

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

<b><u>No:</u></b>	<b>BH2009/00087</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>GB Liners, Blackman Street</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing warehousing/storage and distribution (B8) building at rear of site facing Blackman Street. Redevelopment of site for offices (B1) on ground and three upper floors, together with underground car parking.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, 292175	tel: <b><u>Received Date:</u></b>	14 January 2009
<b><u>Con Area:</u></b>	Adjacent to North Laine	<b><u>Expiry Date:</u></b>	27 April 2009
<b><u>Agent:</u></b>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<b><u>Applicant:</u></b>	Mr Robert Bartup, C/O CJ Planning Ltd		

## 1 SUMMARY

The site contains a modern warehouse building and is in use for storage and distribution purposes by GB Liners. The site lies adjacent to the North Laine conservation area.

The proposed five storey office building would secure the redevelopment of an unattractive building adjacent to the North Laine conservation area. The proposed building would offer significant visual enhancement to the area. The proposal would create new employment opportunities in this city centre location and also facilitate the relocation of the existing warehouse/distribution (B8) use. The applicant has demonstrated that the proposal would have limited impact upon the amenity enjoyed by neighbouring commercial and residential occupiers. Any impact that would result is considered to be outweighed by the street scene and employment benefits of the scheme. The proposal would reach a high standard of sustainability. The site has a city centre location and would be accessible by a range of transport modes.

Approval is recommended subject to a legal agreement to secure highway improvement works, membership of the New England Quarter Travel Forum and public art provision and subject to a range of conditions.

## 2 RECOMMENDATION

That the Sub-Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to be **MINDED TO GRANT** planning permission subject to completion of a legal agreement and subject to the following Conditions and Informatives:

**Section 106 to secure:**

- The implementation of all the highway improvement works to the junction of Trafalgar Street and Blackman Street shown on drawing no. 11 'Proposed Highway Improvements' submitted on 14 January 2009;
- Membership of the Travel Forum for the New England Quarter; and
- Public art contribution or incorporation of public art to the scheme to the value of £27,000.

Conditions

1. BH01.01 Full planning.
2. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
**Reason:** In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.
3. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
**Reason:** To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.
4. No development shall commence until drawings showing the full details of the southern and western elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory appearance of the development and the preservation and enhancement of the character of the adjacent conservation area and protection of neighbouring amenity in accordance with policies QD1, QD2, QD4, QD27 and HE6 of the Brighton & Hove Local Plan.
5. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - i) sample elevations and sections at 1:20 scale of the shopfronts and fascias, bays, windows, doors, parapets, balustrades, copings, brises soleil, and all other features, ventilation terminals, and external lighting;
  - ii) sectional profiles at 1:1 scale of window, door and shopfront frames;
  - iii) details of the layout and surfacing of the forecourt area and entrance recesses;
  - iv) details of contributions towards street tree planting in the adjoining streets, including any tree grids;
  - v) details of any external plant and equipment;

vi) a method statement setting out how the boundary walls and buildings adjoining the southern boundary of the site are to be protected and stabilised during and after excavation and construction works, including details of any strengthening works that may be required; and

vii) details and samples of materials and colours.

The development shall then be carried out in strict accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure the satisfactory appearance of the development and the preservation and enhancement of the character of the adjacent conservation area in accordance with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

6. Prior to the commencement of development, full details of proposed green roofs and rooftop planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

7. The Level 1 Unit 3b south facing windows and Staff Room north facing windows, the Level 2 Unit 5 south facing windows and Disabled and Gents WC north facing windows, the Level 3 Unit 6 north and south facing windows and the Level 4 Unit 7 north and south facing windows shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

8. Other than to the Level 3 and 4 balcony areas, access to the flat roofed parts of the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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. BH07.07 Soundproofing plant / machinery.

10. The ground floor windows shall not be blanked out, obscured or covered over in any way without written agreement from the Local Planning Authority.

**Reason:** To ensure the satisfactory appearance of the development and the preservation and enhancement of the character of the adjacent conservation area in accordance with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

11. No blinds or awnings shall be attached to the exterior of the building without the prior written permission of the Local Planning Authority.

**Reason:** To ensure the satisfactory appearance of the development and the preservation and enhancement of the character of the adjacent

conservation area in accordance with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Reason:** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. As the site’s history indicates potential contamination and as the site overlies a major aquifer and in the interests of the protection of Controlled Waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the

Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
**Reason:** The site overlies a major aquifer. In the interests of the protection of Controlled Waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

14. Detailed design of the proposed drainage system shall include measures to protect the development from possible surcharging within the public sewerage system in order to protect the development from potential flooding.

**Reason:** To reduce the risk of flooding in accordance with policy SU5 of the Brighton & Hove Local Plan.

15. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason:** The site overlies a major aquifer. In the interests of the protection of Controlled Waters and in accordance with policies SU3, SU5 and SU11 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 11, 149,32:00, 149,32:26, 149,32:30 and 149,32:31 and the Location Plan, Vertical Sky Component Calculations and Design and Access Statement submitted on 14 January 2009, drawing 149,32:32 and the Britannia House Shadow study submitted on 20 January 2009, Daylight Assessment Summary submitted on 5 March 2009, drawings 149,32:02 Rev A, 149,32:03 Rev A, 149,32:04 Rev A, 149,32:33 Rev A and 149,32:34 Rev A and the suggested rooftop planting submitted on 15 March 2009, Ground Sure Review submitted on 20 March 2009, drawings 149,32:27 Rev B and 149,32:28 Rev B submitted on 23 March 2009 and the email from Julie Cattell with attached Vertical Sky Component documents for Flat 4 (kitchen/diner) facing GB Liners development and Average Daylight Factor calculations received 24 March 2009.

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

- i. having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan, Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage 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
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
EM3	Retaining the best sites for industry
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Notes/Documents (SPGs/SPDs):

SPGBH 4: Parking Standards  
 SPD03: Construction and Demolition Waste  
 SPD08: Sustainable Building Design; and

- ii. for the following reasons:  
 The proposal would secure the redevelopment of an unattractive building adjacent to the North Laine conservation area. The proposed building would offer significant visual enhancement to the area. The proposal would create new employment opportunities in this city centre location and also facilitate the relocation of the existing warehouse/distribution (B8) use. The applicant has demonstrated that the proposal would have limited impact upon the amenity enjoyed by neighbouring commercial and residential occupiers. Any impact that would result is considered to be outweighed by the street scene and employment benefits of the scheme. The proposal would reach a high standard of sustainability. The site has a city centre location and would be accessible by a range of transport modes.
3. Soakaways are for the disposal of clean uncontaminated surface water only and must not be constructed in contaminated land. Care should be

taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) to prevent accidental/unauthorised discharge to ground. All Pollution Prevention Guidelines information may be freely viewed and downloaded from the NetRegs section of our website. The website address is: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

4. The City Council recommends that developers should:
  - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
  - ii) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
  - iii) Refer to the Environment Agency website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.
5. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01926 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Winchester, Hampshire or [www.southernwater.co.uk](http://www.southernwater.co.uk).
7. In the proximity of the site low/medium/intermediate pressure gas main is present as such the applicant is advised that no mechanical excavations are to take place above or within 0.5m of the low pressure or medium pressure system and 3 m of the intermediate pressure system. Where required the applicant should confirm the position of mains using hand dug trial holes.
8. The applicant is encouraged to join the Considerate Construction Scheme.
9. The applicant is advised that this planning permission does not approve any plant and machinery other than that served by the "Passivent" natural

ventilation terminals shown on the approved drawings. Planning permission will be required for any external plant and machinery. Permission is likely to be resisted for rooftop plant and machinery on visual impact and conservation area grounds.

### 3 THE SITE

The site is adjacent to the North Laine Conservation area to the north of Trafalgar Street and between Blackman Street and Station Street. The main access is currently from Blackman Street. The site contains a shallow pitched roof metal clad portal-framed warehouse building which is currently used by GB Liners as a storage and removal (B8) business.

The surrounding area of North Laine and the New England Quarter is made up of a mix of residential and commercial uses including retail, leisure and offices. To the south of the site are a row of two and three storey terraced properties (Nos. 70 – 75 Trafalgar Street) containing a mix of commercial properties with flats above. To the north of the site is Britannia House and to the north west Lanchester House. These buildings are more modern brick purpose built office blocks. Theobald House lies to the east.

### 4 RELEVANT HISTORY

**BH2008/01268:** Demolition of existing B8 building at rear of site facing Blackman Street. Redevelopment of site for offices (B1) on part ground and three upper floors and A1/A2/A3/A4/D1/D2 on part ground floor fronting Blackman Street, together with underground car parking. Withdrawn 4/8/08.

**BH2007/00862:** Formation of additional floors to nos. 73 and 75 within new mansard roofs, together with the alteration and conversion of the existing residential accommodation on the first floors of 73 and 75 and first, second and third floor of 74. All to form one x two bedroom flat, one x two bedroom maisonette and one studio in addition to the existing studio on the first floor of 75. (Re-submission of BH2006/02432). Approved 23/5/07.

### 5 THE APPLICATION

The application seeks planning permission for the demolition of the existing building (B8 use) (which measures approximately 546m<sup>2</sup>) and the erection of a 5 storey building to provide approximately 3,327m<sup>2</sup> (gross) B1 office floor space. The floor space has been flexibly designed and incorporates staff facilities and basement parking. The ground floor has a single aspect frontage onto Blackman Street with the floor space laid out as two separate units, with independent access and integral staff facilities. However, the dividing wall has been designed to be removed if a single occupier requires all of the space.

The building would have two accesses, one from Blackman Street and one from Station Street. The Blackman Street access is intended for staff use only and leads to the cycle store and shower/changing room, refuse and recycling area, meter and plant room. Each floor has staff toilets with separate disabled cubicles, kitchen facilities, plant room and storage. The scheme also

proposes semi-underground parking to provide 30 car parking spaces, 6 of which will be designated for disabled users.

## 6 CONSULTATIONS

**External:**

**Neighbours:**

**Two** letters of objection were received from the occupants of **70 Trafalgar Street and on behalf of the occupants of Britannia House**. Their comments are summarised as follows:

- The building works will cause great disruption and disturbance to the local area which has already been subject to much disruption from the GB Liners site at 73 to 75 Trafalgar Street.
- There will be no benefit to the local community.
- Additional traffic – encouraged by the underground parking which doesn't encourage people to use public transport.
- The proposal is contrary to Local Plan policies QD1, QD2, QD3, QD5 and QD27 as it is considerably larger in height, scale and massing than existing and will be detrimental to the visual quality of the adjacent Britannia House, surrounding street scene and the amenity of adjacent users.
- Overbearing, overly dominant and will overshadow Britannia House.
- Loss of light and views.
- Design is poorly related to Britannia House.
- Development is cramped, overdeveloped and incongruous in appearance to the area.
- Overlooking from balconies and windows.

**CAG:** The group felt this revised application was much improved and accepted the alterations to the Trafalgar Street frontage and would welcome this application subject to the windows on the ground floor of Blackman Street to match those above.

**Sussex Police:** Site is within a medium crime area. Recommendation to reduce crime risk on the site including glazing to the ground floor should be laminated, all the final exit doors must conform to LPS1175 SR3 and the outward opening double leaf main entrance doors off Station Street, would benefit from hinge bolts.

**Environment Agency:** No objection in principle, with the imposition of conditions relating to contaminated land and surface water drainage works.

**Southern Water:** No objection, with the imposition of informatives notifying the developer of the need to make an application to connect to the public sewer, a sewer capacity check and details of the proposed drainage system to take account of surcharging of the public sewer to prevent flooding.

**EDF Energy networks:** No objection providing the rights for EDF are

maintained as they are at present.

**Southern Gas Networks:** In the proximity of the site, low/medium/intermediate pressure gas main is present. No mechanical excavations are to take place above or within 0.5m of the low pressure or medium pressure system and 3 m of the intermediate pressure system. Where required the applicant should confirm the position of mains using hand dug trial holes.

**Internal:**

**Conservation & Design:** No objection, subject to the imposition of conditions to control the development in detail. The proposed development reinstates the historic building lines of Blackman Street and Station Street and its height and design is acceptable in townscape terms. It will assist in recreating a more coherent townscape and street frontages in the area to the north of Trafalgar Street. The amended plans which include revised window design to the ground floor windows on the east elevation to make them more in keeping with the elevation above are acceptable and overcome outstanding concerns.

**Traffic Manager:** No objection, with the imposition of conditions relating to securing details and the implementation of the highway improvement works proposed by the applicant to either end of Blackman Street, cycle and car parking provision and joining up to the New England Quarter Travel Forum.

**Environmental Health:** No objection, with the imposition of conditions relating to soundproofing of plant/machinery, contaminated land and related informatives.

**Public Art:** No objection, providing public art can be secured. A suggested level of public art contribution or value of the public art element to be incorporated into this scheme is £27,000.

**Economic Development:** Fully supports this application – the site currently supports 16 jobs and the development could support 175.

**Planning Policy:** The whole site is in use for B8 industrial storage purposes and policy EM3 applies. EM3 sets out the tests for redundancy of an industrial site before other uses can be considered. It does not appear from the evidence that has been submitted, that the site has been demonstrated to have met the tests for redundancy set out in EM3 (i.e. that it is currently vacant and has been marketed for a replacement industrial use).

However this application intensifies the employment potential of this site since it is for a B1 development, the category of industrial floorspace that the most recent employment land study identifies as being required to meet the City's future employment needs. It is noted also that the company is seeking to relocate the existing B8 use because of the logistical/transport difficulties in running a removal firm in what is an increasingly tightly developed inner city

location.

**Sustainability Consultant:** No objection in principle – Achieving an ‘Excellent’ BREEAM rating and 61% in energy and 83% in water is welcomed along with the specification of low use water fitting and rain water harvesting and grey water recycling.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage 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
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
EM3	Retaining the best sites for industry
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance Notes/Documents (SPGs/SPDs):

SPGBH 4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

## 8 CONSIDERATIONS

The main considerations relating to the determination of this application are

the principle of the development, the impact of the design on the character and appearance of the area and the setting of the adjacent North Laine Conservation Area, impact on amenity, transport implications and sustainability.

Principle

Local Plan policy EM3 relates to retaining the best sites for industry. It seeks to protect land in industrial use (Use Class B1, B2 and B8) from being released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs. Sites are assessed to determine suitability with reference to:

- a. location of the site;
- b. quality of buildings;
- c. site layout;
- d. accessibility;
- e. proximity to trunk routes;
- f. other uses in the neighbourhood;
- g. cost of demolition or refurbishment set against its future value for employment uses; and
- h. length of time the site has been vacant and the efforts made to market the site in ways to attract different types of employment uses.

If it can be demonstrated that the site is genuinely redundant and does not have the potential for industrial re-development, the site will be released. Preference will be given to alternative industrial or business uses.

The site is still in use by GB Liners as a furniture removal and storage company (B8 use). No evidence has been submitted to demonstrate that it meets the tests for redundancy; it therefore cannot be demonstrated to meet test h of the policy. However, as stated by the Council's Planning Policy officer, the proposal would increase the number of employment opportunities on the site, provide a key type of employment floorspace and address the relocation of this B8 company for operational and logistical reasons.

Although the proposal is speculative, the development is located where it is readily accessible by public transport. The proposal would not cause any loss of residential accommodation or open space and the B1 industrial/office development has been maximised on the site. From the design and access statement, the building has been designed to provide flexible space that can be configured in different ways.

The Council's Economic Development Team fully supports the scheme. They state that they have been working with GB Liners over a number of years to secure their relocation to a more suitable site to facilitate their business expansion and to enable redevelopment. Economic Development consider that the current location in the centre of the city is not best suited for modern day removals operations and that the site is operating at capacity and can not accommodate additional business for the company.

The redevelopment of this site for alternative employment uses, i.e. B1 offices will provide a modern development more appropriate for the location, increasing the employment density on the site and create the opportunity for GB Liners to relocate to a site more appropriate for their use.

The current site provides 546m<sup>2</sup> (5,877ft<sup>2</sup>) of B8 warehouse space and the applicant states that currently 16 jobs are provided. The proposal provides a mix of uses. Although the applicant has provided no information with regard to the jobs that will be provided, based on the offPAT employment densities (5.25 jobs per 100m<sup>2</sup>), around 175 jobs could be created by the proposal.

These figures clearly demonstrate that the employment levels that the proposal could accommodate far exceed the current employment levels and are therefore welcomed.

The site is included within the LR2 Strategy as an 'opportunity site' for redevelopment and is contained within the London Road Central Study Area. The proposal fully accords with the vision for this area which is 'to revitalise the London Road retail area and create a major commercial quarter for Brighton & Hove consisting of high quality commercial accommodation connecting London Road with the New England Quarter.' The relevant key proposals to deliver this vision include 'creating a commercial quarter as phase 2 of the New England Quarter', and 'improving the retail environment.'

Taking into account the above, the principle of the re-development of the site for B1 offices is considered acceptable. Although it does not fully accord with policy EM3 in relation to redundancy, the scheme intensifies the employment potential for the site while providing the category of industrial floorspace (B1) which has been identified in the most recent employment land study as being required to meet the City's future employment needs. In addition to this there are clear logistical difficulties in running and expanding the current use of the site and implementation of the scheme would enable GB Liners to relocate.

#### Design

Local Plan policies QD1, QD2, QD3, QD4 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites, the enhancement and preservation of strategic views and presenting an interesting and attractive frontage particularly at street level. Policy HE6 relates to development within or affecting the setting of conservation areas.

The Council's Conservation Officer describes the area, which is part of the historic North Laine north of Trafalgar Street to Cheapside, as having undergone major redevelopment of a poor quality of urban design. It is described as, 'an area of incoherent and unattractive townscape in which historic building lines have been disrupted and non-local materials used. The streets and public spaces are ill defined and the various 20<sup>th</sup> C buildings are poorly related to one another. The LR2 (London Road – Lewes Road)

Regeneration Study has identified this as a serious problem that needs to be addressed. The GB Liner site is identified as a key site in that study. A Masterplan is currently being prepared for the London Road Area to carry forward the LR2, which includes this site.

To the north of the site is a six-storey office building faced in brick that is set diagonally to the street. Its diagonal orientation does not respect the layout of the character of the historic area to the south, and is not well related to the new development on the west side of Station Street. It detracts from long views from the North Laine conservation area due to its excessive height.

Opposite the site on the west side on Station Street is Trafalgar House, a large office scheme with shops on the ground floor of the Trafalgar Street frontage. Whilst the south end of Trafalgar House scales down on Trafalgar Street, it breaks historic skylines in longer views from the North Laine Conservation Area, and the Valley Gardens Conservation Area, and is overbearing and highly intrusive. It should not be taken as a precedent or justification for overlarge developments on the application site. Any new development on the GB Liner Site should scale down and be lower than this development, following the contours of the ground to minimise its impact on long views. On the east side of Blackman Street, opposite the site is a low two-deck car park with a tower block in the middle, Theobald House. This presents a very poor street frontage to the public realm and the tall tower is highly visually intrusive in long views from the North Laine and Valley Gardens Conservation Area.

The existing building metal warehouse building is unattractive and is harmful to the character and views of and from the North Laine Conservation Area. The removal of the building and its redevelopment with a more attractive building of an appropriate scale, form and design would be most welcome.

The Council's Conservation Officer has made the following comments regarding the design of the scheme: 'The proposed development reinstates the historic building lines of Blackman Street and Station Street and its height and design is acceptable in townscape terms. It will assist in recreating a more coherent townscape and street frontages in the area to the north of Trafalgar Street.

The proposed building would effect a good transition between the much taller office building to the north and the lower domestic scaled North Laine Conservation Area to the south. It would also scale down the hill satisfactorily from the taller modern Trafalgar Court development to the west.

