

BRIGHTON & HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/00980	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Outline		
<u>Address:</u>	Falmer School Lewes Road Brighton		
<u>Proposal:</u>	Outline Application for partial demolition of existing school (locally known as North Block) and construction of a new academy complex (Class D1) with associated car parking and landscaping.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	25 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 June 2008
<u>Agent:</u>	Tribal MJP, 70 High Street, Chislehurst, Kent BR7 5AQ		
<u>Applicant:</u>	Ms Lorraine O'Reilly, Kings House, Grand Avenue, Hove BN3 2LS		

1 SUMMARY

This application seeks outline planning permission to demolish part of the existing complex of school buildings on the Falmer School site, known locally as 'North Block' and erection of an Academy school (Class D1) providing approximately 10,338 square metres of gross internal floor space. The matters for determination relate to access, layout and scale; landscaping and appearance are reserved for future consideration.

The most relevant planning history relating to this site is that of a neighbouring scheme for the Falmer Community Stadium situated to the east of the site adjacent to the southern side of the A27, to the east of the University of Brighton Falmer Campus. The Community Stadium Scheme involves the provision of a maximum of 2,200 car parking spaces shared between the University campus and the Falmer school playing field. The scheme also includes a strip of land adjacent to the railway line to the north of the school playing field to provide access to the stadium for those parking on the site. Neither of these elements form part of this application however the cumulative impact is to be considered.

The main considerations of this application relate to the principle of the proposed development, the impact of the development in terms of scale on the surrounding landscape and the suitability of the layout. The proposed access arrangements and related highway implications, ecology and sustainability are also assessed.

It is considered with the imposition of the conditions set out in section 2 that the application acceptably accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties, will preserve strategic views and the character of the

surrounding location. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

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 subject to the following Conditions and Informatives:

Details included in Section 106

- Highways contribution of £50,000 – to improve local school bus services. Potential service improvements shall be identified and assessed as part of the Travel Plan process.
- Improvements to the bus stop off Lewes Road, accessed on foot from the school via the tunnel under the railway. Improvements consist of the provision of a shelter and Kassell kerbs.
- Implementation of a Community Use scheme and Sports Development Plan.

Conditions

1. 01.02AA Outline Planning Permission
2. 01.03B Reserved Matters **amended** a) Appearance, b) Landscaping.
3. Prior to the commencement of development, a scheme for the provision of public art within the site 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 development hereby approved. **Reason:** To ensure satisfactory public art provision is made on the site and to comply with policy QD28 and QD6 of the Brighton & Hove Local Plan.
4. Prior to the commencement of development, a scheme for the provision of ecological mitigation and enhancement to the site **including** a full tree replacement plan shall be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. **Reason:** This is a large scale development and ecological and historic enhancements should be an intrinsic part of the plans in accordance with policies QD15, QD16, QD17, QD18 and HE11 of the Brighton & Hove Local Plan. This is in keeping with PPS1 'Delivering sustainable development', PPS9 'Biodiversity and Geological Conservation' and the South East Plan. Policy NRM4 of the South East Plan seeks to avoid a net loss of biodiversity and to actively pursue opportunities to achieve a net gain of biodiversity across the region.
5. 02.06A Satisfactory refuse storage (BandH)
6. 05.01AA BREEAM **amended** to remove 'very good or'.
7. 05.02A Site Waste Management Plan **amended** to remove reference to SPD03 and include policy RPG9 – W5.
8. 06.02A Cycle parking details to be submitted (BandH)
9. Prior to the commencement of any development, a scheme for the provision and implementation of a Sustainable Surface Water Drainage System (SuDS) shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed

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in accordance with the plans and timetable approved by the Local Planning Authority and retained thereafter. **Reason:** To reduce the risk of flooding by ensuring a satisfactory drainage system as recommended by the applicant's FRA (Flood Risk Assessment) and in accordance with SU4 of the Brighton & Hove Local Plan.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** To ensure that controlled waters are not impacted as result of the development and in accordance with SU3 of the Brighton & Hove Local Plan.
11. 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 pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and in accordance with policies SU3 and SU9 of the Brighton & Hove Local Plan.
12. If during development, any visibly contaminated or odorous material not previously identified is found to be present at the site, must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with and the Method Statement shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with policy SU3 of the Brighton & Hove Local Plan.
13. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme shall be designed to minimise disturbance to wildlife including choice of lamp, siting and design to include positioning at low level, using downcasters and being directed away from bat foraging/commuting areas and the Westlain Belt/SNCI to the south of the site and any bat roost locations. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **Reason:** To ensure the protection of the ecological interest of the site, including the adjacent SNCI and in the interest of safeguarding the amenity of the occupiers of nearby properties and to comply with policies QD17, QD18, QD27 and NC4 of the Brighton & Hove Local Plan.
14. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the local planning authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the local planning authority. **Reason:** To safeguard the

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- amenities of the occupiers of nearby properties and in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
15. A scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority and no development shall commence until a scheme is approved by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of nearby properties and in accordance with policies SU9 and QD27 of the Brighton & Hove Local Plan.
 16. A scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to the Local Planning Authority and the development shall not be occupied until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter. **Reason:** To safeguard the amenities of the occupiers of nearby properties and in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
 17. Notwithstanding the approved plan, a detailed tree protection plan including construction details of the access road to the south in relation to the Westlain Belt/SNCI shall be submitted to and approved by the Local Planning Authority before development may commence. The scheme shall include details of trees to be retained together with measures of their protection in the course of the development and shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To enhance the appearance of the development and protect the existing trees and landscaping on the site in accord with policies QD15 and QD16 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
 18. Scrub clearance shall be avoided during the bird nesting season, from the beginning of March and the end of July. **Reason:** To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
 19. No development shall commence unless or until a detailed scheme for bat mitigation strategy relating to the protection of Common Pipistrelle and Serotine bats affect by the development hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. **Reason:** To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
 20. Prior to the occupation of the Academy hereby approved, a Travel Plan must be submitted to and agreed in writing by the Local Planning Authority. The use of the facilities shall be carried out in accordance with the agreed Travel Plan. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate. **Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.
 21. No development shall commence unless or until a Construction Environmental Management Plan has been submitted to and agreed in

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writing by the Local Planning Authority. The plan shall contain measures to minimise the environmental impact on North Moulsecoomb or provide an alternative route to the site. The construction shall then be implemented in strict accordance with the approved plan. **Reason:** To safeguard the amenities of the occupiers of nearby properties and in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

22. Notwithstanding the approved plans, details of the designated set down/pick up bay near the main entrance shall be submitted to and agreed in writing by the Local Planning Authority. The bay shall then be implemented in accordance with the approved details. **Reason:** In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 001 rev A, 002 rev A, 004 rev A, 005 rev A, 006 submitted on 25th March 2008, 003 rev D and 007 submitted on 16th May 2008 and ED120/28 and ED120/29 submitted on 28th May 2008.
2. This decision to grant outline 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, Supplementary Planning Documents and Planning Advice Notes:

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR3 Development in areas of low public transport accessibility
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements

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- QD2 Design – key principles for neighbourhoods
- QD4 Design – strategic impact
- QD6 Public art
- QD15 Landscape design
- QD16 Trees and hedgerow
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of amenity
- QD28 Planning obligations
- HO19 New community facilities
- NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Site (RIGS)
- NC7 Sussex Downs Area of Outstanding Natural Beauty
- NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty
- HE11 Historic parks and gardens

Supplementary Guidance Notes (SPGs)

- SPGBH4 Parking standards
- SPGBH16 Energy efficiency & Renewable Energy
- SPGBH21 Brighton & Hove Sustainability Checklist

Planning Advice Notes (PANs)

- PAN02 Microgeneration

Supplementary Planning Documents (SPD)

- SPD03 Construction and Demolition Waste
- SPD06 Trees and Development Sites

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

- E1 General
- TR1 Integrated Transport and Environment Strategy
- TR3 Accessibility
- TR4 Walking
- TR5 Cycling (facilities)
- TR9 Public Passenger Transport (access onto)
- TR16 Parking Standards for Development
- TR18 Cycle Parking
- TR19 Parking
- EN1 General
- EN2 Areas of Outstanding Natural Beauty (general)
- EN3 Areas of Outstanding Natural Beauty (control of development)
- EN11 Water Quality and Conservation
- EN12 Water Resources
- EN14 Light Pollution
- EN17 Nature Conservation (protection)
- EN18 Nature Conservation (enhancement)
- LT2 Provision of new facilities

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Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East.

ii) for the following reasons:

The application acceptably accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

3. This application does not purport to grant planning permission for the wind turbine detailed on the plans.
4. IN.07A: BREEAM
5. All new sporting provision (including changing rooms) should be developed in accordance with Sport England's and the relevant Governing Bodies design guidance notes.
6. The applicant's attention is drawn to the detail with consultation response from Southern Gas Networks, letter dated 16th April 2008.
7. It should be noted that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk
8. The applicant is also advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.
9. In accordance with Local Plan policy QD6 and QD28 the public art provision on the site shall be to the sum of £40,000.
10. The applicant is advised that a European Protected Species Licence must be obtained from Natural England with respect to the presence of bats on site.
11. With respect to the Reserved Matters application, the applicant should introduce more extensive use of green roofs and use a darker pallet of non-reflective materials.
12. The lighting installation shall also comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for **zone E** or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details.
13. With reference to condition 4 the tree planting scheme should detail enhancement of the Westlain Plantation along the southern boundary lining the access road to either side, along the bank to the south of the playing field and along the north boundary adjacent to the railway line. The trees shall be of a locally native species.

3 THE SITE

The application site comprises of two large school buildings set in approximately 10.02 hectares of land. Originally the two buildings formed two separate schools; Stanmer Secondary School and Westlain Grammar School. The building which used to form Stanmer Secondary School which is sited on the east side of the site is locally known as the 'North' block and is proposed for demolition as part of this application. The schools were amalgamated in 1973 to form Falmer High School.

The North block is in the main a three storey brick building with a low pitched roof. The adjacent building forms the kitchens and Huggles Nursery and the caretakers flat which is also brick built with a flat roof, predominantly single storey apart from the caretakers flat which forms a two storey element, with the flat on the first floor. The South building is also brick built and is predominantly three storeys. The school's existing estate floorspace area totals approximately 12,800 square metres of gross internal floor area.

Used in connection with the school, sited to the north of the 'north' block is approximately 5.55 hectares of playing field. The playing field forms the flattest part of the site which rises up from the field with the tennis courts being at the highest part of the site.

The main access to the site is via Lucraft Road, through a residential area. There is also a narrow access via a tunnel passing under the railway line to the north west of the site.

In the wider context, the area to the west of the site is predominantly two storey terraced and semi detached residential development. The site is bounded to the north by the railway line, beyond is designated on the proposals map as a site identified for high-tech and office uses (EM2) and currently houses the Southern Water offices and depot. Beyond the Southern Water building is the A27. To the east the Brighton Health and Racquet Club and beyond that to the east is the University of Brighton Falmer campus. To the southern and part of the western boundary, the site is bounded by a woodland edge which is a designated Site of Nature Conservation Importance (SNCI). Beyond this woodland edge is an Area of Outstanding Natural Beauty (AONB) within which are a network of Greenways, an Archaeologically Sensitive Area and a proposed Local Nature Reserve. This area also forms part of the proposed South Downs National Park.

4 RELEVANT HISTORY

BH1997/01538/FP – Erection of security fence 2.75 metres high between tennis courts and gymnasium. **Approved** 11/12/1997

BH2004/01203/FP – Replace steel framed glazed curtain walling with aluminium framed powder coated (white) curtain walling on north block. **Approved** 16/06/2004

BH2005/01203/FP – Provision of synthetic turf pitch with installation of flood

lighting from 8 stanchions. **Approved** 20/09/2005

Falmer Community Stadium

BH2001/02418/FP - Proposed community stadium with accommodation for class B1 business, educational, conference, club shop merchandise, entertainment and food and drink uses, together with associated landscaping and transportation facilities including road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. **Approved** by Secretary of State 08/12/2007.

The scheme includes shared use of land for recreation and parking at Falmer High School with the red edge drawn round the western portion of the playing field of the school and a strip to provide access along the northern boundary of the site adjacent to the railway line. A minimum of 2000 and a maximum of 2200 car parking spaces must be provided in accordance with condition 39 of the approval shared between the University of Sussex and Falmer High School.

The car parking spaces to be provided in accordance with condition 39 of the Community Stadium permission do not form part of this application.

5 THE APPLICATION

The application seeks outline planning permission for demolition of the North Block and the construction of an Academy Complex (Class D1). The matters for determination as part of the application relate to access, layout and scale. Appearance and landscaping are reserved for future consideration.

A formal screening opinion was adopted and it was considered that the potential impact of the scheme would not result in a significant impact which would warrant Environmental Impact Assessment.

The Academy will provide 10,338 square metres of gross internal floorspace area and will provide for a total of 1080 pupils, 900 aged 11-16 and 180 students aged 17-18. A caretaker's flat is also proposed as part of the scheme, to replace that which is being demolished and it will provide approximately 65 square metres of floor area. The South Block is to be retained and it is proposed to implement the permission in two phases.

Phase one will incorporate the demolition of the dining hall/kitchen and caretaker's flat (part of the North building) and the construction of the sports hall, changing rooms, kitchen and two main teaching wings. Phase two will involve demolition of the main North building and construction of the main central atrium and two further teaching wings.

In addition to the main Academy building, formal pitches, soft/informal areas, games courts, hard/informal areas, habitat areas and car parking for 83 car parking spaces (7 of which are disabled), the majority of the parking provision is to be located to the west of the main Academy building. Sixteen spaces (one of which is a disabled space) are to be provided to the east of the

Academy building adjacent to the proposed gymnasium. Sixty covered and secure cycle parking spaces will also be provided adjacent to the main entrance to the school. An emergency access is proposed to the east of the site.

The proposed arrangements will maintain the existing access via Lucraft Road and the tunnel to the north west of the site. No wider infrastructure works are proposed as part of this application.

6 CONSULTATIONS

External:

Neighbours: None received.

East Sussex Fire and Rescue Service: Will make comment regarding access for fire appliance (East Sussex Act 1981 Section 35), and means of escape during consultation with a Building Control representative for the project prior to development stage.

Natural England: The information supplied as part of the application indicates the potential presence of protected species on or near the application site. There are badgers, Great Crested Newts and bats.

As the impact on Great Crested Newts has not yet been established, recommend that the planning application is not determined until the surveys are complete and appropriate mitigation proposed or it has been established that there will be no impact from this application.

The 2007 bat survey information showed that evidence of roosting pipistrelles was found. Therefore an European Protected Species (EPS) licence is required and further survey effort may be required due to the poor conditions this year. Recommend that an outline mitigation proposal is submitted prior to determination to ensure that this species is accommodated in the new proposal.

EDF Energy Networks: No objection to the proposal, providing our rights regarding access and maintenance to any of our cables within the area are maintained at all times.

Southern Water: No objection - provision for foul sewage disposal to service the development can be made, a formal application is required and an informative in this respect is recommended. It may be possible to divert the public water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water. Consent required for excavation in proximity to water mains. Informative recommended with respect to measures to be undertaken to divert/protect the public water supply. Condition requiring details of proposed means of surface water disposal to be submitted.

Environment Agency: No objections, in principle, to the proposal provided that planning conditions with respect to the following are imposed:

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- Scheme for the provision and implementation of Sustainable Surface Water Drainage (SuDS).
- Protection of controlled waters.
- Ecology – full details of landscaping.

Sport England: The new academy building will be constructed on the footprint of the existing school building and will not impinge on any of the playing field area of the school.

Given the above, Sport England is satisfied that the proposed development meets with exception E3 to the above policy, in that:

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

Consequently, Sport England does not wish to raise an objection to the proposed development.

Sport England note that the new building will impinge on the disused tennis courts, but will be replaced by a sizeable hard play area. We also welcome the provision of the new sports hall and the intention for use by the community out of school hours. Given the potential benefit of the overall scheme to increase participation in sport and active recreation, Sport England wish to offer support to the proposals.

South Downs Joint Committee: The existing school buildings are of no particular architectural merit and the Committee has no objection to the principle of their being demolished and replaced. No objection to this application, but will expect very careful attention to be given to the design and appearance of the proposed building at the reserved matters stage and Westlain Belt to be retained and protected. The development should also be constructed to a high standard of sustainability.

Given the proximity of the AONB and views of the site from Stanmer Park, interest in the scale and design of the proposed development is expressed. Concern is raised to the proposed building being higher than the Health & Racquet Club. It appears that the academy would be higher than the existing North Block, which is a concern. However, the sectional drawing does indicate that the proposed building, would still be lower than the trees in Westlain Belt to the south, which is considered to be the important determinant of an acceptable height.

South Downs Society: The proposed scheme is quite a radical construction which is likely to be an improvement on the existing, rather tired building. It is separated from the football stadium site by the Racquets club, which dominates views around this area.

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Provided the proposed landscaping is carried out and, importantly, maintained to the highest standards, it is considered that the new academy building will not have an adverse impact on views from the Sussex Downs AONB and designated National Park, which are the core business of this Society, or from Sussex University north of the A27. Request as strong a landscape screen as possible along the southern edge of the site.

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.

South East Regional Design Panel

The Panel consider that the site is well suited for continued educational use but were dismayed that the proposals take such poor advantage of the landscape setting of the existing building – the playing fields, the woodland and the long view to the South Downs are very important. The Panel wish to see the plans radically improved before outline planning permission is granted.

Layout

The Panel accept that the present linear arrangement has caused operational and circulation difficulties for the school. The existing building does however follow the lie of the land and it makes the most of the views to the north and south, resulting in a feeling of generous spaces.

The proposed building cuts into the topography and the star-shaped plan is relatively introspective and unrelated to the landscape, offering few long views to its users. The southern side of the building is spoilt by the service road which cuts it off from the woodland, furthermore the sports hall, is pushed against the eastern boundary in an unattractive remote position. The footpaths ignore desire lines and are subservient to a vehicle-led design.

It is appreciated that some of the design problems have arisen from trying to manage sunlight and minimise noise from the road and railway. Commitment to a building that is aiming for a high standard of environmental design is acknowledged and welcome. The Panel are sure that there must be a more successful way of meeting the brief for the new Academy, resulting in an imaginative design that responds to the opportunities of the appealing, semi-rural site.

Internal:

Traffic Manager: This site is not ideal because of its poor road access, largely due to the narrow low bridge under the railway line on the road to Lewes Road. However, the site is already in use as an educational facility similar to that proposed. Given this, it would be unreasonable to expect the applicants to facilitate major transport improvements, such as substantial improvements to the bridge, but appropriate minor mitigation measures and a

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travel plan are proposed.

Parking provision complies with SPG4 and is below the maximum allowed. The covered cycle parking are above the minimum required by SPG4.

The car park layout is not ideal in that the pedestrian route to the main entrance is indirect, but improvements consisting of the introduction of a fairly direct shared pedestrian/ cycle approach and additional pedestrian crossings in the car park have been made. A revised layout should be required to address these points as follows:-

- The positions of the disabled and cycle parking spaces should be exchanged so that the disabled parking is nearest to the entrance.
- A specific marked set down/ pick up bay near to the main entrance should be provided.
- The roundabout and drop off zone outside the entrance should be removed or reduced in size to the minimum compatible with their function.

The applicants have agreed to fund improvements to the bus stop, they have also undertaken to enter into an agreement through Section 106 funding to improve the local school bus service. The detail of this would be that if the Council identifies public transport service improvements which would benefit students/ staff at the academy within 5 years of its opening these would be funded by the applicant but with a proviso that the total such funding made available would not be more than £50,000. Potential service improvements should be identified and assessed as part of the travel plan process.

A detailed travel plan should be produced to the satisfaction of the Council prior to the occupation of the school.

A construction access management plan should also be secured containing measures to minimise the environmental impact on North Moulsecomb unless an alternative route or method can be found, which is very unlikely.

Subject to the conditions suggested, the transport impact of the development is felt to be acceptable.

Environmental Health: The school building for demolition appears well established with the land appearing vacant according to historic mapping from 1875 to 1930 at least. A building with a different layout appears between 1952-63, however the current building footprint remains until present.

Environmental Health note that Gyoury Self partnership were commissioned to carry out a phase one or desk top survey on the application premises for the purposes of identifying contamination. Whilst no further works are recommended in terms of intrusive site investigation, there is a clear need to keep the Environment Agency consulted due to ground water and public water abstraction points.

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Conditions recommended regarding;

- Details of external lighting.
- A scheme for the suitable treatment of all plant and machinery against transmission of sound and/or vibration.
- A scheme for fitting of odour control equipment.
- A scheme for the sound insulation of odour control equipment.

Percentage for Art: In accordance with policy QD6 this application is eligible for a public art contribution. Ideally the Council would be looking for the developer and/or agent to get involved to incorporate public art into the development at the earliest possible stage, in order to encourage a more detailed proposal/approach can be incorporated at the reserved matters stage.

Arboriculturist: The grounds of Falmer School, Lewes Road, are part of an Area Order under Tree Preservation Order (No. 20) 1974.

The Arboriculturist Report submitted with the application only mentions the loss of 3 trees to facilitate the development, however, it would appear on site that several more will be felled should this development be granted consent.

The trees that are to be lost were mostly planted originally to screen the tennis courts - Ash, Prunus, etc, and as they have been planted close together to provide a screen they are all poor specimens. The Arb Section would not therefore object to their loss.

A small clump of trees, 3 Lime and Ash, are also likely to be lost, however, the Ash has been vandalised (completely ringbarked) and two of the Limes are of poor form. Only one Lime that will be lost in this area is of any aesthetic value.

Overall the Arboricultural Section do not object to this application. However, it should be made a condition of any planning consent granted that an updated Tree Protection Plan is submitted and approved by the LPA and adequate replacement trees are planted as part of a landscaping scheme.

Children and Young Persons Trust: The Academy will create a centre of excellence offering education and lifelong learning opportunities, not just for pupils but also for parents, staff and the wider Falmer community. The overarching aim is to unlock the potential in every pupil through the chosen specialism of entrepreneurship.

Currently Falmer High School serves a highly disadvantaged area of the City. The proposed Academy would offer the curriculum and impetus to provide new energy and direction in raising educational achievements and expectations for the Falmer area.

