existing building and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West. **Reason:** To ensure satisfactory appearance to the development and to improve the character and appearance of the street scene and the wider Brunswick Town Conservation Area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of this permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the existing finishes on the rear elevation and retained as such thereafter. **Reason:** To preserve the historic character of the rear elevation of the existing building and 28 and 29 Brunswick Terrace and to comply with policies HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02a received on the 2nd September 2008
2. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements
QD14 Extensions and alterations
QD27 Protection of Amenity
HE1 Listed Buildings
HE6 Development within or affecting the setting of Conservation Area

- (ii) for the following reasons:-

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties

3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building. Correspondence from residential groups claims that the property, and others in the terrace are listed.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same Grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71 Alterations to flat with garage – approved 4th January 1972.

3/75/0093 Conversion of existing lock up garage to Licensed restaurant – Refused 17th March 1975

BH2007/00308 (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at planning application sub-committee, members decided to add an informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

The planning history on some of the neighbouring properties relevant to the current application as the approach proposed in this application has similarities to previous approvals in Brunswick Street West

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application)
approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration 'as built' rather than for the authentic garage door style suggested by the Conservation and Design Team.

There is a concurrent Listed Building Consent seeking for the insertion of new windows to the front and rear at ground floor level (**BH2007/04446**).

4 THE APPLICATION

Full planning permission is sought for the insertion of new windows to front and rear ground floor of the building. The scheme has been amended during the course of its consideration. This proposed front elevation now reflects the design and appearance of the approved windows on the adjoining building at 9 Brunswick Street West.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the development. However having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of building should follow the design of recent approvals. Therefore the application for the amended design is recommended for approval.

5 CONSULTATIONS

External:

Neighbours:

Friends of Brunswick Square and Terrace, Flat 4, Flat 2, 28 Brunswick Terrace, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd , object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,
- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld
- the developer has knowingly carried out unauthorised works and confused

- and mislead neighbours and the conservation team
- the situation has been on-going for some time but the property has been occupied and the rental income earned
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed,

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

Internal:

Conservation and Design:

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

Traffic: No objection, the development would not cause a material increase in parking demand.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD14 Extensions and alterations

QD27 Protection of Amenity

HE1 Listed Buildings

HE6 Development within or affecting the setting of Conservation Area

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building and the wider Brunswick Town Conservation Area. In addition the impact on the amenity of neighbouring properties must be assessed. Matters relating to freehold permissions are not material planning considerations

Design and appearance

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which is yet to be installed.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. As a result false doors were suggested to disguise those installed and to be sympathetic to the original doors which were lost over time. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West street scene. As a result, the solution for the front elevation of the building now proposed, is consistent with that approved for 9 Brunswick Street West. If granted, the development would result in improved continuity in the street scene. This approach is supported by the Conservation Advisory Group and supported by some of the Local residents. In this instance, the proposed fenestration is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to works being undertaken within a specified time period. The Conservation and Design Team have not objected to a rear sash window.

Impact on amenity

The works to the rear of property have been a cause for concern for neighbouring properties at the rear. The site has been viewed from one of the flats with views on to the rear elevation of 7 Brunswick Street West. Neighbours are concerned that the new windows cause a loss of privacy and noise and disturbance to neighbouring occupiers.

It is noted that the insertion of an additional window no doubt increases the overlooking of the courtyard. However given the number of windows overlooking the courtyard (including an authorised window at first floor level on the rear elevation of 7 Brunswick Street West), it is not considered that the works present a significant increase in overlooking, beyond the existing arrangement. In addition, the insertion of an additional window is not considered to cause a significant increase in noise and disturbance to the courtyard or the neighbouring occupiers. In such locations, it is common for a number of windows, serving different flats, to be in close proximity to each other. For this reason it is considered that works do not present a significant impact on neighbouring properties.

The works to the front of the property are not considered to impact on the residential amenity of neighbouring properties.

Traffic and Transport

The development would result in a loss of an off-street car parking space. This section of Brunswick Street West is un-adopted and it does allow for

some car parking along the front elevation. A new unit of accommodation is not being created. The traffic manager does not raise an objection to the loss of the garage as it cannot be demonstrated that the loss will place increased pressure on the demand for car parking in the adjacent Controlled Parking Zone.

Other Matters

Residents have commented on the need for a change of use application for the garage to a play-room. This has been given consideration and the planning history researched. The description of a flat with garage remains applicable to the site. The approved application in 1971 showed the internal links between all the internal rooms on the ground floor of the property. Currently the garage adjoining number 9 Brunswick Street West remains in different ownership and does not form part of this application. Based on the fact this part of the ground floor of the property was not self contained from the upper floor of the property, it is not considered that a change of use of this part of building is required. There is no planning history to suggest that this part of the ground floor was a separate planning unit to the first floor of the building.

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been drawn to the flues on the rear elevation of the property. If undertaken after the property was considered as listed, such work would require listed building consent.

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of the Brunswick Terrace. The development would not result in significant noise and disturbance or overlooking to neighbouring properties.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties

9 EQUALITIES IMPLICATIONS

None identified

LOCATION PLAN



BH2008/04452

SCALE 1:1250

7 Brunswick Street West



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

This application was deferred from the previous committee on 22 October 2008 for a site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Grant** conservation area consent 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 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.
- 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.