The building would be slightly visible above the roofline of the Trafalgar Street frontage buildings from Trafalgar Lane and the north end of Kensington Place. However, it does not significantly breach the generalised established skyline. It will screen the unsympathetic taller office building to the north, although only partially so from Kensington Place. In views up Blackman Street and

Station Street from Trafalgar Street, it would partially screen that tall building, which would enhance the setting and views of the conservation area. It would not breach the skyline in longer views from Valley Gardens and Richmond Place and would be read against the backdrop of the taller Trafalgar Place development behind to the west. It will be visible from higher ground on the hill to the east of Valley Gardens, e.g. from Grove Hill. However, it is not prominent or intrusive and does not breach skylines in these longer views. In these longer views it may be largely if not entirely obscured by the proposed City College development in the future.

In design terms the treatment of the facades is highly ordered with a strong repetitive rhythm and a vertical emphasis. Both the east and west facades have projecting bay windows. This reflects the ordered facades, bays and plot widths of the uniform terraces found in the North Laine. The facades are well-ordered and would provide visual interest at pavement level on both frontages.

It will be important to ensure that plant and equipment are not added on top of the building at a later stage and that it is incorporated within the architectural envelope of the building or below rooftop parapet levels. This can be dealt with by a condition.

The choice of materials, i.e. pastel render and red brick for the lower floors and grey cladding for the top two attic storeys are appropriate to the character of the area, subject to samples. The amended plans are considered acceptable to overcome previous concerns relating to the ground floor window design.’ A contribution towards public art can be secured through the legal agreement.

With the above opinions considered, the scheme results in the removal of a building which is currently harmful to the character of the views in and out of the North Laine Conservation Area and its replacement with an acceptably designed redevelopment scheme. The building will assist in recreating a more coherent townscape and street frontage in this area, it provides a good transition between the building heights to the north and the south of the site while respecting existing skyline and will not appear prominent or intrusive in longer views. With the imposition of conditions to control the development in detail, the proposal is considered acceptable and would accord with policies QD1, QD2, QD3, QD4 and QD5 of the Local Plan.

#### Amenity

Local Plan 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 application site abuts the roadway to the east and west of the site, whilst to the north is the office development of Britannia House exists. To the south,

the site abuts the rear of numbers 70 – 75 Trafalgar Street, which are occupied by varying commercial uses on the ground and part first floor, with flats above numbers 70 at second floor level and 73, 74 and 75 at first and second floor and 74 at third floor as well.

Britannia House has an irregular footprint with the south elevation largely facing south east. The south east corner of the plot is retained as an open service courtyard and rear access to the building. The most southerly part of the building is a single storey hipped roof structure which forms the building's reception area. This area is staffed during office hours and has a double aspect at present with glazing to the front and rear. The GB Liners' site currently uses the area to the east of this reception area for parking which, due to the ground level changes, is a storey below the height of the reception. The scheme proposes to build on this part of the site to a height of four storeys, of varying widths and depths, stepping away from the west boundary with the increase in height.

This part of the development would build right up to the boundary with Britannia House, approximately 2m from the east elevation of the reception area and a minimum of approximately 1.2m from the diagonal south east elevation at the corner of the site. It would extend to a height of approximately 4.4m in height, which is approximately 0.4m above the height of the existing walling, approximately 10m in width and will provide Level 0 accommodation and will have no window openings towards the Britannia House reception. Above Level 0, the development steps away from the boundary providing a flat roofed area with maintenance access only. The west elevation of Level 1 extends to a height of approximately 7.6m, which is approximately 5m above ground level in the Britannia House reception, approximately 4m away from the east elevation and approximately 10m in width.

Level 2 also has a small maintenance only terrace on the western side and rises up to a height of approximately 11m, which is approximately 8.4m above the Britannia House reception ground level. It is, in the main, approximately 5.4m from the east elevation, apart from a 2.7m wide element which contains the stairs, which is only 2m from the reception's east elevation. Level 3 has a maximum height of 14.4m, approximately 12m from the Britannia House reception ground level, this level also contains a 2m wide element on the boundary, approximately 2m from the reception and then steps back by approximately 5m at a width of approximately 3.5m, then back again 6.8m from the reception for a width of 2m. Level 4 only contains the stairway to a height of approximately 16.4m. The only openings on the west elevation of this element of the development are for maintenance to flat roofed areas and the stairway at levels 2 and 3.

Concern has been raised by the occupants of Britannia House in relation to the impact of the proposed development on sunlight/daylight levels to the reception area and some of the windows on the southern and south eastern elevations of the building. The shadow study and daylight assessment

submitted with the application assesses the two windows at Level 2 and Level 3, which are the windows most likely to be affected. As shown on drawing number 149, 32:29 a section is drawn perpendicular to the main face of the existing building, the proposed development subtends an angle to the horizontal which is equal to or less than 25 degrees. This demonstrates that the existing windows will not have the quality or quantity of daylight reaching them impaired. The remaining windows on the southern elevation service stairways and staff toilets and although it is noted that concern is raised regarding the impact on these windows, the BRE guidelines on daylight/sunlight do not recommend it is necessary to analyse these windows. The shadow study submitted shows that the development may have a greater overshadowing impact at points during the day however it is not considered that a refusal could be sustained at appeal on these grounds.

An assessment has also been made of the potential impact on the reception area. The average daylight factor for the east elevation facing the proposal has been calculated in accordance with the British Standard for Daylighting B.S.8206: Part 2, Appendix C. The resulting figure is 5.09%. The British Council for Offices Guide 2005 recommends a minimum of 0.5%, with optimum average of 2 - 5%. The proposed development will clearly impact on the levels of daylight to the reception area. However the daylight factor for the east elevation exceeds the minimum standard and is therefore considered to be acceptable.

The window openings on the north elevation of the proposed building are proposed in the main to be obscure glazed, the plans have been amended to provide maintenance access only to the majority of the flat roofed areas to minimise the impact use of these areas may have on neighbouring occupiers. A level of inter-overlooking between buildings in this location is characteristic and, where the uses are both commercial, limited concerns are raised in this respect. The proposed glazing and balcony/terrace area which is not to be obscured or screened on the north elevation at second storey level would overlook and be overlooked from the stairway and potentially from some of the small toilet windows in Britannia House when open as they are obscure glazed. It is not considered that this would give rise to adverse levels of overlooking.

To the south of the site properties 70 – 75 Trafalgar Street are occupied by a mix of uses including residential flats. Owing to the development's location to the north of these properties, issues relating to impact on sunlight are not of primary concern. However the development is, in parts, very close to the rear boundaries. As such, an assessment in relation to daylight has been made. Sections through numbers 74, 73 and 71 Trafalgar Street within the frontage blocks have been supplied to aid this assessment. The plans include the outline of the existing building for comparison.

No openings exist within the north elevation of number 70. The potential impact of the proposed development on levels of daylight is therefore

considered to be minimal. Numbers 71 and 72 are occupied by a hairdressing salon, each of the units have a small rear courtyard. The properties contain some openings in the north elevation and two in the side elevations of the rear extensions. The ground floor of numbers 73, 74 and 75 have no openings in the north elevations but there are a number at upper levels.

The sections show that in relation to number 71 the proposed development is approximately 2.8m higher than existing. This may affect levels of light to the windows. However the nearest part of the proposal would be on a similar building line to the existing building and lies to the north of the window in No. 71. As a result, the proposal is not considered likely to cause demonstrable harm when compared with the current situation.

Three windows, relating to two bedrooms and a kitchen window, are contained within the north elevation of numbers 73 and 74 Trafalgar Street. The proposed development on the south eastern part of the site abuts the rear boundaries of numbers 73 – 74 Trafalgar Street.

The second bedroom in Flat 2, 73-74 Trafalgar Street has a window approximately 1.2m in depth and 0.4 m in width in the north elevation. This window looks out onto an existing wall approximately 2.4m above the height of the flat roof below and approximately 3m north of the window. The proposed building would abut this existing wall and extend approximately 0.4m above it. The building would then step away by approximately 4.4m and rises to approximately 6.2m in height to the parapet from the proposed flat roofed area, approximately 2.8m higher than existing and approximately 8m from the rear elevation of number 73.

The development will impact on this window. However, the window already fails in respect of the Vertical Sky Component test, due to the proximity of the existing GB Liners building and also the flat's own bathroom, the side wall of which extends out three metres immediately to the east of the bedroom window. The proposed slight increase in height of the southernmost wall of the proposal together with the higher levels set further away to the north will reduce light to the window. The applicant has demonstrated that the window would still exceed the minimum recommended average daylight factor for bedrooms, but the proposal would not maintain or enhance the living conditions of people using that room. Whilst there would be some negative impact upon that window, it is not felt that this would outweigh the benefits of the overall scheme in design and employment terms. The flat does have another bedroom and a living room, both with outlook to Trafalgar Street.

Above the bedroom is a kitchen/diner serving Flat 4, 73-74 Trafalgar Street. The impact upon this window is considered to be acceptable as it achieves a Vertical Sky Component of 28%. The room is also dual aspect with a window to Trafalgar Street.

Flat 4 also has a north facing bedroom at third floor level. It is served by a dormer window that is located slightly higher than the proposed southernmost part of the development. It is not considered that outlook or daylight to/from this window would be significantly affected.

The proposed glazing on the southern elevation of the proposed building has been reduced in size and the plans show obscure glazing. A condition is recommended to secure the obscure glazing and to ensure that the windows are fixed shut to avoid overlooking of Nos. 70-75 Trafalgar Street.

### Transport

Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. TR7 will only permit developments that do not increase danger to other road users. While policy TR19 requires development proposals to accord with the Council's maximum car parking standards, as set out in Supplementary Planning Guidance Note 4: Parking Standards.

The site is in a highly sustainable City Centre location which benefits from excellent public transport links. The area surrounding the site is part of a Controlled Parking Zone (CPZ).

The Council's Transport Planner comments that the maximum parking provision based on floor area for the site as set out in SPGBH4 is 72 spaces for general use and 22 for dedicated disabled parking bays. The Transport Planner however considers that, based on more up to date guidance for levels of parking for people with disabilities, the proposed six bays out of a total of thirty bays proposed would cater for the demand created by the development. The Transport Planner also considers that any overspill parking, including visitor parking could be accommodated by the pay and display on-street parking areas or car parks within walking distance of the site. With respect to cycle parking provision, the applicant proposes to provide 30 spaces which exceeds the minimum standard. The overall level of parking proposed is considered acceptable.

There have been a number of accidents in recent years at the junction of Trafalgar and Blackman Street. The junction is below standard and has poor visibility for pedestrians, cyclist and drivers. The applicants are proposing, as part of the Transport Assessment submitted with the application, to remove the vehicle access to/from Blackman Street at this junction. Pedestrian and cycle access would be retained. In addition, at the northern end of Blackman Street, it is proposed to provide a raised table area at the junction which would reduce vehicle speeds and give priority to pedestrians. The Transport Planner considers that the proposed works represent a material improvement in public safety. It is proposed to secure these works through a Section 106 agreement.

The Transport Planner does not consider the scale and location of the

development would justify a stand alone Travel Plan, particularly as the proposal is making significant contributions towards public safety. However, it is recommended that the applicant join the Travel Forum for the New England Quarter. This can also be secured through the legal agreement. Owing to the proposed significant contribution to improving road safety, the Transport Planner has not requested an addition financial contribution towards improving sustainable transport infrastructure in the area. The development is considered to adequately accord to policies TR1, TR7, TR19 and the guidance set out in SPGBH4.

#### Sustainability

Policy SU2 requires all development to be efficient in the use of energy, water and materials. Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. A development of this scale would require the submission of a Site Waste Management Plan. The applicant has submitted a draft plan which details where waste arising from the development will be sent in general terms. A condition will be imposed on a permission to ensure an adequate, more detailed plan is submitted.

SPD08 Sustainable Building Design incorporates existing guidance on renewable energy (SPGBH 16) and sustainability checklist (SPGBH 21) and complements SPD03 on Construction and Demolition Waste adopted in 2006.

In accordance with SPD08 the application is required to meet an 'Excellent' BREEAM rating. Additional recommendations are to achieve 60% in energy and water sections, rainwater harvesting and grey water recycling systems feasibility study and to become a member of Considerate Constructor Scheme.

Achieving BREEAM excellent and 61% in energy and 83% in water is welcomed along with the specification of low use water fitting and rain water harvesting and grey water recycling. Solar shading has been added to the building to reduce the need for mechanical cooling systems which is very welcome as is the use of passive stack ventilation. The scheme achieves only a low score in ecology at present. This could be improved with the extension of green roofing to the maintenance only areas and additional planting, with green walls and planters, could be introduced with an irrigation system. Local Plan policy supports improvements to site biodiversity. Details of such ecological enhancements can be secured by condition.

## **9 CONCLUSIONS**

The site contains a modern warehouse building and is in use for storage and distribution purposes by GB Liners. The site lies adjacent to North Laine conservation area.

The proposed five storey office building would secure the redevelopment of

an unattractive building adjacent to the North Laine conservation area. The proposed building would offer significant visual enhancement to the area. The proposal would create new employment opportunities in this city centre location and also facilitate the relocation of the existing warehouse/distribution (B8) use. The applicant has demonstrated that the proposal would have limited impact upon the amenity enjoyed by neighbouring commercial and residential occupiers. Any impact that would result is considered to be outweighed by the street scene and employment benefits of the scheme. The proposal would reach a high standard of sustainability. The site has a city centre location and would be accessible by a range of transport modes.

Approval is recommended subject to a legal agreement to secure highway improvement works, membership of the New England Quarter Travel Forum and public art provision and subject to a range of conditions.

**10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal would secure the redevelopment of an unattractive building adjacent to the North Laine conservation area. The proposed building would offer significant visual enhancement to the area. The proposal would create new employment opportunities in this city centre location and also facilitate the relocation of the existing warehouse/distribution (B8) use. The applicant has demonstrated that the proposal would have limited impact upon the amenity enjoyed by neighbouring commercial and residential occupiers. Any impact that would result is considered to be outweighed by the street scene and employment benefits of the scheme. The proposal would reach a high standard of sustainability. The site has a city centre location and would be accessible by a range of transport modes.

**11 EQUALITIES IMPLICATIONS**

The proposal would incorporate full disabled access from both streets. The scheme includes disabled toilets, lifts, appropriate doors and thresholds amongst other features to assist people with physical or visual disabilities. The scheme would be accessible by and cater for a range of transport modes.

# BH2009/00087 GB Liners, Blackman Street



Date: 25/03/2009 05:09:57

Scale 1:1250



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<b><u>No:</u></b>	<b>BH2008/03960</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Waste Management facility Leighton Road /Old Shoreham Road, Hove</b>		
<b><u>Proposal:</u></b>	<p><b>Application for the variation of the following conditions attached to planning permission BH1997/00778/FP:</b></p> <ol style="list-style-type: none"> <li><b>1. Condition 3 amended to allow the use of the waste transfer building for general household waste and the receipt of dry recyclables.</b></li> <li><b>2. Condition 5 amended to allow extended hours of operation, from 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays.</b></li> <li><b>3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays.</b></li> <li><b>4. Condition 7 amended to enable use of mechanical shovels and loaders between 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays and Sundays.</b></li> <li><b>5. Condition 10 amended to allow the site to accept 25,000 tonnes per annum.</b></li> <li><b>6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall.</b></li> <li><b>7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.</b></li> <li><b>8. Condition 27 amend the wording of this condition, which restricts sale of recycled materials to a designated area, by the addition of the phrase "except where agreed in writing by the Waste Planning Authority".</b></li> <li><b>9. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.</b></li> <li><b>10. Condition 30 amended to permit the positioning of waste containers in the approved designated areas (drawing LEIG/04/001/C) except where otherwise agreed in writing with the Local Planning Authority.</b></li> <li><b>11. Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority.</b></li> </ol>		
<b><u>Officer:</u></b>	<b>Jason Hawkes, tel: 292153</b>	<b><u>Received Date:</u></b>	<b>19 December 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>23 April 2009</b>
<b><u>Agent:</u></b>	<b>N/A</b>		
<b><u>Applicant:</u></b>	<b>Veolia Environmental Services, Freeman House, Ellen Street, Portslade</b>		

## 1 SUMMARY

The application relates to the Hove Waste Management Facility. The site is located in the south west corner of an industrial estate between the residential streets of Aldrington Avenue to the west and Leighton Road to the east. It is accessed via Old Shoreham Road to the north.

The site provides a service for householders to deposit waste and recyclable materials in the western part of Brighton & Hove and was granted permission in 1997. Since that time, the site has been granted temporary permissions in order to provide facilities for interim waste handling pending the construction of the Hollingdean Depot facility (Materials Recycling Facility / Transfer Station). The Hollingdean site is now open and permission is now sought to permanently amend the conditions under the original permission. The variations sought are for the most part in line with the changes which have been allowed under the previous applications and have been in effect for approximately the last four years. In terms of site capacity, a reduction from the temporarily permitted 40,000 to 25,000 tonnes per annum is proposed.

Overall, the variations sought serve beneficial environmental and operational purposes. Additionally, the proposal is a response to changes in the ways that waste is managed in the city and recycling markets which have come into effect since the granting of the substantive consent over ten years ago. The changes will not lead to a significant adverse impact on the amenity of the adjacent properties or highway safety and are integral to delivering sustainable waste management for the city.

A formal screening opinion exercise undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The screening opinion related to whether an environmental impact assessment (EIA) was required in relation to the application to vary conditions. The screening concluded that an EIA was not required as the scheme does not have the potential for significant environmental impacts to occur.

## 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 **GRANT** planning permission for the variation of the following conditions subject to the following:

### Condition:

1. Condition 3 amended to state that premises shall be used for no other purpose than as a Household Waste Recycling Site and transfer facility for street cleansing waste / communal bin operations, and on occasions when the Hollingdean MRF or WTS facility are unavailable or where there are other exceptional operational conditions the site shall also be used as a transfer facility for kerbside collected waste and recyclables (not to exceed 20 days per year, except where agreed in writing by the Local

Planning Authority).

**Reason:** Due to the proximity of residential properties there is a need to secure control over additional activities on the site in the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

2. Condition 5 amended to state that containers receiving waste shall not be emptied on site or collected except between the hours of 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

3. Condition 6 amended to state that other than street cleansing, no HGVs shall be used for operational purposes except between the hours of 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

4. Condition 7 amended to enable use of mechanical shovels and loaders between 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays and Sundays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

5. Condition 10 amended to state that the tonnage of waste accepted by the civic amenity facility shall not exceed 25,000 tonnes per annum.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall. The parking shall be restricted to the area hatched in blue as shown on drawing LEIG/04/001/B received on the 13<sup>th</sup> January. Any HGV will be either empty or contain dry recyclables only.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies TR1, QD27, SU10 and SU15 of the Brighton & Hove Local Plan.

7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant. Prior to their installation, details of the safety reversing devices shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained.

**Reason:** In the interests of protecting residential amenity and in

accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies TR7, QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

8. Condition 27 amended which to allow the sale of recycled materials outside the designated area shown on the approved plan. Prior to the use of the additional areas for sales of recycled materials a plan shall be submitted indicating the location of the proposed areas to the Local Planning Authority for approval in writing. The plan as approved shall be implemented in accordance with the agreed details.

**Reason:** To secure control over activity occurring on the site and in the interests of protecting residential amenity in accordance with policies WLP5 and WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policy QD27 of the Brighton & Hove Local Plan.

9. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis. No other waste material shall be tipped onto the ground outside of the waste transfer building for storage purposes, sorting or loading into skips.

**Reason:** To secure control over activity on the site in order to safeguard residential amenity and to prevent ground water pollution in accordance in accordance with policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.