As part of the development of the proposed Academy full consideration will be given to the detailed organisation of the curriculum particularly in regard to raising entry levels in literacy and numeracy and to teaching and learning

styles that will stretch achievement and attainment for gifted and talented pupils.

It is intended that the Entrepreneurship Centre will be used not only by Academy pupils, but pupils from other primary and secondary schools and colleges, adult and community learners and the local business community.

The Sponsor believes that there is a substantial educational and community need for an Academy in Falmer to break the cycle of underachievement in areas of social and economic deprivation. Motivation and self-belief will increase as will self-confidence and consequently the desire to learn and achieve.

Ecology: Initial comments: Insufficient information has been supplied to adequately assess the effects of this proposal on bats, Great Crested Newt and Westlain Plantation/Hog Plantation SNCI. This lack of information is particularly critical with regards to the European Protected Species (EPS) because without it the Council is unable to carry out its legal duty to assess the effects of the proposal on these species.

With regards to the SNCI, it seems that there is likelihood that the proposed access road will have a detrimental impact on the trees within the boundary of the SNCI during construction. Certainly there is nothing in the submission which provides any assurance to the contrary. Local Plan Policy NC4 presumes against proposals where an adverse impact on the SNCI is likely and no case has been made to justify the access road at this location.

Information on biodiversity enhancement is scant and insufficient to assess its conformity to either Local Plan Policy QD17 or the draft SPD on nature conservation and development.

Recommendations

Currently the application fails to adequately address legislative requirements (both the Habitats Regulations and potentially the EIA Regulations) and planning policy. Further information is required on the effects of the application on EPS and on the SNCI and specifically:

1. The effects of the proposals on roosting and feeding bats.
2. The effects of the proposals on the terrestrial habitat of Great Crested Newt
3. The effects of the proposed access road on the adjacent SNCI.

Without this information, the application should be refused.

Comments made after re-consultation:

1. Insufficient information has been supplied to adequately assess the effects of this proposal on bats and Great Crested Newt.

With regards to bats, the Ash Partnership letter of 15th May acknowledges that further bat surveys are required. Although mitigation proposals are

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offered, without knowing the importance of the buildings for bats it is impossible to assess whether these proposals are appropriate or adequate. ODPM Circular 06/2005 (para 99) states: *“It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted”*. This applies to both outline and full applications. Bats, as European Protected Species, are also protected under the Habitats Regulations and the council is therefore under a statutory duty to have regard to their presence. Advises against determining the application until use of the site by bats is better understood.

With regards to Great Crested Newt, it appears final surveys will be completed this week and that all indications so far are that Great Crested Newt is not present. There does seem to be a contradiction in the Ash Partnership reports in that Para 4.37 of their initial report notes ‘singletons of newt larvae’ whereas their letter of 15th May refers to only Common Frog being encountered. The Ecologist recommended waiting for submission of the final report before any assumptions are made about the presence or absence of this European Protected Species.

2. The potential effects of the application (and particularly the proposed access road) on and Westlain Plantation/Hog Plantation SNCI have been addressed. The new information now includes mitigation proposals with regards to construction, lighting and screening. Taken together these adequately address Local Plan policy NC4. Further details of the lighting proposed along the access road are needed, but these could be addressed as part of reserved matters.
3. Information on biodiversity enhancement has been improved but a significant amount of further detail will be required. This may be more appropriate as part of reserved matters, perhaps as part of the landscaping scheme. The draft SPD ‘Nature Conservation and Development’ (scheduled for adoption in July) quantifies the nature conservation enhancements expected from the developments and it is important the applicant is familiar with the requirements of this document and that they are fully addressed.

Final comments made on additional information received comprising of:

1. An amphibian report which provides results of an amphibian survey of the balancing pond to the north of Woollard’s Field, carried out in April and May 2008.
2. A bat activity survey report of the Falmer Academy building, based on a bat survey carried out on 27th May 2008.

The Council’s Ecologist is satisfied that these surveys provide adequate species information to determine this planning application. With regards to Great Crested Newt the Ecologist is satisfied that this species is not resident

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within the survey area and that no further action need be taken as part of the implementation of the development proposals.

With regards to bats, it is clear that the development site is used by at least two species of bat and that the development proposals will have effects on them, specifically:

1. Loss of a small Common Pipistrelle bat roost located along the rear (southern face) of the Falmer School building.
2. Potential disturbance to Serotine (and Pipistrelle) flight patterns due to loss of vegetation and changes in external lighting.

Various mitigation measures are proposed in these latest reports and the Ash Partnership letter of 15th May, specifically:

1. New tree planting adjacent to Westlain Belt and the new access road, to ensure that a bat flight corridor between the new buildings and the SNCI is retained (substituting for the role current provided by the tree screen around the Tennis Courts).
2. Lining the access road with two avenues of tall trees to provide tree screening.
3. Incorporating a minimum of 20 new bat roost tubes and bricks and 10 bat boxes into the fabric of the new building.
4. Installing 20 tree-mounted hibernation and summer roost boxes into adjacent woodland.
5. Additional (recommends no fewer than 10) bat roosting boxes fitted to the Falmer High School building.
6. A lighting design to ensure lighting is kept at low level and away from the main bat foraging/commuting areas.

Provided these 6 measures are specifically secured by condition, I am satisfied that the requirements of Local Plan policy QD18 of the Local Plan would be met. Additional conditions would need to address:

1. The submission of a detailed bat mitigation strategy for approval in writing by the local planning authority, to include timings of all works, the types of boxes and other features used and their precise locations.
2. Details of the lighting proposed adjacent to the SNCI and for bat foraging / commuting areas.
3. Nature conservation enhancement proposals in order to address the requirements of Local Plan policy QD17.

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4. Details of the construction of the access road to the south of the new building and methods which will be incorporated to protect trees within the SNCI.
5. Avoidance of all scrub clearance during the bird nesting season (1st March - 31st July).

Planning Policy: Comments made prior to layout amendments.

The redevelopment of the school is acceptable in principle in that a D1 use is being replaced by a similar use.

However there are concerns at the proposed reserving of access matters at outline stage, whilst proposing a car park in this location which may preclude future sustainable transport arrangements for pedestrians, especially the children and cyclists, an arrangement for dropping special needs children at the door as well as separating out a service access for deliveries, recycling and waste collections. It is important that the highest levels of sustainability are delivered including energy efficiency including water collection and reuse. Early consideration needs to be given to landscaping and use of non reflective materials e.g. green roofs to reduce the impact of the development on the South Downs National Park. An outline plan for the strategic landscaping of the site in relation to the adjacent proposed South Downs National Park (pSDNP), including protection of the historically significant shelterbelts that framed Stanmer Park, should be prepared at outline stage, given the proximity to the pSDNP to the south east and the views into the site from rising ground in the pSDNP from the west and north.

A detailed and quantified Site Waste Management Plan that demonstrates the diversion of over 81% of C&D waste from landfill (to meet the requirements of RSS policy in RPG9 – W5) should be submitted with this outline application for because it includes consent for demolition.

Comments made after re-consultation on amended layout.

Policy would require new pedestrian/cycle routes to be clearly segregated and as direct as possible because if not the children will go the direct route through the car park, desire lines should dictate car park layout. The disabled bays need to be within 50m of the main door for the ambulant disabled. Further, the pod design makes supervision difficult.

7 **PLANNING POLICIES**

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR3 Development in areas of low public transport accessibility
- TR4 Travel plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones

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- TR12 Helping the independent movement of children
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD4 Design – strategic impact
- QD6 Public art
- QD15 Landscape design
- QD16 Trees and hedgerow
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of amenity
- QD28 Planning obligations
- HO19 New community facilities
- NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Site (RIGS)
- NC7 Sussex Downs Area of Outstanding Natural Beauty
- NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Guidance Notes (SPGs)

- SPGBH4 Parking standards
- SPGBH16 Energy efficiency & Renewable Energy
- SPGBH21 Brighton & Hove Sustainability Checklist

Planning Advice Notes (PANs)

- PAN02 Microgeneration

Supplementary Planning Documents (SPD)

- SPD03 Construction and Demolition Waste
- SPD06 Trees and Development Sites

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

- E1 General
- TR1 Integrated Transport and Environment Strategy
- TR3 Accessibility
- TR4 Walking
- TR5 Cycling (facilities)

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TR9 Public Passenger Transport (access onto)
TR16 Parking Standards for Development
TR18 Cycle Parking
TR19 Parking
EN1 General
EN2 Areas of Outstanding Natural Beauty (general)
EN3 Areas of Outstanding Natural Beauty (control of development)
EN11 Water Quality and Conservation
EN12 Water Resources
EN14 Light Pollution
EN17 Nature Conservation (protection)
EN18 Nature Conservation (enhancement)
LT2 Provision of new facilities

Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East.

Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)

PPS1 Delivering Sustainable Development
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG17 Planning for Open Space, Sport and Recreation
PPG24 Planning and noise
PPS22 Renewable energy
PPS25 Development and Flood Risk

8 CONSIDERATIONS

The main considerations of this application relate to the principle of the proposed development, the impact of the development in terms of scale on the surrounding landscape and the suitability of the layout. The proposed access arrangements and related highway implications, ecology and sustainability are also assessed.

Principle of development

The site is currently occupied by a non-residential educational D1 Use Class in the form of Falmer High School. The use is long established (the South Block was built in 1950's and the North Block in 1960's) and is protected by Local Plan policy HO20 (Retention of community facilities) which restricts proposals involving the loss of such a use.

The proposal in principle seeks to provide continued educational Class D1 use in the form of the new academy school and additional community facilities in the form of shared use of sporting and leisure facilities on the site for the community as a whole.

The South Block is not planned for demolition at this stage, the building has approximately 7,454 square metres of gross internal floor area. Owing to the lower level of school enrolment, the South Block has been used for wider community uses, the Bridge Adult Learning Centre, Swan Centre and the

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Daisy Chain Nursery which occupy only a proportion of the building. The applicant has stated that the building is not fit for school or general community accommodation and therefore is not likely to be intensively used in the future. However, an assessment of the potential impact of the use of the building within the existing D1 use has been undertaken. The main impact of the potential use relates to traffic implications and although the building could result in an increase in the number of vehicles using the site, the Council's Transport Planner has not raised an objection on this basis. Transport issues are further address later in this report.

Local Plan policy HO19 (New community facilities) sets out criteria new facilities are required to adhere to, including accessibility and where it can be demonstrated that there will not be an unacceptable impact on residential amenities or on the amenities of the surrounding area. The scheme is considered to adequately accord to the requirements of the policy as it will be fully compliant to the requirements of the Disability Discrimination Act, the use is established, and it is not considered that the neighbouring residential amenity will be materially affected by the development. Accessibility will be enhanced by the production and implementation of a travel plan and a Community Use Scheme and Sports Development Plan (as recommended by Sport England).

The scheme involves the enhancement of educational facilities on the site and, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities in a disadvantaged area of the city.

Impact of the proposed development on the surrounding landscape.

As previously stated the site is situated on the edge of the Sussex Downs Area of Outstanding Natural Beauty (AONB) and the proposed South Downs National Park to the south and can be viewed from the sensitive location of Stanmer Park to the north. As such, it is essential the scheme preserves the integrity of the surrounding landscape.

The matters for consideration on this application relate to access, scale and layout; matters relating to appearance and landscaping have been reserved for the detailed application. As such a close assessment of the proposed scheme should also take into consideration the existing development on the site and adjacent development on neighbouring sites with reference to potential visual impact.

Local Plan policies QD1, QD2 and QD4 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics and the enhancement and preservation of strategic views.

The details submitted with the application with respect to layout and scale show the proposed location of the Academy building in a similar location to the existing North Block. The existing complex of buildings, however, take on a very different form to that which is proposed. Built in 1960's, North Block is

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at its maximum a three storey brick built structure approximately 10.5 – 11m in height with a low pitched roof; the complex of buildings to be demolished totals approximately 5,346 square metres gross internal floor area. The buildings are in a linear configuration on an elevated topographical level in relation to the adjacent playing field which is located at the lowest point on the site and forms the flattest element where after the site slopes up to the south.

As described in the applicant's Design and Access Statement, the proposed Academy building is a five 'winged' building set out in a star shape laid out around a central atrium. The accommodation will be laid out over three levels (lower ground, ground and upper ground) which follow the contours of the site, with a maximum of two storeys. Efforts have been made to orientate the building at ninety degrees to the railway and the A27/A270 to minimise noise impact. The maximum height of the adjacent Health & Racquet Club is equal to the maximum height of the Academy at 11m. It should be noted however that the highest element of the Academy is on a lower part of the site, the mid level car park. The proposed building will have a gross internal floorspace area of approximately 10,338 square metres.

The South Downs Society have commented on the application stating, 'the scheme is quite a radical construction which is likely to be an improvement on the existing, rather tired building', no objection is raised and it is not considered that the building would have an adverse impact on the views from the Sussex Downs AONB and proposed National Park. The South Downs Joint Committee were also consulted on the scheme and although concern was raised to the fact that the building would be higher than that of the neighbouring racquet club, it is considered, 'the proposed height and form of the building to be acceptable, subject to careful attention to design and finishes at the reserved matters stage.'

The applicant has attempted to minimise the impact of the proposed development by providing a building which steps up the hillside, at the highest point of the site the building will be approximately 3.9m high leading down the slope to the north to a height of approximately 8m. The form is intended to create a 'visually softer appearance, particularly from long range views.' The form of the building with five separate arms of development feeding from the central atrium, instead of the existing linear configuration, is intended to, ensure 'that the overall scale and cumulative impact of the new building will never be observed in its entirety from any one vantage point.'

Cumulatively the proposed Academy and the Falmer Community Stadium are not considered likely to have a significant impact with respect to highways implications owing to the differing hours of operation. The Community Stadium will, in the main, be in operation outside of the school's main hours of operation. There will be potential community use of the sports and leisure facilities, but this is not considered to be significant enough to cause concern with respect to the determination of this application. With respect to the potential cumulative visual impact of the Academy and the community stadium; the Academy and the Stadium will be separated at some distance with the Health & Racquet Club and the University of Brighton campus

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between the two developments. As such, each can be considered with a degree of separation and are not considered to cause significant harm to the character of the of the AONB/proposed South Downs National Park cumulatively.

Although it is noted that appearance is a reserved matter at this stage, it is considered essential to explore the implications of detail such as materials. As noted by a number of consultees, it is crucial that the external materials are of a sympathetic, darker pallet and non-reflective. The use of green roofs has been indicated on the layout plan which is advocated by the Local Planning Authority. However it is considered that the applicant should provide further green roofs on the remaining expanse of roof in order to further assist the development's visual integration with the surrounding landscape and further reduce the visual impact of the scheme.

A robust and sensitively considered landscaping scheme is also considered an essential element for the reserved matters stage with respect to the above issues. A robust tree replacement and planting scheme should further to enhance the Westlain Belt/woodland edge to the south. In addition, planting to screen the proposed car parking (as stated in the applicant's Design and Access Statement) is strongly encouraged, including additional planting, to minimise the visual impact of the additional hardstanding on the site.

Policy HE11 (Historic parks and gardens) relates to the protection of the setting of the Historic Park of Stanmer. In relation to this it is important to consider the Stanmer Park Historic Landscape Study and Restoration Management Plan, the recommendations laid out within the study include;

- management of the estate should seek to re-establish the broad layout, visual qualities and character of the 18th Century landscape, whilst accommodating, as far as possible, the existing uses which are current today;
- any new development within the study area should be demonstrably beneficial to the aesthetic and ecological quality of the landscape;

As such the subsequent Reserved Matter of landscaping will be required to aid re-establishing the historic shelter belts including that of the Westlain Belt and along the railway line to the north of the site. Significant tree planting opportunities exist within the site, some of which have been indicatively laid out on the plans submitted with the current application. Additional opportunities to soften the appearance of the development and to benefit the aesthetic and ecological quality of the landscape exist through providing additional tree planting along the southern boundary of the playing field on the bank and within the informal social space and hard play area to the north east of the main building.

On balance, the scheme is considered to adequately respect the sensitive location within which it is sited. However it is vital that the choice of materials and the landscaping scheme enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB, proposed

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South Downs National Park and Stanmer Park and significant further information on these issues will be required at reserved matters stage.

Access and layout

The site does not benefit from particularly good access arrangements, partly due to the narrow low bridge access under the railway line on the Lewes Road. The other main access is through the residential estate of north Moulsecoomb to the west of the site and along Lucraft Road. However, the site is already in use as an educational facility and as stated by the Council's Transport Planner, given this, it is considered unreasonable to expect the applicants to facilitate major transport improvements, such as structural alterations to the existing tunnel access. As such the external access to the site, remain largely as existing. Means of dealing with the issues arising from the access arrangements are further discussed within the Traffic section of this report.

The proposed layout of the scheme proposes the new Academy building in a similar location to that of the existing North Block. However as previously stated the building takes a different form to that of the existing building and instead of a linear, north east to south west orientation, the building has an increased depth and slightly reduced width when viewed from the north or south.

The kitchen, Huggles Nursery and caretakers flat are to be replaced by the main car park for the academy which is laid out on three terraces, which follow the slope of the site, adjacent to the main entrance a drop off zone is indicated with a round about, adjacent to this are 7 disabled parking bays and 60 covered cycle parking stands. The service road then continues from the 'roundabout' along the southern boundary of the site to the rear of the building adjacent to the Westlain Belt leading to a 'sports hall' car park providing 1 disabled parking space and 15 additional car parking spaces and recycling/refuse store. Separate access is provided along with separate access to the sports hall to allow for community use outside school hours, without the need to enter the main building.

The applicant has stated that the sports hall cannot have windows in the side elevations if it is to accord to the design guidance from Sport England and as such the design is very limiting. The proposed layout acknowledges this by siting the hall to the rear of the Academy, immediately adjacent to the Health & Racquet Club.

Leading off this car park area is an emergency vehicle access which runs along the eastern boundary of the site which will be a gated 'Grass Crete' road providing fire appliance access to both the rear of the Academy and the adjacent Health & Racquet Club. The development includes a large amount of hardstanding in addition to the parking and access roads, the applicant has stated that the provision is the minimum required to comply with Building Bulletin 93 (Secondary School Design) and current Department for Education and Skills (DfES) standards. The development does not encroach onto the playing field to the north.

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Initial concerns were raised over the proposed layout of the external areas of the site with respect to the car park arrangement and apparent lack of focus on access for more sustainable modes of transport such as cycling and walking. The provision of a designated drop off point for taxis/children with special needs adjacent to the entrance is not clearly marked and therefore difficult to enforce. Ideally the pedestrian route across the car park should follow a desire line. Pedestrian and cycle routes should also be segregated from vehicular traffic.

As such the applicant has sought to resolve these issues and has introduced a designated shared cycle and footpath, which is intended to follow the natural desire line that students entering the Academy would take. Additional disabled parking spaces have been provided to the front of the site, adjacent to the proposed cycle parking and main entrance totalling 7 disabled spaces on site (one of which is sited to the rear adjacent to the sports hall).

The amendments made to the proposed scheme are considered to be minor, the proposed shared pedestrian and cycle path does not follow a clear desire line which would dictate the layout of the car park around it. However due to the varying levels in this area of the site it is not clear how such a layout could be produced, further the applicant's transport expert has stated that pupils may be encouraged not to use the main entrance as has been practice in other academies and schools. The Council's Transport Planner has raised no objection to the proposed pedestrian and cycle path as it is fairly direct and the addition of pedestrian crossings within the car park are considered to make an improvement to the initial layout. The plan has been annotated to show the proposed location of the disabled pupil/visitor drop off zone however the exact detail of which will be secured by condition.

With respect to the South East Regional Design Panel's comments on the buildings form, the applicant has justified the choice of the four 'winged' or 'clusters' around a central social atrium on the tried and tested fundamental principles in school design as detailed in the exemplar plan produced by the Department for Education publication 'Schools For the Future: Exemplar Designs and Concepts'.

The applicants states, 'The idea behind these clusters is that the mass of the building is broken up, creating stimulating and varied external and internal spaces, giving pupils a sense of ownership and community. A strong connection with the outdoors was seen as very desirable hence the provision of an external amphitheatre space in the middle of the building combined with further two social spaces, each with their own identity. This particular concept is particularly suited to sloping sites as detailed in the Exemplar Designs and Concepts publication.'

The existing linear building runs parallel to the site slope and the applicant states that this has proved problematic in both solar gain and acoustic issues relating to the railway and the A27 (as acknowledged in the design panels report).

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The proposed Academy design steps up (with) the slope taking advantage of the topography. This orientation will reduce the overall visual mass, particularly from long views across Stanmer Park and has the gable walls facing the railway with the teaching blocks facing inwards towards each other, thus reducing the acoustic impact of the railway and A27.

The applicants statement continues, 'It is noted that the panel acknowledge that the proposed orientation has partly arisen because of the need to address sunlight and acoustic challenges yet criticizes the design for doing this. The Academy however must be fit for purpose and we believe this design provides both a technical and aesthetic solution to the brief.'

The comments made by the South East Regional Design Panel are noted however it is considered that the applicant has given an adequate justification for the design and form of the proposed development which is supported by national guidance from the Department for Education publication for 'Schools For the Future: Exemplar Designs and Concepts'.

Traffic

As previously noted the existing access arrangements into the site are quite poor, one is through a residential area and the other via a narrow tunnel entrance under the railway line. However, on the basis that the proposed scheme is under the same Use Class providing for a small increase in the number of students than is currently provided for on the site, no major infrastructure improvements are proposed.

The amended scheme now affords for appropriate levels of car parking in accordance with SPGBH4: Parking standards. A total of 7 disabled parking spaces and 76 general parking spaces are proposed compared to the maximum allowed by SPGBH4 of 95, it should however be noted that this figure does not include the existing parking associated with the existing south building.

A total of 60 covered cycle parking spaces are to be provided, compared with the minimum required by SPGBH4 of 52. As stated by the Council's Transport Planner, the site has good pedestrian and cycle access with the significant exception however of the tunnel access under the railway which is also used by vehicles out side of school hours. The tunnel access also provides access to the bus stop.