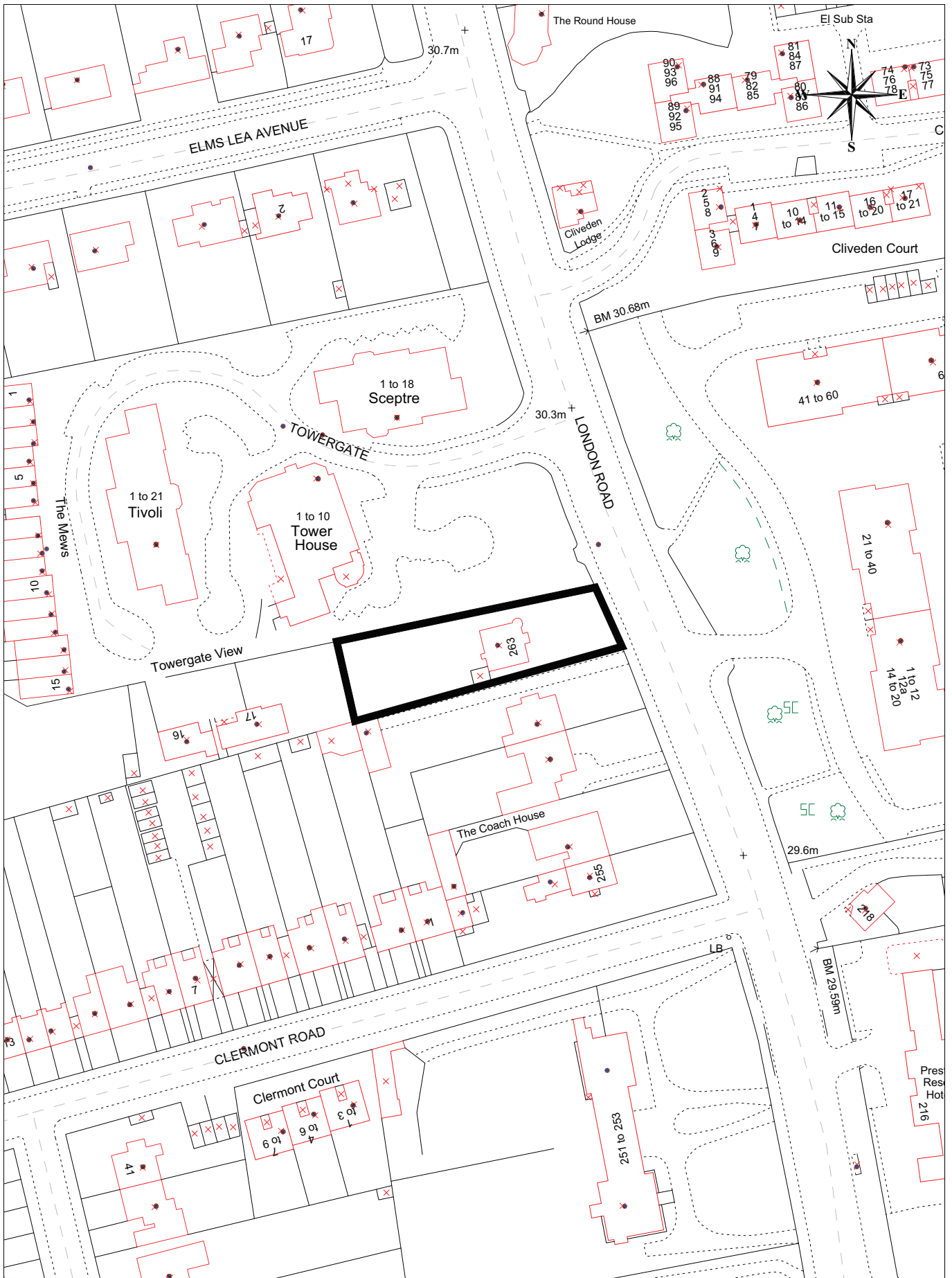
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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



Brighton & Hove

Note: Any shaded or outlined areas are indicative only and should not be scaled. 188

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<u>No:</u>	BH2008/02440	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Tudor Cottage 263 London Road Brighton		
<u>Proposal:</u>	Demolition of existing dwelling and garage and erection of four-storey apartment building containing 7 flats		
<u>Officer:</u>	Chris Wright. Tel: 292097	<u>Received Date:</u>	16 July 2008
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	10 September 2008
<u>Agent:</u>	Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham		
<u>Applicant:</u>	Lowrie Property Development, 111 Kingsmere, London Road, Brighton		

This application was deferred from the previous committee on 22 October 2008 for a site visit.

1 RECOMMENDATION

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

Conditions

1. 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

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. The scheme shall be implemented in accordance with agreed details:-
 - (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). 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:
- i) 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 construction of new developments.

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

- S1 Twenty one criteria for the 21st 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

ii) 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. 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.
- 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 affects 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.
- 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 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 Drive. 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.

An additional letter of representation has been submitted by **Flat 2, Tower House**, maintaining their objection to the proposal notwithstanding the revised drawings omitting use of red facing brick and the reconfiguration of the front car parking spaces, which would have little effect on the ability of the proposed building to reflect either the character of the area or existing neighbouring buildings. The sixteen windows proposed on the north elevation increase concerns of overlooking although the sliding sash windows proposed are considered to be an improvement.

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: No objection.

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.

The Conservation and Design Team has seen the latest amended plans which have been revised to reflect the above comments and has withdrawn its initial objection accordingly.

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 than 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 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: Seek amendments.