10. Condition 30 amended to retain the positioning of waste containers in the as shown on drawing LEIG/04/001/C, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To control the level of activity on the site and in accordance with policies WLP5 and WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.

11. Condition 35 amended to permit the development not to be carried out wholly in accordance with the plans approved under BH1999/00778/FP.

**Reason:** To allow alterations and amendments to the site as outlined in the former amendments to conditions approved under BH1999/00778/FP and in accordance policies WLP5 and WLP35 of the East Sussex and Brighton & Hove Waste Local Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the supporting statements, Design and Access Statement drawing nos. LEIG/04/001/A/1, LEIG/04/001C and LEIGG/04/001B received on the 19<sup>th</sup> December 2008 and the 13<sup>th</sup> and 22<sup>nd</sup> January 2009.
2. This decision to grant Planning Permission has been taken:
  - i. having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan and Brighton & Hove Local Plan set

out below.

East Sussex and Brighton & Hove Waste Local Plan:

- WLP1 The Plan's Strategy
- WLP2 Transport Strategy
- WLP5 Safeguarding Sites
- WLP6 Expansions or Alterations to Existing Facilities
- WLP35 General Amenity Considerations
- WLP36 Transport Considerations
- WLP40 Environmental Improvements and Other Benefits

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU12 Hazardous substances
- SU15 Infrastructure
- QD27 Protection of amenity

Supplementary Planning Guidance:

- SPG4: Parking Standards; and

ii. for the following reasons:

The proposed variation of the conditions will not result in a significant impact on the amenity of adjacent properties or highway safety. The variations will also allow the site to continue operating in an efficient and effective manner in accordance with a city wide approach to waste management.

### **3 THE SITE**

The Leighton Road site is set between the railway line and Old Shoreham Road, reached by an access road which also serves business premises. It is bounded by the railway to the south, residential properties to the west on Aldrington Avenue and industrial units on the St Joseph's Business Park to the east.

The site provides a service for the deposit of household waste items for the residents of west Brighton & Hove. The site allows the handling and transfer of a range of household recyclables and non-recyclable materials. It should be noted that the site does not permit commercial vehicles or any commercial waste. The site is accessed in the northeast corner of the site. Adjoining the northern boundary are office and storage buildings and an area for staff car parking. The Household Waste Recycling Site occupies the northern half of the site.

The western boundary of this part of the site is separated from the residential properties to the west by buildings, which houses a YMCA charity shop and an area for recycling fridges, televisions, batteries and waste electrical and

electronic equipment (WEEE). The buildings to the north house recycling areas for gas bottles, textiles, bonded asbestos, tyres, chemicals, cooking oils. The area in the middle of the site contains a number of skips. In the middle of the skips is an acoustic wall. On the western side of the wall, householders can climb stairs to recycle paper, cardboard, plastic bottles and green waste. The skips on the eastern side of the acoustic wall allow recycling of wood/timber, MDF/cardboard, soil, large WEEEs and metals. There is also a bottle bank near the eastern boundary of the site.

The southern part of the site is dominated by a large building which is a waste transfer building, within which a range of household waste materials are segregated and bulked for onward transfer to recovery processors or for final disposal. This building also allows householders to dump any other waste which could not be placed in the designated recycling areas in the northern part of the site. There is a vehicle manoeuvring area to the south of the waste transfer building.

The site has a Waste Management Licence issued by the Environment Agency. This was last modified in September 2008 and allows a capacity up to 40,000 tonnes.

#### **4 RELEVANT HISTORY**

Planning permission was granted under **BH2006/03620** for the renewal of the temporary planning permission BH2004/02838/FP to allow the continued interim recycling and transfer activities until 31 December 2008.

Also of relevance, in 2006, planning permission was granted on the Hollingdean Depot site for the construction of a Materials Recovery Facility, Waste Transfer Station (**BH2006/00900**). This site is now operational.

In 2004, planning permission was granted under **BH2004/02838/FP** to allow the temporary variation of nine conditions attached to planning permission BH1997/00778/FP to facilitate the provision of interim facilities for municipal waste recycling and transfer. The variations comprised the following:

1. Condition 3 amended to permit the transfer of collected household waste and the receipt of dry recyclables.
2. Condition 5 amended to allow extended hours of operation, from 0800 - 1800 Monday - Friday and 0800 -1300 on Saturdays.
3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0730-1800 Monday to Friday and 0800 -1300 on Saturdays.
4. Condition 7 amended to enable use of plant from 0730-1800 Monday to Friday and from 0800 - 1300 on Saturdays and Sundays.
5. Condition 10 amended to allow an increase in tonnage restriction to 40,000 tonnes per annum.
6. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
7. Condition 28 amended to allow the placement on the ground of metal

- items delivered by the public, prior to loading into waste containers.
8. Condition 30 amended to permit the positioning of waste containers in the approved designated area (drawing AL-100G) except where otherwise agreed in writing with the Local Planning Authority.
  9. Condition 35 amended to permit the development to be carried out with the approved plans, or where otherwise agreed in writing by the Local Planning Authority.

This permission was granted subject to a condition requiring full details of the design and operation of the reversing safety devices and for a temporary period until 31 December 2006.

In 1997, planning permission was granted following a Committee site visit for the demolition of existing buildings on the site and the erection of a new civic amenity facility, incorporating waste transfer, recycling and associated works, including the retention of a street cleaning depot, fencing hardstandings and staff parking (**BH1997/00778/FP**). This was subject to numerous conditions controlling the use of the site.

## **5 THE APPLICATION**

Planning permission is sought to vary some of the conditions of the original permission granted in 1997. The temporary permission which allowed the variation of the conditions has now expired and the applicants are seeking permission to allow some of the conditions to be varied on a permanent basis. The variations sought are for the most part in line with the changes which have been allowed under the previous applications. Below is a summary of the proposed changes:

Condition 3 restricts the use of the site to a civic amenity depot and on occasions as a general waste transfer station in emergency situations. The use of the site as an emergency facility is restricted in the original condition to 12 days a year. The amendment would allow the emergency use of the site as a general waste transfer station for a maximum of 20 days. Additional days to be agreed in writing with the local planning authority.

Condition 5 restricts the emptying or collection of the waste containers to 1000-1630 Monday to Friday. This is to be amended to 0800-1800 hours Monday to Friday and 0800-1300 on Saturdays.

Condition 6 restricts the use of HGVs for operational purposes (other than street cleansing) from 0800-1700 Monday to Friday. This is to be increased to 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays.

Condition 7 restricts the operation of mechanical shovels or loaders from 0800-1730 Monday to Fridays and 1030-1230 at weekends. This is to be amended to enable use of mechanical shovels and loaders between 0730-1800 hrs Monday to Friday and 0800-1300 hrs on Saturdays and Sundays.

Condition 10 amended to allow the site to accept 25,000 tonnes per annum. The original permission allows a capacity of 18,000 tonnes.

Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall. The original permission stated no overnight parking of HGVs to occur on site.

Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant. The original permission stated that the high level shovel to be used in the transfer building to be fitted with a non-audible reversing safety device.

Condition 27 amend the wording of this condition to allow the sale of recycled materials other than in the area designated in the original permission. The condition is to be amended by the addition of the phrase "except where agreed in writing by the Waste Planning Authority".

Condition 28 prohibits the tipping of waste materials and the grounds outside the transfer station for storage, sorting or loading skips. It is proposed to be amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.

Condition 30 requires waste containers to be located in a specific area. It is proposed that this is relaxed to permit the use of other areas as shown on submitted drawing LEIG/04/001/B.

Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority.

No changes are proposed to the opening times of the site for the general public. The site is open to the general public between the times of 0800-1630 Monday to Friday, 0830-1330 on Saturdays and 1030-1330 on Sundays and not at any times on bank holidays.

## 6 CONSULTATIONS

### External:

**Neighbours:** The occupiers of neighbouring properties have been consulted on the proposal. 12 Letters and emails of objection have been received from **198, 204, 206 Old Shoreham Road, 15, 21, 29, 35 Aldrington Avenue, 39 Richmond Road, 8 Amherst Crescent and 2 Lullington Avenue.** Objections are raised on the following grounds:

- The importance of the site is recognised but residents ask that the Council control the operation of the site to protect residential amenity.
- Residents have experienced problems since the site opened, including out-of-hours noise, waste in their gardens, fly infestation, rats, dust and unpleasant smells.
- The company does not comply with the existing conditions and so there is no reason why they would comply with the proposed variations.
- Condition 3: As household refuse collection is the first service to be stopped during extreme weather conditions extending the number of days the Household Waste site can be used for storing general household to 20 days is unnecessary.
- Condition 5: The noise nuisance from the operating times of the site is a

major issue which was recognised in the original application. The current proposal would create an additional 17½ hours (53% increase) of noise each week. Residents would be subject to noise nuisance for more hours than a legal working week.

- Condition 6: Heavy HGVs dragging away from the site are very noisy and cause residents homes to shake. This should be restricted.
- Condition 7: Mechanical shovels are also very noisy and create dust and obnoxious smells. This should also be restricted.
- Condition 10: The claimed 'small' increase in tonnage from 18,000 to 25,000 is excessive. This will inevitably lead to traffic problems.
- Condition 17: The fitting of low level alarms will also lead to noise disturbance.
- The site should not have been built in this location and repetitive planning applications are insulting and unneeded. The issues have not changed.
- Allowing these changes will increase traffic. The area can be a traffic hazard for large parts of the day, particularly during the heavily congested rush hours. Lorries turning the corner into the site has also lead to concerns regarding pedestrian safety and sometime objects fly of lorries, which is also dangerous.
- Residents thought that once the Hollingdean site was up and running there would be a decrease in volume of rubbish to the site.

A **petition** of 57 names has also been submitted objecting to the scheme stating that the Councillors should refuse the planning application to make permanent changes to the working hours and other restrictions at the site.

**Councillor Vanessa Brown** objects to the application (email attached).

**Environment Agency:** No objection to the proposal. The proposals are compatible with the current conditions of the Environmental Permit in operation at the site.

**Southern Water:** No objections.

**Internal:**

**Traffic Manager:** No objection to the changes. The junction to the site is designed to the appropriate standards, which can accommodate an average daily flow of up to 5,000 vehicles per day. Therefore there are no safety or capacity grounds on which this application could be refused. Additionally, due to the nature of the scheme, a Transport Assessment is not required for this application.

**Environmental Health:** It is understood that these conditions have been broadly part of an existing temporary permission. There have been no recent complaints relating to noise from the site and conditions already detailed under the 1997 permission are effective at controlling noise and odour. The wording of condition 17 could be reviewed to control noise from reversing alarms. A similar condition to that used on the Hollingdean Waste Facility

could be used as an alternative.

**Planning Policy:** Most of the proposed amendments are the same as those agreed in permissions BH2006/03620 which expired on 31 December 2008. Subject to colleagues from Transport, Environmental Health and Planning Enforcement that there have been no unacceptable impacts from the temporary permissions, then there are no policy concerns in permanently varying the conditions. Furthermore, several of the variations are particularly welcomed as they will allow the facility to continue responding positively to changes in waste management legislation and national policy introduced since 1997. For example, to collect WEEE and separation of a greater range of materials to increase rates of diversion from landfill.

**City Clean:** There are no concerns regarding the variations in planning conditions. The changes will allow the site to progress with changes in the recycling market and allow the city to reach government targets. There are concerns in relation to condition 11 relating to overnight parking. There is no objection subject to these vehicles being empty or only dry recyclable can be contained overnight and no domestic bag refuse (as this can purify and can be a source of odour).

## 7 PLANNING POLICIES

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

WLP1	The Plan's Strategy
WLP2	Transport Strategy
WLP5	Safeguarding Sites
WLP6	Expansions or Alterations to Existing Facilities
WLP35	General Amenity Considerations
WLP36	Transport Considerations
WLP40	Environmental Improvements and Other Benefits

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU12	Hazardous substances
SU15	Infrastructure
QD27	Protection of amenity

### Supplementary Planning Guidance:

SPG4:	Parking Standards
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## 8 CONSIDERATIONS

The main considerations in the determination of the application relate to the principle of the changes in relation to the Waste Local Plan and overall waste strategy for the city and the impact on residential amenity and highway safety.

Background:

Planning permission was granted for the use of the site as a civic amenity site in 1997. This permission included 41 conditions which restricted the use and operations of the site. Following this, permission was granted on a temporary basis to allow the variation of the conditions. These conditions allowed the site to accommodate to a greater capacity. Notably, the site was allowed up to a capacity of 40,000 tonnes per annum. One of the justifications of these permissions was that, whilst the Hollingdean site was being constructed, interim arrangements were required to accommodate the lack of suitable alternatives for waste transfer.

The Hollingdean depot is now operational. However, the Leighton Road site is still required to operate under some of the temporary measures and permission is now sought for a permanent variation of the conditions granted under the original permission. As the Hollingdean site is operational, some of the conditions allowed under the temporary permissions are no longer applicable. For example, the site no longer requires a capacity of 40,000 tonnes per annum and this is proposed to be reduced to 25,000 tonnes per annum. Also, as the Hollingdean site is now operational, the Leighton Road site no longer requires a condition to allow the possible daily use of the site for the transfer of collected waste and the receipt of dry recyclables. It is claimed that the proposed amendments to the conditions is a response to changes in waste legislation, the ways that waste is managed and changing recycling markets which all have come into place since the original permission was granted.

Waste Local Plan Policies:

The proposal is considered to be in compliance with all the relevant Waste Local Plan policies.

Policy WLP1 (the Plan's strategy) states that proposals will form part of an integrated strategy for waste management and contribute to meeting targets for the area. This is the case in this instance. Policy WLP5 also states that existing waste management sites with permanent planning permission shall be protected. Policy WLP6 states that proposals for alterations to existing waste management facilities will be permitted where it is demonstrated that the development meets current environmental standards and the development is required to improve operational efficiency. In this instance, the proposed alterations are required to improve operational efficiency and are compatible with the current conditions of the Environmental Permit in operation at the site.

Policy WLP35 requires proposals to satisfy amenity issues, be in keeping with its location and that adequate means of controlling noise, dust, litter, odours and other measures are secured. Policy WLP40 also states that, where appropriate, Waste Planning Authorities will seek environmental improvements and/or other benefits on the site or in the locality, to offset or compensate for any adverse impact associated with the development. Apart

from details of the proposed low level reversing safety alarm to transfer station loading plant, no other environmental improvements have been identified or are required. This condition, along with those conditioned as part of the original consent, such as maintaining closure of rear doors of the waste transfer station, except for vehicular ingress and egress, are considered appropriate to compensate for any adverse impact on any adjacent residential properties.

Planning Policy and City Clean have both stated that they have no objections to the proposal and that several of the variations are particularly welcomed as they will allow the facility to continue responding positively to changes in waste management legislation and national policy introduced since 1997. The changes will also allow the site to respond to changes in the recycling market and allow the city to reach appropriate government targets. One of the changes in the recycling market is that MDF/cardboard can now be recycled. The storage and bulking of composite wood products (MDF) within the waste transfer hall is one of the reasons why the site requires a capacity of 25,000 tonnes per annum.

Proposed variations:

**Condition 3:** Under the substantive consent this condition restricts the use of the site to a civic amenity area and depot for the receipt of street cleansing operations. The condition also allowed the use of the site as a transfer station for general household waste for up to 12 days a year when extreme weather conditions lead to the closure of landfill sites. The temporary permissions allowed the use of the waste transfer building for general household waste and dry recyclables on an interim basis pending the completion of the Hollingdean facility.

The temporary permission which allowed the use of the site for the transfer of collected waste and receipt of dry recyclables on a daily basis is no longer required due to the use of the Hollingdean site. It is proposed to amend this condition to allow the use of the Hove site for up to 20 days a year to accommodate for situations where the Hollingdean site is not available operationally. The proposed amendment to only allow the use of the site for the receipt of general household waste and dry recyclables for 20 days represents a significant reduction from that allowed under the temporary permissions. Allowing the use of the site for 20 days will provide valuable flexibility, making use of the existing waste management infrastructure and will contribute to the efficiency of municipal waste management within the Brighton & Hove.

**Condition 5:** Under the substantive consent, this condition restricted the emptying or collection of waste containers to the hours of 1000-1630 Monday to Fridays and not at any time at weekends or Bank Holidays. Under the temporary consent, these hours were amended to 0800-1800 Monday to Friday and 0800-1300 on Saturdays. The site has been operating under these hours for approximately four years. The applicant states that to revert

back to the original hours will impose unnecessary constraints on the site. However, it is not considered necessary to retain the full hours under the temporary consent. The hours now proposed during which containers may be emptied or collected are from 0800-1700 Monday to Fridays and 0800-1300 on Saturdays.

**Condition 6:** Under the substantive consent, this condition restricts the use of HGVs for operational purposes (other than vehicles used for street cleansing) to 0800-17.30 Monday – Friday and at no times at weekends or Bank Holidays. Under the temporary consent, these hours were amended to 0730-1800 Monday – Friday and 0800-1300 on Saturdays. As with the above condition, it is considered that the site has operated in a satisfactory manner and without adverse impacts under the temporary consents. Again, to revert back to the original permission would make the operating the amenity site difficult. It is now proposed that the temporary hours are to be retained and that HGVs may be used for operational purposes (other than street cleansing) between 0730-1800 Monday – Friday and 0800-1300 on Saturdays.

**Condition 7:** Under the original permission, this condition restricts the use of mechanical shovels and loaders to 0800-1730 Monday and Fridays and 10.30-12.30 at weekends and at no time on Bank Holidays. Under the temporary consents, these hours were amended to 0730-1800 Monday to Friday and 0800-1300 on Saturday and Sundays. Again, it is considered that the site has operated in a satisfactory manner and the applicant state that to revert to the original condition would impede the effective operation of the site. It is proposed that the temporary hours are retained, and that the mechanical shovels and loaders may be used between 0730-1800 Monday – Friday and 0800-1300 on Saturdays and Sundays.

**Condition 10:** This condition under the substantive permission limits the amounts of waste accepted to the site to 18,000 tonnes per annum. As an interim measure during the construction of the Hollingdean depot, this was increased to 40,000 tonnes under the temporary permissions. The Hollingdean depot is now operational and the site no longer requires this capacity. The original permission allowed a capacity of 18,000 tonnes. It is now proposed to allow a capacity of 25,000 tonnes. This increase will allow the bulking of wood for recycling and composite wood products (MDF). This will help reduce transport distances associated with these products, improve recycling and reduce the amount of waste going to landfill. The proposed tonnage will also provide some flexibility for other material streams (for example hard plastics) where bulking may be necessary to assist in their diversion from landfill.

**Condition 11:** This condition restricts overnight parking of HGVs except within the waste hall. The applicant has stated that this can cause operational difficulties and it is proposed to allow the parking of HGVs externally along the eastern side of the waste transfer hall. This area is shown hatched on drawing LEIG/04/001/B. City Clean have stated no objection subject to these

vehicles being empty or only dry recyclable can be contained overnight and no domestic bag refuse (as this can purify and can be a source of odour). The applicants have confirmed this is the case and the condition is to be worded to restrict the HGVs to either being empty or containing dry recyclables only. The applicants anticipate that the space allocated for vehicles will only allow one large articulated lorry and possibly two smaller vehicles. This area is shielded from the closest residential properties on Aldrington Avenue by the waste transfer hall. Subject to the use of the lorries being restricted to the hours specified in condition 6, it is not felt that parking lorries in this permission will lead to a significant impact on residential amenity.

**Condition 17:** This condition was amended in the temporary applications to permit the fitting of low level reversing safety alarms to transfer station loading plant. For safety reasons, the applicant wishes to continue the use of the low level reversing alarm and requires the temporary permission to be made permanent. The applicant states that vehicles operations within the 2004 consent have been fitted with Amber valley (musical ambient tone) safety reversing equipment. These devices automatically adjust the volume of the reversing alarm in accordance with ambient background noise experienced.