Although no major infrastructure improvements are proposed as part of this application, the applicant has submitted a full Transport Assessment in line with the requirements of policy TR1 of the Local Plan. The Assessment includes the setting out of guidelines for a Travel Plan which are considered acceptable, the submission of a full Travel Plan will be secured through a legal agreement. In addition that applicant has agreed to fund improvements to the existing bus stop which is located to the north of the access tunnel, the improvements will provide for a shelter and Kassell kerb. The applicants have also agreed to improve the local school bus service, the potential improvements should be identified and assessed as part of the Travel Plan

process in consultation with the Council's Transport Planners.

The existing access arrangements are also considered to present an area for concern with reference to construction vehicles as the tunnel access under the railway is too low and the other access is through the residential area of north Moulseccomb. As such the applicant is required to submit an acceptable Construction Environmental Management Plan prior to the commencement of development. The plan should contain measures to minimise the environmental impact on the adjacent residential area, unless an alternative route or method can be found.

Although there are some concerns with respect to some aspects of the layout, with the imposition of conditions relating to detail of set down point combined with the applicant entering into a legal agreement providing a contribution towards improvements to the local school bus service and bus stop, the submission of a Travel Plan and Construction Environmental Management Plan the traffic implications of the scheme are considered to be acceptable.

Ecology

The Westlain Plantation/woodland edge abuts the site along the southern and part of the western boundaries, this wooded area is a designated Site of Nature Conservation Importance (SNCI). The SNCI is protected at a local level by policy NC4 which relates to the protection of SNCIs from any adverse impact on the nature conservation features of the site from a development within or in the setting of such a designation.

The applicant has submitted an Ecology Statement which refers to the application site and the adjacent site of Woollard's Field to the north of the railway line. In addition to this statement a separate statement has been submitted which attempts to focus on the ecological issues relating directly to the development site.

As stated by the Council's Ecologist, the issues raised within the statement of direct relevance to this application are:

- The medium to high bat roosting potential in the caretakers flat and the North block.
- The proposed access road adjacent to the southern boundary and the affect on the Westlain Plantation/SNCI and foraging bats with respect to light pollution.
- Potential presence of Great Crested Newts.

In addition to the Council's Ecologist, Natural England have been consulted on the application who also raised concerns regarding the impact on Great Crested Newts.

Additional information was requested of the applicant in order to fully ascertain the potential affect to the scheme with respect to ecology and ensure where necessary, that appropriate mitigation methods are imposed.

Additional information has been submitted by the applicant with respect to the

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concerns raised and the potential effects of the application (and particularly the proposed access road) on the Westlain Plantation/Hog Plantation and SNCI have been addressed. The new information includes mitigation proposals with regards to construction, lighting and screening. The Council's Ecologist has taken the view that this will adequately address Local Plan policy NC4. Further, details of the lighting proposed along the access road are however needed.

Insufficient information has been supplied to adequately address the effect of the proposal on bats and Great Crested Newts and the ODPM Circular 06/2005 (para 99) states: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted'*.

With respect to bats the applicant has submitted details of proposed mitigation proposals, however without knowing the importance of the buildings for bats it was not possible to assess whether the proposals are appropriate or adequate. Additional surveys were also required to be completed to confirm that no Great Crested Newts are present on the site.

With respect to biodiversity enhancement, a significant amount of further detail is required however with landscaping and design constituting reserved matters at this stage it is recommended that such information would form part of the detailed application. Issues such as the use of green roofs have been indicated on the plans and additional tree planting along the southern boundary however expansion of these proposals are to be assessed as part of the full landscaping scheme and appearance of the building. At present the SPD 'Nature Conservation and Development' which quantifies the nature conservation enhancements expected from a development is only draft and due for adoption in July, however if by the point of the detailed application is submitted the SPD has been adopted, the applicant will be expected to fully address the requirements detail within the document.

The applicant has carried out additional surveys on the existence of bats and Great Crested Newts on the site and the Council's Ecologist is now satisfied that the Great Crested Newts are not resident within the survey area and no further action needs to be taken as part of the implementation of the development proposals.

With respect to bats, it is clear that the development site is used by at least two species of bat and that the development proposals will have effects on them, specifically:

1. Loss of a small Common Pipistrelle bat roost located along the rear (southern face) of the Falmer School Building.
Potential disturbance to Serotine (and Pipistrelle) flight patterns due to loss of vegetation and changes in external lighting.

Various mitigation measures are proposed in these latest reports and the Ash Partnership letter of 15th May, as detailed in the Ecologist's consultation

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response in section 6 above. As such the following details have been requested by conditions:

- Detail bat mitigation strategy, to include timings of all works, the types of boxes and other features used and their precise locations,
- A tree planting scheme,
- Details of lighting design to ensure lighting is kept at low level and away from the main bat foraging/commuting areas and the Westlain Belt/SNCI,
- A protective screen along the boundary with the SNCI,
- Nature conservation enhancement proposals,
- Details of the construction of the access road to the south of the site and methods which will be incorporated to protect the trees within the SNCI,
- Avoidance of all scrub clearance during the bird nesting season (1st March – 31st July).

As long as the above conditions are secured, the Council's Ecologist is satisfied that the requirements of policies QD18 (Species Protection), QD17 (Protection and integration of nature conservation features) would be met.

The Council's Arboriculturist has also been consulted on the application and no objection was raised to the proposal however the Arboricultural report submitted with the application does not directly correlate to the plan submitted. It is clear that more than the trees specified in the report are to be felled however the trees that are to be lost were planted to provide a screen for the tennis courts and have been planted close together and are all 'poor specimens' and the Arboricultural Section do not therefore object to their loss. The grounds of Falmer School are part of an Area Order under Tree Preservation Order (No. 20) 1974 is that the Westlain Belt as such an Tree Protection Plan is to be requested by condition. It is also important that adequate replacement trees are planted as part of the landscaping scheme at the detailed stage.

Sustainability

Policy SU2 relates to the promotion of development which is efficient in the use of energy, water and materials. The policy requires proposal to demonstrate how factors such as measures that seek to reduce fuel use and greenhouse gas emissions and particular regard is given to factors such as: daylight/sunlight, orientation, building form, materials, landscaping and the use of natural ventilation.

It should again be noted that the application is outline and the Sustainability Statement and BREEAM pre assessment submitted with the application are indicative only. In summary the Sustainability Statement states that it aims to achieve a minimum of 15% on site renewable energy, which is the minimum required to achieve a BREEAM rating of excellent. The Statement explores options including ground source heat pumps, roof mounted solar panels, wind turbine (which would be the subject of a separate planning approval) and/or biomass boilers.

As summarised in the Planning Statement, other key sustainable initiatives

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being explored and likely to be included within the scheme are;

- Rainwater harvesting
- Green roofs
- Sustainable urban drainage systems (SUDS)
- Low water usage within the building
- Natural ventilation using passive ventilation/stack principles
- Controlled internal temperature
- Providing openable windows and fresh air provision rather than air conditioning.
- Using the latest low energy technology
- Solar shading (brise soleil)
- Maximising the use of natural daylight
- External materials to be sourced where possible from the Green Specification Guide
- Site waste management/minimisation including detailed Site Waste Management Plan at the detailed stage

Policy SU4 relates to surface water run-off and flood risk and restricts development that would increase the risk of flooding and states that where appropriate conditions will be imposed in order to ensure that effective preventative measures are provided. The policy also refers to the use of utilising 'green' or 'alternative' roofs as a measure to minimise surface water run-off, the plans submitted with the application indicate the use of green roofs on the lower part of the roof however it is considered important to exploit greater use of such a roof covering in the detailed application particularly as the scheme includes a large expanse of flat roof. It should be noted that the site located within Flood Zone 1 and therefore at low risk to flooding. As stated within the Flood Risk Assessment (FRA) potential sources of flooding in relation to the site are from overland flow flooding and failure of the urban drainage system.

The Environment Agency have been consulted on the application and have raised no objection in principle however have requested among others that a condition requiring the submission of details with respect to a scheme for the provision and implementation of a Sustainable Surface Water Drainage System (SUDS) be placed on an approval. It is considered that owing to the increase in hard surfacing particular regard needs to be given to the choice of materials used with respect to rain water run-off. It is considered with the appropriate use of materials such as green roofs as indicated on the plans submitted, combined with a suitable SUDS concerns relating to flood risk can be appeased particularly as the site is in a low risk area.

The applicant has also submitted a BREEAM pre assessment the results of which indicate a score of 76.61% which would achieve an 'Excellent' rating. The Local Planning Authority welcomes the commitment to an 'Excellent' BREEAM rating. The specific details of matters relating such as materials will form part of the assessment made at the detailed application stage and will be closely scrutinised regarding the achievement of a sustainable form of development with respect to issues raised in both the BREEAM assessment and the Sustainability Statement.

In this respect the applicant is advised to pay particular regard to guidance enclosed within SPGBH 16: Energy Efficiency & Renewable Energy, SPGBH21: Brighton & Hove Sustainability Checklist, PAN02: Microgeneration and SPD03: Construction and Demolition Waste.

9 CONCLUSIONS

The principle of the development is considered acceptable, it involves the enhancement of educational facilities on the site and, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities in a disadvantaged area of the City.

The scheme is considered to adequately respect the sensitive location within which it is sited, however it is vital that the choice of materials and the landscaping scheme enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB, proposed South Downs National Park and Stanmer Park.

No objection has been raised by the Council's Transport Planner with reference to the layout, access and traffic implications of the scheme providing a Travel Plan and Construction Environmental Management Plan are secured. The Travel plan is required to reduce traffic generation by encouraging alternative means of transport to private motor vehicles is secured and a Construction Environmental Management Plan is required to introduce measures to minimise the environmental impact on North Moulsecoomb or provide an alternative route to the site. The applicant has also indicated willingness to enter into a Section 106 legal agreement to provide a commuted sum to improve the local school bus services and improve the bus stop used by the school just off Lewes Road.

With respect to ecology issues on the site, final surveys have confirmed that there are no Great Crested Newts within the survey area. With regards to bats, additional surveys have discovered that the development site is used by at least two species of bat and that the development proposals will have effects on them. The applicant's Ecologist has proposed a number of mitigation methods as detailed above, in addition to those the Council's Ecologist has recommended a number of conditions to secure appropriate mitigation and has stated as long as the conditions are secured, the Council's Ecologist is satisfied that the requirements of policies QD18 (Species Protection), QD17 (Protection and integration of nature conservation features) would be met. A tree protection plan and replacement scheme have also been requested by condition.

With regard to sustainability issues the applicant has submitted a BREEAM pre assessment, the results of which indicate a score of 76.61% which would achieve an 'Excellent' rating. The Local Planning Authority welcomes the commitment to an 'Excellent' BREEAM rating. The specific details of matters relating such as materials will form part of the assessment made at the detailed application stage and will be closely scrutinised regarding the achievement of a sustainable form of development with respect to issues raised in both the BREEAM assessment and the Sustainability Statement.

Taking the above into consideration and with the imposition of the conditions set out in section 2 the application is considered to acceptably accord to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties, will preserve strategic views and the character of the surrounding location. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

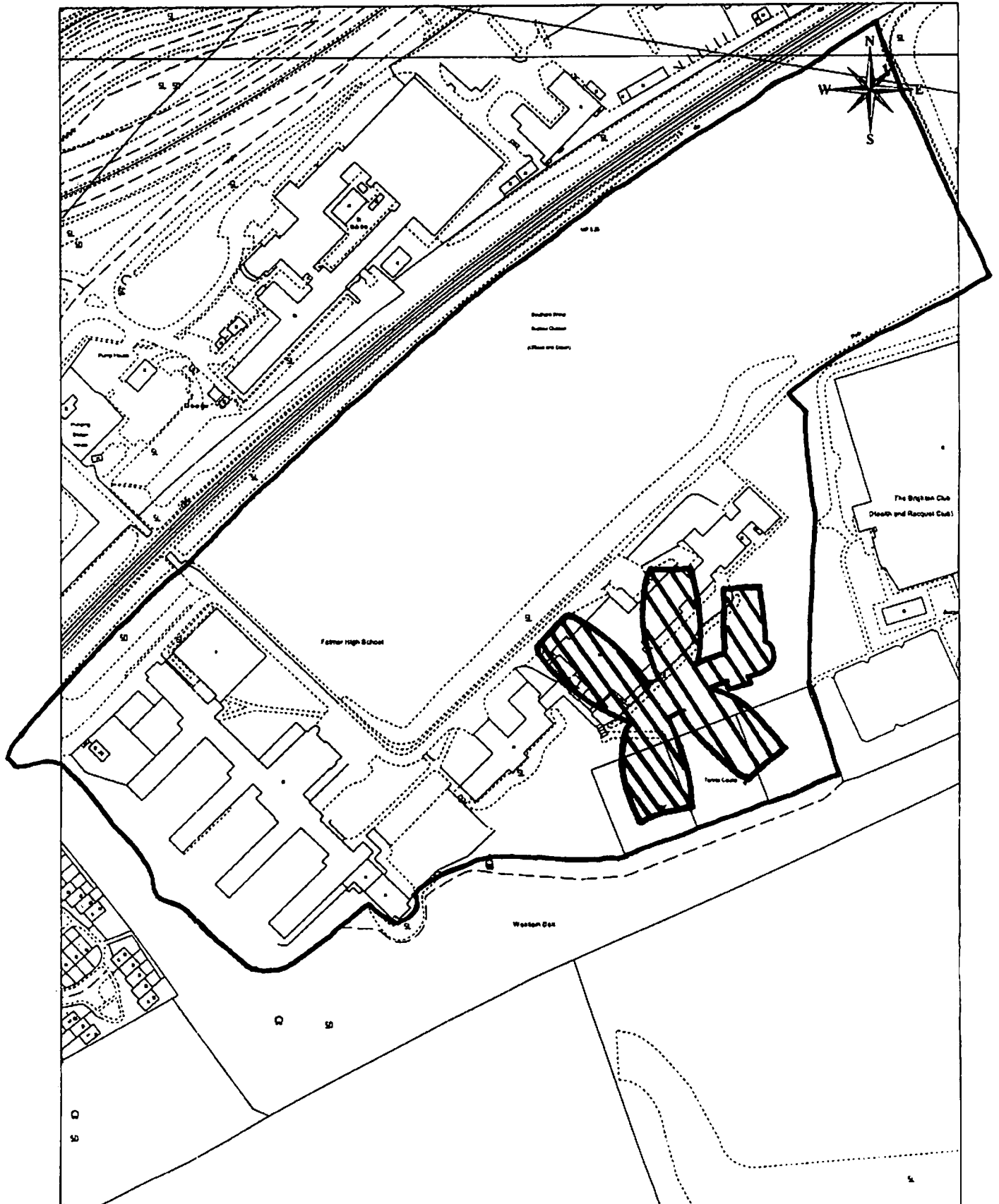
10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application acceptably accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

11 EQUALITIES IMPLICATIONS

The school is required to be fully DDA compliant to disabled students, staff and visitors alike, both internally and externally.

LOCATION PLAN



Application No.: BH2008/00980

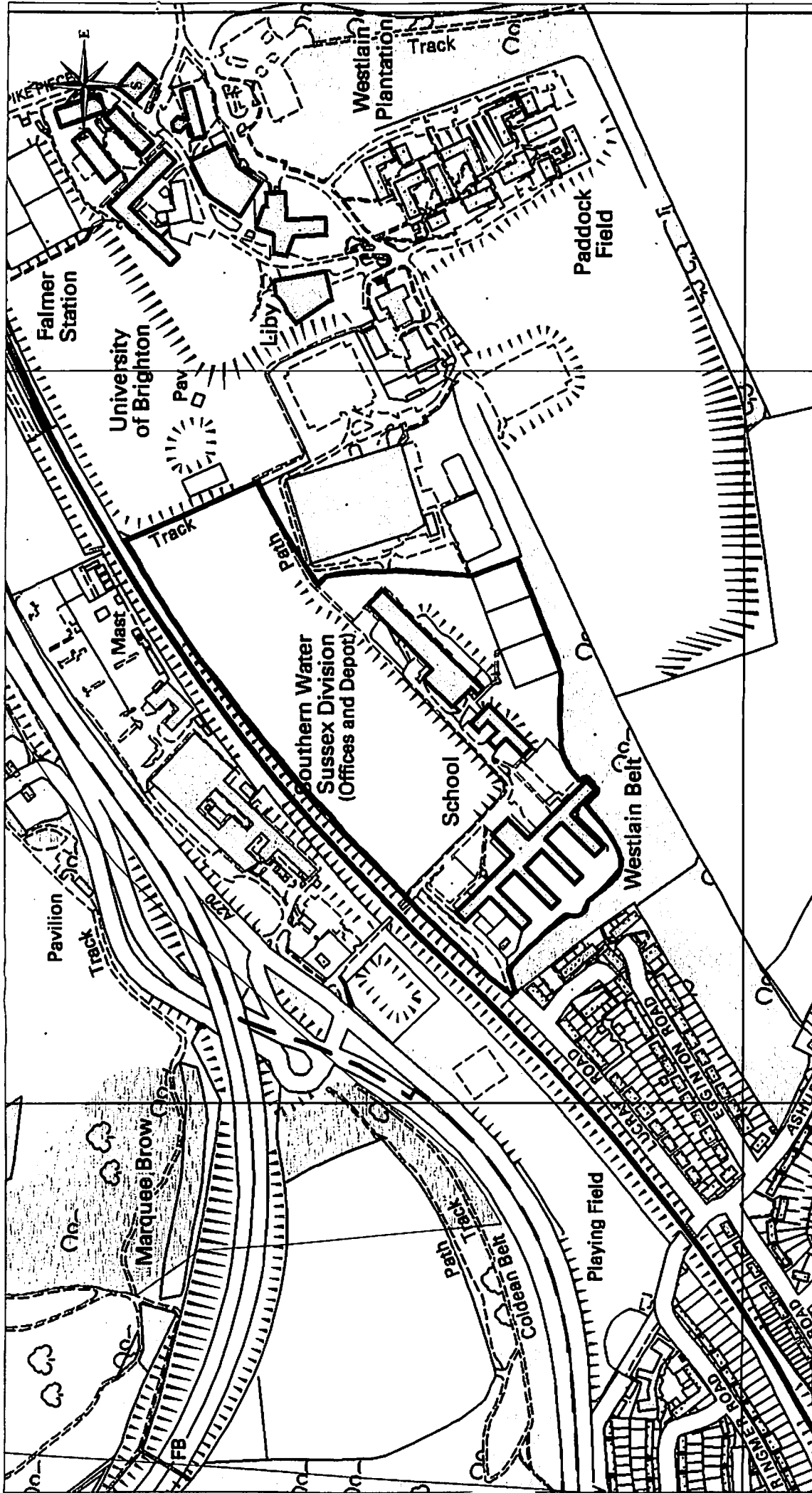
SCALE 1:2500

Address: Falmer School, Lewes Road



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

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Application No.: BH2008/00980

Address: Falmer School, Lewes Road



Brighton & Hove

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

LOCATION PLAN

SCALE 1:5000

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<u>No:</u>	BH2008/00379	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Withdean Stadium Tongdean Lane Brighton		
<u>Proposal:</u>	Proposed continuation of the use of the stadium until 30 June 2011 and retention of existing temporary facilities. Variation of condition 2, 3 and 4 pursuant to previous application no. BH2005/00464/FP. Construction of an additional temporary staff building and extension to Study Support building.		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	05 February 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 June 2008
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton, BN1 3YB		
<u>Applicant:</u>	Brighton & Hove Albion Football Club Ltd, Mr Martin Perry, Withdean Stadium Project Office, Tongdean Lane, Brighton, BN1 5JD		

1 SUMMARY

This application seeks to vary conditions 2, 3 and 4 pursuant to planning permission BH2005/00464/FP to allow Brighton & Hove Albion to continue to use Withdean Stadium and to retain existing temporary structures and buildings until 30 June 2011. In addition, planning permission is sought for the construction of an additional temporary staff building and an extension to the existing the Study Support building. Objections have been received from neighbouring residential occupiers relating to the impact of the club's activities in the surrounding residential area. Whilst letters of support have been received stressing the importance of the club to the city.

Matchdays clearly cause significant disturbance to the surrounding residents and this impact is the main issue for consideration. A range of transport measures have been in place for several years and have proved relatively successful. Additional measures introduced following application BH2005/00464/FP have sought to address the proposed additional seats implemented as part of that approval and will continue until June 2010. Environmental Health officers are satisfied that noise issues can be addressed through the conditions imposed previously. The proposal would have no significant impact upon the nature reserve or crime and safety issues. The frequency and duration of matches is very limited and the Athletics facilities will be retained.

The proposed structures generally have a temporary appearance but, due to the natural bowl within which the stadium is situated, have limited visibility from outside the site. In terms of the new staff room and the extension to the 'Playing for Success' Centre, given the scale of the development, together with the screening provided by the existing structures, the proposed extension and new staff facilities are not considered to have an adverse impact on the surrounding area.

Whilst some disturbance to local residents is inevitable from a use attracting

such large numbers of spectators, it is not considered that the current scheme to extend the use of Withdean Stadium by Brighton & Hove Albion would have significant additional impacts that could not be controlled through the planning system.

For the reasons outlined above the application is recommended for approval.

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 that it is **Minded to Grant** temporary planning permission subject to any variations required to the existing Section 106 Agreement and to following Conditions and Informatives:

Conditions

1. The temporary West Stand, South Stand, North East Stand and East Stand seating terraces, temporary two storey hospitality building and other Portacabins (excluding the athletics pavilion), turnstiles, new staff facilities and study support building shall be removed from the site on or before 30 June 2011 and the land reinstated to its former condition by 30 September 2011.
Reason: The structures hereby permitted are not considered suitable as a permanent form of development and permission is granted for a temporary period only and in accordance with policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. Use of the site for Brighton & Hove Albion Football Club first team home matches shall cease on or before 30 June 2011.
Reason: As the application seeks consent for a temporary period only.
3. At the expiration of the period ending on 30 June 2011 or at the date when the applicant permanently ceases playing matches at the Stadium, whichever is the earlier, the surface of the new car park at the north-west corner of the Stadium shall be broken up and removed and the land restored to its former condition as a grassed area, with grass seeding to be carried out in the first seeding season following either of these dates and all works to be to the approval of the Local Planning Authority.
Reason: To secure the reinstatement of this grassed area of land in the interests of the visual amenities of the locality and in accordance with policy QD15 of the Brighton & Hove Local Plan.
4. No development on the new staff facilities and the study support building shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.