The accessibility officer is broadly satisfied with the proposal and advises the permeable gravel in the car parking areas needs to be bonded. Loose surfaces are unsatisfactory. In addition, at least some of the car parking spaces need to be capable of being widened to 3.3m to allow for disabled car users.

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

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- 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 construction of new developments.

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

- S1 Twenty one criteria for the 21st 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 development 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 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 gables 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 revisions to the drawings were requested to address these concerns and are considered satisfactory.

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.

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 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, 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 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:-

PLANS LIST – 12 NOVEMBER 2008

- 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;
- 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.

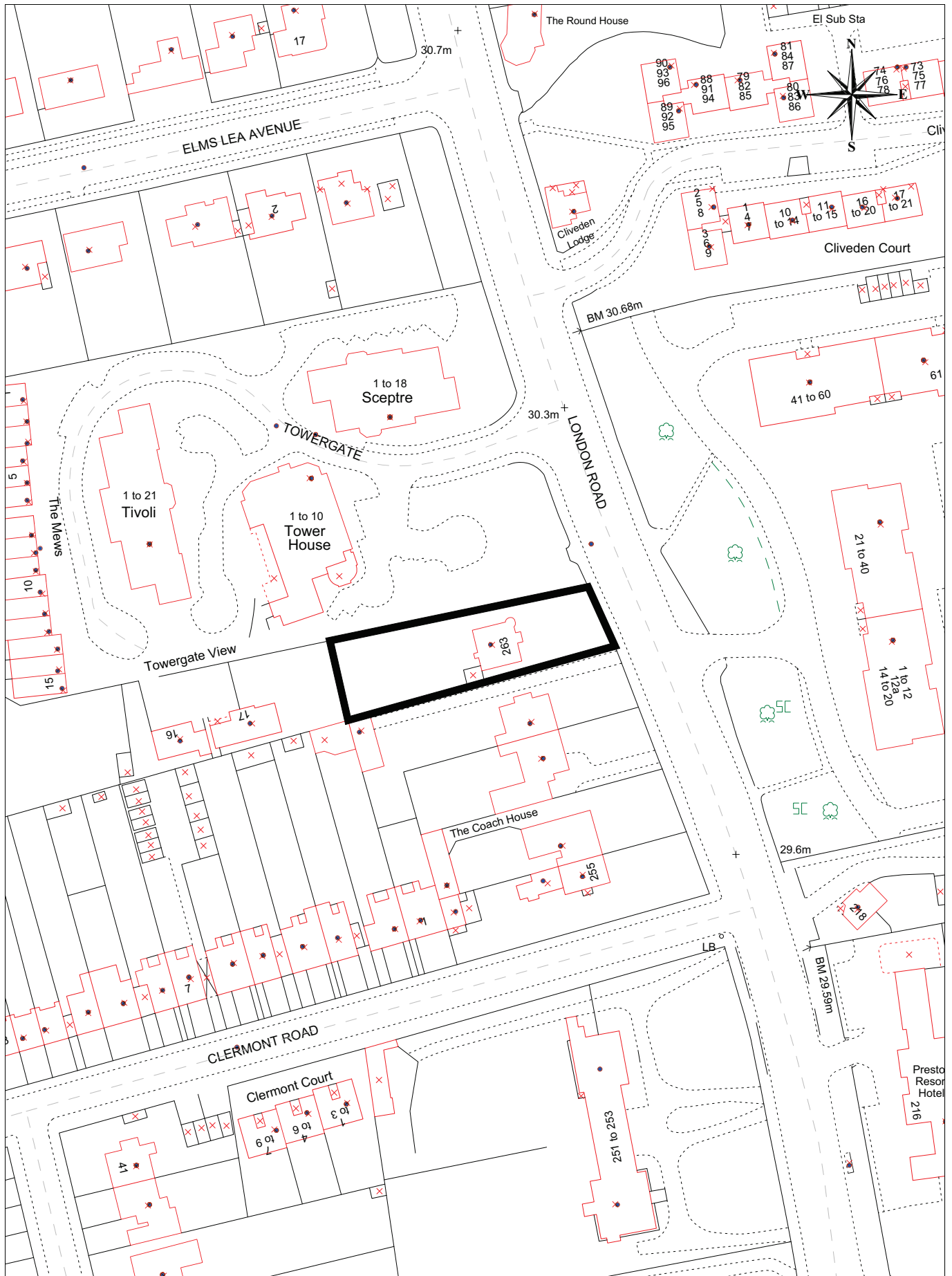
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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. 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



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

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No:	BH2008/02529	Ward:	REGENCY
App Type	Listed Building Consent		
Address:	1-2 Clifton Hill Brighton		
Proposal:	Alterations to existing boundary walls and railings with access to new hard-standing.		
Officer:	Chris Wright, tel: 292097	Received Date:	25 July 2008
Con Area:	Montpelier & Clifton Hill Listed Grade II	Expiry Date:	19 September 2008
Agent:	3eleven design, 43 Tidy Street, Brighton		
Applicant:	Mr Martin Macrorie, 2 Clifton Hill, Brighton		

1 RECOMMENDATION

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

1. 01.05AA Listed Building Consent.
2. The Portland stone coping of the garden front wall shall be retained and repaired using like for like stone. **Reason:** To ensure the preservation and enhancement of the listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.
3. No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:-
 - (i). details, including 1:1 scale sections of the hinges of the new metal gates;
 - (ii). a 1:20 scale elevation drawing and details of the proposed new timber side gate to No. 2 Clifton Hill; and
 - (iii). details and samples of the new paving and surfacing materials and finishes for the entrance drive, crossover and parking area.