**Condition 27:** The original condition restricted the sale of recycled materials to a designated area. To allow flexibility, the applicant is seeking an amendment to the wording of the condition to allow the sale of recyclable materials within the site. The siting of sales within the site is to be agreed in writing with the Local Planning Authority. Provided the sale of recyclable materials does not conflict with the use of the site as a civic amenity site, the variation of the condition is considered acceptable.

**Condition 28:** The original condition states that no materials shall be tipped onto the ground for storage purposes, sorting or loading onto skips. In line with the temporary permission, it is proposed to allow the placement of metal materials delivered by the public on the ground prior to be loaded into waste containers. This allows members of the public to deposit heavy waste electrical goods without fear of injury. Forcing members of the public to deposit heavy electrical goods into skips which have stairs is considered a health hazard. The original condition did not acknowledge this particular problem and there is now more of an emphasis on recycling electrical goods.

**Condition 30:** The original condition stated that waste containers must be placed in the designated areas. The position of the containers has changed since that time and the existing layout of the site is deemed the most efficient. It is therefore proposed to retain the positioning of waste containers in the areas as shown on drawing LEIG/04/001/C, unless otherwise agreed in writing with the Local Planning Authority.

**Condition 35:** As with condition 30, condition 35 of the substantive consent requires rigid adherence to the original approved plans. Having regard to the

above changes, it is therefore proposed to allow a variation of the condition.

Transport Issues:

This application represents a substantial reduction in the level of operations at the site when compared to the permitted temporary operations of the past four years. Under the temporary permissions, the site was allowed to be used for lorries carrying general household waste and dry recyclables whilst the Hollingdean depot was being constructed. The Hove site is no longer required to provide this capacity and it is proposed to reduce the capacity of waste allowed to the site from 40,000 to 25,000 tonnes. This results in a decrease in the number of vehicle movements to the site. It is anticipated by the applicant that HGV movements per day will reduce from the maximum during the interim period of some 54 movements (27 loads) per day to about half that level.

During the process of the previous application in 2006 for the renewal of the temporary permission the applicant submitted a Transport Statement to identify any traffic issues arising from the extension of time that the site is catering for by the increased collection of kerbside recyclable and residual waste arising. The report concluded that the temporary consent granted in 2004 had not resulted in any adverse traffic or highway impacts and that the 2006 scheme was appropriate. The current proposal results in a significant decrease in the amount of vehicle activity allowed under the temporary permissions. It therefore follows that the current proposal is also appropriate in terms of highway and traffic impacts.

The Transport Team have also commented that they have no objections to the proposal. The junction to the site off Old Shoreham Road is designed to the appropriate standards and can accommodate an average daily traffic flow of 5,000 vehicles per day. Therefore there are no safety or capacity concerns raised. The Traffic Manager has also stated that a Transport Assessment is not required for this application. The provision of the parking spaces in the proposed area to the east of the waste transfer building is also in accordance with Supplementary Planning Guidance Note 4 on Parking Standards.

Noise and amenity issues:

It is felt that the proposed amendments are broadly in line with temporary consents which have been in operation for the last four years and have not resulted in a significant impact on the amenity of adjacent premises. The proposal will also see a reduction in the activity on the site. The temporary permissions allowed a capacity of 40,000 tonnes per annum and the use of the site for the transfer of general household waste and dry recyclables on an interim basis pending the completion of the Hollingdean facility. As the Hollingdean site is now open this use is no longer required, except for emergency purposes when the Hollingdean site is not available. This will result in a significant decrease in activities and vehicular movements to the site.

Environmental Health have commented there have been no recent complaints relating to noise from the site and conditions already detailed under the 1997 permission are effective at controlling noise and odour. Environmental Health have commented that the wording of condition 17 could be reviewed to control noise from reversing alarms and have suggested a similar condition to that used on the Hollingdean Waste Facility could be used as an alternative. The applicant states that vehicles operations within the 2004 consent have been fitted with Amber valley (musical ambient tone) safety reversing equipment. These devices automatically adjust the volume of the reversing alarm in accordance with ambient background noise experienced. To secure appropriate safety alarms condition 17 is to state that prior to the installation of the alarms, details of the alarms shall be submitted to the local planning authority for approval.

It should also be noted that the original permission includes conditions which protect residential amenity including condition 23 which states that the shutters and pedestrian doors on the southern elevation of the waste transfer building shall remain closed at all times other than for the exit and access. It should also be noted that the temporary permissions included acoustic reports which indicated that the temporary permissions were appropriate in terms of noise impact. The site includes an acoustic barrier in the middle of the Household Waste site which shields the WEEE skips and bottle bank from the residential properties on Aldrington Avenue to the west. The block of buildings along the western boundary also acts as a barrier and limits noise disturbance.

While the objections from neighbouring residents on noise grounds are understood, it is considered, that the extension of operations on this site would not materially affect the amenity of these neighbouring occupiers, and so the application is considered acceptable in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

A formal screening opinion was undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The screening was to whether an environmental impact assessment (EIA) was required in relation to the application to vary conditions. The screening concluded that an EIA was not required as the scheme does not in the potential for significant environmental impacts to occur.

Conclusion:

The site has been operating effectively for the last four years under the temporary permissions and without significant impact on the amenity of adjacent properties or highway safety. Allowing the permanent use of the site under the temporary conditions is appropriate and it is also proposed to reduce the capacity of the site. Furthermore, it is important that the site continues to operate efficiently in order to maintain an effective city wide approach to waste management.

**9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed variation of the conditions will not result in a significant impact on the amenity of adjacent properties or highway safety. The variations will also allow the site to continue operating in an efficient and effective manner in accordance with a city wide approach to waste management.

**10 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/03960 Waste Management Facility, Leighton Road/Old Shoreham Road, Hove



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Scale 1:2500



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## Brighton & Hove City Council

PLANS LIST – 8<sup>TH</sup> APRIL 2009

### COUNCILLOR REPRESENTATION

**From:** Victoria Golding [Victoria.J.Golding@brighton-hove.gov.uk] on behalf of Vanessa Brown [Vanessa.Brown@brighton-hove.gov.uk]  
**Sent:** 06 March 2009 12:47  
**To:** Jason Hawkes  
**Subject:** BH2008/03960

Dear Mr Hawkes

Re: BH2008/03960 - Waste Management Facility Leighton Rd/Old Shoreham Rd

As a councillor for Stanford Ward I am writing to object to this planning application. I fully appreciate the importance of the site but there is also the need to protect the residential amenity.

The previous planning permission was only temporary and residents were expecting this to be recinded not made permanent.

The proposed extended hours of operation are a serious concern to nearby residents. The huge containers being loaded and unloaded cause a real noise nuisance and the heavily laden HGV vehicles accessing and leaving the site are also very noisy. There is no safe pedestrian pathway for local residents to walk to the site which could be dangerous with even more lorries entering and leaving.

Condition 7 proposes amending the hours of use by the mechanical shovels and loaders to 7.30 – 18.00 hours Monday to Friday and 08.00 – 13.00 hours on Saturdays and Sundays. The mechanical shovels are noisy and create dust and obnoxious smells especially in the summer months.

The residents often suffer problems of smells, flies and rats. With nearly a 40% increase in tonnage arriving at the site these problems could be exacerbated.

Yours sincerely

Cllr Vanessa Brown  
Deputy Leader of Brighton & Hove City Council  
Cabinet Member for Children & Young People  
Tel: 01273 291012  
Fax: 01273 291003

## LIST OF MINOR APPLICATIONS

<b><u>No:</u></b>	<b>BH2008/02077</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>79 - 80 Western Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use to mixed A3 / A4 use (restaurant / bar) on ground, first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45 (part retrospective).</b>		
<b><u>Officer:</u></b>	Guy Everest, 293334	tel: <b><u>Received Date:</u></b>	17 June 2008
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	05 September 2008
<b><u>Agent:</u></b>	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
<b><u>Applicant:</u></b>	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

**1 RECOMMENDATION**

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

**Conditions:**

- The ground and first floor windows to the rear elevation, as indicated on hereby approved drawing no. 09-01 J, shall be obscurely glazed and fixed shut and shall thereafter be permanently retained as such.  
**Reason:** To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- The premises shall be in operation only between the hours of 08.30 and 01.45 Monday to Sunday.  
**Reason:** To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- Amplified music or other entertainment noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.  
**Reason:** To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

**Informatives:**

- This decision is based on drawing no. 01-01 C submitted 5<sup>th</sup> June 2008; a Design & Access Statement submitted 30<sup>th</sup> June 2008; drawing no. 02-03 E submitted 11<sup>th</sup> July 2008; a Noise Assessment submitted 10<sup>th</sup> September 2008; and drawing nos. 02-01 J & 09-01 J submitted 30<sup>th</sup> October 2008.

LIST OF MINOR APPLICATIONS

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:
    - SU10 Noise nuisance
    - QD14 Extensions and alterations
    - QD27 Protection of amenity
    - SR5 Town and District Shopping Centres
    - HE3 Development affecting the setting of a listed building
    - HE6 Development within or affecting the setting of conservation areas; and
  - ii. for the following reasons:-

The development, subject to compliance with the above conditions, will not result in harmful noise or disturbance for occupiers of adjoining properties.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.
4. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

**2 THE SITE**

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

**3 RELEVANT HISTORY**

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) at ground floor level and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**). Condition 2 of this permission stated:-

2. *The premises shall not be in use except between the hours of 10.00 and 23.00 Monday to Sunday (including Bank Holidays).*

**Reason:** *To safeguard the amenities of the locality and comply with policy QD27 of the Brighton & Hove Local Plan.*

LIST OF MINOR APPLICATIONS

**4 THE APPLICATION**

The application seeks consent for the change of use at first and second floor levels to an A3 use in conjunction with the ground floor of the premises. This element of the scheme is retrospective. It is also proposed to vary condition 2 of the above planning permission to allow use of the premises between the hours of 08.30 and 01.45.

The following additional applications have also been submitted at the application site:-

- **BH2008/01986:** Proposed three new rooflights to front and rear (part retrospective).
- **BH2008/01985:** Six air conditioning units to the rear of property (retrospective).

**5 CONSULTATIONS**

**External:**

**Neighbours:** letters have been received from **18 (flat 1), 20 (GFF x2), 21 (flats 1 x2, 5 x2 & 7), 24, 32 (flat 7) Palmeira Square** and **28A & 39 St John's Road** objecting to the proposal for the following reasons:-

- increased light pollution;
- a restaurant and bar of this size will automatically generate substantial noise;
- the three French doors are an integral part of the upper floor and mean that anyone has a clear and uninterrupted view of the gardens and living rooms of those living nearby;
- concern that the area of roof at first floor level will be used as a terrace with resulting noise and privacy problems;
- there are already bars / restaurants in the adjoining area backing onto residential properties
- the proposal will generate extra traffic to the immediate neighbourhood.

**Celia Barlow MP** objects (letter attached).

**Sussex Police:** The premises are outside the cumulative impact zone. The overall floor space for public use exceeds 150 sq metres so policy SR12 applies. So far as opening hours are concerned the policy states that opening hours should be staggered to avoid customers leaving at the same time.

**Internal:**

**Environmental Health:** Recommend conditions to control noise levels. When an application is made to vary the Premises License to include use of the first floor further controls may be stipulated. This may result in further conditions applied to the license to satisfy the objective of the Prevention of Public Nuisance. Furthermore whilst the suggested conditions should result in nearby neighbours not being disturbed in the event that noise complaints are received they will be investigated under the Environmental Protection Act 1990 and powers with regard to statutory noise nuisance.

LIST OF MINOR APPLICATIONS

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

SR5 Town and District Shopping Centres

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

**7 CONSIDERATIONS**

The main issues of determination in the determination of this application relate to the impact of the change of use on the Hove Town Centre, amenity for occupiers of adjoining properties, and the demand for travel in the area.

The ground floor of the application site is in use as a restaurant following the granting of planning permission in 2006 with the first and second floors providing ancillary floorspace. The use of the property as a mixed use restaurant and bar would not entail the loss of a retail unit and the vitality and shopping function of the Hove Town Centre will not be harmed. The proposed use would potentially attract pedestrian activity to the centre in compliance with the aims of local plan policy SR5.

The application site abuts residential properties on Palmeira Avenue and St Johns Road and there is potential for increased noise and disturbance for occupiers of these properties. A number of local residents have objected to the proposal on this basis. The Council's Environmental Health Officer is satisfied that subject to suitable conditions satisfactory noise mitigation and control would be provided to protect neighbouring residents and recommends that opening be allowed until 01.45 each day: Sussex Police have raised no objection to the proposed opening hours. On this basis it is considered the extended opening hours would not necessarily result in harmful noise or disturbance for occupiers of adjoining properties and conditions are recommended requiring first floor windows be obscurely glazed and fixed shut, and that noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.

It should be noted that Environmental Health have advised that further conditions may be attached to the Premises License, under the provisions of the Licensing Act 2003, and that whilst the planning conditions outlined above will reduce the potential for disturbance to nearby neighbours any future complaints can be investigated under the provisions of the Environmental Protection Act 1990.

The application seeks consent for a mixed restaurant / bar use which, for the above reasons, is considered unlikely to result in undue noise or disturbance for occupiers of adjoining properties. Western Road already has some late activity from existing establishments in the vicinity of the site and there is no evidence to suggest that this proposal will result in an increase in crime. The

LIST OF MINOR APPLICATIONS

total public floorspace within the premises (excluding lobbies, stairwells, WC's and staffed areas) would not exceed 150 sq metres and as such local plan policy SR12, which relates to large restaurant / bars, is not considered relevant in this instance.

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity planning permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action: condition 1 also requires the windows once reinstated to be obscurely glazed and fixed shut.

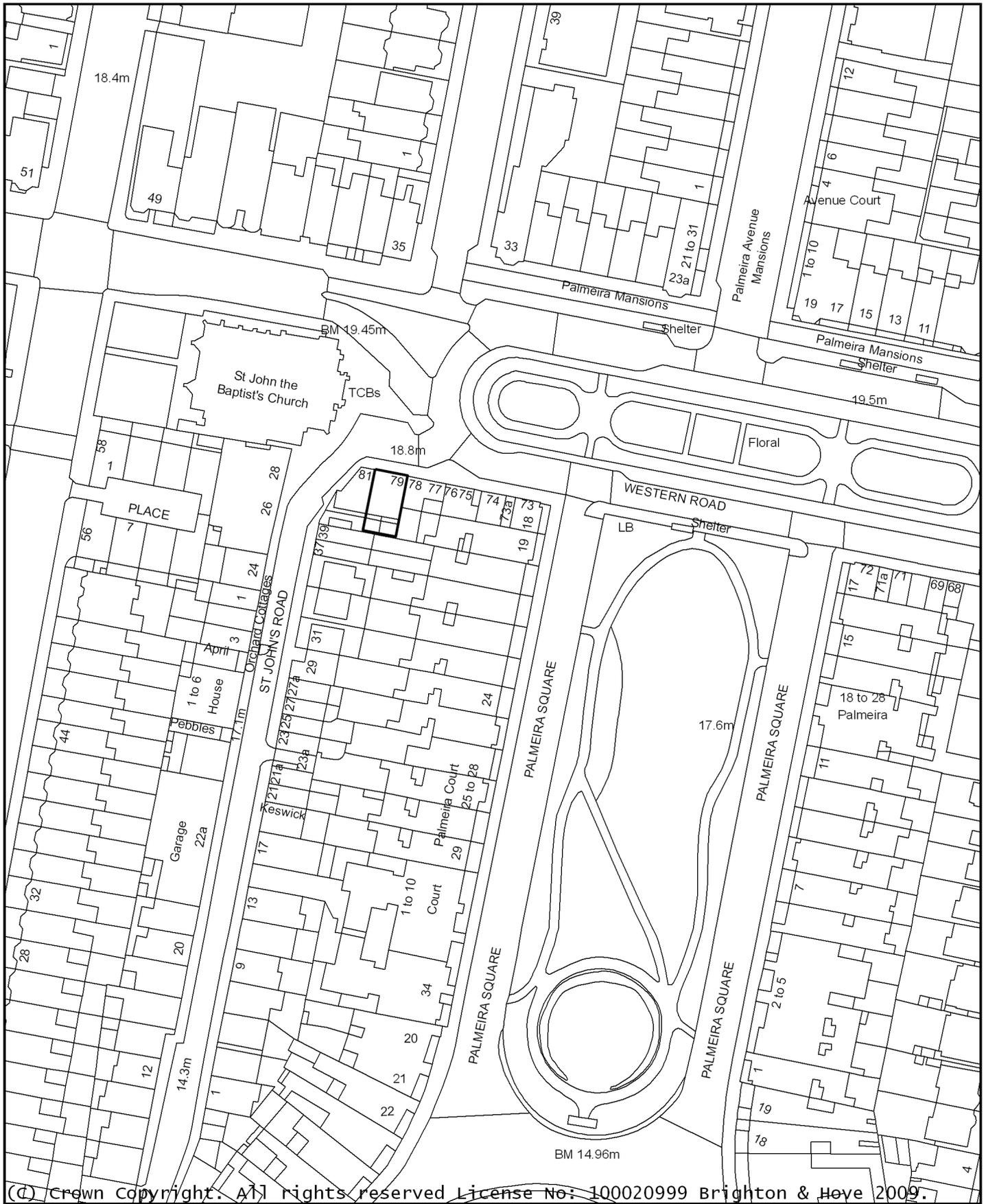
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development, subject to compliance with the above conditions, will not result in harmful noise or disturbance for occupiers of adjoining properties.

**9 EQUALITIES IMPLICATIONS**

None identified.

**BH2008/02077 79-80 Western Road, Hove**



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**Date: 25/03/2009 01:31:18**

**Scale 1:1250**



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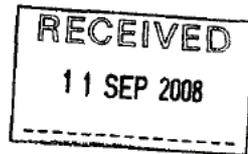




## Brighton & Hove City Council

PLANS LIST – 8<sup>TH</sup> APRIL 2009

### COUNCILLOR REPRESENTATION



Celia Barlow MP  
House of Commons  
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Mr Guy Everest  
Brighton & Hove City Council  
Hove Town Hall  
Norton Road  
Hove  
BN3 4AH

Our ref: PG/HunterS

Your ref: BH2008/01986  
BH2008/01885  
BH2008/02077

Tuesday, 9 September 2008

Dear Mr Everest

I am writing on behalf of my constituent Mrs S M Hunter of 24 Palmeira Square, Hove, BN3 2JN. Mrs Hunter has recently contacted me regarding the above referenced planning application.

Mrs Hunter, along with other residents in the area, is extremely concerned about this proposed development. I understand that there is evidence to suggest that the building in question has already suffered damage due to new window installations.

There is also some concern regarding the proposed use of the premises, with there already being a significant number of restaurants in the area. Furthermore, there are what I believe to be justified concerns over the privacy of neighbouring homes, along with the obvious issues of noise and general disturbance to residents.

I would like to take this opportunity to formally object to this application on behalf of the numerous anxious residents who feel that they have not been properly consulted on this application.