Informatives:

14. This decision is based on drawing nos. 252 07 2, 01746/132, 01746/131 submitted on 5 February 2008; 01746/130 rev A submitted on 29 February

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2008; 252 07 1 submitted on 17 March 2008.

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

iii) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan/Brighton & Hove Local Plan set out below:

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

TR1 Integrated Transport and Environment Strategy

TR2 Travel Awareness

TR3 Accessibility

LT14 Major Sporting Venues

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR2 Public transport accessibility and parking

TR3 Development in areas of low public transport accessibility

TR4 Travel plans

TR5 Sustainable transport corridors and bus priority routes

TR6 Park & Ride

TR7 Safe development

TR14 Cycle access and parking

TR18 Parking for people with a mobility related disability

TR19 Parking standards

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

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD4 Design – strategic impact

QD15 Landscape design

QD16 Trees and hedgerows

QD17 Protection and integration of nature conservation features

QD19 Greenways

QD27 Protection of amenity

QD28 Planning obligations

SR22 Major sporting venues; and

iv) for the following reasons:

The Council recognises that the applicant plays a large role in the local community and economy. An important consideration is the need to find a temporary solution whilst the Community Stadium at Falmer is constructed. Against this, another major consideration is the disturbance which matchdays can cause to surrounding residents. The Council believes on balance that permission should be given to allow home football matches to be played at Withdean until 30 June 2011. The Council believes that impacts on residential amenity on

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matchdays (approximately 25-30 occasions per year) has been and will continue to be minimised through conditions.

Matchdays clearly cause significant disturbance to the surrounding residents and this impact is the main issue for consideration. Objections have been received on a variety of grounds relating to the impact of the club's activities upon the surrounding residential area. Whilst letters of support have been received stressing the importance of the club to the city.

A range of transport measures have been in place for several years and have proved relatively successful. Additional measures introduced following application BH2005/00464/FP have sought to address the proposed additional seats implemented as part of that approval and will continue until June 2010. Environmental Health is satisfied that noise issues can be addressed through the conditions imposed previously. The proposal would have no significant impact upon the nature reserve or crime and safety issues. The frequency and duration of matches is very limited. Athletics facilities will be retained.

The proposed structures generally have a temporary appearance but, due to the natural bowl within which the stadium is situated, have limited visibility from outside the site. In terms of the new staff room and the extension to the 'Playing for Success' Centre, given the scale of the development, together with the screening provided by the existing structures, the proposed extension and new staff facilities are not considered to have an adverse impact on the surrounding area.

Whilst some disturbance to local residents is inevitable from a use attracting such large numbers of spectators, it is not considered that the current proposal would have significant additional impacts that could not be controlled through the planning system.

3 THE SITE

The application relates to Withdean Stadium, which is on the west and south sides of and has access from Tongdean Lane. The site has an area of 5.9ha. The Stadium complex incorporates a running track/football pitch equipped with floodlights mounted on 30m high columns; a permanent stand to the north; temporary stands to the south and east of the pitch/track and at the western end of the stadium; turnstiles and temporary ancillary buildings including facilities for home and away football supporters at the east end; covered sports hall (tennis, health and fitness and squash clubs); open air tennis courts towards the Stadium's western boundary; tarmac car park at the north western corner, the Withdean Sportsman Public House and miscellaneous ancillary buildings in the centre and towards the northern end; and a tarmac parking area on the north-eastern side in use for the Council's Shoppers' Park & Ride facility and by Stadium and public house customers.

The site is set in a natural bowl with the land generally sloping upwards to the north, west and south. Immediately to the south of the Stadium is the

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Withdean Woods Local Nature Reserve. The stadium is screened from the woodland by fencing extending along the southern boundary of the Stadium. There are also Greenways (designated in the Brighton & Hove Local Plan) running along the north and south sides of the stadium. The area surrounding the Stadium and woodland is characterised by residential development on spacious plots. To the east, Tongdean Lane joins Withdean Road and then leads eastwards under a railway bridge, where it is reduced in width to one lane, to London Road (A23). The woods adjoining the railway line are also included within the Local Nature Reserve.

Brighton & Hove Albion Football Club has played its home first team League and Cup games at the stadium since the 1998/99 season. The stadium is also host to other sporting organisations including three local Athletics Clubs (Brighton & Hove, Pheonix and Arena 80) and Brighton & Hove Squash Club. Other users include schools and the Sports Development Unit (for sports development initiatives). The club has temporary planning permission until 30 June 2008 to continue playing at the stadium. The Stadium has a current capacity of 9002 spectators.

4 RELEVANT HISTORY

The stadium has an extensive planning history, dating from when the athletics arena was opened in 1955. For the purposes of this application, however, the most relevant applications are those relating to use of the stadium by Brighton & Hove Albion Football Club.

BH1998/00523/FP: Alterations to Withdean Stadium including installation of new permanent seating terrace with new temporary roof to north stand and temporary seating terrace to south stand. Erection of four 30m high floodlighting columns, turnstiles and ancillary buildings, bicycle stand provision, construction of new car park at the north-western corner of the site and other paving/surfacing works. Erection of new steel security fencing to supplement existing to the southern boundary of the site. Erection of temporary lighting columns in Mill Road in connection with the applicant's Park & Ride scheme. Planning permission was granted in March 1999.

BH1999/01020/FP: Mono-pitch steel roof over north stand spectator seating (extension to existing provision to cover remaining seats). Planning permission was granted in June 1999.

BH2000/00664/FP: Construction of additional 960 seats in a temporary stand and temporary buildings in NE corner with additional turnstile unit. Modification of conditions no. 2 (removal of temporary structures: to read 2003 rather than 2001); no.5 (restoration of new car park to grassed area: to read 2003 rather than 2001); no. 6 (matches on Saturday p.m. only, to read in addition Sunday or Bank Holiday pm: evening kick off at 8pm: to read 7:45 pm); no. 7 (no matches to be played on Saturday afternoons in December); no. 12 (no amplified music except 'Sussex by the Sea'). Planning permission was granted in November 2002 following completion of a Section 106 Agreement.

BH2002/01948/FP: Provision of new stands and extension of existing stands to provide an additional 1966 seats. Replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms and new turnstiles. Continuation of use of Withdean Stadium by Brighton & Hove Albion Football Club until 30 June 2005 and the retention of existing temporary facilities. Relocation of existing athletics clubhouse and alterations to athletics facilities. Granted following completion of Section 106 Agreement in October 2004. However, planning permission was subsequently quashed by Order of the High Court.

BH2004/03117/FP: Variation of conditions 5 and 6 of planning permission BH2002/01948/FP to allow Brighton & Hove Albion to play matches at Withdean Stadium on 4 December 2004 and a maximum of three Sundays during the 2004-2005 football season. Granted following completion of a Section 106 agreement in November 2004. However, planning permission was subsequently quashed by Order of the High Court.

BH2005/00464/FP: Provision of new stands and extension of existing stands to provide an additional 1966 seats. Replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms. Addition of two storey stewards room and club office and new turnstiles. Continuation of use of Withdean Stadium until 30 June 2008 and the retention of existing temporary facilities. Replacement and relocation of existing athletics clubhouse and alterations to athletics facilities. Permission to allow Brighton & Hove Albion to play the first match in December on a Saturday and permission to play up to three matches per season on a Sunday during each season. Approved 20 July 2005 after the completion of a Section 106 Agreement. Conditions attached to the permission are listed in Appendix A.

BH2006/02384: Planning permission was granted in October 2006 for the variation of condition 6 of application BH2005/00464/FP to allow Friday & Saturday matches during the month of December with an earliest kick off time of 7.45pm and to allow play on either Boxing Day or on the Boxing Day Bank Holiday afternoon.

5 THE APPLICATION

This application seeks to vary conditions 2, 3 and 4 pursuant to planning permission BH2005/00464/FP to allow Brighton & Hove Albion to use Withdean Stadium and to retain existing temporary structures and buildings until 30 June 2011. In addition, planning permission is sought for the construction of an additional temporary staff building and an extension to the Study Support building.

Condition 2 stated:

The temporary West Stand, South Stand, North East Stand and East Stand seating terraces, temporary two storey hospitality building and other Portacabins (excluding the athletics pavilion) and turnstiles shall be removed from the site on or before 30 June 2008 and the land reinstated to its former condition by 30 September 2008.

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Condition 3 stated:

Use of the site for Brighton & Hove Albion Football Club first team home matches shall cease on or before 30 June 2008.

Condition 4 stated:

At the expiration of the period ending on 30 June 2008 or at the date when the applicant permanently ceases playing matches at the Stadium, whichever is the earlier, the surface of the new car park at the north-west corner of the Stadium shall be broken up and removed and the land restored to its former condition as a grassed area, with grass seeding to be carried out in the first seeding season following either of these dates and all works to be to the approval of the Local Planning Authority.

In terms of the proposed external alterations, the new temporary building would be located to the rear of the North East stand, adjacent to the double storey stewards control office and study support office. The building would be single storey and have a depth of 7.4 metres, a width of 2.9 metres and a height of 2.8 above ground level.

The extension to the existing changing room/study support area would project from the existing building by 3.4 metres, have a depth of 6 metres and a height of 3.3 metres. The extension would provide a separate classroom for the 'Playing for Success' centre, it is intended to provide improved and larger facilities but this would not result in an increase in the number of staff or children using the facilities.

During the course of the application, the applicant's agent confirmed that both the new temporary building and extension would be temporary structures.

Brighton & Hove Albion were originally granted temporary planning permission to play first team football at Withdean Stadium in 1999. Subsequent permissions have allowed both increased capacity at the stadium and continued use until 30 June 2008. The most recent application, approved in July 2005 permitted an additional 1966 seats, taking the total capacity for the stadium to 9002. As implemented the amount of seating installed is slightly less, at 1816 further seats and provides a total capacity for the stadium of 8.852.

Paragraph 1.3 of the accompanying planning statement states that "it is anticipated that the Community Stadium at Falmer will be completed in time for the beginning of the 2010 – 2011 football season. However, this application is being made to permit the Club to continue using Withdean Stadium until June 2011 to allow for possible delays which could arise whilst their newly approved stadium and ancillary development at Falmer are being constructed."

In considering this new application, the Council gave a scoping opinion and concluded that an EIA was not required.

6 CONSULTATIONS

External:

Neighbours:

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

- as a long term resident of the area it is clear that the spirit of the original terms of permission granted to Brighton & Hove Albion and the promises made to residents have been entirely broken;
- the promises made about transport and the curtailment of traffic are more breached than honoured;
- it seems using the stadium as a study centre seems part of a wider scheme to ensure that the Albion have entrenched rights to use Withdean for their own purposes even if they do eventually move to Falmer;
- further retention of temporary buildings which contribute to an altogether altered profile of the site, reflects badly on the area around it;
- Brighton & Hove Albion's use of Withdean has a detrimental environmental and social impact on the surrounding area;
- Brighton & Hove Albion should take more responsibility in managing the impact to local residents;
- Para. 3.14 of the screening opinion is misleading, noise has been a regular complaint that music was played over the PA long before the agreed time of 15 minutes before kick off. Many residents complained;
- Para. 3.17.2 of the screening opinion is a very contentious issue. It must be remembered that this is a voluntary scheme which is clearly not working. The threshold figure was exceeded, according to the monitoring figures, by 30% last season 2006/2007 and this season has been worse;
- more and more parking places in the City's Park & Ride car park are being taken by football fans;
- surely it would be possible for the Football Club to place a full page advert in the Club programme asking supporters not to park in the cordon and in the local 'Argus' newspaper;
- although it is welcomed that the Club does leaflet cars very occasionally, it has not been a success;
- no account is taken of the number of cars coming into Withdean to drop off and pick up supporters at the end of matches;
- the mitigation measures used by the Council are voluntary and have not worked in the past. It is therefore surprising that an EIA has not been carried out;
- if this application runs its full course, it will mean the Football Club being at Withdean for a total of 12 years, on a 'temporary basis.' This is far removed from the promise made by the Council that it would be for a maximum of 3 years;
- the Council has failed to carry out an Environmental Impact Assessment; The Council has made a screening opinion, this is nothing more than a regurgitation of the planning officer's report of 18/5/05 which was heavily biased in favour of the applicant, hardly objective and based on falsehoods. The only new information which comes to light is the embarrassing results of the latest traffic monitoring surveys and even they are given a 'spin.' The opinion is anything but a consideration of new

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information and a reappraisal of earlier data as claimed in para. 1.2. It is a dressed up pack of lies;

- the council has ignored and failed to fairly and properly consider and assess the real environmental impact of the proposals on the surrounding neighbourhood;
- the proposal will enable the operation and continued use of 9,000 stadium, such a development by itself would clearly require an EIA to be carried out. As no EIA has ever been carried out at Withdean Stadium, the Council has acted unlawfully;
- the present application flouts European Law. The EIA Regulations 1999 implement Article 10A of the EIA Directive 85/337/EEC on the Assessment of the Effects of Certain Public and Private Projects on the Environment – as amended by the 1997 Directive, 97/11/EC. This requires a full independent Environmental Statement to be carried out which would properly assess the environmental impacts of the proposal. Local residents have been denied their democratic and lawful right to participate in the decision-making process conferred by the above EU legislation. It is also contrary to Article 9(4) of the Aarhus Convention 1998 for the same reason;
- the screening opinion demonstrates that the Council has once again acted unlawfully and avoided an EIA by taking into account and relying heavily on mitigation measures attached to a s.106 agreement in deciding whether or not the development is an EIA one. By doing this it has undermined one of the key tasks of impact assessment which is the consideration of those very mitigation options and whether they are themselves adequate;
- the mitigation measures which the Council take into account are voluntary, have been used before and are known to be ineffective. It may be that a number of conditions or obligations are imposed on the applicant in paper but they fail to mitigate the effects properly in practice, particularly as the Council is unwilling to enforce them;
- the stadium is being used by the applicant with little regulatory control and the Council does not even become aware of the problems until residents complain;
- it is unacceptable that the Environmental Health department does not consider noise levels in respect of the PA system to constitute a nuisance when in reality they are and many complaints have been voiced to this effect;
- it is unacceptable that the applicant continues to be in breach of the legal agreement which sets a target of 55% of all journeys to be made by monitored sustainable travel modes even though it has had eight years to get it right. Although the s.106 contains penalty clauses for failing to meet the target set, they are never invoked;
- stewards as a matter of course favour and allow supporters to park in the public car park whilst genuine uses of the Park and Ride are turned away and forced to park in the surrounding streets;
- parking within the cordon is greater than ever. As a new home at Falmer has been secured for the club, its supporters are more than ever disrespectful of the parking restrictions currently in place at Withdean. This increase has resulted in serious parking difficulties in the area;

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- the council's measures to reduce the level of parking within the cordon area are disappointing and ineffective in helping the Club to attain the targets set;
- the increased seating has led to increased levels of litter;
- evening games result in noise and disturbance and light disturbance;
- the number of temporary permissions amounts to a permanent permission;
- the applicant has been indebted to the Council in respect of its obligations for past planning applications which date as far back as 1998. As at 19 October 2007, there was a debt of nearly £30,000 for which no interest has been charged;
- if the council were to grant permission for the above planning application, it would have failed to take account of resident's right to respect for their private and family life under article 8 of the European Convention on Human Rights and their entitlement to peaceful enjoyment of possessions under article 1, protocol 1 of the same;

A total of **94** letters of support have been received. The addresses of the supporters are listed in Appendix B. The letters raise the following points:

- the club needs more time to build the new community stadium, which has now been given planning permission. Although the community stadium is scheduled to be open in 2010, a period up to 2011 is sought because of the need for reinstatement and in case of any over-running at Falmer;
- the Study Support Centre, the most successful facility of its kind in the country, plays an important role in reducing social exclusion by helping people of all ages learn new skills and gain qualifications. The small extension to the Study Support Centre will accommodate the increasing demand for these courses, while the provision of a new admin office for the staff will benefit both staff and students, including those using wheelchairs;
- the extensions will be in keeping with the existing buildings;
- to remain in the football league, the club must have a ground to play at and Withdean has been its home for the last nine seasons;
- the support of the city council in particular has played a vital role, if not crucial role in the survival and growth of Brighton & Hove Albion in the last ten years. The city council has been instrumental in backing the club, both in terms of working with the club to ensure Withdean could be converted into a temporary facility during the Falmer planning process as well as supporting the Falmer scheme throughout the protracted and unnecessary delays caused by neighbouring local authorities;
- Withdean Stadium has been vastly improved during the time Brighton & Hove Albion football club has been there. These improvements will remain even though permission for the community stadium has been granted.

A letter has been received from the occupier of **Withdean Lodge, Tongdean Lane** supporting the temporary use of Withdean Stadium by Brighton & Hove Albion. This is, however, subject to no further development of the stadium or any ongoing commercial use that affects privacy and safety once Falmer is in use. The stadium must be returned to its previous use as soon as possible.

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This includes reinstating the grass area opposite properties in Tongdean Lane.

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

Southern Water: No comment

Sussex Police: No objections

Internal:

Economic Development: Fully supports the application as it allows the applicant to remain in their current location until their permanent facility is constructed and it provides additional space to allow for the continuation and improvement of the successful 'Playing for Success' Centre.

Environmental Health: No additional conditions are required in respect of the application. Since January 2004, ten noise complaints have been received in respect of the PA used during Brighton & Hove Albion matches. As a result, eight matches have been monitored. The noise readings have been relatively consistent and the latest readings, taken in 2007 reflect those taken for previous seasons. There has been no breach of planning conditions during monitoring. Due to the limited duration and frequency of the PA i.e. 15 minutes before kick off and 15 minutes at half-time during home games, this is not considered to constitute a noise nuisance under the frequency and duration criteria necessary for formal action.

Planning Policy: The proposed extension of the temporary use of the Withdean Stadium raises no new policy issues. The status of the additional extra office floor space which is variously referred to as 'temporary' and as 'permanent' needs to be clarified. Its appearance when the surrounding temporary structures have been removed means that its design and eventual landscaping carries more importance, especially adjacent to a greenway, if the structure was permanent. The provision of a small additional temporary building for educational accommodation, enclosed by existing development raises no policy implications.

Structure Plan Policy LT14 'Major Sporting venues' is a policy that has been saved. Policy LT14 supports the improvement of existing major sporting venues provided their impact is acceptable. Brighton & Hove Local Plan Policy SR22 (b) also supports improvements to such venues.

Policies QD1-4 applies in respect of the structure to be retained. Although the proposed buildings are described as 'temporary' and having a 'temporary appearance' at paragraph 7.5 of the applicant's planning statement by DM Stallard, it is stated that: 'the proposed new temporary building and extension to the study support centre are located within the Withdean Stadium footprint and are not considered to materially affect the sustainability of the site. The

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temporary building could be removed by 30 September 2011, however, the extension to the study support/changing room building would provide a permanent facility for the community that will not be removed from site.'

Currently the existing premises screen the new additions but if this particular structure is to remain once the other 'temporary' screening structures are removed, then the impact of this proposal on the neighbourhood, when/if views of it are opened up if screening structures are to be removed, needs further detailed design consideration - including its eventual landscaping (QD15 and QD19 re the greenway, would apply) depending on the site restoration measures already agreed/to be agreed. A clear plan detailing what is to be retained and what will go and the restoration/landscaping measures to be undertaken when the club vacates the site in 2011, would be helpful.

Traffic Manager: The applicants are required by the Section 106 agreement for the existing planning consent for the stadium to provide and implement a travel plan which leads to 55% of match day supporters' trips being made by monitored sustainable modes. It was expected at the time this consent was granted that this provision would be contributed to by a third park and ride site, but it has not been possible to find such a site, although the applicants have continued to seek one. In the light of this the applicants produced the 'New Sustainable Travel Plan' which demonstrated the means by which the sustainable travel target could be met without additional park and ride. These means included the expansion of Mill Road park and site to allow for 520 vehicles and additional publicity for the Mithras House park and ride site. This travel plan has been accepted by the Council as an appropriate basis on which to enable the additional seats at the stadium to be used and the measures identified in it have subsequently been implemented on match days.

The performance of the 'New Sustainable Travel Plan' has been monitored annually; most recently, a report on the 2006/07 season was approved by Environment Committee on 8 November 2007. This reported that the proportion of journeys made by monitored sustainable modes was just below 50%, compared to the target of 55%, in 2006/07. The separate target for the amount of parking within the cordon defined around the stadium was exceeded on average by 30% during 2006/07. It was not considered that journeys to the stadium had caused unacceptable or demonstrable problems such as significant traffic and parking problems in the Withdean area, and the report did not recommend that the formal penalty clauses from the Section 106 agreement should be invoked. In lieu of this, it was resolved that the Albion should carry out a series of 4 actions to further encourage the use of sustainable modes. It is understood that work has been carried out to address these requirements although documentation concerning the details and quality of this work has not been submitted. Monitoring of the performance of the travel plan will continue.

The 2 proposed minor building extensions will not result in an increased number of staff or children and will have no transport impact.

This application is unusual in that instead of it being necessary to estimate the transport impact that impact is already known and monitored unusually closely, and on the basis of this monitoring the Environment Committee has agreed that the impact is acceptable subject to continued action to encourage the use of sustainable modes, which is being carried out. There is therefore no transport objection to the application.

7 PLANNING POLICIES

Planning Policy Statements:

PPS1: Delivering Sustainable Development

Planning Policy Guidance Notes:

PPG13: Transport

PPG17: Planning for open space, sport and recreation

PPG24: Planning and noise

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

TR1 Integrated Transport and Environment Strategy

TR2 Travel Awareness

TR3 Accessibility

LT14 Major Sporting Venues

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR2 Public transport accessibility and parking

TR3 Development in areas of low public transport accessibility

TR4 Travel plans

TR5 Sustainable transport corridors and bus priority routes

TR6 Park & Ride

TR7 Safe development

TR14 Cycle access and parking

TR18 Parking for people with a mobility related disability

TR19 Parking standards

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

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD4 Design – strategic impact

QD15 Landscape design

QD16 Trees and hedgerows

QD17 Protection and integration of nature conservation features

QD19 Greenways

QD27 Protection of amenity

QD28 Planning obligations

SR22 Major sporting venues

8 CONSIDERATIONS

Financial matters between Brighton & Hove Albion and the City Council are not material planning considerations. The determining issues in respect of this application relate to whether an increase in the use of Withdean Stadium by Brighton & Hove Albion and the retention of the temporary buildings until 2011 would firstly, have a detrimental impact on neighbouring amenity; secondly, traffic and parking; thirdly, a visual impact in the surrounding areas; and, fourthly any impact upon the neighbouring nature reserve.