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter. **Reason:** To ensure the preservation and enhancement of the listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.
4. The front railings shall be seated in holes in the stone coping of the wall and caulked in lead. **Reason:** To ensure the preservation and enhancement of the listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.
5. The new pillars and reinstated pillar cap shall be of case iron and shall match exactly the existing original pillars. **Reason:** So as to ensure the preservation and enhancement of the listed building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement, waste minimisation statement and heritage statement submitted on 25 July 2008

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together with drawing nos. CHBPRO/01 submitted on 25th July 2008 and CHBPRO/02 Revision C submitted on 27th October 2008.

2. This decision to grant Listed Building Consent has been taken:

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

Brighton & Hove Local Plan:

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE4 Reinstatement of original features on listed buildings

Supplementary Planning Guidance

SPGBH13 Listed Buildings – General Advice

and

- (ii) for the following reasons:-

The proposed development will enhance the historic character and appearance of the listed buildings by reinstating original features and restoring uniform and cohesive architectural detailing.

2 THE SITE

The proposal relates to a pair of c.1850 Italianate style semi-detached houses which are Grade II Listed and situated within the Montpelier and Clifton Hill Conservation Area. The boundary walls and gate piers are also included in the listing.

3 RELEVANT HISTORY

No. 2 Clifton Hill

94/0654/LB Installation of internal partitions to form fire protection barriers – Refused 18th August 1994.

95/0101/LB Installation of internal fire precaution works – Approved 27th February 1995.

BH1998/01447/FP New dormer window – Approved 2nd September 1998.

BH1998/01448/LB Removal of existing dormer window and installation of new dormer window along with alterations/repairs to existing windows at ground floor front – Approved 7th September 1998.

BH2000/00732/LB Removal of non-original internal walls and W.C., erection of new W.C. and partition of staircase – Approved 11th May 2000.

Separate planning applications have been submitted for both No.1 and No. 2 Clifton Hill (refs: **BH2008/02813** and **BH2008/02814** respectively) for the same works.

4 THE APPLICATION

Listed building consent is being sought for the reinstatement of the Portland stone/stucco boundary walls and piers in front of both properties, along with replacement iron railings and gates in a style thought to be more in keeping with the original railings. The proposal includes creating a second gap in the wall to form a gated vehicular access leading to two parking spaces behind

No. 2 Clifton Hill.

The resulting new boundary wall and railings, including the gaps for pedestrian and vehicular access, will have a symmetrical and uniform appearance.

The metal gateposts will be repaired and refurbished, one with a new top cap.

5 CONSULTATIONS

External:

Neighbours: None.

CAG: No comment. However, it should be noted that the Group objects to works at 2 Clifton Hill (application **BH2008/02814**).

Internal:

Conservation & Design: No objection. After raising initial concerns the Conservation and Design Team raises no objection subject to the conditions listed in section 1 above. During the application process the plans were amended several times in order to address the issues raised by the Conservation and Design Team which included:-

- Authenticity of the railing design.
- Original details of cast iron pillars
- Garden areas to retain their green appearance.
- Hinge detail.
- Details of railing to wall fixings.
- Details of the side gate to No. 2 Clifton Hill.

Amended plans showing removal of Grassguard areas in favour of York stone have been submitted for the driveway at 2 Clifton Hill as well as removing the parking area behind 2 Clifton Hill.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE4 Reinstatement of original features on listed buildings

Supplementary Planning Guidance

SPGBH13: Listed Buildings – General Advice

7 CONSIDERATIONS

The key considerations in the determination of the application include the authenticity of the design, materials and finishes of the proposed railings and boundary walls which must be congruous both historically and architecturally with the listed building, and the impact of off-street parking to the side of the property on the setting of the listed building.

Proposed alterations to boundary wall and railings

Policy HE1 requires that new development does not have any adverse effect

on the architectural and historic character or appearance of the exterior of the building or its setting and that it respects the scale, design, materials and finishes of the existing building and preserves its historic fabric.

The reinstatement of original features on listed buildings, including boundary walls and railings, is supported by policy HE4.

Proposed off-street parking

Policy HE3 seeks to ensure that development does not have an adverse impact on the setting of a listed building, through factors such as its siting, scale, layout or use. As originally submitted, the parking area extended into the rear garden. However, the large parking area was considered harmful to the setting of the listed building. Amended plans were subsequently submitted, which limited the parking area to the side of the building only. Access would be via two 'runways' made from York stone for car wheels to travel along. The side parking area would be gated so parked vehicles cannot be seen from the public domain. The two parking spaces proposed to the side of No. 2 Clifton Hill will affect the setting of the listed building in a minimal fashion but details and samples of the surfacing of the area must be secured by condition to avoid excessive areas of hardstanding.

These amendments address the concerns of the Conservation and Design Team and on this basis the grant of listed building consent is recommended.