Yours sincerely,

Celia Barlow  
Labour Member of Parliament  
Hove & Portslade

<b><u>No:</u></b>	<b>BH2008/01985</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>79 - 80 Western Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Six air conditioning units to the rear of property (retrospective).</b>		
<b><u>Officer:</u></b>	Guy Everest, 293334	tel: <b><u>Received Date:</u></b>	05 June 2008
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	05 September 2008
<b><u>Agent:</u></b>	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
<b><u>Applicant:</u></b>	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

## 1 RECOMMENDATION

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

### Conditions:

1. Within 1 month, unless otherwise agreed in writing by the Local Planning Authority, of the date of this decision details of soundproofing measures to the installed chiller units shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed within 1 month of such written approval, unless otherwise agreed in writing by the Local Planning Authority, in accordance with the agreed details and shall thereafter be retained as such.  
**Reason:** To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. The units hereby approved shall be serviced and maintained to ensure that noise associated with this units is controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, does not exceed a level 5dB(A) below the existing  $L_{A90}$  background noise level: rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.  
**Reason:** To safeguard the amenity of the occupiers of surrounding properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing no. 01-01 C submitted 5<sup>th</sup> June 2008; a Design & Access Statement submitted 30<sup>th</sup> June 2008; drawing no. 02-03 E submitted 11<sup>th</sup> July 2008; a Noise Assessment submitted 10<sup>th</sup> September 2008; and drawing nos. 02-01 J & 09-01 J submitted 30<sup>th</sup> 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:
    - SU10 Noise nuisance
    - QD14 Extensions and alterations
    - QD27 Protection of amenity
    - HE3 Development affecting the setting of a listed building
    - HE6 Development within or affecting the setting of conservation areas; and
  - ii. for the following reasons:-

The installed units, by reason of their siting, preserve the appearance of the building and wider Brunswick Town Conservation Area and, subject to compliance with conditions 1 and 2 above, will not cause significant harm to neighbouring amenity.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.

## **2 THE SITE**

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

## **3 RELEVANT HISTORY**

Planning permission was refused in April 2008 for the retention of 4 air conditioning units to the rear of the premises (ref: **BH2008/00065**) for the following reason:-

1. *The external cabling associated with the installed air conditioning units are unduly prominent additions to the building which harms its character and appearance and that of the surrounding area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.*
2. *The installed air conditioning units are sited in close proximity to adjoining residential properties, and associated amenity space, and have potential to impact on neighbouring amenity by way of noise and general disturbance. The applicant has failed to demonstrate that the installed units will not have a detrimental effect on amenity for occupiers of surrounding properties. In the absence of such information the proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan which seek to protect residential amenity.*

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**).

#### **4 THE APPLICATION**

The application seeks retrospective consent for the retention of six air conditioning units at ground floor level to the rear of the property.

The following additional applications have also been submitted at the application site:-

- **BH2008/02077**: Change of use from A1 to A3 on first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45.
- **BH2008/01986**: Proposed three new rooflights to front and rear (part retrospective).

#### **5 CONSULTATIONS**

##### **External:**

**Neighbours:** letters have been received from **20 (GFF x 2), 21 (flats 1, 5 & 7), 24 and 32 (7 Palmeira Court) Palmeira Square;** and **39 St John's Road** objecting to the proposal for the following reasons:-

- noise and light pollution;
- loss of privacy;
- a restaurant use is not suitable for the area. It is close to several food outlets and there should be a variety of businesses in the area, especially close to a large residential area. It is likely a more reasonable restaurant use would not be opposed;
- the building has already been altered without planning permission and should be restored to conservation standards (the installed French doors at first floor level to the rear elevation);
- inadequate parking facilities.

**Celia Barlow MP** objects (letter attached).

##### **Internal:**

**Environmental Health:** The applicant has submitted a noise assessment which concludes:

*'From the results of the assessment, the operation of the A/C/ chiller units at the rear of the Square will not have any adverse noise impacts on the nearest residential receptors. From the measurements taken at the site, the noise impact from the chillers should be more than 5dB(A) below background at the nearest unobstructed residential receptors. A/C chiller units can become increasingly noisy with wear over time and should be maintained to preserve their present quiet operation.'*

The noise from the functioning of the air conditioning units has been

assessed using the appropriate methods and equipment and there is no reason to disagree with the conclusions made in the acoustic report; the functioning of the units does not constitute a statutory noise nuisance under the provisions of the Environmental Protection Act 1990.

As recommended in the conclusion of the noise assessment the air conditioning external chiller units should be routinely serviced and maintained. This should be done to ensure that noise associated with them be controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing  $L_{A90}$  background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

## **7 CONSIDERATIONS**

The main issues of consideration in the determination of this application relate to the visual impact of the installed units on the character and appearance of the building and surrounding area; and the impact on amenity for occupiers of adjoining properties.

### Design and appearance

The air conditioning units have been installed in a passageway between a single-storey rear section of the property and the shared boundary wall with 20 Palmeira Square. The units are not visible from any public highway or open space and therefore have a limited impact on the character and appearance of the conservation area. Similarly when viewed from adjoining properties whilst the upper section of the units are visible the overall visual impact is sufficiently reduced by the existing boundary wall to prevent any significant harm to the character or appearance of the building and those adjoining, which on Palmeira Square are grade II listed. Following a previous refusal for the units (see section 3) external cabling has been removed and repositioned internally within the premises.

### Impact on amenity

The installed units are in close proximity to the rear gardens of 20 Palmeira Square and 39 St John's Road and as such there is potential for increased noise disturbance for occupiers of adjoining properties.

The applicant has submitted a Noise Assessment assessing the impact of the four air conditioning units on the nearest residential properties. The

assessment states that the installed units are designed to operate in close proximity to residential uses and concludes that the air conditioning units will not have any significant adverse noise impacts on the nearest residential properties. The Council's Environmental Health Officer has advised that based on measurements taken at the site there are no reasons to dispute the Noise Assessment findings and recommend approval, subject to a condition restricting future noise levels from the units (no. 2).

A further two chiller units have also been installed and were not measured as part of the above Noise Assessment. The Environmental Health Officer has identified a statutory noise nuisance in relation to these units and soundproofing works are required in order to overcome this. However, there are no reasons why adequate soundproofing cannot be achieved in relation to these units and a condition (no. 1) is recommended to require further details of the proposed soundproofing and its subsequent installation. It is considered that subject to compliance with this condition no significant harm will result for occupiers of adjoining properties.

#### Other considerations

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action.

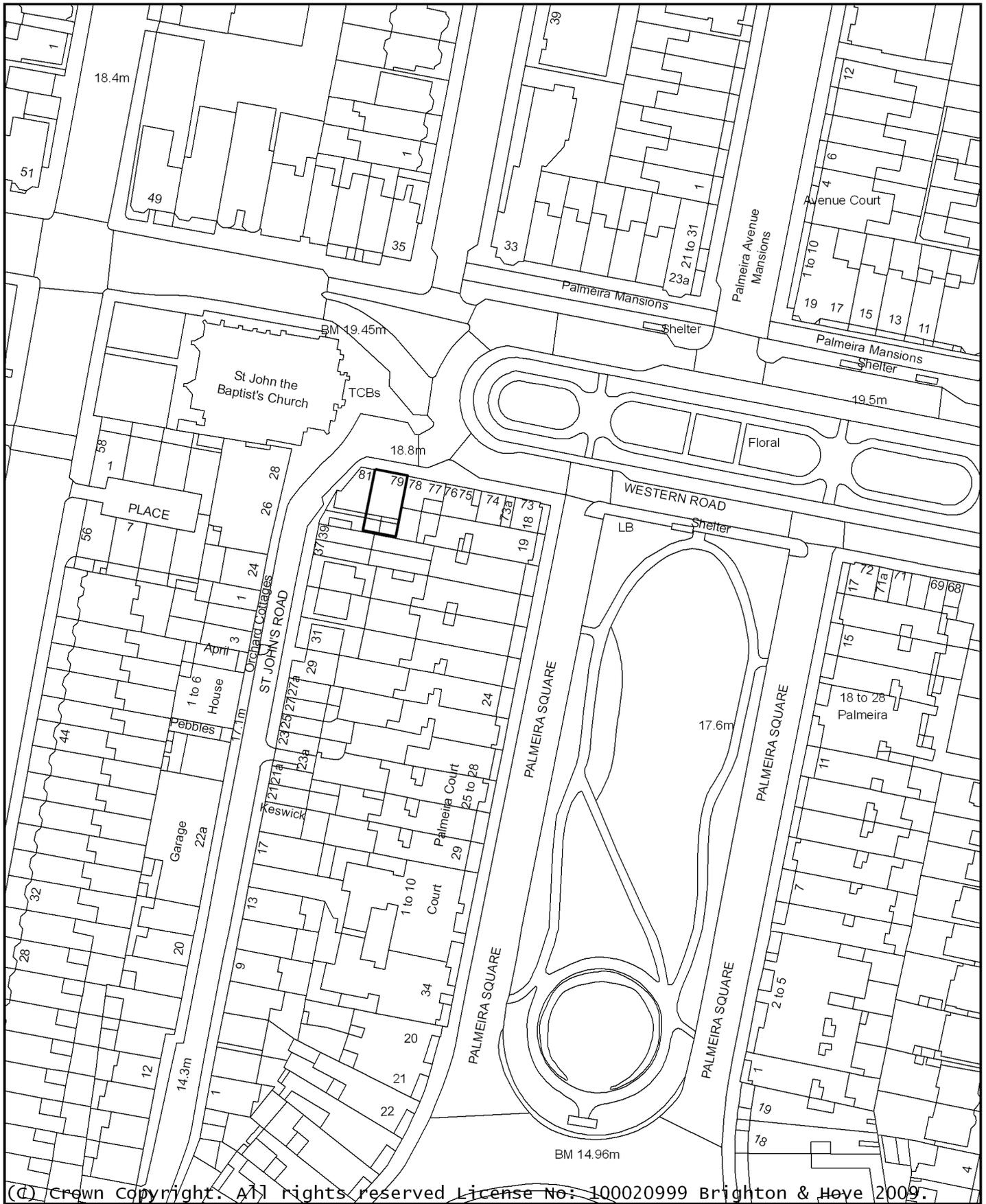
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The installed units, by reason of their siting, preserve the appearance of the building and wider Brunswick Town Conservation Area and, subject to compliance with conditions 1 and 2 above, will not cause significant harm to neighbouring amenity.

### **9 EQUALITIES IMPLICATIONS**

None identified.

**BH2008/01985 79-80 Western Road, Hove**



**Date: 25/03/2009 01:30:20**

**Scale 1:1250**



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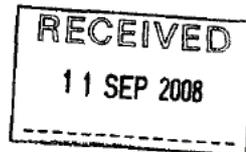




## Brighton & Hove City Council

PLANS LIST – 8<sup>TH</sup> APRIL 2009

### COUNCILLOR REPRESENTATION



Celia Barlow MP  
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Mr Guy Everest  
Brighton & Hove City Council  
Hove Town Hall  
Norton Road  
Hove  
BN3 4AH

Our ref: PG/HunterS

Your ref: BH2008/01986  
BH2008/01885  
BH2008/02077

Tuesday, 9 September 2008

Dear Mr Everest

I am writing on behalf of my constituent Mrs S M Hunter of 24 Palmeira Square, Hove, BN3 2JN. Mrs Hunter has recently contacted me regarding the above referenced planning application.

Mrs Hunter, along with other residents in the area, is extremely concerned about this proposed development. I understand that there is evidence to suggest that the building in question has already suffered damage due to new window installations.

There is also some concern regarding the proposed use of the premises, with there already being a significant number of restaurants in the area. Furthermore, there are what I believe to be justified concerns over the privacy of neighbouring homes, along with the obvious issues of noise and general disturbance to residents.

I would like to take this opportunity to formally object to this application on behalf of the numerous anxious residents who feel that they have not been properly consulted on this application.

Yours sincerely,

Celia Barlow  
Labour Member of Parliament  
Hove & Portslade

<b><u>No:</u></b>	<b>BH2008/01986</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>79 - 80 Western Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Proposed three new rooflights to front and rear (part retrospective).</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Received Date:</u></b>	05 June 2008
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	05 September 2008
<b><u>Agent:</u></b>	Jarmain Associates, Step Cottage, Freshfield Lane, Danehill		
<b><u>Applicant:</u></b>	Mr Essam Shawki, 79 to 80 Consecutive Western Road, Hove		

## 1 RECOMMENDATION

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

### Conditions

1. BH12.05 Rooflights - Cons Area.
2. The hereby approved rear rooflights shall be fixed shut and shall be permanently retained as such.

**Reason:** To safeguard the amenity of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing no. 01-01 C submitted 5<sup>th</sup> June 2008; a Design & Access Statement submitted 30<sup>th</sup> June 2008; drawing no. 02-03 E submitted 11<sup>th</sup> July 2008; and 02-01 J & 09-01 J submitted 30<sup>th</sup> 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 Supplementary Planning Guidance Note:

#### Brighton & Hove Local Plan

SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions, and

- ii. for the following reasons:  
The rooflights will preserve the character and appearance of the building and Brunswick Town Conservation Area, and subject to compliance with condition 2 will not result in harm to neighbouring amenity through increased noise or disturbance.
3. The applicant is advised that in order to prevent future enforcement action the existing French doors at first floor level to the rear elevation should be removed and replaced with window openings, as indicated on approved drawing no. 09-01 J, within 2 months of the date of this decision.

## 2 THE SITE

The application site relates to a two storey plus basement mid-terraced property on the south side of Western Road, close to the junction with St John's Road. This building is within the Brunswick Town Conservation Area.

## 3 RELEVANT HISTORY

Planning permission was refused in April 2008 for the installation of 3 rear rooflights (ref: **BH2008/00064**) for the following reason:-

1. *Notwithstanding inaccuracies on the submitted plans the proposed rooflights by virtue of their size and non-traditional proportions would harm the character and appearance of the property and surrounding Brunswick Town conservation area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).*

Planning permission was granted in 2006 for a change of use from print shop (A1) to cafe/ restaurant (A3) and installation of ventilation ducting to rear elevation (ref: **BH2006/02429**).

## 4 THE APPLICATION

The application seeks consent for the installation of two conservation rooflights to the rear of the property measuring approximately 0.66m x 1.1m (w x h). Retrospective consent is also sought for the retention of a front conservation rooflight measuring approximately 0.55m x 0.98m (w x h).

The following additional applications have also been submitted at the application site:-

- **BH2008/02077**: Change of use from A1 to A3 on first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08.30 and 01.45.
- **BH2008/01985**: Six air conditioning units to the rear of property (retrospective).

## 5 CONSULTATIONS

**External:**

**Neighbours:** letters have been received from **20 (GFF), 21 (flats 1, 5 & 7) &**

**24 Palmeira Square and 28A & 39 St John's Road** objecting to the proposal for the following reasons:-

- noise and light pollution;
- loss of privacy;
- a restaurant use is not suitable for the area. It is close to several food outlets and there should be a variety of businesses in the area, especially close to a large residential area. It is likely a more reasonable restaurant use would not be opposed;
- the works have taken a considerable length of time;
- the building has already been altered without planning permission and should be restored to conservation standards (the installed French doors at first floor level to the rear elevation);
- inadequate parking facilities;
- pedestrian congestion as a result of tables on pavement.

**Celia Barlow MP** objects (letter attached).

## 6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

## 7 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the visual impact of the installed units on the character and appearance of the building and surrounding area; and the impact on amenity for occupiers of adjoining properties.

Design and appearance

In conservation areas, supplementary planning guidance on roof extensions and alterations, SPGBH1, advises that rooflights should lie flush with the roof covering; be of traditional proportions, design and construction; and have slim steel or cast iron frames. The proposed rooflights are of conservation style, modestly sized, positioned above openings at first floor level, and not readily visible from any public highway or open space. For these reasons the proposal will preserve the character and appearance of the building and Brunswick Town Conservation Area. A condition is recommended requiring the rooflights be flush with the adjoining roof surface.

As existing the rear elevation of the property incorporates three French door openings which do not benefit from planning permission and as such are unauthorised. The proposed plans indicate the removal of the French doors and reinstatement of the original windows. An informative is recommended to

advise the applicant that to avoid enforcement action the windows should be reinstated within 2 months of the date of the decision notice.

Impact on neighbouring amenity

There is potential for noise breakout through the proposed rooflights which could cause increased noise and disturbance for occupiers of adjoining properties, particularly those on St John's Road and Palmeira Square. To mitigate the impact of the rooflights a condition is recommended requiring the windows be fixed shut, which in conjunction with the proposed use at second floor level (as ancillary offices and storage) is considered sufficient to ensure no significant noise or disturbance will result from the proposal. Due to the location of the site in a busy mixed commercial / residential area no significant harm to amenity will result through increased light pollution.

It should be noted that a previous planning application for rear rooflights (ref: BH2008/00064) was not refused for reasons relating to neighbouring amenity.

Other considerations

It is noted that three double door openings have been created at first floor level to the rear elevation in place of window openings. This alteration does not benefit from planning permission and the applicant has been advised that having regard to their impact on neighbouring amenity permission is unlikely to be granted. The proposed plans indicate the reinstatement of the original window openings and an informative is recommended advising the applicant that these works should be completed within 2 months of the date of this decision in order to prevent future enforcement action.

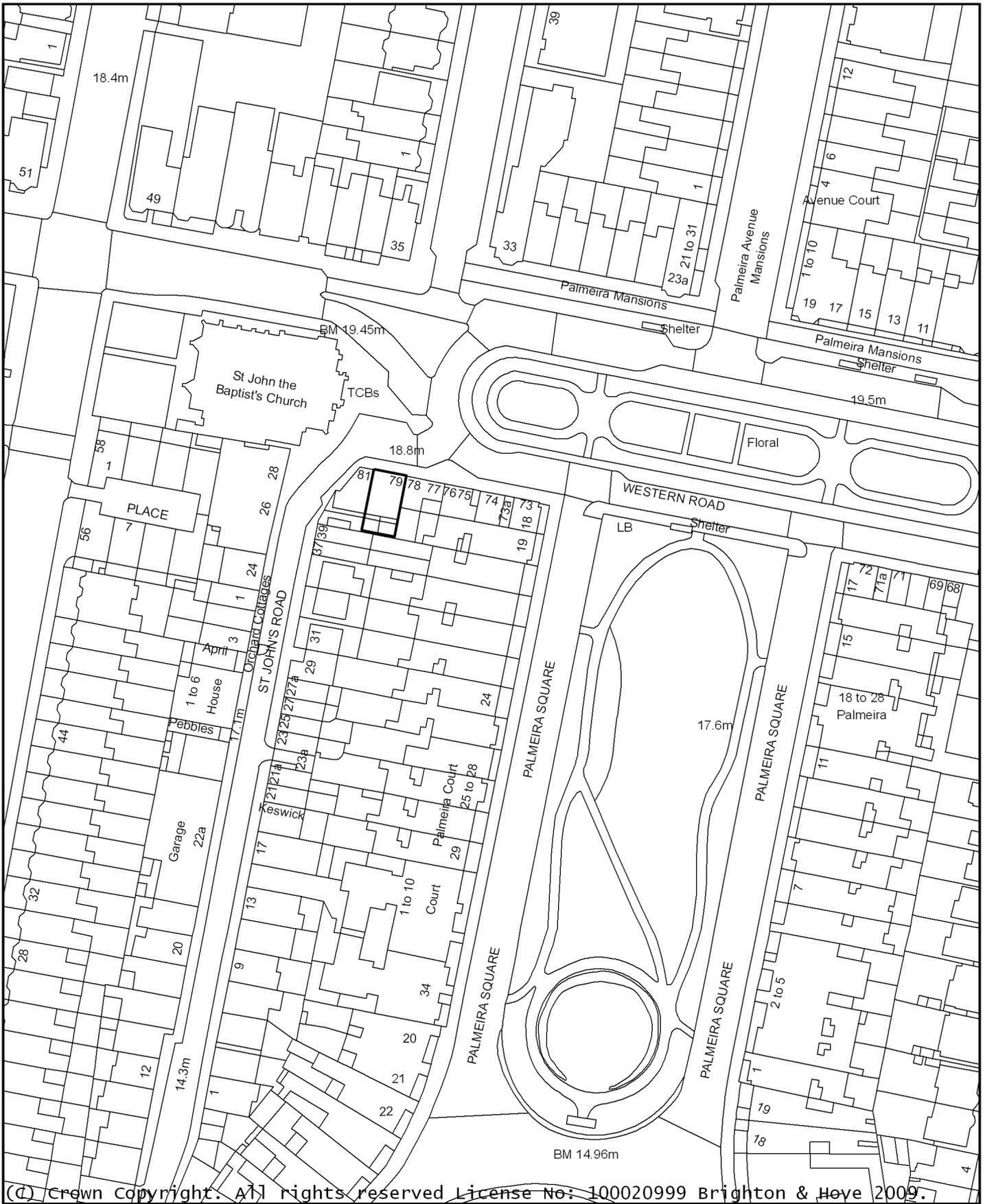
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The rooflights will preserve the character and appearance of the building and Brunswick Town Conservation Area, and subject to compliance with condition 2 will not result in harm to neighbouring amenity through increased noise or disturbance.