Previous permissions have allowed the temporary occupation of Withdean Stadium by Brighton & Hove Football Club. These permissions were subject to conditions including restrictions on playing times and dates and the playing of amplified music and for removal of the temporary structures and a car park area. Related section 106 agreements have addressed traffic mitigation provisions, including identification of a cordon around the site within which car-borne traffic is discouraged, stewarding arrangements and measures to encourage football supporters to travel to the Stadium by public transport, together with financial penalties where the targets are not met. The legal agreements contained targets relating to travel by sustainable means, parking within the cordon and spectators using the Nature Reserve, with financial penalties incurred where the targets are not met.

The most recent application was granted planning permission on the 20 July 2005 (ref: **BH2005/00464/FP**), for the provision of new stands and extension of existing stands to provide an additional 1966 seats, replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms; addition of two storey stewards room and club office and new turnstiles; continuation of use of Withdean Stadium until 30 June 2008 and the retention of existing temporary facilities; replacement and relocation of existing athletics clubhouse and alterations to athletics facilities. Permission to allow Brighton & Hove Albion to play the first match in December on a Saturday and permission to play up to three matches per season on a Sunday during each season.

Condition 2 attached to this approval stated:

The temporary West Stand, South Stand, North East Stand and East Stand seating terraces, temporary two storey hospitality building and other Portacabins (excluding the athletics pavilion) and turnstiles shall be removed from the site on or before 30 June 2008 and the land reinstated to its former condition by 30 September 2008.

Condition 3 attached to this approval stated:

Use of the site for Brighton & Hove Albion Football Club first team home matches shall cease on or before 30 June 2008.

Condition 4 attached to this approval stated:

At the expiration of the period ending on 30 June 2008 or at the date when the applicant permanently ceases playing matches at the Stadium, whichever is the earlier, the surface of the new car park at the north-west corner of the Stadium shall be broken up and removed and the land restored to its former

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condition as a grassed area, with grass seeding to be carried out in the first seeding season following either of these dates and all works to be to the approval of the Local Planning Authority.

Whilst the approved scheme permitted an additional 1966 seats, taking the total capacity for the stadium to 9002, as implemented the amount of seating installed is slightly less, at 1816 further seats. This provides a total capacity for the stadium of 8,852. The planning permission permitted a total of 1,176 seats in the North East Stand; however, only 1,026 seats were installed.

The implementation of the permission was phased. The west stand, including the new changing rooms and support facilities were brought into use on the 20 November 2005. The double storey hospitality suite, which was also approved as part of the BH2005/00464/FP application was brought into use on the 26 December 2005. The additional seats to the north-east stand and east stand were brought into use on the 25 March 2006.

This application seeks the variation of conditions 2, 3 and 4 of permission BH2005/00464/FP to enable Brighton & Hove Albion to use Withdean Stadium and retain the temporary structures until 30 June 2011. In addition, permission is also sought for the construction of an extension and construction of a new building for staff facilities.

Impact on Amenity:

During consideration of the previous application it was acknowledged that surrounding residential properties to the north, west and south tend to be located at a significantly higher level than the Stadium and, to the west and south, are also well screened by vegetation. This together with the fact that it was determined that sufficient distances, would separate the temporary structures and stands and neighbouring residential occupiers not to have a detrimental impact on neighbouring amenity in terms of loss of light or overshadowing. Furthermore, a separation distance of 24 metres between the toilets and food stalls to the nearest boundary with houses in Shepherds Croft house was similarly considered to be sufficient to avoid any serious adverse impact through odours. A continuation of the use of the site and retention of the facilities for a further three years is not considered to result in any additional impact.

Clearly, the existing use generates higher noise levels in the area for the duration of matches. This undoubtedly causes disturbance to some local residents. The increase in the number of seats permitted by application BH2005/00464/FP would exacerbate this, which would continue through the variation of conditions 2, 3 and 4 to allow Brighton & Hove Albion use of the stadium until 30 June 2011. However, matches take place on approximately 25-30 occasions per year and disturbance would last for approximately 3-4 hours on each occasion.

Since January 2004 Environmental Health has received ten noise complaints in respect of the PA system. As a result Environmental Health officers have monitored eight Brighton & Hove Albion matches at Withdean since January

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2004. The noise readings have been relatively consistent and the two readings taken last year (24 February 2007 and 22 September 2007) reflect the readings taken for previous seasons. Due to the limited duration and frequency of the PA (i.e. 15 minutes before kick-off and 15 minutes at half-time), Environmental Health officers do not consider that the noise levels constitute a noise nuisance. Whilst complaints have been received by both City Planning Department and Environmental Health, it has not been expedient to take any formal action against the Club.

Condition 7 attached to application BH2005/00464/FP was imposed to restrict the use of the PA system to minimise the potential impact on neighbouring amenity. Environmental Health and the Planning Department have received a number of complaints for the 2007-2008 season alleging a breach of planning condition 7 attached to BH2005/00464/FP with regard to the PA starting prior to 15 minutes before kick-off for five home games. Environmental Health has monitored games in response to complaints received and found no non-compliance with condition 7. This condition will continue to control the use of the PA system.

In terms of the proposed external alterations, the additional temporary building will be located adjacent to the two storey stewards control office and study support centre. It is intended that the building will be single storey and have a floor area of 24 square metres. The extension to the study support area within the changing room will provide a separate room for the 'Playing for Success' Centre. The extension would be single storey on the eastern end of the building would have a floor area of 18 square metres. The additional built form by reason of their limited sizes and separation distances between the proposed location and neighbouring residential occupiers are not considered to result in a detrimental impact on amenity in terms of loss of light and overshadowing. Paragraph 4.5 of the supporting documentation confirms that "there would be no increase in numbers of children or staff in relation to both the temporary building and extension to the 'Playing for Success' centre. Since the proposed extension and new temporary building will not result in additional people using the facilities, the extensions will not have a detrimental impact on neighbouring amenity in respect of noise and disturbance.

Traffic and Parking:

Application BH2005/00464/FP permitted capacity for an additional 1966 to attend football matches at the stadium. As implemented, the amount of seating installed is slightly less than permitted, at 1816 further seats. It is important to note that of the 1816 seats installed, 1,678 of the additional seats were for home supporters with 1,054 in an area now designated as a family stand. It is a requirement of this area that adults are not permitted unless accompanied by children. It is therefore considered that additional trips generated are less likely to be individuals but groups of people therefore reducing the number of overall trips.

Planning conditions and the contents of the Section 106 agreement attached to application BH2005/00464/FP intend to minimise the potential impact of

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Brighton & Hove Albion's use of Withdean Stadium in terms of traffic generation and parking in the immediate vicinity of the stadium.

The applicant's transport statement submitted in support of application BH2005/00464/FP indicated that an additional 171 cars would seek park and ride facilities. At the time of the previous application, the existing two sites were operating at or close to capacity and the applicant proposed an additional 200 space park and ride, although at the time no further site had been identified. The Traffic Manager considered that an additional park and ride or alternative measures to cater for the same level of sustainable travel should be required. Schedule 4 (ii) of the Section 106 Agreement attached to application BH2005/00464/FP required Brighton & Hove Albion to "provide an additional Park & Ride site of at least 200 spaces in a suitable location or alternative and equivalent measures to encourage the use of sustainable modes of transport, such additional Park and Ride site or alternative measures require the prior approval of the Director of Environment and are to be provided at the Developer's expense and prior to the bringing into use of the Additional Seats." The Club identified an additional Park and Ride site at Carden Avenue, Brighton and a Traffic Regulation Order was made so that this could be provided. However, following concerns in respect of congestion, after two matches, the site was withdrawn. A suitable alternative site was not found. In the light of this the applicants produced the 'New Sustainable Travel Plan' which demonstrated the means by which the sustainable travel target could be met without an additional park and ride. These means included a revision of the capacity of the two existing Park and Ride sites, Mill Road and Mithras House, Brighton University Campus. The park and ride at Mill Road attracts, on average, 500 vehicles, however, the current legal agreement indicated it was capable of accommodating up to 520 vehicles, therefore accommodating an additional 20 vehicles. Mithras House has a total of 400 spaces; statistics supplied by the applicant suggests approximately 200 cars use Mithras House. As a result the applicant recommended additional publicity for the Mithras House park and ride site. The revised capacity at Mill Road and Mithras House, together with greater publicity can, therefore, accommodate the requirements of the 106 Agreement. On match days the parking at Mill Road and Mithras House is only available for supporters and cars are only admitted to the match day park & ride on production of match tickets for the driver and other occupants of the car. The New Sustainable Travel Plan has been accepted by the Council as an appropriate basis on which to enable the additional seats at the stadium to be used and the measures identified in it have subsequently been implemented on match days. Whilst, the previous mitigation measures have not been implemented fully, the revisions made to the existing park and ride facilities have meant that the additional seating capacity provided as part of the 2005 application was satisfactorily addressed and the continuation of this until 30 June 2011 is not considered to be any different in this respect.

The Section 106 Agreement also includes a number of transport related elements, which aim to provide for the use of sustainable transport and to reduce the impact of cars in the surrounding area. The Agreement requires the collection of monitoring data for various aspects of the use of the stadium

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by the Football Club. One aspect is the proportion of fans using sustainable transport modes. The Agreement sets a target of 55% of all journeys to be made by monitored sustainable travel modes i.e. park and ride, bus, train and cycling. The use of sustainable transport infrastructure has gradually risen from a level of 44% in 1999/2000 to just below 50% in 2006/2007. This is slightly below the required target of 55% for journeys made by monitored sustainable modes.

Another aspect is the number of cars parked within a specified cordon drawn round the ground during matches, the target being a figure 'not greater than 10% of the total number of vehicles parked within the Cordon at equivalent non-match times, when compared with 2005 baseline data. The Transport statement accompanying the previous application estimated that an additional 74 cars would arrive in the surrounding area as a result of the additional proposal seating. Concerns raised by neighbouring occupiers at the time of the previous application referred to the worsening situation regarding parking within the cordon and it was considered that stewarding would assist in minimising the additional vehicles that would result from the additional stands to prevent further parking in the cordon area.

The performance of the New Sustainable Travel Plan has been monitored annually; most recently, a report on the 2006/2007 season was approved by Environment Committee on 8 November 2007. This reported that the target was exceeded on average by 30% during 2006/2007. In previous years it was exceeded on average by less than 5% in 1999/2000, 19% in 2001/2002, 14% in 2002/2003, 22% in 2003/2004, 25% in 2004/2005 and 21% in 2005/2006.

Whilst Brighton & Hove Albion have not fulfilled all requirements of the legal agreement, the level of match traffic and parking in the Withdean area has not been unacceptable and is not considered to have resulted in demonstrable problems. It is true that the 2006/2007 season monitoring results as reported to the Environment Committee in November 2007 showed an increase of parking in the cordon compared to previous years. However, in the report presented to Environment Committee in November 2007, it was not considered that journeys to the stadium had caused unacceptable or demonstrable problems such as significant traffic and parking problems in the Withdean area, and the report did not recommend that the formal penalty clauses from the Section 106 agreement should be invoked. In lieu of this, it was decided that the Club should be required to undertake a number of measures to increase the use of sustainable transport modes and decrease the level of parking in the cordon. These measures include:

- i. to arrange a car registration number plate survey of vehicles parked in certain streets and the Withdean Park & Ride car park to compare against the club's season ticket holder database to help identify whether parking increases are related to home supporters;
- ii. to provide the Director of Environment with the findings of research into the demand for a dedicated bus service between the Stadium and Peacehaven via the A259 by the end of 2007 and consult on any

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appropriate action;

- iii. continue to send letters to all ticket holders (both season and individual purchasers) to emphasise the implications of increasing levels of parking within the cordon and the need to maximise the use of sustainable transport to reach the stadium, in particular continue to use and increase the use of the Park & Ride at the Brighton University Campus (Mithras House) on Lewes Road;
- iv. maintain additional stewarding around the Stadium.

The Traffic Manager has advised that work has been carried out to address these requirements although documentation concerning the details and quality of this work has not been submitted to date.

Turning to the proposed external alterations which also form part of the application, the new temporary building and the extension to the existing changing room/study support area. Paragraph 4.5 of the supporting documentation confirms that “there would be no increase in numbers of children or staff in relation to both the temporary building and extension to the ‘Playing for Success’ centre. The Traffic Manager has confirmed that since the extensions will not result in an increased number of staff or children there will be no transport impact.

Overall, given that the proposed application represents a renewal of planning permission and will not result in additional seating, the proposed scheme is not considered to generate additional traffic compared to the existing approved scheme, the Traffic Manager does not raise a transport objection to the application.

Visual Impact:

The previous application proposed a range of physical works, which were determined to have limited visibility outside the stadium and would be largely screened by existing stadium buildings to the north and by trees and sloping land to the west and south. Given ground level differences it was considered that the proposed stands and buildings would be broadly in scale with the existing buildings and the visual impact was considered acceptable. The retention of the stands for a further three years is not considered to have a different impact compared to the previous conclusions determined for application BH2005/00464/FP. In terms of the new structures, the design of the new staff building and the extension to the Study Support building would not be considered suitable as a permanent structure. Both structures have little architectural merit that would be considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan. Given that the structures are proposed to be temporary, however, the design and appearance of the extensions are considered acceptable in this instance.

Nature Reserve:

Section 106 agreements attached to previous applications also set targets to limit the number of spectators seeking to view football matches from within

the nature reserve. These targets were met prior to the submission of application BH2005/00464/FP. Similar restrictions were included in Schedule 23 of the section 106 agreement attached to application BH2005/00464/FP. Although continuation of the use for a further three years may result in continuing pressure to view matches from the nature reserve, the monitoring targets included previously will similarly be imposed and therefore no significant adverse impact upon the nature reserve is therefore expected.

Environmental Impact Assessment:

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council adopted a screening opinion on 19 December 2007 that the proposed development did not require an Environmental Impact Assessment.

9 CONCLUSIONS

The proposal to vary conditions 2, 3 and 4 of planning permission BH2005/00464/FP would enable the continuation of the use of the stadium until 30 June 2011 and retention of existing temporary facilities. Brighton & Hove Albion's use of Withdean Stadium undoubtedly has some impact upon the surrounding residential area. However, the impact is limited in frequency and the development is proposed to be for a limited period. The impact can be considered to take place over a fairly sizable area including related traffic and pedestrian movements but diminishes rapidly with increased distance from the Stadium. There is no significant polluting or natural resource implications. The Football Club have put in place stewarding measures and sustainable transport arrangements to reduce any impact upon the surrounding area. For these reasons the application is recommended for approval.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The Council recognises that the applicant plays a large role in the local community and economy. An important consideration is the need to find a temporary solution whilst the Community Stadium at Falmer is constructed. Against this, another major consideration is the disturbance which matchdays can cause to surrounding residents. The Council believes on balance that permission should be given to allow home football matches to be played at Withdean until 30 June 2011. The Council believes that impacts on residential amenity on matchdays (approximately 25-30 occasions per year) has been and will continue to be minimised through conditions.

Matchdays clearly cause significant disturbance to the surrounding residents and this impact is the main issue for consideration. Objections have been received on a variety of grounds relating to the impact of the club's activities upon the surrounding residential area. Whilst letters of support have been received stressing the importance of the club to the city.

A range of transport measures have been in place for several years and have proved relatively successful. Additional measures introduced following application BH2005/00464/FP have sought to address the proposed

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additional seats implemented as part of that approval and will continue until June 2010. Environmental Health is satisfied that noise issues can be addressed through the conditions imposed previously. The proposal would have no significant impact upon the nature reserve or crime and safety issues. The frequency and duration of matches is very limited. Athletics facilities will be retained.

The proposed structures generally have a temporary appearance but, due to the natural bowl within which the stadium is situated, have limited visibility from outside the site. In terms of the new staff room and the extension to the 'Playing for Success' Centre, given the scale of the development, together with the screening provided by the existing structures, the proposed extension and new staff facilities are not considered to have an adverse impact on the surrounding area.

Whilst some disturbance to local residents is inevitable from a use attracting such large numbers of spectators, it is not considered that the current proposal would have significant additional impacts that could not be controlled through the planning system.

11 EQUALITIES IMPLICATIONS

Viewing areas for a total of 46 disabled fans and 46 helpers, together with related ramped access routes were provided as part of application BH2005/00464/FP. Viewing areas are available in all stands.

Application No: BH2005/00464/FP

Brighton and Hove Albion Football Club Ltd
 Tower Point
 44 North Road
 Brighton
 BN1 1YR

BRIGHTON AND HOVE CITY COUNCIL

Town and Country Planning Act 1990

PERMISSION TO DEVELOP LAND

IN PURSUANCE of their powers under the above-mentioned Act, the Council hereby notify you that they PERMIT the following development:

- Situation:** **Withdean Sports Complex**
Withdean Stadium
Tongdean Lane
Brighton
- Description:** **Provision of new stands and extension of existing stands to provide an additional 1966 seats. Replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms. Addition of two storey stewards room and club office and new turnstiles. Continuation of use of Withdean Stadium until 30 June 2008 and the retention of existing temporary facilities. Replacement and relocation of existing athletics clubhouse and alterations to athletics facilities. Permission to allow Brighton & Hove Albion to play the first match in December on a Saturday and permission to play up to three matches per season on a Sunday during each season.**

In accordance with the application and plans (as modified by any undermentioned conditions) submitted to the Council on 14 February 2005 and SUBJECT to compliance with any condition(s) specified hereunder:

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
 Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The temporary West Stand, South Stand, North East Stand and East Stand seating terraces, temporary two storey hospitality building and other Portacabins (excluding the athletics pavilion) and turnstiles shall be removed from the site on or before 30 June 2008 and the land reinstated to its former condition by 30 September 2008.
 Reason: The structures hereby permitted are not considered suitable as a permanent form of development and permission is granted for a temporary period only and in accordance with policies ENV1 and ENV3 of the Brighton Borough Local Plan and QD1 and QD2 of the Brighton and Hove Local Plan Second Deposit Draft.
- 3 Use of the site for Brighton and Hove Albion Football Club first team home matches shall cease on or before 30 June 2008.
 Reason: As the application seeks consent for a temporary period only.
- 4 At the expiration of the period ending on 30 June 2008 or at the date when the applicant permanently ceases playing matches at the Stadium, whichever is the earlier, the surface of

the new car park at the north-west corner of the Stadium shall be broken up and removed and the land restored to its former condition as a grassed area, with grass seeding to be carried out in the first seeding season following either of these dates and all works to be to the approval of the Local Planning Authority.

Reason: To secure the reinstatement of this grassed area of land in the interests of the visual amenities of the locality and in accordance with policies ENV1 and ENV61 of the Brighton Borough Local Plan and QD15 of the Brighton and Hove Local Plan Second Deposit Draft.

- 5 Other than in December matches played by the applicant at the Stadium shall only take place on Saturday or Bank Holiday afternoons except on up to nine occasions per season on weekday evenings on dates to be agreed before the commencement of the season with an evening kick-off time of 7.45pm and on up to three occasions per season on Sunday afternoons.

Reason: In the interests of traffic safety, the effective operation of the Council's Park & Ride and to protect residential amenity and in accordance with policies ENV1, TR9 and TR26 of the Brighton Borough Local Plan and TR1, TR5, TR(new policy & Safe Development) and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

- 6 No matches shall be played by the applicant at the Stadium on Saturday afternoons in December except on the first Saturday of the month. All other matches in December shall be played on Friday evenings with a kick-off time of 7.45pm or shall be played on either Boxing Day or on the Boxing Day Bank Holiday afternoon.

Reason: In the interests of highway safety, the effective operation of the Council's Park & Ride and to protect residential amenity and in accordance with policies ENV1, TR9 and TR26 of the Brighton Borough Local Plan and TR1, TR5, TR(new policy & Safe Development) and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

- 7 No amplified sound, apart from emergency and other announcements directly concerned with the match, shall be played at the stadium more than thirty minutes before the commencement of each match or after 20.45 hours. No amplified music shall be played at the matches more than fifteen minutes before the commencement of each match and not during or after that match except that &Sussex by the Sea& may be played on the return of the players to the pitch after half time.

Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

- 8 Prior to the first use by spectators of the West, North East or East Stand hereby approved, a scheme for the design, specification and operation of the Public Address (PA) system shall be submitted to the Local Planning Authority for approval. The PA system shall not be used (other than for testing and commissioning purposes) until the Local Planning Authority has approved the scheme in writing and the system shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

- 9 The athletics pavilion hereby approved shall be fully installed, its services connected and made available for use prior to first occupation of the proposed changing block (other than for fitting out purposes) or use by spectators of any of the West, North East or East stands hereby approved, whichever is the earlier, and shall be retained thereafter.

Reason: To ensure that no reduction in facilities available for athletics related use results from the application and in accordance with guidance given within PPG17 and policies T29 of the Brighton Borough Local Plan and SR24 of the Brighton and Hove Local Plan Second

Deposit Draft.