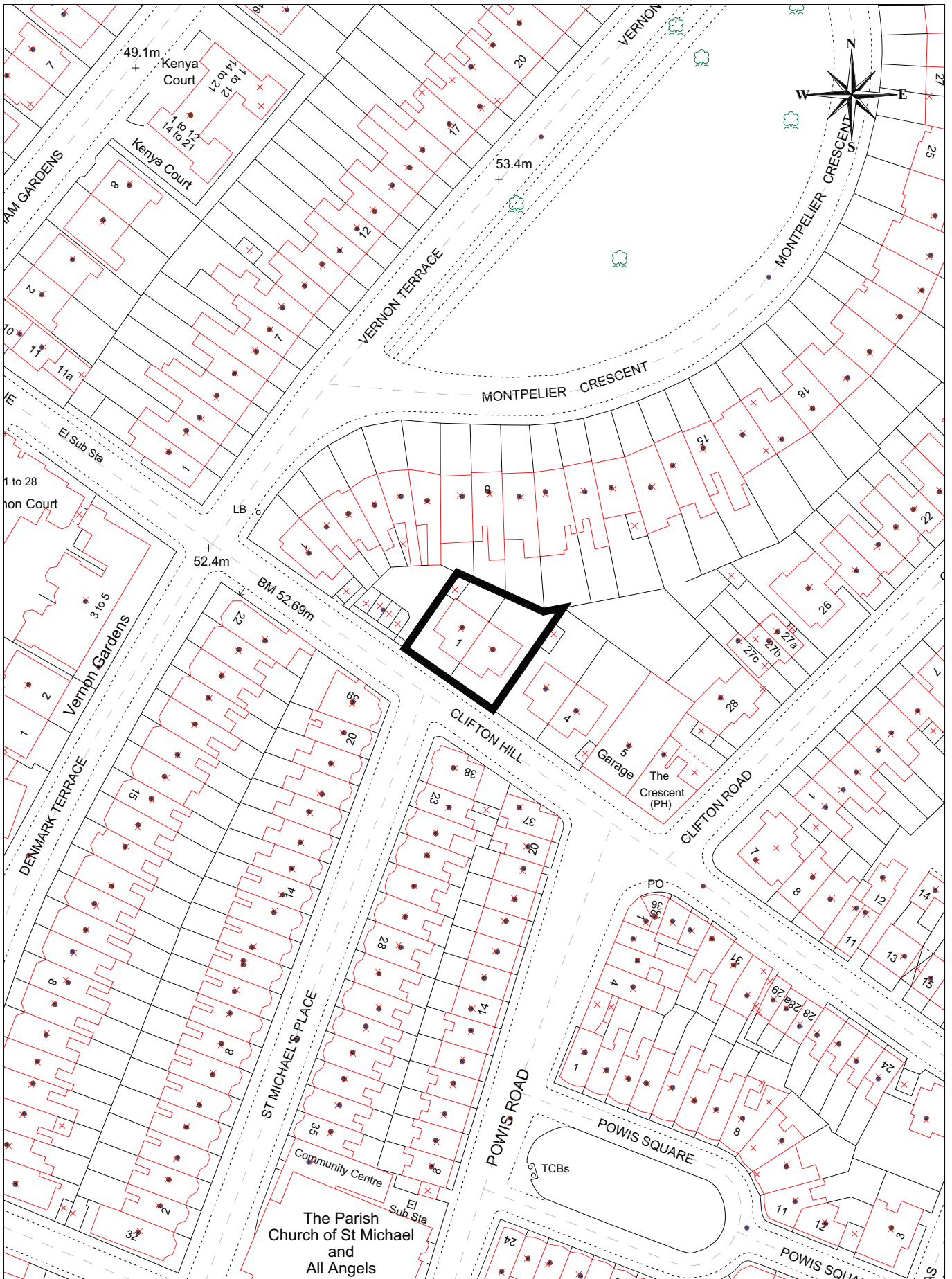
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will enhance the historic character and appearance of the listed buildings by reinstating original features and restoring uniform architectural detailing.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2008/02529

SCALE 1:1250

1-2 Clifton Hill



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

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<u>No:</u>	BH2008/02813	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	1 Clifton Hill Brighton		
<u>Proposal:</u>	Alterations to boundary wall and railings of No.1 with access to hard standing.		
<u>Officer:</u>	Chris Wright, tel: 292097	<u>Received Date:</u>	20 August 2008
<u>Con Area:</u>	Montpelier & Clifton Hill Listed Grade II	<u>Expiry Date:</u>	04 November 2008
<u>Agent:</u>	3Eleven Design, 43 Tidy Street, Brighton		
<u>Applicant:</u>	Mr Martin Keane, 2 Clifton Hill, Brighton		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. 13.01A Samples of Materials – Conservation Area
3. 13.04A Railings – Conservation Area
4. 05.03 Waste Minimisation Statement
5. The development hereby permitted shall be completed within 3 calendar months of the completion of works to the adjoining building, No. 2 Clifton Hill, which have been authorised under application reference BH2008/02814. **Reason:** To ensure the satisfactory and balanced appearance of Nos. 1 and 2 Clifton Hill and to comply with policies HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement and waste minimisation statement submitted on 20 August 2008 and the biodiversity checklist submitted on 22 August together with drawing nos. CHBPRO/01 submitted on 20 August 2008 and CHBPRO/02 Revision A submitted on 9th September 2008.
2. This decision to grant Planning Permission has been taken:
 1. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including guidance:
Brighton & Hove Local Plan:
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE4 Reinstatement of original features on listed buildings
HE6 Development within or affecting the setting of conservation areas
QD2 Design – key principles for neighbourhoods

QD14 Extension and alterations

Supplementary Planning Guidance

SPGBH13 Listed Buildings – General Advice

ii) for the following reasons:

The proposed development will enhance the historic character and appearance of the listed buildings by reinstating original features and restoring uniform architectural detailing and will enhance the character and appearance of the Montpelier and Clifton Hill Conservation Area.