**9 EQUALITIES IMPLICATIONS**

None identified.

**BH2008/01986 79-80 Western Road, Hove**



**Date: 25/03/2009 01:27:36**

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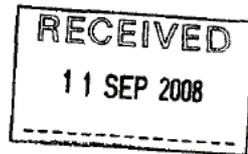




## Brighton & Hove City Council

PLANS LIST – 8<sup>TH</sup> APRIL 2009

### COUNCILLOR REPRESENTATION



Celia Barlow MP  
House of Commons  
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W: [www.celiabarlow.org.uk](http://www.celiabarlow.org.uk)



Mr Guy Everest  
Brighton & Hove City Council  
Hove Town Hall  
Norton Road  
Hove  
BN3 4AH

Our ref: PG/HunterS

Your ref: BH2008/01986  
BH2008/01885  
BH2008/02077

Tuesday, 9 September 2008

Dear Mr Everest

I am writing on behalf of my constituent Mrs S M Hunter of 24 Palmeira Square, Hove, BN3 2JN. Mrs Hunter has recently contacted me regarding the above referenced planning application.

Mrs Hunter, along with other residents in the area, is extremely concerned about this proposed development. I understand that there is evidence to suggest that the building in question has already suffered damage due to new window installations.

There is also some concern regarding the proposed use of the premises, with there already being a significant number of restaurants in the area. Furthermore, there are what I believe to be justified concerns over the privacy of neighbouring homes, along with the obvious issues of noise and general disturbance to residents.

I would like to take this opportunity to formally object to this application on behalf of the numerous anxious residents who feel that they have not been properly consulted on this application.

Yours sincerely,

Celia Barlow  
Labour Member of Parliament  
Hove & Portslade

<b><u>No:</u></b>	<b>BH2008/03792</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Council Development (Advertisement)</b>		
<b><u>Address:</u></b>	<b>The Royal Pavilion, Church Street</b>		
<b><u>Proposal:</u></b>	<b>Display of non-illuminated flags.</b>		
<b><u>Officer:</u></b>	Liz Holt, tel: 291709	<b><u>Received Date:</u></b>	04 December 2008
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	05 March 2009
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Ms Cara Bowen, Brighton & Hove City Council, The Royal Pavilion, 4-5 Pavilion Buildings, Church Street		

## 1 RECOMMENDATION

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

### Conditions:

1. This advertisement consent shall expire 2 years from the date of this notice whereupon the banners shall no longer be used unless further consent to display has been given by the Local Planning Authority.  
**Reason:** To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and to ensure the satisfactory preservation of the setting of this listed building once the scaffolding for the restoration of the building have been removed as it is considered that the banners are not suitable for a longer period of display and to comply with policy HE9 of the Brighton & Hove Local Plan.
2. The advertisement banners hereby granted consent shall not be displayed when the Royal Pavilion is closed to the public.  
**Reason:** To ensure the satisfactory preservation of the setting of this listed building and to comply with policy HE9 of the Brighton & Hove Local Plan.
3. The advertisement banners hereby granted consent shall not be displayed simultaneously with any A-board advertisements within 25 metres of from the main visitor entrance door to the Royal Pavilion.  
**Reason:** To ensure the satisfactory preservation of the setting of this listed building and to comply with policy HE9 of the Brighton & Hove Local Plan.
4. BH10.02 Clean and tidy condition.
5. BH10.03 Safety.
6. BH10.04 Removal if necessary.
7. BH10.05 Owner's permission.
8. BH10.06 Highway safety.

Informatives:

1. This decision is based on details of the flags submitted on the 4<sup>th</sup> December 2008, an unnumbered drawing and a Royal Pavilion Garden Plan submitted on the 8<sup>th</sup> January 2009, Supporting Information submitted on the 24<sup>th</sup> February 2009 and banner details submitted on the 4<sup>th</sup> March 2009.
2. This decision to grant Advertisement 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:  
QD12        Advertisements and Signs  
HE9         Advertisements and signs within conservation areas and on, or in the vicinity of a listed building.

Supplementary Planning Document  
(SPD07): Advertisements; and
  - ii. for the following reasons:-

Subject to the compliance with the conditions attached it is considered that the proposed banners will not be of detriment to the setting of the Pavilion, the Pavilion Gardens or the Valley Gardens Conservation Area. Furthermore it is considered that the proposed banners do not constitute a public safety hazard.

**2 THE SITE**

The application relates to the main entrance area of the Royal Pavilion, which is a Grade I Listed Building and is located within the Valley Gardens Conservation Area. The site of the proposed banners is located within the Royal Pavilion Gardens, which is on the Register of Parks and Gardens of Special Historic Interest.

**3 RELEVANT HISTORY**

**94/0471/AD:** Installation of 6 illuminated hanging banner signs on rear elevation. Refused 20/06/1994.

**94/0052/AD:** Installation of externally illuminated, individually applied lettering and signboards to front elevation and installation of non-illuminated individually applied lettering. Approved 07/03/1994.

**4 THE APPLICATION**

Advertisement Consent is sought for the display of two non-illuminated banners.

**5 CONSULTATIONS**

**External:**

**Neighbours: 10 Clermont Road, on behalf of The Brighton Society, (2 e-mails received)** the Society object to the application to for black banners in front of the Royal Pavilion. It would be impossible to view the whole western

façade from within Pavilion Gardens. Think of the tourists who want to take photographs from the Pavilion gardens, think how these black banners would spoil wedding photographs. What a waste of public money spoiling the Royal Pavilion.

**(Additional e-mail received 27/02/2009 following meeting with applicant)**

Thought the red background would look crude and heavy in front of the Pavilion. Suggested a white background with a silver dragon and some red lettering which looks decorative rather than heavy. Would still rather the 'flags' were not there at all but it has been explained that they will increase visitor numbers significantly. In the circumstances am prepared to withdraw the Society's objection.

**CAG: (Original Comments 03/02/2009)** The group felt this proposal would create unnecessary visual clutter that would block the views of the Royal Pavilion. For these reasons the group strongly objected to this application and requested if the application was recommended for approval it be referred to the planning committee for a decision.

**(Additional Comments 20/03/2009)** At their meeting the group considered that other ways of indicating the entrance to the Pavilion that would not visually disrupt this important façade should be investigated and therefore did not wish to change their previous comments.

**Internal:**

**Conservation and Design: (Original Comments 03/02/2009)** There appears to be no convincing case why such large, prominent banners are necessary. Given the fact that the Pavilion is a large, distinctive and famous building the banners have no clear function. Instead they simply appear to be drawing attention to something that needs no such 'markers' and in doing so they clash with the architectural quality of the building and the character of the Conservation Area. In their size, siting and colour they would detract from key views of the Pavilion from the west and would be obtrusive features within the historic garden. It is therefore considered that they would be contrary to policy HE9.

**(Additional Comments received 26/02/2009 and 27/02/2009 following submission of supporting information and design amendments)**

The information submitted is helpful in clarifying the reasoning behind the banners and the way they will be displayed. The existing problems in locating the entrance referred to in the document would appear largely to relate to a lack of remote signing at other points in the city rather than a lack of signing within the Pavilion grounds. This is an issue that should be addressed by the Pedestrian Signing Strategy recently agreed for the city. However it is acknowledged that the entrance area will be scaffolded and shrouded over the coming months and that this may exacerbate the current problems. The proposal for the banners to be removable and to be in place only during opening hours is welcomed and the intention to remove other existing

signage, such as A-boards, will reduce the concern about clutter.

Recommend that the banners be granted for a temporary period of 2 years, a period which will allow the new Pedestrian Signing to be put in place and for the repair/restoration of the stonework to be completed. It would also enable the Pavilion to monitor the impact on complaints.

The amendment to the design is certainly an improvement over the previous design, particularly in terms of colour.

**Traffic Manager:** No Highway Authority comments.

## 6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD12 Advertisements and Signs

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Supplementary Planning Document:

SPD07 Advertisements

## 7 CONSIDERATIONS

The only considerations in the determining of this application are public safety implications and the visual amenities of the Grade I Listed Building, the Pavilion Gardens and the Valley Gardens Conservation Area.

Advertisement Consent is sought for the addition of two free standing advertisement banners/flags to be located on the western side of the Pavilion close to the main visitor entrance. The banners would be located either side of the Porte Cochere within the area of lawn related to the entrance turning circle.

The proposed banners will be formed of a nylon material approximately 4m in height and 1.1m in width. The proposed banners will be supported on poles approximately 4.6m high. The bottom of the proposed banners will be located approximately 0.6m above ground level whilst the top of the banners will be located approximately 4.6m above ground level.

Since submission of the application the design of the banners have been altered by way of the replacement of the red and white background with white writing with a stone colour background. The banners would have red and black writing welcoming visitors and would include a gold dragon.

The proposed poles will be sited in holes located in the area of lawn within the centre of the entrance turning circle.

Since submission of the application additional information has been submitted setting out the need for the proposed banners. It is stated that a customer

survey highlighted that a key weakness is poor and unwelcoming signage at the entrance to the Pavilion. As 90% of the visitors to the historic building are non-residents of Brighton & Hove and therefore not familiar with the city many visitors expect the entrance to be on the east frontage of the palace which is the most famous façade of the building. The banners are stated to be an essential tool to draw visitors to the entrance.

It is noted that third party objections are based on the proposed banners resulting in visual clutter to the related elevation of the building in addition to blocking views of the Porte Cochere and the western facing elevation. However it is considered that the proposed banners are justified given the restoration and maintenance work which is due to start at the property and which will result in the front entrance area and Porte Cochere being shrouded in scaffolding and hoardings and as a result it is considered that a 2 year temporary period approval should be granted to ensure that once the works are completed that the banners are no longer used thereby preserving the visual amenities of the Listed Building and its setting.

In addition, in order to further preserve the setting of the Pavilion, it is recommended that a condition should be attached to the approval to ensure that the proposed banners are only displayed when the building is open to members of the public.

The applicant has also stated that the proposed banners would enable the removal of the existing A-boards. These A-boards are currently located around the associated turning circle and are stated by the applicant to be hazardous for partially sighted visitors in addition to being in a very poor state of repair and expensive to maintain.

The current use of the A-board advertisements is unsatisfactory and results in visual clutter to the turning circle area. The proposed banners will provide a more comprehensive approach to advertising the location of the main entrance of the historic building. It is considered however that the proposed banners should not provide an additional method of advertisement to the A-boards and as a result it is recommended that a condition is attached to the approval to ensure that the proposed banners are not an additional method of advertisement within the vicinity of the main visitor entrance.

Finally it is considered that the signage does not constitute a public safety hazard as they will not be located on a public footpath but within the centre of the turning circle which is grassed. This is an improvement as the existing A-boards are located on public footpaths.

#### Conclusion

Subject to the compliance with the attached conditions it is considered that the proposed banners will not be of detriment to the visual amenities of the setting of the Grade 1 Listed Building or the wider area during the proposed restoration works, which will result in the main visitor entrance and western

facing elevation being covered in scaffolding and hoardings. In addition the proposed banners are not considered to constitute a safety hazard.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the compliance with the conditions attached it is considered that the proposed banners will not be of detriment to the setting of the Pavilion, the Pavilion Gardens or the Valley Gardens Conservation Area. Furthermore it is considered that the proposed banners do not constitute a public safety hazard.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/03792 The Royal Pavilion, Church Street



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Scale 1:1250



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<b><u>No:</u></b>	<b>BH2008/03670</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 Forest Road</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single detached two storey dwelling house.</b>		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Received Date:</u></b>	21 November 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06 March 2009
<b><u>Agent:</u></b>	3eleven design, 43 Tidy Street, Brighton		
<b><u>Applicant:</u></b>	Mr Tim Harding, Blatchington Road Business Park, Blatchington Road, Hove		

## 1 RECOMMENDATION

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

1. The proposed development, by virtue of its scale, design and siting would fail to appropriately address the character of the Forest Road street scene and be inconsistent with the pattern of development within the surrounding area. The proposal would appear as an incongruous addition and intrusive within the street scene to the detriment of the character and appearance of the area. As such the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
2. The proposed development, by virtue of its height, siting, and design would an unacceptable impact upon the amenity of the occupiers of No.2 Forest Road in terms of loss of light and overshadowing, increased building bulk, and increased sense of enclosure and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The applicant has failed to adequately demonstrate that the proposed development would be sustainable and achieve a high standard of efficiency in the use of energy, water and resources. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).

### Informative:

1. This decision is based on drawing no. FR02PRO/02, Design and Access Statement, and Waste Minimisation Statement submitted 21 November 2008, drawing no. FR02PRO/01 and Biodiversity Checklist submitted 15 December 2008, and Tree Survey submitted on 9 January 2009.

## 2 THE SITE

The application site comprises the side garden of No.2 Forest Road which has been cleared. The site previously contained a single storey detached garage, along with a grassed area. The garage has since been demolished.

The application property is set at a higher ground level than No.2 Forest Road and the rest of the garden of this property. The land slopes upwards in a southerly direction along Forest Road. There is a mature tree present to the front of the application site.

The surrounding area is predominantly residential with the majority of dwellings being two storey semi-detached properties.

The four pairs of semi-detached properties at either end of Forest Road (Nos.2 /36, Nos.1/37, Nos.4/60 and Nos.3/58) are all sited at an angle to Forest Road. Forest Road is a small stretch of road which is characterised by large side gardens.

### 3 RELEVANT HISTORY

**BH2008/02027:** Demolition of existing single storey extension and garage and erection of an attached two storey dwelling with associated parking. Refused 28/10/2008.

**BH2007/03381:** Erection of single detached two storey house. Refused 5/11/2007.

**BH2007/01902:** An invalid application for the erection of a detached house was withdrawn by the applicant on 15/05/2007.

**BH2006/03829:** Erection of a two storey detached house in the side garden of No.2 Forest Road was withdrawn by the applicant on 31/01/2007.

### 4 THE APPLICATION

It is proposed to erect a two-storey 4 bedroomed dwelling house with rooms in the roof, and associated vehicle parking to the front.

### 5 CONSULTATIONS

#### External

**Neighbours:** The owner/occupier of **17 Rushlake Close** objects to the principle of developing the site and that the local infrastructure is unable to cope with additional housing.

7 representations from unspecified addresses have been received in support of the application for the following reasons:

- The proposal will provide much needed affordable housing on a brownfield site.
- The current site is unsightly and should be brought back into use.
- The proposal is in keeping with the area.

#### Internal

**Transport Planning Manager:** Would not wish to restrict grant of planning permission. Recommend conditions to require the construction of the cross-over to be in accordance with the Manual for Estate Roads and under licence from the Highways Operation Manager; cycle parking; retention of parking areas; requirement for the applicant to enter into a legal agreement with the Council in order to make a contribution towards sustainable transport.

**Arboricultural Section:** The arboricultural report submitted with the application recommends protection of the Prunus on site, as well as replacement of soil scraped from its root plate as soon as possible. The arboricultural section are in agreement with this, the soil should be replaced and a condition made that this tree is protected prior to any development commencing.

In addition, to the rear of the property in a neighbouring garden is a large Cherry Laurel hedge that acts as a magnificent screen for the development site. A condition should be attached to any planning consent granted that a Method Statement is submitted to and approved by the arb section for the protection of this screen prior to any development commencing (BS 5837 2005 refers – as above).

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO7	Car free housing
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance

SPG Note 4: Parking Standards

SPD 3: Construction and Demolition Waste

## 7 CONSIDERATIONS

The main considerations are:

- The principle of residential development;
- The impact on the character and appearance of the area;
- Impact on neighbouring residential amenity;
- Standard of accommodation to be provided;
- Impact on local highway network/parking;
- Sustainability issues.

The principle of residential development

PPS3 seeks the efficient use of land for new housing development and requires the development of previously developed land and conversion and re-use of existing buildings before the development of greenfield sites. Previously developed land is defined within PPS3 as including the whole curtilage of the development. The application site is within the curtilage of No.2 Forest Road, and is therefore classed as previously developed land. The development of the application site for residential use is therefore acceptable in principle.

The impact on the character and appearance of the area

Along with PPS3, Local Plan policies QD3 and HO4 seek the more effective and efficient use of development sites. However, in seeking the more efficient use of sites, PPS3 and Local Plan policies QD2, QD3 and HO4 also seek to 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.

In order to avoid town cramming QD3 of the Local Plan requires the retention of existing open space, grassed areas and trees within the urban area and requires that the intensity of development must be appropriate to the locality and prevailing townscape.

Policy QD2 of the Local Plan requires that developments emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics, including, amongst other things, the height, scale, bulk and design of existing buildings.

The surrounding area is predominantly residential and the immediate surrounding area consists of a series of pairs of two storey semi detached properties set at an angle to the junction of the roads. The four pairs of semi-detached properties which are sited at the either end of Forest Road (Nos.2/36, Nos.1/37, Nos.4/60 and Nos.3/58) are sited at an angle to Forest Road. Forest Road is a small section of road which is characterised by large side gardens.

The surrounding properties have a mixture of different finishes including brick, render and wooden panelling.

There is little separation to the side boundaries of the proposed dwelling. The site is elevated and the proposed dwelling would appear prominent within the street scene. It is considered that the proposed dwelling would appear cramped into the site and would not relate well to the layout and character or existing building line of the remainder of the street and in particular the immediate character of the area. The siting, layout, height and design of the proposal would result in it appearing incongruous within the street scene to

the detriment to the character and appearance of the area.

Impact on neighbouring residential amenity

Policy QD27 of the Local Plan will not permit development where it would cause a loss of amenity to adjacent residents.

No.2 Forest Road is located to the north of the application site and is at a much lower ground level than the proposed dwelling. By virtue of the orientation of the two properties and the difference in levels between the application site and 2 Forest Road, it is considered that the proposed dwelling would result in an unacceptable impact upon the amenity of the occupiers of 2 Forest Road in terms of increased loss of light and amenity, increased building bulk, increased sense of enclosure and visual amenity and as such the proposal is contrary to policy QD27 of the Local Plan.

Standard of accommodation to be provided

Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private amenity usable amenity space in new residential developments, which is appropriate to the scale and character of the development.

It is considered that the standard of accommodation and level of amenity space to be provided is acceptable and would not adversely impact on the amenity of future residents of the scheme.

Impact on local highway network/parking

Policy TR1 of the Local Plan requires development to provide for the travel demand which it creates. Policy TR7 of the Local Plan will only permit development which does not increase the danger to users of adjacent pavements, cycle routes and roads. The site is not within a Controlled Parking Zone.

One vehicle space is proposed. It is considered that this level of parking is consistent with the maximum standards contained within national planning policy, and with the maximum standards contained within SPG4.

The proposal would result in the loss of a single garage which belongs to No.2 Forest Road. There is no parking available to the front of this property. However, the site is outside of a CPZ and on street parking is available in the surrounding area.

It is considered that the proposal would not be of detriment to the local highway network, nor would it jeopardise highway safety. A contribution to the Sustainable Transport Strategy could be secured if the proposal were otherwise acceptable.