- 10 All proposed, altered and relocated athletics facilities, including lighting, pavilion and storage container, shown on drawings 01746/101G, 01746/102G and 01746/104C shall be completed and made available for use prior to first occupation of the proposed changing block (other than for fitting out purposes) or use by spectators of any of the West, North East or East stands hereby approved, whichever is the earlier, and shall be retained thereafter.
Reason: To ensure that no reduction in facilities available for athletics related use results from the application and in accordance with guidance given within PPG17 and policies T29 of the Brighton Borough Local Plan and SR24 of the Brighton and Hove Local Plan Second Deposit Draft.
- 11 Prior to the commencement of development, full details of the proposed fence between the upper western plateau jumping area and the West stand hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be implemented in strict accordance with the approved details.
Reason: To ensure that no reduction in facilities available for athletics related use results from the application and in accordance with guidance given within PPG17 and policies T29 of the Brighton Borough Local Plan and SR24 of the Brighton and Hove Local Plan Second Deposit Draft.
- 12 The temporary buildings hereby permitted shall not be used for evening events later than 22.30 hours on any day and amplified sound shall not be audible outside the buildings at any time.
Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1 of the Brighton Borough Local Plan and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
- 13 Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level (Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997), measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level.
Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.
- 14 Prior to the commencement of development a scheme for the provision of a minimum of 23 additional bicycle parking spaces and the retention of existing bicycle parking spaces shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the occupation of the development and shall be maintained to the satisfaction of the Local Planning Authority thereafter.
Reason: To support the use of alternative means of transport to the private car and in accordance with policies TR33 of the Brighton Borough Local Plan and TR12 of the Brighton and Hove Local Plan Second Deposit Draft.
- 15 Prior to the commencement of development a scheme for the appropriate provision of disabled car parking spaces shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the occupation of the development and shall be maintained to the satisfaction of the Local Planning Authority thereafter. Reason: To provide appropriate parking provision for disabled people and in accordance with policies TR44 of the Brighton Borough Local Plan and TR16 of the Brighton and Hove Local Plan Second Deposit Draft.
- 16 All works and ancillary operations to install or remove the temporary seating hereby approved shall be carried out only between 07.00;19.00 hours on Mondays to Fridays and

between 08.00;13.00 hours on Saturdays and at no time on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1, ENV44 and ENV45 of the Brighton Borough Local Plan and SU10 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

17 The floodlights shall be switched off no later than one hour after the end of evening matches.

Reason: In the interests of the residential amenities of the locality and in accordance with policies ENV1 and ENV44 of the Brighton Borough Local Plan and SU9 and QD27 of the Brighton and Hove Local Plan Second Deposit Draft.

3. The Local Planning Authority will consult with the Safety Advisory Group in assessing any submissions in accordance with condition 8 of this planning permission.

4. A Section 106 agreement relates to this site.

Informatives:

1. This decision is based on drawing nos. 01746/100C, 01746/101G, 01746/102G, 01746/103C, 01746/104C, 01746/105A, 01746/106C, 01746/107C, 01746/108D, 01746/109B, 01746/110A, 01746/200A, 01746/201A, 01746/210B, 01746/211, 040 05 1, 102 03 1, 72 02 1 H and 103 02 2 G submitted on 14 February 2005.

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 Borough Local Plan and Brighton & Hove Local Plan Second Deposit Draft set out below:

East Sussex and Brighton & Hove Structure Plan 1991-2011

TR1 Integrated transport and environment strategy

TR2 Travel awareness

TR3 Accessibility

LT14 Major Sporting Venues

Brighton Borough Local Plan:

ENV1 General environment objectives and policies

ENV3 Design in the built environment

ENV4 Security in design

ENV44 Pollution control

ENV45 Pollution control

E2 Employment general objectives and policies

TR9 Relatio

ii) for the following reasons:

The Council recognises that the applicant plays a large role in the local community and economy. An important consideration is the need to find a temporary solution to the difficulties faced by the applicant in finding a permanent venue for home football matches. Against this, another major consideration is the significant disturbance which matchdays can cause to surrounding residents. The Council believes on balance that permission should be given to allow home football matches to be played at Withdean until 30 June 2008, to protect the interests of the applicant until permission can be obtained for a permanent venue. The Council believes that impacts on residential amenity on matchdays (approximately 25-30 occasions per year) can be minimised through conditions. The impact of football matches on the use of the stadium by athletics clubs is also considered acceptable in view of conditions imposed.

Matchdays clearly cause significant disturbance to the surrounding

Dated this 20 July 2005

J. Rowlands

**Jenny Rowlands
Director - Environment**

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

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Appendix B – Addresses of respondents to public consultations:

Letters of Objection

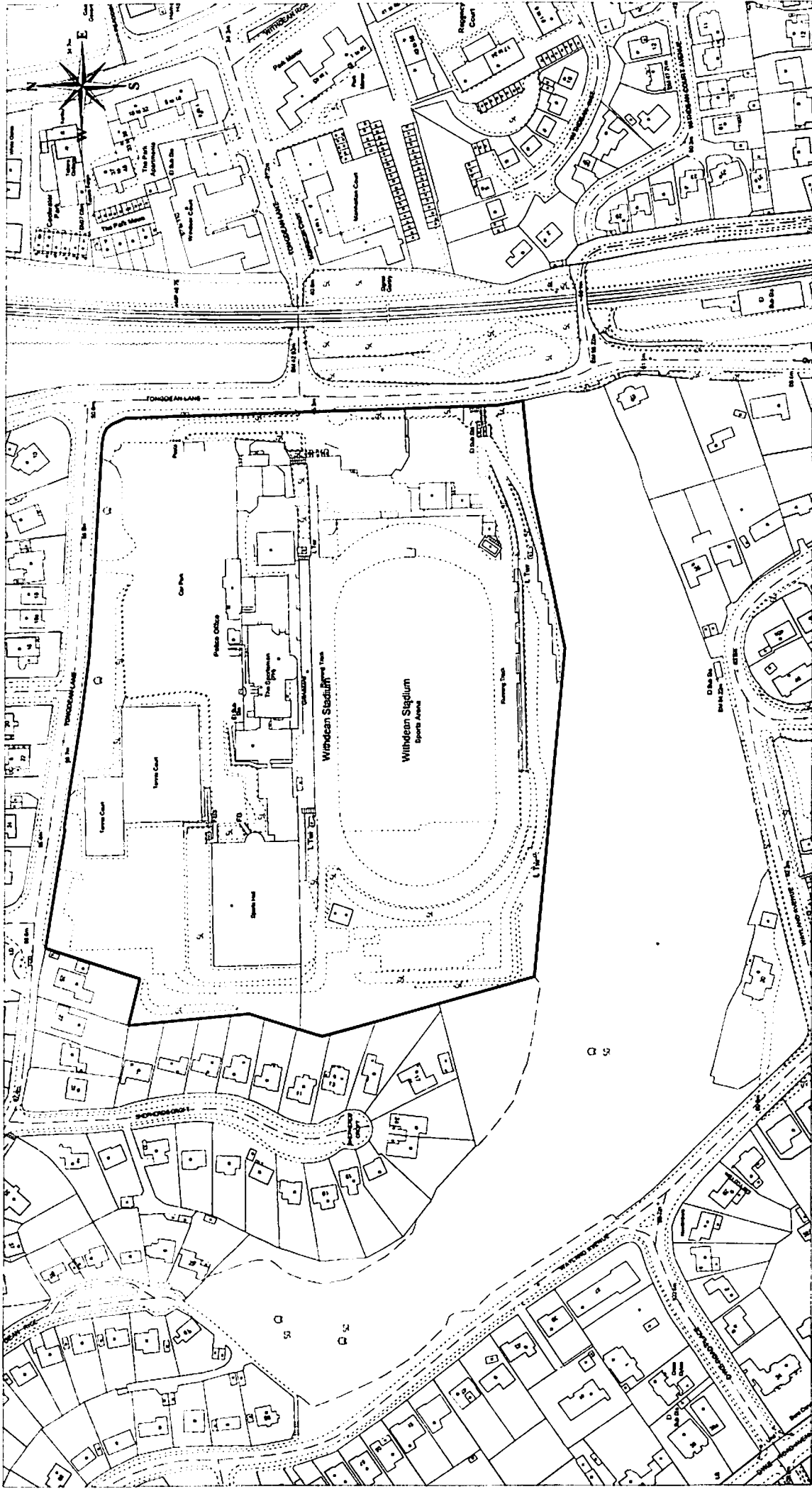
4 Coolwater Park	London Road
13; 15; 22	Shepherds Croft
24	Tongdean Lane
46; 51 (x2)	Withdean Road

Letters of Support

29B	Adelaide Crescent
40	Bevendean Crescent
Flat 2, 14	Brighton Place
14	Broad Rig Avenue
73	Chalky Road
60	Chichester Close
43	Coldean Lane
8	Court Close
31 Petworth House	Davigdor Road
Flat 2, 285	Dyke Road
15	Edgehill Way
25	Hangleton Valley Drive
44	Hartfield Avenue
68	Hartington Road
37B (x2)	Hova Villas
18	Jersey Street
4	Keswick Drive
51	Ladies Mile Road
25; 42B	Lyndhurst Road
Flat 6, 155	Marine Parade
98	Mill Lane
53	Old Shoreham Road
Flat 6, 22	Oriental Place
8	Patcham Grange
6	Robertson Road
Flat 1, 14	Sackville Road
Flat 8, 6	Second Avenue
9	Stanford Court
20	Stapley Road
30	Station Road
3 Alexander Court (x2)	St Peters Close
35	Thornbush Crescent
89	Upper North Street
10	Valley Drive
52	Waldegrave Road
6	Wayfield Avenue
67	Westfield Crescent

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33	Whitehawk Crescent
Flat 14, Robert Lodge	Whitehawk Road
51	Woodland Avenue
11	Worsley Road
6 Bale Close (x2)	Bexhill-on-Sea
35 Berrall Way; 34 Silver Lane	Billingshurst
10 Pilgrims Close	BN14 7LP
1 East Court, Broadwater Street East	BN14 9AH
25 Hammy Lane	BN43 6GL
9 Ash Walk	BN9 9XH
763 Filton Avenue, Filton	Bristol
14 Ramsey Close	CM9 4YZ
28 Orvis Court, 5 Midway Quay; 7 Whitely Road	Eastbourne
Long Gables, Gorse Avenue	East Preston
7 Elgin Gardens	GU1 1UB
23 Wilmington Close	Hassocks
Kiln Wood, CHS North Entrance, London Road	Haywards Heath
Whitewood Cottage, Swife Lane	Heathfield
Windrush, 9 Mill Drive; 1 Wood Lane (x2)	Henfield
54 The Grange; The Cottage, South Avenue	Hurstpierpoint
54 Broadlands Avenue	HP5 1AL
93 Rhodrons Avenue (x3)	KT9 1AY
94 Sompting Road	Lancing
13A Astbury Road; 64 Lynette Avenue	London
13A Clissold Road	N16 9EX
239B Iffley Road	OX4 4AQ
5 Holdsworth Street	PL4 6NN
149 Tanbridge Park	RH12 1SU
88 Maple Drive	RH15 8DJ
12 Meadowcroft Close	RH19 1NA
Flat 1, 287 Norwood Road	SE24 9AQ
25 Hammy Lane; 29 Rosemary Drive	Shoreham by Sea
56 Corinthian Road	SO53 2AZ
45 Hambro Road	SW16 6JD
Cranford Cottage, Penshurst Road	TN3 0PH
119 Petesfield Road	TW18 1DQ
10 Pipet Meadow	Uckfield
Westlands Grange, Cowfold Road	West Grinstead
Little Cobwebs, North Lane (x2)	West Hoathly
1 East Court, Broadwater Street East	Worthing
3 letters	Incomplete address



SCALE 1:2500

Application No.: BH2008/00379

Address: Withdean Stadium, Tongdean Lane



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

LOCATION PLAN

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<u>No:</u>	BH2008/00294	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Sussex Education Centre, Nevill Avenue, Hove		
<u>Proposal:</u>	Proposed three-storey extension to existing education centre to create a 1688m² office building for NHS Trust.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	25 January 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 June 2008
<u>Agent:</u>	Devereux Architects Limited, 200 Upper Richmond Road, London.		
<u>Applicant:</u>	Mrs Christine Bowman, Sussex Partnership NHS Trust, Swandean, Arundel Road, Worthing.		

1 SUMMARY

The proposal is for the construction of an office building within the Nevill Avenue medical campus to enable the relocation of the existing Sussex Partnership National Health Service Trust headquarters from Swandean, Worthing. The Trust operates services throughout Sussex and state that the central location of the Nevill Avenue campus would provide many locational advantages in the provision of their services. The site has a D1 use (non-residential institutions) and is regarded as a community use. Planning policies aim to retain land in community use for such purposes unless it can be demonstrated that the site is not needed, not only for its existing use but also for other community uses.

Whilst the proposed office building would provide 100 jobs (most would be relocated in the short term) and is considered acceptable in terms of design, traffic generation, effect on residential amenity and on sustainability grounds, it is considered that the applicant has failed to demonstrate why the development cannot be located within existing office premises within the city or that the land is not required for other medical or community uses.

2 RECOMMENDATION

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

1. The site is within the Nevill Avenue medical campus, a D1 community use. Policy HO20 of the Brighton & Hove Local Plan aims to protect sites in community use for such purposes unless it can be adequately demonstrated that it is not needed, not only for its existing use but also for other types of community use. It is considered that the applicants have failed to adequately demonstrate why the office block cannot be located within existing office premises within the city or that the land is not required for other medical or community use. For these reasons the proposal is contrary to policy HO20.
2. Policy EM4 of the Brighton & Hove Local Plan permits new businesses on

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unidentified sites where there is a demonstrable need, given the availability of existing land or premises. It is considered that insufficient evidence had been submitted to demonstrate that an existing B1 site is unavailable to justify the development of land within community/medical use. For these reasons the proposal is contrary to policy EM4.

Informatives:

16. This decision is based on drawing nos. 07156/D/001-009, 07156/SK/001-004, 2454-0265, 07156/SY/001-003, and the Planning Statement, Design and Access Statement, Statement of Community Involvement, Transport Statement, Outline Travel Plan, Site Waste Management Plan, Building Energy Strategy, MEP Services Concept Report, Waste Disposal Policy and Sustainability Statement submitted on 25 January 2008.

3 THE SITE

The application relates to a site within the healthcare campus at Nevill Avenue, in north Hove. The site which is 4.4 hectares, was developed by South Downs Trust in 1997 and includes Hove Polyclinic, Nevill Hospital, Millview Hospital, the Butterfly Day Nursery and the Sussex Education Centre. Vehicular and pedestrian access to the site is from Nevill Avenue, with controlled pedestrian access linking across the site to Nevill Hospital. Hove Polyclinic is an outpatient facility providing physiotherapy, speech and language, audiology, x-ray imaging and diagnostics, together with a minor surgery facility with recovery beds. Millview Hospital consists of a 39 bed adult care acute mental health inpatient facility, a 10 bed Psychiatric Intensive Care Unit, a day hospital and an outpatient's facility. An extension provides 35 adult acute beds and a 5 bed substance misuse unit. The site is bounded by residential properties.

The site slopes significantly from the south, rising by 8m to the north. The existing buildings are predominantly two storey, with a three storey element to Hove Polyclinic. Buildings are predominantly brick built and the site is well landscaped with substantial planting to the perimeter.

The proposal is for an extension of the Education Centre building which is located within the northeast part of the campus.

4 RELEVANT HISTORY

Hove Polyclinic:

- **3/95/0551(F)**, construction of new Polyclinic and mental health resources centre buildings with associated access roads, car parking, gardens and soft landscaping. Approved 29.09.05
- **BH2003/01476/FP**, Erection of a 58 place nursery building. Refused 30.06.03.
- **BH2004/00594/FP**, Provision of a 46 place day nursery for use by NHS Trust staff. Approved 24.05.04

Millview Hospital:

- **BH2000/01027/FP**, Erection of two storey extension to existing adult health unit to provide 35 inpatient beds, comprising 3 new wards and support facilities. Approved 23.02.01.

- **BH2002/03381/FP**, Remodelling of main entrance reception with provision of new entrance canopy and replacement of two window units. Approved 30.01.03.
- **BH2005/00397/FP**, New satellite medical school. Approved 07.04.05.

5 THE APPLICATION

The proposal is for the construction of a new office building to form the headquarters for the Sussex Partnership National Health Service Trust. The building which is to adjoin the existing Education Centre, consists of:

- Building to measure 15.2m x 33m x 13.6m in height / 3 storey, to attach to the southern elevation of Education Centre with an atrium 4.8m x 14.4m x 12.5m in height.
- Building to provide 1688m² of office floorspace.
- Layout: Public and meeting areas at ground floor level, administrative support at first and second floor levels. Main entrance on west elevation, close to main entrance of Education Centre. Hard and soft landscaping.
- Materials / Design: Rectangular shaped building with flat roof which is raised in southwest corner above staircase and lift shaft, also providing access to plant/machinery within powder coated aluminium louvered plant enclosure. Walls: rendered with cedar panels between windows on south, west and east elevations. Windows: grey aluminium frames, mix of single panes and with glazing bars. Brise soleil 24.8m long x 0.6m deep above windows at first, second and third level, south elevation Atrium: primarily glazed with cedar panelled section to front and rear elevation at first floor level, glazed mono-pitched roof.
- Parking: additional 56 bays plus 4 disabled spaces to be provided in three areas throughout the site. Relocated cycle parking and space for additional 9 cycles in covered store location 5m south of proposed building.
- Employment: 100 staff.
- Business hours: 07.00 – 1930 hours Monday to Friday, with some limited weekend activity.

6 CONSULTATIONS

External:

Neighbours: 138, 156, 164 Nevill Avenue: Object to the proposal for the following reasons:

Principle:

- Redevelopment of the Nevill Avenue site needs to be evaluated in its entirety, which would include the planned extensions to the Polyclinic and Millview Hospitals as well as this proposal for the Trust Headquarters.
- At the public open evening were given to believe the proposed building had a floorspace of 1450m² and not 1688m² as applied for, a 16% increase.
- This is an administrative building and could be located elsewhere, with the site being used for clinical purposes.

Design / Impact on residential amenity:

- Proposed building is to be three storey. All buildings on the site, with the exception of the rear of the polyclinic which is sunken below ground level

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are two storey. The new building will be one storey above the current skyline, compromising the privacy of neighbouring properties.

- The building style and design is not in keeping with the surrounding site and all other site buildings.
- Increased noise and congestion.

Traffic / Parking / Cycling:

- Inadequate parking provision. The proposed 56 spaces will not be adequate for the relocation of staff from Swandean, North Worthing, as the majority of staff will commute by car. There is no direct train or bus route. This will result in further disruption to residents parking on Nevill Avenue and surrounding roads.
- The planned parking allocation does not take into account planned extensions to the polyclinic and Millview Hospital.
- The site is not well served by public transport.
- There is a more suitable site at Southlands, which has easy access via the A259 and A27 for commuting staff, with space for abundant parking.
- Planned roadways and access will be unsafe. No pedestrian crossing at the entrance of the site at Nevill Avenue. Nevill Avenue is narrow; further parking and traffic on the street will be dangerous particularly to cyclists.
- Students of nearby Blatchington Mill School pass the site; the transport does not adequately deal with their safety.

Councillor Tony Janio: Objects to the application (letter attached to this report).

Southern Water: No objection.

Southern Gas: No objection.

EDF Energy: No objection.

Sussex Police: No objection.

Brighton & Hove City Primary Care Trust: Comments awaited.

Internal:

Planning Policy: The proposal seeks to change the use of part of a site that is currently in D1 use to a B1 use. Policy HO20 (d) requires an applicant to demonstrate that the site is not needed, not only for its existing use but also other types of community use. The City Wide Estate Strategy clearly sets out that additional medical and health services are needed on the wider site. The council needs to be satisfied this proposal will not prejudice the current and future medical and health needs identified for this site. The exceptional circumstances of this proposal need to be balanced against the future medical, health and community use requirements of the public. Concerned over the lack of evidence to demonstrate the site can accommodate all identified future medical and health requirements for this site.

Whilst in terms of economic development a headquarters of this nature would be welcomed within the city the preference should be for it to locate within an existing office building or site. Thus overriding justification is necessary to demonstrate the use of this site is acceptable. The applicants have not submitted evidence to demonstrate existing vacant office sites are unsuitable or why alternative sites are not appropriate (for example the Trust has a

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facility at Brighton General Hospital which is a site that has known land/buildings surplus to medical and health requirements).

The site is currently very open offering green open space to patients, workers and visitors and visually to the surrounding properties. It is therefore considered regard should be given to policy QD20, urban open space, and policy QD15, landscape design.

Should it be felt on balance, given the individual circumstances, that this proposal has merit it is considered appropriate to impose a condition requiring the premises to revert to D1 use should the building no longer be required by the Sussex Partnership NHS Trust as a Headquarters. The reason for this is to ensure clarity in the future use of the premises and surrounding land, including the car park, and to meet the objectives of HO20 which would not normally allow office/B1 development.

Traffic Manager: The applicants have submitted a Transport Statement in support of this proposal and three substantial issues arise as follows:

- **Sustainable modes:** The Transport Statement reviews existing transport provision. Although the application would not create a need for e.g. substantial highway works, journeys to and from it will clearly use existing infrastructure and services which cost money to provide and maintain. A contribution to these costs is appropriate. The number of trips likely to be generated by the development has been estimated by the applicants on the basis of surveys of the facility which is to be transferred to Nevill Avenue and by officers on the basis of the TRICS database, and these two methods give similar results. The lower estimate, of 280 one-way person trips per 24 hr day, is that produced by the applicants, and this should be accepted because (1) A 'bespoke' survey is preferable to taking an average of surveys elsewhere (2) Meetings involving staff employed at the facility will often be with others working at other healthcare related offices on the Nevill Avenue site. On this basis the contribution sought using the standard formula would be £56,000 and this should be required within the S106 agreement.
- **Parking:** The proposed parking numbers comply adequately with SPG4 except in respect of disabled parking. 56 general parking spaces, which is the maximum in SPG4, are proposed. 9 cycle parking spaces compared to a recommended minimum of 10 are proposed. Only 4 disabled parking spaces are proposed compared to a required minimum of 17. The applicants have defended this underprovision because existing disabled parking provision at the Nevill Avenue site is underused and therefore available. However, the spare capacity suggested by surveys (9 spaces) is not enough to cover the shortfall of 13. Also, since the existing parking is largely uncontrolled it would not necessarily be clear to any disabled employees/ visitors at the new/ transferred office that they are allowed to use the pre-existing parking. The applicants propose to produce a Car Park Management Plan which will address this and other issues but this will take time and it is proposed that a prompt interim solution is obtained by a condition requiring that prior to occupation 4 additional disabled bays are provided as part of the new parking and signing is provided to indicate

that (1) The new general parking is reserved for staff/ visitors to the new facility (2) The new and existing disabled parking is available to every disabled parker at the site. Minor improvements to the layout of the proposed new parking to the east of the site are also needed; an increase in aisle width to 6m and provision of a 3m overhang to facilitate turning and revised plans showing this should be required by condition. Similarly the details of cycle parking proposals should be required by condition.