2 THE SITE

The proposal relates to one half of a pair of c.1850 Italianate style semi-detached houses which are Grade II Listed and situated within the Montpelier and Clifton Hill Conservation Area. The boundary walls and gate piers are also included in the listing.

3 RELEVANT HISTORY

No recent relevant planning history

A similar application relating to no. 2 Clifton Hill, together with a Listed Building Consent relating to both properties are the subject of separate reports on this agenda (refs: **BH2008/02814** and **BH2008/02529** respectively).

4 THE APPLICATION

Planning consent is sought for the reinstatement of the Portland stone/stucco boundary walls and piers in front of the property, along with replacement iron railings and gates in a style thought to be more in keeping with the original railings.

The metal gateposts will be repaired and refurbished, one with a new top cap.

5 CONSULTATIONS

External:

Neighbours: None received

CAG: No objection. The group welcomes this proposal which will improve the appearance of this property and its character. However, it should be noted that the Group objects to works at the adjacent property, for which a joint application for Listed Building Consent for both 1 – 2 Clifton Hill has been submitted.

Internal:

Conservation & Design: No objection.

After raising initial concerns the Conservation and Design Team raises no objection subject to the conditions listed in section 1 above. During the application process the plans were amended several times in order to address the issues raised by the Conservation and Design Team which

included:-

- Authenticity of the railing design.
- Original details of cast iron pillars
- Garden areas to retain their green appearance.
- Hinge detail.
- Details of railing to wall fixings.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE4 Reinstatement of original features on listed buildings

HE6 Development within or affecting the setting of conservation areas

QD2 Design – key principles for neighbourhoods

QD14 Extension and alterations

Supplementary Planning Guidance

SPGBH13: Listed Buildings – General Advice

7 CONSIDERATIONS

The key considerations in the determination of the application include the authenticity of the design, materials and finishes of the proposed railings and boundary walls which must be congruous both historically and architecturally with the listed building, and the impact of the development on the historic character and appearance of the Montpelier and Clifton Hill conservation area.

Proposed alterations to boundary wall and railings

Policies HE1 requires that new development does not have any adverse effect on the architectural and historic character or appearance of the exterior of the building and policy HE4 is supportive of schemes to restore original features. In addition, policies HE6, QD2 and QD14 of the Local Plan require alterations to building in conservation areas to take into account local characteristics including the form, scale, materials, finishes and detailing of the property to be altered and its neighbours.

The proposed improvements to the boundary wall and railings are supported by the Conservation and Design Team because the design is appropriate for the setting of the listed building and the wider street scene and the existing railings, gate posts and wall are in a very poor state of repair. The proposed development will have the effect of visually enhancing the appearance of the conservation area.

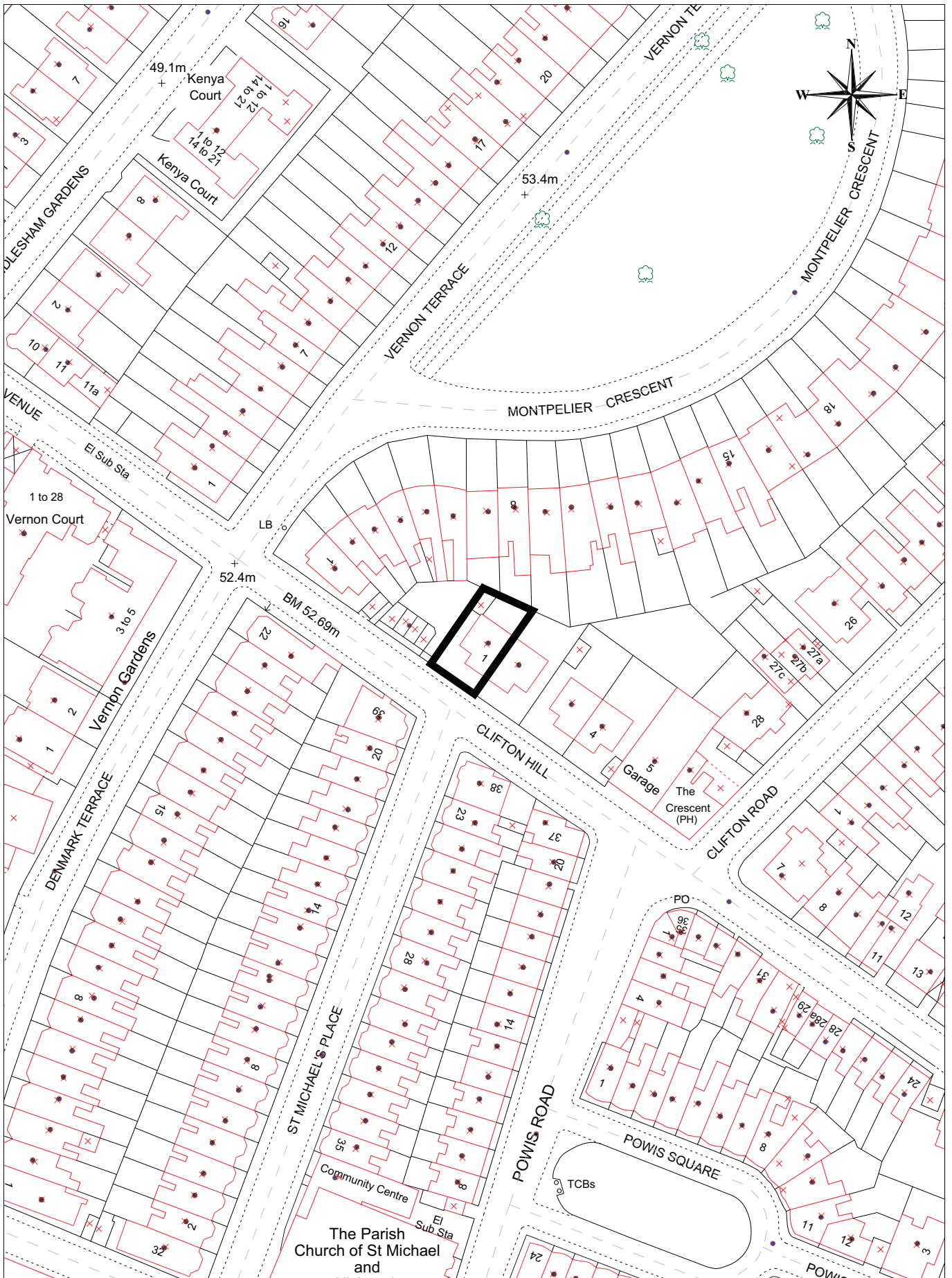
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will enhance the historic character and appearance of the listed building by reinstating original features and restoring uniform architectural detailing and will enhance the character and appearance of the Montpelier and Clifton Hill Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2008/02813