Sustainability Issues

Policy SU2 requires all new developments to make provision for adequate

refuse and recycling storage facilities. The applicant has demonstrated that these facilities can be provided onsite. Policy SU2 also requires new development to be efficient in the use of energy, water and materials. All new dwellings should meet Level 3 of the Code for Sustainable Homes.

However the applicant has failed to adequately demonstrate that the proposed development would be sustainable and achieve a high standard of efficiency in the use of energy, water and resources in accordance with the EcoHome/Code for Sustainable Homes. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application was accompanied by a waste statement which is considered to be acceptable.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. There is adequate space for cycle storage within the site.

## **8 EQUALITIES IMPLICATIONS**

If the scheme were considered to be acceptable a condition would be recommended requiring the dwelling to meet Lifetime Homes standards.



<b><u>No:</u></b>	<b>BH2008/03950</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type</u></b>	<b>Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Seasons Café, 36 Gloucester Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 2 of application BH1999/00436/FP in order to allow opening hours between 8am to 8pm Monday to Saturday, and removal of condition 5 in order to allow the preparation and sale of hot food on the premises.</b>		
<b><u>Officer:</u></b>	<b>Anthony Foster, tel: 294495</b>	<b><u>Received Date:</u></b>	<b>18 December 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>16 March 2009</b>
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	<b>Mr Ken Handley, H&amp;H (Hove) Ltd, 48B Ventnor Villas, Hove</b>		

## 1 RECOMMENDATION

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

1. The applicant has failed to adequately demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties, by reason of odours as such the proposal is contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

### Informative:

1. This decision is based on Site Location Plan, Supporting Document and Drawing of Extraction Equipment submitted on 18 December 2008 and Design and Access Statement submitted 19 January 2009.

## 2 THE SITE

The application site is a ground floor café located on the corner of Gloucester Road and Queen's Gardens within the North Laine conservation area, above which is a residential unit. The site received planning permission in 1999 for the change of use from a retail unit to a café.

Queen's Gardens, which lies at a right angle to the application site is predominantly residential. There are residential units located above a number of the commercial units fronting onto Gloucester Road.

## 3 RELEVANT HISTORY

**BH2007/02900:** Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours Proposed internal opening hours to be 6.30am-10.00pm Monday to Saturday and 9.00am-10.00pm Sundays. (Resubmission following refusal of BH2007/01756). Refused at Planning Committee 15/10/2007.

**BH2007/01756:** Variation of condition 2 (BH1999/00436/FP) and subsequent

application (BH2005/05697) to change opening hours. Proposed opening hours to be 8am - 11pm Monday to Saturday and 9am - 10pm Sundays. Refused 28/06/2007.

**BH2007/01339:** To remove Condition 5 of BH1999/00436/FP limiting/restricting the sale of beverages and cold and microwavable food only. Approved by Planning Applications Sub-Committee 06/06/2007. Conditions relating to which required the submission of details for measures to ensure odour control and adequate ventilation within a month of the permission. Sufficient details were not submitted within this time period.

**BH2007/00987:** Variation of condition 11 (BH1999/00436/FP) to allow the sale of hot food for consumption off the premises. Refused 31/05/2007

**BH2005/05697:** Variation of condition 2 of BH1999/00436/FP to change opening hours from 6pm closing to 10pm closing (indoors) and 9pm closing (outdoors). A temporary 1 year permission was granted at Planning Applications Sub-Committee 16/01/2006

**BH2003/03927/FP:** Installation of new doorway and timber sliding sash window to west elevation and replace ventilation openings. Refused 22/07/2004.

**BH1999/00436/FP:** Change of use from retail (class A1) to café (class A3). Approved 28/07/1999.

#### 4 THE APPLICATION

The applicant seeks consent for the variation of conditions 2 and 5 of planning permission reference BH1999/00436/FP. and subsequent application (BH2005/05697) to change the opening hours.

Condition 2 of the permission states:

*“The premises shall not be open or in use except between the hours of 0800 and 1800 Monday to Saturday, 1000 and 1600 on Sunday.*

*Reason: To safeguard the amenities of the locality”*

The proposed variation of condition 2 will allow for the premises to open from 0800 to 2000 Monday to Friday. The hours for Sunday will remain the same.

Condition 5 of the permission states:

*“The use hereby approved is restricted to the sale of beverages and cold and microwavable food only.*

*Reason: Any other A3 use might require extract ducting for which no planning permission has been sought or granted”*

The proposed variation of condition 5 will allow the occupiers of the premises to serve and prepare hot food.

#### 5 CONSULTATIONS

**External:**

**Neighbours:** 15 letters of objection received from **36A (x5), 95a (x2), 102 Gloucester Road, 34, 52, Kensington Place, 4, 18, 35 (x2) Queens Gardens, 2 Tidy Street**, on the grounds that the proposed development

would result in unacceptable increases in levels of noise and odour disturbance, an increase in rubbish, where currently there are insufficient storage facilities. It would spoil the look of the conservation area. Some of the objectors have mentioned the ongoing investigations regarding conditions placed on the original approved application BH1999/00436/ FP.

21 letters of support/ no objection received from **12, 20(x2), 28, 29, 40 Queens Gardens, 5, 11 Queens Gardens, 35 Tidy Street, 14 (x2) West Hill Road, 8 Upper Lewes Road, 25 Buckingham Road, 8 Titchborne Street, 99 Gloucester Road, 17 The Curve, 19 Brigden Street, 15, Ocean Building Frederick Street, 189 Preston Drove, 68 Highdown Road, 29 Over Street** on the grounds that the café is a good and welcome addition to the North Laines and provides good quality food and beverages, in these economic times we should be supporting local businesses to ensure that they do not close down.

**Brighton & Hove Archaeological Society:** No objection.

**East Sussex County Council:** No objection.

**Internal:**

**Highways Manager:** No objection.

**Environmental Health:**

I have no objection to the variation of the opening hours. I do however object to the proposed relaxation of condition 5 for the following reasons:

- The proposed activated carbon filter is situated some 3.4 metres from the cooker hood which is below the industry guideline of a five metre interval between the cooker hood and activated carbon filters. Five metres is the estimated distance to allow gasses to cool to a temperature which assists efficient filtration by activated carbon. A reduced interval will compromise the effectiveness of the system.
- It is proposed that the cooker ventilation system will discharge at ground floor level which will risk exposing habitable rooms at first floor level through open windows to odours not eliminated by filtration.
- DEFRA guidance indicates that odour control should involve both filtration and high level discharge to ensure that odours which survive the deodorising process because of, for example, reduced efficiency between maintenance events, are discharged without causing a nuisance. The tests for exemptions to this rule i.e. exceptionally high levels of filtration are not demonstrated in the application.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of amenity

## 7 CONSIDERATIONS

The proposal seeks to increase the opening hours of the café and to allow the preparation and sale of hot food from the premises. In both cases the principal consideration is whether the proposal would result in any adverse impact to residential amenity to occupiers of adjacent properties. Each of these are considered in turn below.

There has been a long history of problems resulting from previous occupiers of the site resulting in a number of investigations by both the Planning Investigations team and the Council's Environmental Health department.

### Condition 2: Opening Hours

Policies SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has not raised any objections to the increase in opening hours.

PPG24 deals with noise issues associated with development, this includes an extension of opening hours. PPG24 identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that noise sensitive development should not be permitted during the hours of 23:00 to 07:00, when people are normally sleeping. It is clear that the additional opening hours sought as part of this application would not intrude into what are considered to be normal sleeping hours and in this respect it is not considered that significant additional noise or disturbance would occur.

At the time of the site visit it was noted that the opening hours of other A3, A4 and A5 premises within the vicinity are staggered, ranging from 5pm to 11pm. For this reason, it is not considered that the proposed extension to the opening hours would be out of keeping with the North Laine area, which is comprised of a mix of commercial and residential streets.

The proposed extended hours from 1800 to 2000 would fall within the guidelines published within PPG24, it is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU10 and QD27.

### Condition 5: Hot Food

Policy SU9 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of pollution and nuisance on the occupiers of neighbouring properties and the surrounding environment. For the purposes of Policy SU9 pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions.

There is no policy objection in principle to cooking food on the premises. The concern in policy terms is whether any adverse impact upon neighbours

through noise or odours results.

The proposed variation of condition requires additional extraction equipment to be installed within the property which is currently in place. This equipment is located within the basement kitchen of the property, the exhaust to which is set behind a louvered section set within the front elevation, at ground floor level adjacent to no. 35 Gloucester Road. The upper two floors of 36 Gloucester Road are in residential occupation.

The current occupiers have installed a much improved extraction system than what has previously been proposed in an attempt to address previous concerns which have been raised by both Planning Investigations and Environmental Health.

However, the response received from the Environmental Health Team would indicate that the proposed extraction equipment and the siting of the exhaust is inappropriate as the ventilation system will discharge at ground floor level and be located too close to where hot food would be prepared to be fully effective. There are residential properties in close proximity, including above the café. Taking Environmental Health's advice into account it is therefore considered that the proposed variation/removal of condition 5 would unduly affect the amenity of the adjoining occupiers and residents contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan.

**8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

The applicant has failed to demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties, by reason of odours as such the proposal is contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.

**9 EQUALITIES IMPLICATIONS**

None identified.

**BH2008/03950 Seasons Cafe, 36 Gloucester Road**



**Date: 25/03/2009 01:20:29**

**Scale 1:1250**



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<b><u>No:</u></b>	<b>BH2008/02307</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>57 Falmer Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing derelict building and construction of 6 x 2 storey town houses. Provision of 12 cycle spaces.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank tel: 292175	<b><u>Received Date:</u></b>	08 July 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02 September 2008
<b><u>Agent:</u></b>	Miss Asia Jedrzejec, Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<b><u>Applicant:</u></b>	Falmer Road Developments (Sussex) Ltd, Atelier, The Droveaway, Hove		

## 1 RECOMMENDATION

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

### (i) A Section 106 obligation to secure the following:

- A financial contribution of £12000 towards sustainable transport infrastructure improvements
- A financial contribution of £25000 to improve community facilities at Longhill School and the Deans Leisure Centre and a clause to ensure the provision is secured prior to commencement of development and the submission of a management plan to demonstrate how the facility will be run.

### (ii) The following Conditions and Informatives:

#### Conditions

1. BH01.01 Full Planning Permission
2. The windows in the rear elevations of units labelled A, B, C and D servicing the rooms labelled 'study' on plan number 0783-08C shall not be glazed otherwise than with obscured glass and the lower sash fixed shut and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The windows servicing the bathrooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. No development shall commence until details of the north elevation of units 'B' and 'D' and the south elevations units 'E' and 'C', showing the positioning and design of the windows servicing the rooms labelled 'study' and 'kitchens' as shown on plan numbers 0783-07E and 0783-08C, have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure the development is built to a good standard of design in accordance with QD1 of the Brighton & Hove Local Plan.
5. No development shall take place until elevational details of the scheme for the storage of refuse and recycling as shown on plan number 0783 – 07E submitted 9<sup>th</sup> January 2009 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. BH03.01 Samples of Materials Non-Cons Area (new buildings).
7. All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.  
**Reason:** In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.
8. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential).
10. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
11. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
12. BH05.10 Hardsurfaces.
13. The development hereby permitted shall not be commenced until elevational details of secure cycle parking facilities indicated on plan number 0783 – 07E (submitted on 9<sup>th</sup> January 2009) for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
16. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
17. No development shall commence until a nature conservation and protection and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect slow-worms on the site from injury and the erection of 6 bat and bird boxes should be required as a minimum. The development shall be carried out in strict accordance with the approved details.
- Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.
18. No clearance of existing vegetation shall take place on the site between 1<sup>st</sup> April and 1<sup>st</sup> November. Vegetation clearance should be undertaken from East to West on the site to encourage any reptiles to move to adjacent gardens.
- Reason:** To ensure appropriate steps are taken to prevent the killing or injury of Slow-worm and any other reptiles on the site in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

19. No development shall commence until details of type and locations of no fewer than 6 bat and bird boxes (constructed in Schwegler woodcrete, or Ibstock bat bricks, or equivalent) have been submitted to and approved in writing by the Local Planning Authority. The boxes shall then be erected in accordance with the approved details.

**Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0783-01A - 02A, 0783-05A – 06A, 0783-10A – 11A, 0783-13A submitted on 1<sup>st</sup> October 2008, 0783-26 – 28 submitted on 10<sup>th</sup> December 2008, 0783-07E submitted on 9<sup>th</sup> January 2009, 0783 -08C submitted on 9<sup>th</sup> February 2009, 0783-12B and 0783-09B submitted 3<sup>rd</sup> March 2009.
2. This decision to grant Planning Permission has been taken:
  - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

HO20 Retention of community facilities  
Supplementary Planning Guidance Documents: (SPD's/SPG's)  
 SPGBH4: Parking Standards  
 SPGBH 16: Renewable Energy & Energy Efficiency  
 SPGBH 21: Brighton & Hove Sustainability Checklist  
 SPD03: Construction and Demolition Waste (SPD03)  
National Policy Guidance  
 PPS1 Delivering Sustainable Development  
 PPS3 Housing  
 PPG13 Transport; and

ii. for the following reasons:

The application makes provision of six family sized dwellings to the city, each with private amenity space. With a financial contribution towards enhanced facilities and the submission of evidence to demonstrate that the improved facilities at the nearby Longhill School and Deans Leisure Centre can be secured the development will adequately accord to policy HO20 exception criterion (c) by providing improvements to a nearby facility to accommodate the loss.

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement.

3. IN.05.02 Informative: Code for Sustainable Homes.

4. IN05.10 Informative – Hardsurfaces.

5. IN05.08 Informative – Site Waste Management Plans / Waste Minimisation Statements.

## 2 THE SITE

The site is situated fronting onto Falmer Road and is formed from a single storey rough rendered building with a half hipped tiled roof and flat roofed rear extension. The approved use is that of a religious meeting hall, Class D1.

In the wider context the site is within a predominantly residential area, however to the south of the site is a small parade of shops and local services including a doctors surgery. Directly to the west of the site is a row of two storey terraced properties, in the wider area the character of development is rather mixed but predominately semi detached and detached.

## 3 RELEVANT HISTORY

**BH2007/04670:** Change of use to residential (C3). Demolition of existing derelict building and construction of 8x2 storey town houses, provision of 16

cycle parking spaces. Withdrawn 13/02/2008 on applicants request.

#### 4 THE APPLICATION

The proposal seeks planning permission for demolition of the existing structure and change of use of the land from D1 (place of worship) to C3 (residential), the erection of 6 two and half storey terraced two bedroom dwellings with study and provision of 12 cycle spaces and two communal refuse and recycling stores.

#### 5 CONSULTATIONS

##### External:

Nine letters of objection were received from the occupants of **4 Meadow Parade** (two letters), **3 Court Ord Cottages**, **54 Rowan Way**, **59 Falmer Road** (two letters), **14 Meadow Close**, **17 Court Ord Road** (two letters) object to the scheme, their comments are summarised as follows:

- The development will add to the traffic congestion problems in the area which will affect local businesses.
- A less dense proposal could make adequate provision for parking.
- 12 cycle spaces will be of no use compared to car parking spaces.
- Cycling in the area is dangerous due to no cycle lane.
- Parking problems are particularly acute during surgery hours.
- The development of 6 more properties will further impact on already overloaded infrastructure particularly the sewerage system which runs to the rear of Court Ord Cottages.
- The windows on either end of the terrace do not match up with Court Ord Cottages and should be plain flint – it will set a precedent for alteration to the history cottages in the future.
- Part of the site belongs to 1 Court Ord Cottages.
- By turning the development round and continuing the existing terrace parking could be provided to the rear of the site.
- The Victorian sewerage system cannot cope with so much sewerage waste.
- The development will lead to increased noise and disturbance.
- The supporting information regarding drainage refers to the wrong property, it should be 17 Court Ord Cottages.
- The overflowing of the sewerage system is not always caused by rainwater.
- The site would be better used for community facilities.
- Investigations for a possible site for day care/nursery school are being undertaken in the Rottingdean area and this building would be suitable however the price is inflated due to the potential for housing.

The occupant of **1 Court Ord Cottages** provided the following comment:

- The area of land to the south of the site is not in the applicant's ownership.
- Access for maintenance needs to be maintained to the rear of the site.
- Neighbours are still concerned about drainage.

- The cycle stores will not help with the traffic congestion in the morning and evenings.
- The windows on either end of the terrace do not match up with Court Ord Cottages and should be plain flint.
- This is a vast improvement on the previous application.

The occupants of **4a Chailey Avenue** and **4 Northgate Cottages** wrote in support of the scheme stating:

- In keeping with the existing properties and will enhance the area.

Nine signatures were received on a petition in support of the scheme from the occupants of **Dean Court Road, 15 Elay Crescent, Bowles Cottage, 20 and 26 Meadow Close, 4 Challoners Cottages** (two signatures), **4 Northgate Cottages, Forge House, Vicarage Lane.**

**Rottingdean Parish Council:**

- The proposal will be an asset to the village.
- The sewerage should not be directed into Court Ord Cottages.
- Parking restrictions should be imposed at the junctions of Court Ord Road and Falmer Road.
- Parking at the entrance to Meadow Close should also be assessed.

**Rottingdean Local Action Team (RLAT):**

- RLAT agree to the payment of £15000 on receiving planning permission for this application and would as a result withdraw previous objections to the scheme.
- The money would enable RLAT to refurbish the canteen at Longhill School which will then be made available to local young people for evening sessions run by Woodingdean Youth Centre.
- A letter will be sent to Sgt Martin Drabble to appraise him of this matter and ask him to consider withdrawing his objection.

**Rottingdean Preservation Society:**

- This development is welcomed and is a great improvement to this entrance and its design is in-keeping with existing dwellings.
- The description is for two storey but the properties are on three levels.
- There are local concerns regarding sewerage disposal and it intends to use the foul water drain which traverses number 17 Court Ord Cottages which already overflows several times a year.
- Concern is raised regarding traffic issues and lack of parking.
- Parking restrictions should be imposed at the junctions of Court Ord Road and Falmer Road.

The **Head Teacher of Longhill High School** wrote in support of the application, his comments are summarised as follows:

- The contribution would allow the school to provide a community space within the canteen.

- The funding allow the school to design and create a multi-purpose area within the canteen.
- Without the funding it would not be possible to provide a facility to be used as an after-school youth provision.
- The intention is to promote the use of the space by all members of our community as with any other space within the school.
- Longhill is seeking to provide opportunities for the local community to come in to the school and use the facilities to meet their needs.
- Such an investment is welcome as it allows greater capacity to engage the local community.

**Councillor David Smith** objects to the scheme (email attached).

**Internal:**

**Ecology:**

The accompanying Biodiversity Statement (dated 30th June 2008) provides a comprehensive assessment of the existing biodiversity value of the development site, which is low. The only wildlife interest of note in the planning context is the presence of a single Slow-worm during the survey. Slow-worm is protected from killing and injury under the Wildlife and Countryside Act 1981.

Various proposals are included in the biodiversity statement to enhance the biodiversity value of the site as part of the development and it is noted that none of these appear to have been incorporated into the design of the development, at least as far as is shown on the drawings.

In order to adequately address existing planning policy (specifically Local Plan policies QD17 and QD18) measures relating to protect slow-worms on the site from injury and the erection of a minimum of 6 bat and bird boxes should be required as a minimum, via a planning condition:

Provided the above measures are secured, no objection is raised.

**Developer Contributions Officer:**

The UK Church Directory, which is up to date, is still advertising it as the Winton Gospel Hall and until recently it had its own website (wintongospelhall.org.uk) so the Brethren usage was not so exclusive/restrictive as originally indicated. The distance currently between the site and Longhill School and the Deans Leisure Centre is approx 800m.