- **Travel Plan:** The applicants have submitted an Outline Travel Plan which is to a high standard. A condition should be set which requires the production of a detailed plan to the Council's approval prior to occupation and continuing engagement of the Council in the travel plan process. In particular, targets for modal share etc. monitoring should be subject to the Council's approval and the Council should be able to require proportionate measures to address any failure to achieve these targets.

Environmental Health: No objection. The proposed building is approximately 30m from the closest garden. In order to safeguard the amenities of the occupiers of neighbouring properties request that any approval be subject to a condition to ensure noise from plant and machinery be no greater than 5dB(A) below existing background noise.

Economic Development: Support the application for the following grounds:

- The development will provide the NHS Trust with a modern Headquarters style building in the city replacing their current operation in Worthing which is stated as being problematical.
- The Trust carried out a site selection process with a number of set criteria which has resulted in this site being identified as their preferred site. The benefits of this site are stated within the supporting information as being central to the Sussex area, near many of the other relevant health care sites, benefits from a good transport infrastructure and is sited on a site of significant Trust clinical activity. This last point is of particular relevance when considering the cost of relocation and development taking into account any land acquisition that could have had a detrimental impact on the overall proposal.
- The continued view that Brighton & Hove is a location well suited to headquarters operations is welcomed. There have been a number of businesses that have relocated to Brighton & Hove recently for their headquarter location demonstrating that the city is seen as a location for larger organisations together with our smaller businesses.
- The proposal is to provide 1688m² of B1 office accommodation and the applicant states that this will provide space for 100 jobs. Based on the offPAT employment density for office development of 5.25 jobs per 100m² this equates to 89 jobs therefore the figures are comparable.

Arts Officer: An arts contribution is not sought. The proposal does not meet the criteria of Policy QD6 and is not in a prominent location.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel.

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TR7 Safe development
TR14 Cycle access and parking.
TR18 Parking for people with mobility related disability.
TR19 Parking standards.
SU2 Efficiency of development in the use of energy, water and materials.
SU4 Surface water run-off and flood risk.
SU9 Pollution and nuisance control.
SU10 Noise nuisance.
SU13 Minimisation and re-use of construction industry waste.
QD1 Design – quality of development and design statements.
QD2 Design – key principles for neighbourhoods.
QD3 Design – efficient and effective use of sites.
QD15 Landscape design.
QD16 Trees and hedgerows.
QD17 Protection and integration of nature conservation features.
QD20 Urban open space.
QD27 Protection of amenity.
QD28 Planning obligations.
HO20 Retention of community facilities.
EM4 New businesses and industrial uses on unidentified sites.

Supplementary Planning Documents:

SPD03: Construction and demolition waste

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

SPGBH21: Sustainability checklist

Planning Policy Statements:

PPS1: Delivering Sustainable Development.

8 CONSIDERATIONS

The main considerations in the determination of the application relate to the principle of an office use in this location, the design of the proposed building and its effect on the character and appearance of the campus and effect on surrounding amenity, parking and traffic generation implications and sustainability issues.

Principle of development:

The proposal is for a building to form a new headquarters for the Sussex Partnership National Health Service Trust within the medical campus at Nevill Avenue. The Trust was established on 1st April 2006 to provide mental health, learning disability and substance misuse services for Sussex, following the dissolution of East Sussex County Healthcare NHS Trust based near Hailsham, West Sussex Health and Social Care NHS Trust at Swandean, and the transfer from South Downs Health NHS Trust of mental health services and substance misuse services within Brighton & Hove. The headquarters are currently located as a temporary measure at Swandean, Worthing. The Trust state that they require their headquarters to be located as centrally as

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possible within Sussex and following analysis of the geography and transport infrastructure and associated travel times, a location in the Brighton & Hove area, near to the A27/A23 corridor was considered to be the most appropriate location. An objective of the Trust is for the headquarters to be sited in close proximity to services provides and ideally on a site of significant Trust clinical activity, to reduce the need for travel. The other principal criteria included the availability and options for procuring a suitably sized modern and efficient building and if at all possible, the use of existing Trust estate which would assist in reducing costs. The Nevill Avenue site is the Trusts preferred option as it is seen as central, accessible by public and private transport and on a site of significant clinical activity which they own and manage. In seeking to identify all other opportunities, including Brighton General Hospital and the conversion and reuse of Nevill Hospital the applicants state that there were no suitable alternative accommodation within existing Trust/NHS accommodation or available commercially within the city at reasonable cost.

This proposal for a headquarters building is part of a masterplan for the campus, which is owned and managed by the Trust. Existing buildings on the site consist of the Millview Hospital, a mental services inpatient unit and daycare unit, Hove Polyclinic which is an outpatients facility, the satellite Medical Education Centre which provides teaching facilities for the Trust staff, and the Butterfly Children's Day Nursery open to employees of the health service. Further developments (not part of this application) are for an extension to Millview Hospital of 900m² to provide further beds for older people and to provide Place of Safety facilities and improved psychiatric intensive care facilities to the polyclinic and an extension of 1,000m² to provide extended facilities and a GP surgery accommodation. The masterplan allows for further clinical developments to take place on land to the southeast of Millview hospital and to the rear of the Polyclinic by way of extensions. Whilst the site of the proposed building is not designated in the masterplan for other health related purposes, it is stated that the proposed building has been designed to be flexible and capable of later conversion to other medical uses.

Policy HO20 aims to retain such sites for community facilities unless it can be demonstrated that the site is not needed not only for its existing use but also for other types of community use. In order to demonstrate that there are no other types of community uses which need the land/premises, the site would be required to have been marketed, usually for a period between 18 months to 2 years.

The proposal is in potential conflict with the agreed strategy prepared by all the NHS Trusts operating in the city, including the Primary Care Trust and also the Council. Whilst the Strategy titled the 'City Wide Estates Strategy' acknowledged the aspiration of the Trust to locate its Headquarters at Nevill Avenue it also identified the need for additional future medical facilities on this site, including the facilities described in the masterplan.

Policy EM4 relates to new businesses on unidentified sites. Whilst the site is not identified in the Local Plan for employment uses, the policy permits new business and industrial uses providing that there is a demonstrable need for

the use, given the availability of existing land and premises.

Whilst it is acknowledged there are benefits to the NHS Trust to locate on the site, development of the land for office use needs to be balanced against the future medical, health and community use requirements of the public. Whilst in terms of economic development a headquarters of this nature would be welcomed within the city the preference should be for it to locate within an existing office building or site.

The application states that the Trust, together with other health care providers, have examined the options for the future development of health and social care within Brighton & Hove and is confident that the site will not be operationally required for future health and medical uses. Whilst a strong case has been put forward as to the benefits of the location for the Trust, little evidence had been submitted to demonstrate why other sites/buildings within the city are unsuitable, or to substantiate the view that the site will not be required for medical or community use in the future. For these reasons the proposal is contrary to policies HO20 and EM4.

Design / Impact on residential amenity:

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

In order to reduce pressure for the development of Greenfield sites and address the need for future jobs, homes and community uses policy QD3 aims to make efficient and effective use of sites within the built-up area.

The site is located north of the Polyclinic and is to adjoin the two storey Education Centre. This flat piece of land is laid out as lawn. The Education building is a flat roofed red brick building with architectural relief provided by small panels of cedar cladding and grey framed fenestration. The proposed building is three storey with a raised corner section and glass atrium, and with plant/machinery at roof level. The building is to be predominantly rendered with cedar panelling between windows, and brise soleil above windows on the south elevation. The proposed building is to be linked to the Education Centre with a mono-pitched glass atrium.

Buildings within the campus are generally two storey, as are surrounding residential properties. The site is within the northeast section of the campus and 60m from the nearest residential buildings in Nevill Avenue. It is considered that the proposed three storey building relates well to its context, that the increase in height from the two storey Education Centre it would adjoin provides contrast, and that the glazed atrium provides an attractive architectural link between the buildings. The proposed building, by virtue of its height, one storey higher than neighbouring development, and render in contrast to surrounding brick development, will provide a visual focal point to this part of the campus.

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Whilst the open nature of the land does provide the area with a spacious and green setting, the area is bounded on two sites by a service road, and appears little used. Whilst the proposal would result in the loss of urban open space of approximately 700m², this needs to be weighed against the other identified medical and health needs that need to be provided on site. It is felt important to ensure sufficient open space is retained to help keep the 'green open' feel of the campus particularly in light of research which acknowledges the beneficial health impacts of 'green open space in helping to reduce recovery time, blood pressure, stress and depression. A three storey building makes efficient use of the site, and would reduce the need for other land to be developed, thus retaining a green and landscaped environment for the hospitals.

Policies QD15 and QD16 relate to landscape design and planting; policy QD17 aims to protect and incorporate nature conservation with new development. The site, whilst open and green, is uninspiring and the opportunity exists within a scheme to develop the area to improve landscaping within the site, including seeking measures to enhance local biodiversity through the provision of bat boxes, increased tree planting on the site, green roofs/walls.

Policy QD27 aims to protect residential amenity. The proposed building is to be situated a minimum of 60m from residential building, with the main aspect to the south, facing the Polyclinic. Given the distance from neighbouring properties it is not considered that the building would result in an undue loss of privacy or disturbance to the occupiers of neighbouring properties.

For these reasons, it is considered that the proposed building is acceptable in terms of scale, appearance and impact on residential amenity.

Environmental Impact Assessment:

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

Traffic Implications:

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

The proposed office building would provide employment for approximately 100 people. The proposal provides an additional 60 car parking spaces of which 4 are disabled spaces. The Traffic Manager states that the general level of parking provision is in accordance with the maximum standards contained within SPG4, but that the level of disabled parking is inadequate in that 17 spaces should be provided. Whilst the applicants have defended this

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under provision because of existing disabled parking on site, the Traffic Manger still considers it not enough to cover the shortfall. The applicants proposed to produce a Car Park Management Plan which could address this and other concerns relating to layout. For example the proposed parking adjacent to the Polyclinic is situated below windows to consulting rooms which is considered unacceptable as their use would create noise and disturbance.

Cycle parking is to be provided in a secure area to the south of the proposed building, details of which have not been submitted.

The application is accompanied with an Outline Travel Plan and a Travel Statement which reviews existing transport provision. The Travel Plan identifies of the 100 staff that will be moving from Swandean, 65% use their cars to travel to work, and identifies a need to promote other means of transport. Measures to establish a car sharing database, investigating the potential of forming a car club, setting up a 'guaranteed ride home' for car sharers, and provision of motorcycle/moped parking and training are proposed. The Plan looks at the sites proximity to bus and train services and pedestrian and cycle provision. The Traffic Manager concludes that the Plan is to a high standard and based on the number of trips likely to be generated by the development, which would be in the region of 280one-way person trips per 24 hours, that a contribution of £56,000 should be sought as a contribution towards maintaining the existing infrastructure.

Sustainability:

Policy SU2 seeks efficiency of development in the use of energy resources. The application is accompanied with a Sustainability Statement, an Energy Strategy and a Services Concept Report which considers minimising energy consumption through passive design techniques, achieving CO2 emission levels which are below good practice benchmarks, the creation of visually, thermally and acoustically comfortable environments to support workplace activity, water conservation, and low life cycle cost.

In order to reduce the baseline energy consumption and carbon emissions, energy efficiency levels have been applied to the building construction and envelope. The development will be supplied with low U-values meeting the new Building Regulations (Part L 2006) and will have a high standard of air-tightness to ensure the it is designed to use less energy through passive design measures which a shall be delivered by employing in part exposed thermal mass to all office space, solar treatment of the façade, night cooling of the building, and the use of natural daylight to reduce the need for artificial lighting. This has resulted in a 12% net CO2 emissions reduction against that required for Part L. The proposal achieves a score of "Very Good" in its NEAT rating.

The Design and Access Statement indicates the potential for solar thermal panels and/or rainwater harvesting but does not make this part of the proposal. The Sustainability Statement states that surface water run-off will be to sustainable urban drainage system. These measures could be secured by planning condition.

Community Involvement:

In addition to liaison with the City Council and Primary and Community Health and Social Care providers and open evening was held at the Education Centre on 6 November 2007. Letters of invitation were sent to 106 householders in surrounding streets. The purpose of the meeting was to inform residents of the proposal and take into account views prior to the submission of the planning application.

The application has received relatively few public objections.

9 CONCLUSIONS

Whilst the proposed office building would provide 100 jobs (most would be relocated from the existing headquarters in the short term) and is considered acceptable in terms of design, traffic generation, effect on residential amenity and on sustainability grounds, it is considered that the applicant has failed to demonstrate why the development cannot be located within existing office premises within the city or that the land is not required for other medical or community use.

10 EQUALITIES IMPLICATIONS

The building would have level access, incorporates a lift and disabled toilet facilities. Disabled parking would be close to the building. Doors and corridors facilitate wheelchair access and induction loops are to be provided within the reception area and meetings rooms. The building would have to comply with Part M of the Building Regulations.

PE W



**Brighton & Hove
City Council**

COUNCILLOR TONY JANIO

**Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS**

Mr Paul Earp
Senior Planning Officer
West Area Team
Development Control
Hove Town Hall

Date: 22 May 2008

Our Ref: TJ/AN

Your Ref:



Dear Paul

**Re: PLANNING APPLICATION BH2008/00294 - SUSSEX EDUCATION
CENTRE, NEVILL AVENUE, HANGLETON, HOVE**

As a Councillor for Hangleton Ward I should be grateful if you would accept this letter in consideration of the planning application detailed above.

There are many reasons why this development should be given detailed scrutiny, including problems with accessibility, parking, environmental impact, etc, but there is, I believe, one overriding reason to be cautious in granting planning permission.

Hangleton is a popular residential area, with a demographic that suggests there will be an increasing requirement for locally situated medical facilities. The availability of brownfield sites within the city is limited, but those for medical facilities are scarce: you only need to look at space limitation constraining development of The Royal Sussex County Hospital for evidence of this.

The logic, therefore, of allowing an office block, that will accommodate over one hundred people and could be sited elsewhere in the city, appears to me to be flawed: once built, it would be difficult to convert to a medical facility.

I am against the proposal as it stands.

Yours sincerely

Councillor Tony Janio

LOCATION PLAN



BH2008/00294

SCALE 1:2500

Sussex Education Centre, Nevill Avenue



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<u>No:</u>	BH2008/00877	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	Vicarage & Wagner Hall St Pauls Church Regency Road/West Street Brighton		
<u>Proposal:</u>	Change of use of Wagner Hall and Vicarage to offices for Social Enterprise Incubator Centre (SEIC). Wagner Hall to be used for SEIC. Vicarage to be used for administration of SEIC and Brighton & Hove Social Enterprise Strategy. Consent required for five year temporary period.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	10 March 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	02 July 2008
<u>Agent:</u>	Lewis & Co. Planning South East Limited, Paxton Business Centre Portland Road		
<u>Applicant:</u>	The Chichester Diocesan Fund & Board of Finance, Mr Scott Ralph Diocesan Church House, 211 New Church Road		

1 SUMMARY

The application relates to a vicarage and Church Hall in the grounds of St Paul's Church. The vicarage is currently an unoccupied residential use and Wagner Hall has a DI use. Consent is sought to change the use of both buildings to B1 office use for a five year period. The offices would be used in connection with the Social Enterprise Scheme which supports businesses in the city. The application would result in an additional 1022m² of office floor space

The applicant has stated that Wagner Hall is no longer required by St Paul's Church, and it has a history of being under-used, however the applicant has not demonstrated Wagner Hall is not viable for future community use, contrary to policy HO20. There is a stock of vacant BI offices in the city which should be considered for occupation before attention is given to the further generation of additional offices at the expense of community space. The residential use of the vicarage should also be retained as it benefits from independent access from the church.

The Social Enterprise Scheme assists the start-up of local businesses and is an initiative supported by the City Council. However on balance it is considered that further justification is required before a change of use which is contrary to policy is granted. Furthermore the applicant has not demonstrated that the conversion would preserve the historic features of the listed building. Therefore the application is recommended for refusal.

2 RECOMMENDATION

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

- 1) Policy HO20 of the Brighton & Hove Local Plan seeks to retain

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community uses unless it can be demonstrated amongst other criteria, that the site is not needed for the existing use and also for other types of community use. It appears that the hall is longer required for use in association with St Paul's Church. However no information has been submitted to show the site is not required for other community uses in the city, or those proposing a new community facility in the city. Given the lack of information it is considered that a change of use from community facilities to office accommodation has be not been fully justified and therefore the proposal would be contrary to policy HO20 of the Brighton & Hove Local Plan.

- 2) The application involves the conversion of floor space to office accommodation. The applicant has failed to demonstrate the existing stock of vacant offices in the city are unsuitable for their requirements. Moreover the proposal would result in a loss of a residential unit which has not been fully justified and without any information relating to the nature of its previous use, it is considered that a loss of a residential unit would put further pressure on Brighton & Hove's housing stock. The proposal is considered contrary to policies EM4 and HO8 respectively.
- 3) Notwithstanding the inaccuracies of the existing floorplans of the vicarage, the applicant has failed to demonstrate that the conversion will preserve the historic features of the listed building. The proposal is therefore contrary to Policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 76/01, 02, 03, 04a, 05, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and supporting information submitted on 10th March 2008 and further information on the application forms received on the 2nd April 2008.

3 THE SITE

The site comprises of a two storey vicarage and a Church Hall in the grounds of St Paul's Church. The vicarage is accessed by pedestrians and vehicles from Russell Place but there is also an internal link to St Paul's Church. St Paul's Church is grade II* listed and therefore as an adjoining building, the vicarage also carries this listing. Wagner Hall is separate from both the church and the vicarage with the main access from Regency Road. There is potential for vehicle access to the north of the vicarage. Wagner Hall is arranged as a single storey accommodation with a storage and toilet facilities located at the at the west end of the building arranged on the ground, first and second floors. There is also a small lower ground floor area.

4 RELEVANT HISTORY

BH2006/00471 Change of use from Church Hall (D1) to Offices (B1) police use (Wagner Hall) Refused 27/04/2006 for the following reasons:

- Policy HO20 of the Brighton & Hove Local Plan seeks to retain community uses unless the community use is relocated, incorporated or replaced within the new development, existing nearby facilities are to be improved to accommodate the loss or it can be demonstrated that the site is not needed for its existing use and also for other types of community use. No information has been submitted to clarify what is to happen to the existing

community use and no information has been submitted demonstrating the use is no longer required and the accommodation is not suitable for other types of community uses.

- The applicant has failed to demonstrate traffic and transport issues associated with the change of use could be adequately managed and no details have been submitted for off street parking or cycle parking for the site. The proposal is therefore contrary to policies TR1, TR4, TR14 and TR19 of the Brighton & Hove Local Plan.

5 THE APPLICATION

Full planning permission is sought for a temporary change of use of the vicarage and Wagner Hall to B1 offices. The hall would be converted to offices in the form of a Social Enterprise Incubator Centre, assisting the start-up of small businesses in the city. The vicarage would be the administration centre for the Social Enterprise Scheme. In total, the application represents a change of use of 1022m² of floor space to office accommodation.

No external changes are proposed. Consent is sought for a five-year period only.

6 CONSULTATIONS

External:

Neighbours: 58 Davigdor Road supports the application for the following reasons:

- the hall has not been used to its full potential for many years which is a concern for a centrally located site,
- the proposed use is an admirable one, low cost office units are essential for starter businesses

A letter has been received from the **Venerable Douglas McKittrick of the Diocese of Chichester** in support of the application for the following reasons:

- Wagner Hall has not been used for a number of years,
- it is in an excellent location with good facilities and the vicarage has not been used by a priest for a number of years,
- the proposal will ensure that the city has increased employment and will offer assistance to the community

Internal:

Planning Policy: Comment Summarised: There is a lack of information to assess if this proposal meets the exceptions detailed in policies HO8 and HO20 or if the circumstances of this proposal are exceptional to justify non-compliance with policy. It is not clear why the proposed use is only required for a temporary period and whether this is due to exceptional circumstances.

Conservation & Design: The interior of the Vicarage reflects the 1920/30s character of the building. It has a number of fittings and fixtures, such as built in cupboards, doors, architraves, skirting, plus bathroom and kitchen fixtures such as the original butlers sink, floor and wall tiles, parquet flooring etc.

The loss of these fixtures is not acceptable, and insufficient and contradictory

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information has been submitted regarding existing floor plan layouts. The proposals are ill thought out as a number of changes to the layout could result in a better scheme for the listed building, achieving similar goals, but minimal intervention. There is further concern that there appears to be unauthorised UPVC double glazed windows throughout the building.

The layout of the kitchen and breakfast room was incorrect on the as existing plans as of site visit 20th May 2008. However, the kitchen (or more appropriately labelled - utility room) has a number of original features, such as floor and wall tiles, built in cupboards and a sink that if they were to be removed, would have a negative impact on the character of the listed building.

The built in cupboards on the first floor are not shown on the plans and should remain in situ as they are of a functional 1920/30s style, matching the doors and either joinery in the building.

The small bathroom on the first floor should remain as a bathroom as this has original tiles which could be reused.

As set out in previous comments, listed building consent is required for the changing of service rooms, such as kitchens and bathrooms. It would therefore be simpler to keep the uses of the rooms as on site, and work around their individual character.

Traffic Manager: No objection

Environmental Health: No objection – a condition may be required for soundproofing.

Economic Development: Support the application: The application is for a change of use from D1 to B1 offices for incubator space to assist in the delivery of the Social Enterprise Strategy which is a council led initiative.

The planning statement submitted as part of the application provides detailed information with regards to the historical use of Wagner Hall which clearly demonstrates that this has not been active use as a Church Hall for some considerable time. Although there is demand for D1 space in the city, the demand is focused around modern purpose built buildings and not the reuse of existing church hall facilities.

This proposed change of use would bring a building back into active use and provide much needed office accommodation for the delivery of the Social Enterprise Strategy and is ideally located to meet the demand for space.