SCALE 1:1250

1 Clifton Hill



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<u>No:</u>	BH2008/02814	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	2 Clifton Hill Brighton		
<u>Proposal:</u>	Alterations to boundary wall and railings of No.1 with access to hard standing.		
<u>Officer:</u>	Chris Wright, tel: 292097	<u>Received Date:</u>	20 August 2008
<u>Con Area:</u>	Montpelier & Clifton Hill Listed Grade II	<u>Expiry Date:</u>	04 November 2008
<u>Agent:</u>	3Eleven Design, 43 Tidy Street, Brighton		
<u>Applicant:</u>	Mr Martin Keane, 2 Clifton Hill, Brighton		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. 13.01A Samples of Materials – Conservation Area
3. 13.04A Railings – Conservation Area
4. 05.03 Waste Minimisation Statement
5. The development hereby permitted shall be completed within 3 calendar months of the completion of works to the adjoining building, No. 1 Clifton Hill, which have been authorised under application reference BH2008/02813. **Reason:** To ensure the satisfactory and balanced appearance of Nos. 1 and 2 Clifton Hill and to comply with policies HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement and waste minimisation statement submitted on 20th August 2008 and the biodiversity checklist submitted on 22nd August together with drawing nos. CHBPRO/01 submitted on 20th August 2008 and CHBPRO/02 Revision C submitted on 27th October 2008.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including guidance:

Brighton & Hove Local Plan:
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE4 Reinstatement of original features on listed buildings
HE6 Development within or affecting the setting of conservation areas
QD2 Design – key principles for neighbourhoods

QD14 Extension and alterations

Supplementary Planning Guidance

SPGBH13 Listed Buildings – General Advice

ii) for the following reasons:

The proposed development will enhance the historic character and appearance of the listed building and the street scene by reinstating original features and restoring uniform architectural detailing. These enhancements are considered to outweigh the partial loss of boundary wall to create a vehicular access.

2 THE SITE

The proposal relates to one half of a pair of c.1850 Italianate style semi-detached houses which are Grade II Listed and situated within the Montpelier and Clifton Hill Conservation Area. The boundary walls and gate piers are also included in the listing.

3 RELEVANT HISTORY

No. 2 Clifton Hill

94/0654/LB Installation of internal partitions to form fire protection barriers – Refused 18th August 1994.

95/0101/LB Installation of internal fire precaution works – Approved 27th February 1995.

BH1998/01447/FP New dormer window – Approved 2nd September 1998.

BH1998/01448/LB Removal of existing dormer window and installation of new dormer window along with alterations/repairs to existing windows at ground floor front – Approved 7th September 1998.

BH2000/00732/LB Removal of non-original internal walls and W.C., erection of new W.C. and partition of staircase – Approved 11th May 2000.

A similar application relating to no. 1 Clifton Hill, together with a Listed Building Consent relating to both properties are the subject of separate reports on this agenda (refs: **BH2008/02813** and **BH2008/02529** respectively).

4 THE APPLICATION

Planning consent is sought for the reinstatement of the Portland stone/stucco boundary walls and piers in front of the property, along with replacement iron railings and gates in a style which is more in keeping with the original railings.

The metal gateposts will be repaired and refurbished, one with a new top cap.

The application includes a proposed vehicular access which would mirror the existing vehicular access to 1 Clifton Hill along with and a small parking area to the side of the building.

5 CONSULTATIONS

External:

Neighbours:

One letter of representation has been submitted by **6 Compton Avenue**, objecting to the proposal due to the demolition of part of the front garden wall within the conservation area and the loss of a valuable front garden. The 'Grassguard' hardstanding will not guarantee vehicles will not at some point be parked in front of the building.

One letter has been received from **3 Clifton Hill**, in support of the proposal because alterations to the boundary wall along with a new gate and hardstanding will compliment existing driveways at Nos. 1 and 3 and the hardstanding for two vehicles and loss of only one on-street parking space, will improve the local parking situation which is always difficult. The boundary wall and gate stoop are in need of significant renovation which would proceed if this application is successful.