It is noted that written support by the Head Teacher of Longhill School has been submitted, though it is not fully clear how the facility will operate separately from the school. The Agent has indicated this will be through the youth group and the space to be accessed separately from the existing canteen facilities. This needs to be confirmed, it is suggested this could be done through the submission of a management plan.

Also it is regretted there is not further investigation in addition to youth facilities to accommodate provision available for general community events for all ages/needs at the adjoining leisure centre.

It is noted that confirmation has been received stating that these are additional works to the existing facilities but are dual use so will not actually provide any additional space.

There is no doubt the young peoples' out of hours facility is much needed but this is still a very small contribution in lieu of loss of an existing facility. Assurance for provision of the community facility is paramount and as this will be a joint community and not an education facility there will be a need for a separate clause in a S106 to ensure it remains in such use and is available for wider community uses. It is suggested that the agent gets this agreed between the school and other parties for how it will be managed. A Management Plan could be requested by condition.

**Policy (original comments):**

The applicant has made the case that the loss can be justified as an exception under part (c) of HO20, in that existing nearby facilities are to be improved to accommodate the loss. It is proposed that a replacement facility is provided for a local youth group within Longhill School and the applicant will contribute £15k towards refurbishing this space. A number of concerns/questions arise regarding this proposal:

- The room at the school should be a dedicated community facility.
- The replacement facility should be comparable to Winton Hall in terms of floorspace, facilities provided and hours of use.
- The room provided in the school should be permanent. There is a concern that it could be withdrawn at some point in the future?
- The requirement of the policy is that the facility is improved – is the proposed £15k sufficient to carry out the improvements and what will it be spent on.

The above issues need to be addressed to justify an exception to policy HO20.

**Further comments:**

The current use of the building is D1 use and is therefore protected under policy HO20 in the Brighton & Hove Local Plan.

In response to concerns raised by officers that the proposed replacement floorspace and contribution was insufficient to replace the lost community hall, the applicants have amended the scheme. As a result there is an increase the number of community meeting spaces within Longhill School from 1 to 3 and a contribution of £25k towards upgrading the areas. Additionally two of these spaces will be available during daytime hours.

Given these changes, and in the context of the floorspace lost, it is

considered that part (c) of policy HO20 is now satisfied subject to the following:

- that the community spaces identified are secured permanently for community use and are not lost at some point in the future.

**Highway Authority:**

It is considered with respect to Falmer Road and the immediate environs of this proposal, there is sufficient on street parking capacity to accommodate the additional parking demand that the site would create; there are no safety concerns in the vicinity of the site that would be exacerbated by this proposal, and the site is reasonably well served by public transport and is within walking distance of shops and all other local community facilities.

This would therefore mean that this proposal would create an additional demand of 8 cars, as an average, to the public adopted highway network. This would not generate a material transport concern in terms of parking capacity, effects on safety, and accessibility. The Local Planning Authority may consider that the additional on street car parking demand associated with this development will create an amenity impact that justifies a recommendation for refusal.

If the application were to be approved conditions relating to provision of cycle parking and securing a financial contribution of £12,000 towards an off-site highway improvement scheme with a particular focus on sustainable modes of transport are recommended.

**Capital Strategy and Development Planning:**

A response from the head teacher at Longhill School regarding the use of the school as a community facility has been received.

It appears that the head teacher has been supportive of the RLAT proposals regarding the need for youth facilities in that part of the city. It is considered that the school would use the funding to develop an area at the end of the dining hall that could be used as a school dining facility during the day and as a space that could be used by the Woodingdean Youth Centre after school. At present there are no firm details regarding the arrangements and therefore it is probably not feasible at the present time to put any clauses into a S106 Agreement. That is not to say of course that an agreement cannot be reached at some point in the near future.

If any legally binding Agreements such as a S106 Agreement were to be entered into the detail would have to be agreed with both the school and the Local Authority. The school may have many exciting ideas about how the community could make greater use of the school outside the school day which will need to be fully explored before finalising details.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

### Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH4:	Parking Standards
SPGBH 16:	Renewable Energy & Energy Efficiency
SPGBH 21:	Brighton & Hove Sustainability Checklist
SPD03:	Construction and Demolition Waste (SPD03)

### National Policy Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

## 7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the change of use, the suitability of the site to accommodate the proposed dwellings having regard to the impact of the development upon the character and appearance of this site and the wider locality; the amenity requirements for occupiers of the proposed residential units and the effect upon neighbouring residential amenity. Regard will also be given to sustainability and transport issues.

The plans originally submitted with the scheme have been superseded, the red edge has been amended to no longer encompass land outside the applicant's ownership which ran along the southern side of the site. The site is therefore smaller and the terrace has been redesigned slightly with the plots for 'A' and 'F' reduced in width and the side bays removed.

#### The principle of development

PPS3 on Housing advocates sustainable development and the effective use of land for housing development, there is a national target of developing 60% of housing on Brownfield sites. It states that *"the priority for development should be previously developed land, in particular vacant and derelict sites and buildings"*. As such the application site constitutes previously-developed land. However, until the loss of the existing community facility is addressed it is not considered that this site is suitable for redevelopment for housing as proposed. For the reasons demonstrated in this report it is considered that any redevelopment of this site should seek to incorporate an element of community use in accordance with policy HO20 unless an exception to HO20 can be justified.

#### Loss of community facilities

The principal policy issues are set out by Policy HO20, which seeks to resist the loss of community facilities. The policy allows for exceptions and these are 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 previous application BH2007/04670 failed to demonstrate how the scheme accorded to the requirements of HO20 and the application was subsequently withdrawn. The applicant entered into pre-application discussions with the Local Planning Authority and the current application seeks to address the previous concerns with respect to HO20.

The supporting information submitted with the application states that the building was erected some 40 years ago by the Exclusive Brethren, the building was eventually vacated in 2003 and the statement claims that the building has been vacant since 2005. However it is not clear how the facility was used or by whom between 2003 and 2005. The applicant therefore claims on this basis that the building has been redundant. No additional information, such as how the site was marketed, has been submitted to demonstrate that the site is not needed for its existing use or for any other types of community use, this information is therefore inadequate to justify exception d).

Churches and community halls such as this site, lend themselves to, and are generally widely used by the local community for a variety of meetings, functions and community uses and are recognised as an important source of social and community facilities making a vital contribution to the well-being of the community and the 'quality of life' of neighbourhoods. The presumption of policy HO20 is to retain these facilities unless it can be demonstrated that the proposal accords to one of the policy exceptions.

The application originally submitted proposed to provide additional upgrades to an area of the Longhill School canteen which was to be made available for the Woodingdean Youth Centre. At this stage, the applicants agreed to pay a sum of money (£15000) towards the refurbishment. The sum was intended to mitigate for the loss of the existing use with respect to criterion c.

Officers maintained concerns relating to the originally proposed contribution of £15000 and facility in lieu of the loss of Winton Hall. The floor area, access to the facility by all at any time, including during school hours, security that the facility would be provided in perpetuity and not withdrawn in the future and the sum of money proposed was considered to be inadequate in relation to the loss of the existing facility. Further, the canteen would be in use during school hours and by the Youth Group some evenings a week which left limited opportunity for alternative use by other members of the community.

As such further negotiations were undertaken between the Officers and the applicant with the aim of addressing these concerns and provide improved facilities which are comparable to that which is proposed to be lost at Winton Hall. The proposal has been amended to increase the areas to be upgraded and the sum of money proposed has increased from £15000 to £25000 and further assurances have been offered with the aim of demonstrating that the facilities would be available to the community as a whole and not just the Woodingdean Youth Group.

The existing Winton Hall has an approximate floor area of 77 square metres plus a kitchen of approximately 14 square metres. The original proposal put forward by the applicant included an area to be upgraded and improved within the school with a floor area of only approximately 50sqm at a cost of £15000. The amended proposal seeks to provide improvements to three areas; part of the canteen area within the school building, a meeting room within the Leisure Centre and an area within the reception area of the Leisure Centre.

Since the submission of this application, the refurbishment works to the canteen have in part been completed and the canteen area is currently used by the Woodingdean Youth Group. The area to be improved by way of a contribution from the applicant, which is in part already used by the youth group measures approximately 50sqm with an additional soft seating area measuring approximately 30sqm. The facilities include a new soft seating area, electrical equipment, table tennis table and low level partition totally a cost of £15000. The meeting area on the first floor of the canteen measuring

approximately 30sqm is to be provided with soft furnishings and low tables. On evenings this area is not being used by the Youth Group it is proposed that this area, with the use of a kitchenette which is accessed from the north end of the canteen room will be available for general use. The applicant has stated with their position paper that this area can be used after school hours between 18:00 and 22:00 Monday to Friday and 08:00 – 18:00 Saturday and Sunday.

The second area is on the first floor of the Leisure Centre, the area is approximately 32sqm and is currently used as an Adult Learning Centre. It is stated that the school intends to re-locate this facility into another class room. The room will be decorated and furnished, there will be computers available for internet use and the adjacent 'viewing gallery' to the gym will be enhanced with new benches and stools. This facility will be available between the hours of 07:00 – 22:00 Monday to Friday and 08:00 – 18:00 Saturday and Sunday.

The third area to be improved and dedicated for general community use is that of the 'meeting/waiting area' within the reception of Deans Leisure Centre measuring approximately 20sqm. It is proposed to provide a portioned area within the reception area of the Leisure Centre for parents dropping off or collecting their children, the space will also be made available for meetings and individual groups. It will contain soft seating and coffee and tea making facilities.

The total floor area to be improved within the school and the Leisure Centre, including the area used by the Woodingdean Youth Group is approximately 132sqm compared with the floor area of approximately 77sqm plus a 14sqm kitchen within the Winton Hall. In addition, two of the proposed improved spaces have access to tea and coffee making facilities (the reception area and the canteen) and the canteen has a kitchenette. In respect of floor area, the proposal therefore provides more floor area than the existing Winton Hall, in three smaller rooms.

The applicant has aimed to address concerns raised during the application process relating to the hours of use and access to all members of the community by providing assurances from the Head Teacher of Longhill School that the facilities could be utilised during school hours in line with the above information. Further, the Head of Capital Strategy and Development Planning for the Children and Young Peoples Trust has written on behalf of the school to confirm that the Head Teacher is happy with the proposal. An indicative management plan has been submitted which states that the facilities will be open to any clubs, groups, societies and any member of the public by booking in advance of use. The reception staff at the leisure centre will deal with the bookings and it is stated that the facilities will be free of charge for local clubs, groups and societies. The hours of use is restricted to the opening hours of the leisure centre and in the case of the canteen area, to hours of use outside of school use.

The hours of use is not directly comparable as later evening use at the weekends for example may have been possible at the existing Winton Hall however the provision of the facilities overall and the offer free of charge to local groups and clubs is very welcome. Any users of the facilities will be required to sign in at the leisure centre reception and the maintenance is said to be incorporated into the cleaning services provided by the school.

The provision is not directly comparable to the loss of the existing facility however it is considered to be a reasonable provision and as a result of extensive negotiation is now relatively comparable in relation to floor area, hours of use and providing access to any member of the local community wishing to use the facilities.

There is however an outstanding issue relating to the permanence of the provision. The LPA has continued to raise concerns with respect to securing the facilities as proposed permanently, particularly if a new Head Teacher were to be appointed or security concerns were raised in respect of the use of the facility. The LPA's legal advisor has suggested that the issue could be resolved through the submission of further evidence, perhaps by way of a contract from the school in respect of the provision of the facilities which should include how the facilities will be managed, times of access and should not restrict the use to particular sectors of the local community but make provision for all.

At present the applicant has agreed to provision of a commuted sum of £25000 to be paid to the Council one month after the date of the approved decision notice to pay for the works laid out in appendix 2 and 3 of their position paper submitted 12<sup>th</sup> December 2008. The onus is on the applicant to demonstrate that they have adequately addressed the policy requirements and have provided an improved facility which addresses the loss of the existing facility.

The issue of permanence is the last outstanding issue. The Policy Officers comments on the latest submission stated that the amended scheme adequately addressed policy HO20 as long as the facilities could be provided permanently and not withdrawn at some point in the future. Discussions in relation to this issue have taken place. The improved and extended facilities can be secured through the S106.

#### Character and appearance

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.

The proposal seeks planning permission to erect six two storey properties

with rooms in the roof providing two bedrooms and study. The overall design of the scheme clearly mimics that of the adjacent terrace of properties, 1-8 Court Ord Cottages and in this location is considered acceptable. The scheme adopts a traditional design which is appropriate in this area.

The window openings within the north and south elevations are considered to provide adequate visual interest in the street scene. The site is quite open at present with low chain link fencing along the southern, eastern and northern boundaries. Owing to the prominence of the site the proposed low walling which will boundary the scheme is encouraged over high close boarded fencing. The provision of boundary treatment on the north, east and southern boundaries over 1m in height would require planning permission and would be closely controlled if the scheme were to be approved. High fencing for example would provided an uninteresting inactive frontage which if introduced along the majority of the northern and southern boundaries it would have a jarring affect on the character of the street. As such the submission of details relating to hard as well as soft landscaping will be requested by condition.

#### Amenity for future and existing occupiers

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 Statement detailing how the scheme can accord. Amended plans have been submitted to resolve issues relating to the front door widths, which were too narrow and widening of the WC under the stairs to provide side transfer. The plans are now acceptable and adequately accord to Lifetime Homes Standards contrary to HO13 and PAN03.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development and QD2 relates to key principles of neighbourhoods. The character of the surrounding area is quite mixed but the majority of properties have the benefit of quite spacious plots and private amenity. Court Ord Cottages however are terraced and therefore have uncharacteristically narrow plots and longer gardens. The proposed dwellings are more characteristic of Court Ord Cottages. Each property has the provision of a front garden and private rear garden area, and although the rear gardens are smaller than is characteristic for the area, they are considered to provide an acceptable level of amenity space for a family sized property.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for cycle storage within the rear garden of each property accessed via a shared alleyway which runs along the western boundary of the properties. To the north west and south west corner of the site are communal refuse and recycling stores, each making provision for three dwellings measuring approximately 6.4 square metres. The application is therefore considered to adequately accord to policies TR14 and SU2.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The proposed dwellings provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, natural light and private amenity space. A minimum distance of approximately 9.5m exists between the rear dwelling 'A' and the east elevation of number 1 Court Ord Cottages and 11.5m between the rear of dwelling 'B' and the rear extension of 1 Court Ord Cottages which contains two windows, one at ground and one at first floor which overlook the site.

It is noted that the floor plans show the room within the rear wing of the proposal as study. However it is very likely that it will be used as a bedroom by future occupants and should be treated as such. Obscure glazing the rear windows to units A – D will preclude adverse overlooking to the neighbouring dwellings to the rear of the site. Provision has been made for additional side windows to units C and D and amended plans have been requested to show additional windows inserted within the side elevations of the rear projections of units A and B. It is likely that there will be some inter-overlooking between the proposed units but it is considered that an acceptable level of privacy will be maintained for the proposed units while protecting the existing dwellings which neighbour the site.

A shadow study was submitted with the application as originally designed which has since been superseded. However, the development has been reduced in scale slightly and the study is considered to adequately demonstrate that the potential impact of the scheme and it is not likely to cause demonstrable harm to the residential amenity of any neighbouring dwelling by overshadowing or loss of light.

#### Traffic

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

The proposal proposes to provide 12 cycle parking spaces at a ratio of two per dwelling, which is over the minimum requirement of SPGBH note 4. No off street parking is proposed as part of this application. The applicant has submitted a transport assessment and the Council's Traffic Manager has been consulted on the scheme and has raised no objection with the imposition of a condition relating to the provision of cycle parking as shown on the plans.

The development makes no provision for off street parking and is not within a

Controlled Parking Zone, the use of a car by the occupants of the scheme can therefore not be controlled. However, the Council's Traffic Manager considers with respect to Falmer Road and the immediate environs of this proposal, there is on street parking capacity to accommodate the additional parking demand that the site would create; there are no safety concerns in the vicinity of the site that would be exacerbated by this proposal, and the site is reasonably well served by public transport and is within walking distance of shops and all other local community facilities.

Therefore, the Traffic Manager considers that given the constraints placed upon the Highway Authority in what can be considered this proposal does not generate a material transport concern in terms of parking capacity, affects on safety, and accessibility. If the application were to be approved a financial contribution would be sought via a legal agreement to contribute towards off-site highway improvement schemes, in particular for sustainable modes of transport by improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

A suggestion was made by the Parish Council suggesting that parking controls should be introduced at the junction to Falmer Road and Meadow Parade however these areas are outside the red edge and outside control of this application. It is not considered that the scheme will generate a material transport impact or affect highway safety to a degree that would warrant a commuted sum for such off-site improvements.

The scheme therefore accords with policies TR1 and TR14. It is not considered that the additional vehicles in the area resulting from this development will cause demonstrable harm to neighbouring residential amenity.

#### Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.

Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. A development of this scale would require the submission of a Site Waste Management Plan. The applicant has submitted one which goes some way to addressing the requirements of the policy, however if the application were acceptable in all other respects a more detailed management plan would be requested by condition.

The applicant has submitted a Sustainability Checklist and a Statement within which it is stated that Level 3 of the Code for Sustainable Homes is likely to be achieved. The statement submitted details that this level can be achieved though the provision of elements such as a high efficiency condensing boilers,

a minimum of 75% energy efficient internal lighting, solar collectors on the roofs to provide heating for the hot water for all the house and rainwater harvesting facilities. If the application were to be approved a condition requiring the scheme to achieve a minimum of Level 3 of the Code for Sustainable Homes would be attached.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. A Biodiversity Statement was submitted with the application which the Council's Ecologist has stated provides a comprehensive assessment of the existing biodiversity value of the development site, which is low. The only wildlife interest of note in the planning context is the presence of a single Slow-worm during the survey. Slow-worm is protected from killing and injury under the Wildlife and Countryside Act 1981.

Various proposals are included in the biodiversity statement to enhance the biodiversity value of the site as part of the development. It is noted that none of these appear to have been incorporated into the design of the development. In order to address the relevant policies, measures relating to protect slow-worms on the site from injury and the erection of a minimum of six bat and bird boxes are recommended to be secured by condition.

Policy SU15 relates to adequate infrastructure. Some concerns have been raised by neighbouring residential properties regarding drainage and the potential impact on the sewer system which is currently experiencing problems. The applicant submitted a drainage report which concludes that there is sufficient capacity in the existing drainage network for the additional units proposed. Southern Water have been consulted in this respect.

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

The application makes provision of six family sized dwellings to the city, each with private amenity space. With a financial contribution towards enhanced facilities and the submission of evidence to demonstrate that the improved facilities at the nearby Longhill School and Deans Leisure Centre can be secured the development will adequately accord to policy HO20 exception criterion (c) by providing improvements to a nearby facility to accommodate the loss.

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement.

## **9 EQUALITIES IMPLICATIONS**

Each property would have level access from the street and would be

constructed to Lifetime Homes standards. The proposal would result in the provision of improved community facilities.

# BH2008/02307 57 Falmer Road



Date: 03/03/2009 02:16:40

Scale 1:1250



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**Brighton & Hove  
City Council**

PLANS LIST – 8<sup>TH</sup> APRIL 2009

COUNCILLOR REPRESENTATION

**From:** David Smith [mailto:David.Smith@brighton-hove.gov.uk]  
**Sent:** 07 October 2008 13:13  
**To:** Kate Brocklebank; Mary Mears; Lynda Hyde  
**Subject:** Re: BH2008/02307 - 57 Falmer Road

Hi Kate

Thanks for your email.... Yes without the provision of on site parking in an area including a major doctors surgery and shopping parade with on street parking in demand....

I can't support this planning application  
Please register my objection

David