CAG: Objection. The group appreciates the visual improvements associated with this proposal, but objects to the loss of the traditional boundary wall and the introduction of the vehicular access. The group requests that the application is determined by the planning committee and that the application is refused.

Internal:

Conservation & Design: No objection. After raising initial concerns the Conservation and Design Team raises no objection subject to the conditions listed in section 1 above. During the application process the plans were amended several times in order to address the issues raised by the Conservation and Design Team which included:-

- Authenticity of the railing design.
- Original details of cast iron pillars
- Garden areas to retain their green appearance.
- Hinge detail.
- Details of railing to wall fixings.
- Details of the side gate to No. 2 Clifton Hill.

Traffic Manager: No comment.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE4 Reinstatement of original features on listed buildings

HE6 Development within or affecting the setting of conservation areas

QD2 Design – key principles for neighbourhoods

QD14 Extension and alterations

Supplementary Planning Guidance

SPGBH13: Listed Buildings – General Advice

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will enhance the historic character and appearance of the listed building and the street scene by reinstating original

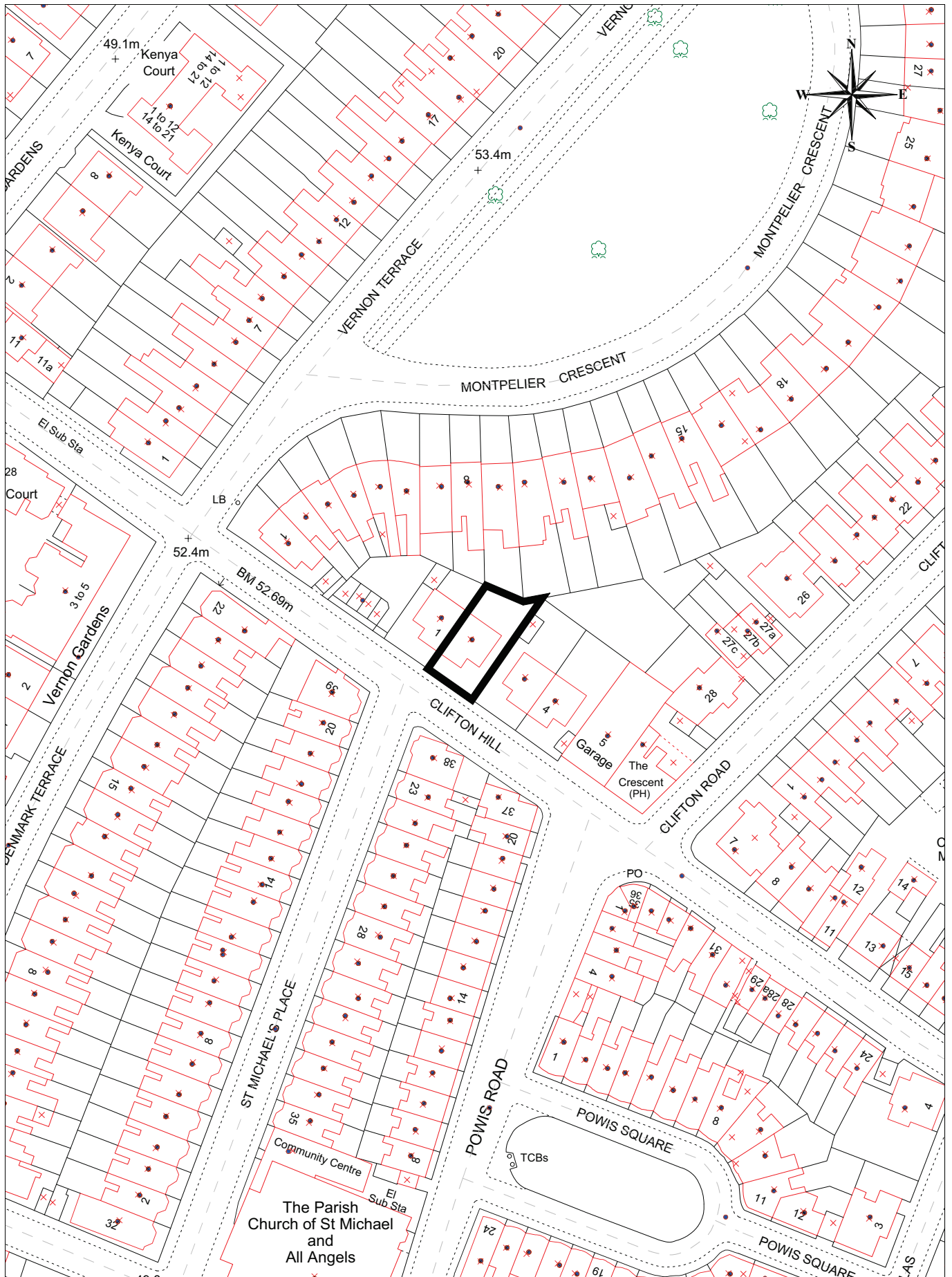
PLANS LIST – 12 NOVEMBER 2008

features and restoring symmetry and uniform architectural detailing with 1 Clifton Hill. These enhancements are considered to outweigh the partial loss of boundary wall to create a vehicular access.

9 EQUALITIES IMPLICATIONS

None identified.

LOCATION PLAN



BH2008/02814

SCALE 1:1250

2 Clifton Hill



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