The application does not provide information with regards to proposed employment levels coming from the proposal and as the facility will provide 'hot desk' accommodation this would prove difficult to estimate. However, based on the offPAT employment densities for general office accommodation (5.25 jobs per 100m²), the office accommodation of 825m² could realistically provide space for 43 jobs. In economic development terms this proposed

change of use is therefore considered a more appropriate use of the premises.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel Plans
- 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
- QD27 Protection of Amenity
- QD28 Planning Obligations
- HO8 Retaining housing
- HO20 Retention of community facilities
- EM4 New business and industrial uses on unidentified sites
- HE1 Listed buildings

8 CONSIDERATIONS

The determining issues relate to the loss of the existing community use and the adjoining residential use and the principle of the new office space. The impact on listed building, traffic and travel demand, and issues regarding sustainability must also be considered.

Loss of Community Facilities.

The existing use of Wagner Hall is falls under Use Class D1 (non-residential institutions) and therefore policy HO20 applies. This policy seeks to protect community facilities, including church and community halls. The policy states that the loss of community use may be considered when:

- 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.

In the supporting information the applicant attempted to demonstrate the site is not needed for its current use, in compliance with exception d) of policy HO20. The information submitted states that the church hall was last used by St Paul's Church on a regular basis over seven years ago when it was used for church functions only, and not any outside community uses. The hall was then let to Sussex Police as a security base during the labour conferences in 2000 and 2001 and again to Sussex Police on occasions from 2003 to 2007. The applicant also provides a list of other community facilities in the areas.

It would appear from the information provided that Wagner Hall has not been used as church hall for some time and that it is no-longer needed by St Paul's Church. This point is generally accepted, especially given the sporadic use of the hall for police operations from the year 2000. Nevertheless the policy is in

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favour of retaining the site for community use and no information has been submitted to indicate that the premises would not be attractive to other community uses in the city, or new community facilities in the city. The planning policy team have raised an objection to the application.

It is acknowledged that the proposed development would enable a large building which currently is under-used to be brought in to higher occupation and therefore there is an argument that the application should be supported for this reason alone. However it is not considered that this carries weight over the need to comply with current policies. There does appear to be a demand for D1 uses in the city and it appears from the supporting information that the applicant has not taken any steps to find possible future users within the existing D1 use-class. Some information has been submitted to show the range of other D1 sites in the locality, but there is no information to indicate whether these are under-utilised at present. Without sufficient information to demonstrate that the D1 use is no longer required, it would be premature to grant consent for offices in this location.

On balance, and although the change of use is for a temporary period only, it is considered that marketing to other community uses should be undertaken to demonstrate that there is not a need for a community use in this location. Without this information it is not considered that an exception to policy HO20 has been fully demonstrated.

Principle of office accommodation

Policy EM4 states that planning permission will be granted for new business uses (Use Classes B1 and B2) on unidentified sites provided that; there is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan; the site is readily accessible by public transport, the development would not result in the loss of residential accommodation or important open space, it would not have a demonstrably adverse impact on the surrounding area.

With regard to the proposed use, the Social Enterprise Scheme is welcomed and could be suitable for this central location. It is well served by public transport and would not harm neighbouring amenity or the character of the area. The application has been supported by the Economic Development Team. There has been little information submitted in regard to the proposed use but Social Enterprises are considered to be those businesses with primarily social objectives, whose surpluses are principally reinvested for that purpose in the business or the community, rather than being driven by the need to maximise profit and shareholders and owners. It is therefore considered that if operated as a genuine Social Enterprise Incubation Centre, the site would have the potential of retaining some degree of community use. This would be welcomed.

However there is concern over the lack of information submitted with this application. The only justification for seeking a temporary consent given in the supporting statement is that temporary consent is required to make the scheme cost effective. This point has not been elaborated upon. A particular

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concern is that there is a existing stock of vacant offices in the city and there has been no justification to explain why community use at Wagner Hall is a preferable location for the offices over other vacant sites in the city which already benefit from B1 use. In light of this, there is a danger that to allow a change to offices in this location would result in continued under occupancy / vacancy of existing office facilities. It is considered that this requires further exploration in order to fully meet the requirements of policy EM4 of the Local Plan.

Overall it is considered on balance that the stock of vacant BI offices in the city should be considered for occupation before attention is given to the further generation of additional offices at the expense of community space.

Loss of residential accommodation

The proposal involves the change of use of the vicarage to offices which would provide the administrative centre for the Social Enterprise Strategy. Policy HO8 of the Brighton & Hove Local Plan seeks to retain the stock of housing unless it is considered that it is unfit for habitation, separate access to the residential accommodation is impractical, change of use is the only way of preserving a listed building, the proposed unit would be affordable, or where the previous use of the building is a material consideration. Policy EM4 also states that planning permission for new offices should not result in a loss of residential accommodation.

The applicants contend that the vicarage is not self-contained, that it is not available for use of the wider community and therefore the vicarage cannot be considered as making a contribution to the city's housing stock. The applicant also contends that given the application is for a temporary period only; the change of use should be acceptable as an exception to policy HO8. There has been little information regarding when the vicarage was last used for residential accommodation and what the nature of the last use actually was. An internal site inspection revealed that the accommodation was spacious and of an acceptable standard, suitable for future residential use. It is also revealed that the internal link to the church could be blocked up leaving the vicarage and St Paul's Church with independent access. For these reasons it is considered that future residential use should be considered for the site.

Although it is recognised that the vicarage would not have provided market housing, no information has been submitted to explain why it is no longer required for the church. Presumably the previous residents have found alternative accommodation and there is a possibility that they now reside in market housing, resulting in a increased demand on the city housing stock. In light of this lack of information, it is not considered that a change of use from residential accommodation to offices fully complies with HO8.

It is considered that should the change of use of the community facilities of Wagner Hall be acceptable, then consideration could be given to a change of use to the vicarage to help facilitate the overall management of the Social Enterprise Units. However, as presented in the current form with concerns over the loss of the community use and the residential use, it is not

considered that an exception to policy HO8 has been justified. Weighing up the considerations as currently presented, the application is considered to be contrary to policy HO8.

Impact on the listed building

The vicarage is listed by virtue of its attachment to the grade II* listed St Paul's Church. The supporting statement says that no external or internal works are proposed for the vicarage, however the submitted floor plans show the movement of kitchens and bathrooms which would require listed building consent. There is no listed building consent accompanying this application. The Conservation Officer has commented that the proposals are ill thought out, as a number of changes to the layout could result in a better scheme for the listed building and achieving similar goals.

The works are internal, and do not in themselves require planning permission. However, with regard to the overall change of use now under consideration and notwithstanding the inaccuracies on the existing floor plans of the vicarage, the applicant has failed to demonstrate that the conversion will preserve the historic features of the listed building.

Sustainability

A sustainability check list has been submitted as part of the application. Of the 22 criteria, 4 were not considered to be applicable for an application for a change of use, three of the criteria were not met, and 15 were fully or partially met. The basic structure of the buildings will be retained and the majority of the work would involve internal alterations. It has been confirmed that all new toilets will be dual flush and low energy light fittings will be specified. This is acceptable.

A waste minimisation statement has been submitted with the application identifying ways in which waste can be reduced, and material reused or recycled. Some further information is required to ensure that the proposed development fulfils the requirements of policy SU13 should the application be successful.

Parking and the demand for travel

Policy TR1 requires applicants to provide for the travel demands that their development proposals create and maximise the use of walking and cycling. In the supporting information, it has been specified that 10 cycle spaces will be provided in the lower ground floor of the building. There is also a statement to provide cycle storage in the gardens of St Paul's Church/Wagner Hall although no exact location has been agreed and no details have been submitted.

There are no car parking facilities proposed and no off-street car parking is available on-site. The site is located in Brighton town centre with excellent public transport links. The site is also located immediately adjacent to Churchill Square car park. The Traffic Manager has not raised an objection to the application subject to the provision of adequate cycle parking facilities. This is noted, however no indication of the numbers of people who would be

using the offices has been provided by the applicant. It is therefore considered very difficult to anticipate the travel demand created by the change of use. The economic development team suggest the space could provide for 43 jobs. However, given the temporary nature of the proposed development, it is not considered that a financial contribution to the sustainable transport networks could be justified in this instance.

Conclusion:

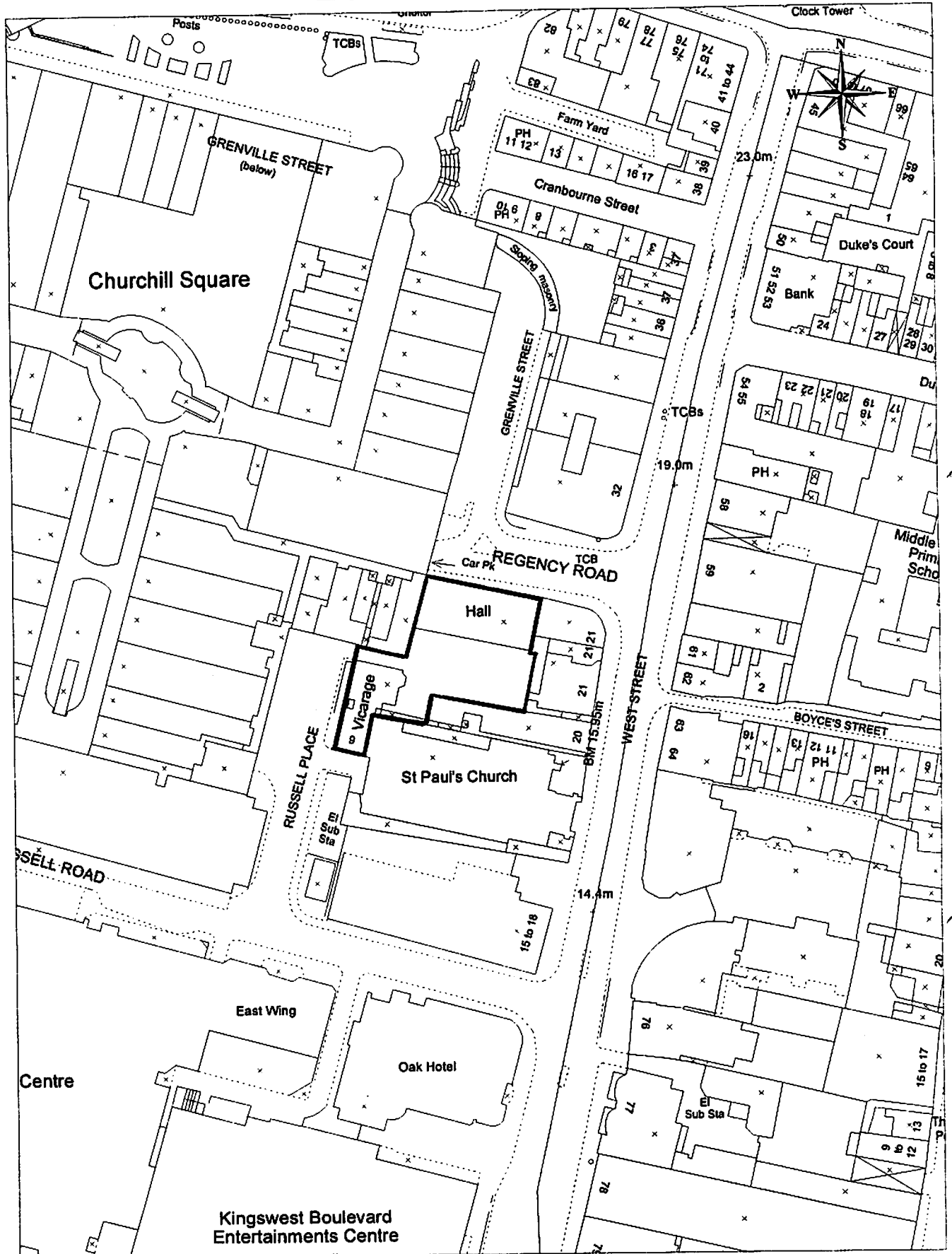
The proposal would utilise a large building within the town centre which is currently under-used. However, it has not been demonstrated that the existing site is no-longer suitable for a community use. Until this is explored, the change of use is considered contrary to adopted policy. Whilst it is noted that the proposed use forms part of the Social Enterprise Strategy and could be beneficial to local businesses in the area, very little information has been provided on the proposed use, and as the merits of the offices have not been clearly identified in the application, the proposed use is not considered to outweigh policy requirements.

On balance, it is considered that further information on the nature of the existing use of the site and on the proposed use of the site is required before consideration is given to change of use to office accommodation. The application is recommended for refusal.

9 EQUALITIES IMPLICATIONS

There are no external alterations proposed for the access arrangements to either property. The applicant has committed in the design and access statement to meet Part M of Building Regulations.

LOCATION PLAN



Application No.:BH2008/00877

SCALE 1:1250

Address:Vicarage and Wagner Hall, St Pauls ChurchRegency Road



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<u>No:</u>	BH2008/00765	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flats 20 & 21, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	Installation of additional velux rooflights. (Retrospective amendment to approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 February 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

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

No conditions - retrospective application.

Informatives:

- 1) This decision is based on drawing no's 1354 FLATS 20-21/01 & 02 submitted on 28 February 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 Notes and Documents:

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SSPGBH1: Roof Alterations and Extensions,
and

- ii) for the following reasons:-

The rooflights do not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

2 **THE SITE**

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site

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which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. Approval granted 28 May 2008.
- **BH2008/00723**, New roof terrace to flat 23. Approval granted 28 May 2008.
- **BH2008/00941**, New roof terrace to flat 24. Approval granted 28 May 2008.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application also appears on this agenda with a recommendation to grant.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application also appears on this agenda with a recommendation to grant.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application also appears on this agenda with a recommendation to grant.

4 THE APPLICATION

The proposal is for:

- Insertion of a total of 4 roof lights within the side, west elevation of the building, at third floor level.
- 2 rooflights within each of flats 20 and 21.
- Windows to serve main bedroom and dressing room.
- Windows each to measure 1.4m x 0.78m.
- Lower level of outside of windows to be 1.7m above internal floor level of flat.

5 CONSULTATIONS

External:

Neighbours: No comments.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD27 Protection of amenity.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the side, west, roof at third floor level.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including rooflights, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The rooflights are within the side, west elevation, of the building at third floor level. The front two rooflights face the roof slope of the adjacent property, 63 New Church Road; the two rooflights to the rear overlook gardens and are visible from Richardson Road to the west. The building has a varied roofline with the rooflights inserted within the lower of the two roof slopes. The windows have a vertical emphasis in appearance which echoes the predominant shape of fenestration within the building. Given the large expanse of roof it is considered that the rooflights break-up the massing and do not detract from the appearance of the building or surrounding area.

Impact on residential amenity:

The proposed roof lights are generally above eye level. The forwardmost windows face the neighbouring roof slope. Whilst the roof lights to the rear are not screened by a building, one serves a dressing room and the other is to

PLANS LIST – 18 JUNE 2008

give a secondary source of light to the main bedroom which has a floor area of approximately 20m², and is 4.5m deep. In these circumstances the insertion of the roof lights will not result in a loss of privacy and the provision of natural light accords with the Council's sustainability objectives.

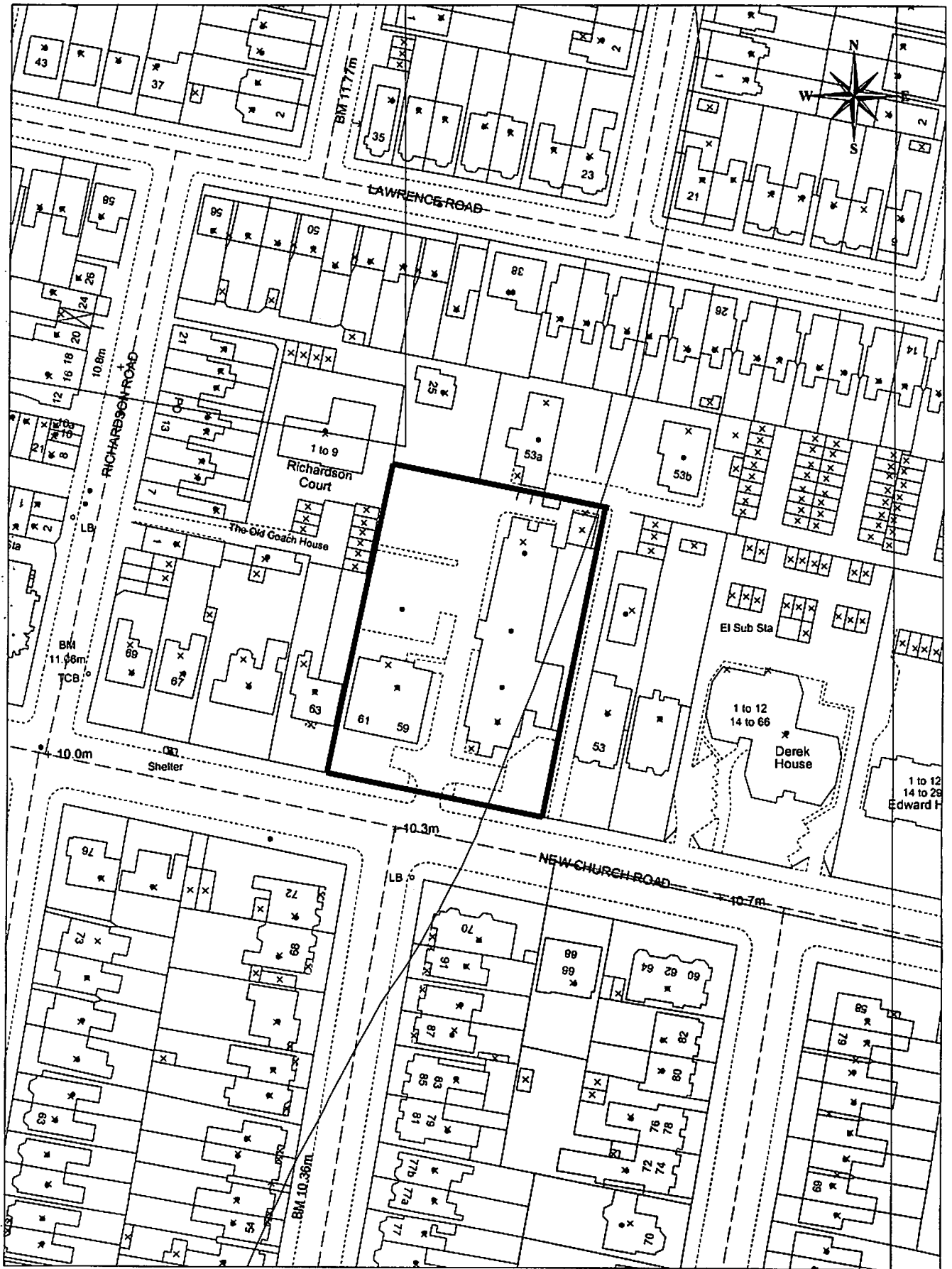
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The rooflights do not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

9 EQUALITIES IMPLICATIONS

None.

LOCATION PLAN



BH2008/01144

SCALE 1:1250

55 & 59-61 New Church Road



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<u>No:</u>	BH2008/01117	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 25, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	Formation of roof terrace at 4th floor, west elevation. (Amendment to approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

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

Conditions:

1. 01.01AA Full Planning.
2. 03.01A Samples of materials – non conservation areas.

Informatives:

- 3) This decision is based on drawing no's 1354 FLATS 25-21/01 & 02 submitted on 28 March 2008.

- 4) This decision to grant planning permission has been taken:-

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

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SSPGBH1: Roof Alterations and Extensions,
and

- iv) for the following reasons:-

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The

creation of private amenity space is to be welcomed.

2 THE SITE

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an "L" shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. Approval granted 28 May 2008.
- **BH2008/00723**, New roof terrace to flat 23. Approval granted 28 May 2008.
- **BH2008/00941**, New roof terrace to flat 24. Approval granted 28 May 2008.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. The application also appears on this agenda with a recommendation to grant.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application also appears on this agenda with a recommendation to grant.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application also appears on this agenda with a recommendation to grant.

4 THE APPLICATION

The proposal is for the construction of a roof terrace to flat 25, to the side of the main building (facing west), at fourth floor level, consisting of:

- Terrace to measure 6.6m wide x 2.1m deep / floor area 13.9m².
- Handrail 1.4m high. Glazed panels, to be obscure glazed on west elevation.
- Window to be replaced with door to provide access.

5 CONSULTATIONS

External:

Neighbours: 67 New Church Road; 3 & 5 Richardson Court, Richardson

Road; 1 Richardson Road: Object to the proposal for the following reasons:

- Loss of privacy. The terrace will cause serious overlooking of neighbouring properties. Balcony and bedroom window of 5 Richardson Court will be directly overlooked.
- Noise and disturbance. With a roof terrace in what is already a sound trap, feel the space will inevitably be used as a gathering area for group functions and therefore create unreasonable and uncontrolled noise at any time.
- Should the Council be minded to approve the terrace in principle request revised plans for smaller terraces with balcony railings positioned sufficiently far back to ensure that any views from the edge of the terrace railings are long distance only with no overlooking of neighbouring gardens.

Internal: None.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD27 Protection of amenity.

HO5 Provision of private amenity space in residential development.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 **CONSIDERATIONS**

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the side of the roof at fourth floor level facing west.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including roof terraces, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The proposed terrace is to be located on a section of flat roof to the side of the building. This section of the building is set back from New Church Road and only visible from limited street views from Richardson Road to the west. The proposed terrace would not alter the shape of the building or roof form and the replacement of the existing window with door to match the general style of fenestration respects the character of the building. For these reasons it is considered that the proposed terrace is acceptable in terms of visual amenity.

Impact on residential amenity:

The proposed terrace is 10m from the boundary of the nearest property 63 New Church Road, which is a 2 storey building with rooms in the roof to the west, and 40m from properties to the rear.

Surrounding properties are already substantially overlooked by existing development and from windows within this development. Despite public objections, given the location of the terrace at high level and the distance from the properties, it is not considered that the creation of a terrace would be unduly detrimental to the residential amenities by way of loss of privacy or disturbance, or sufficient to warrant refusal. The provision of private amenity space is to be welcomed and accords with policy HO5.

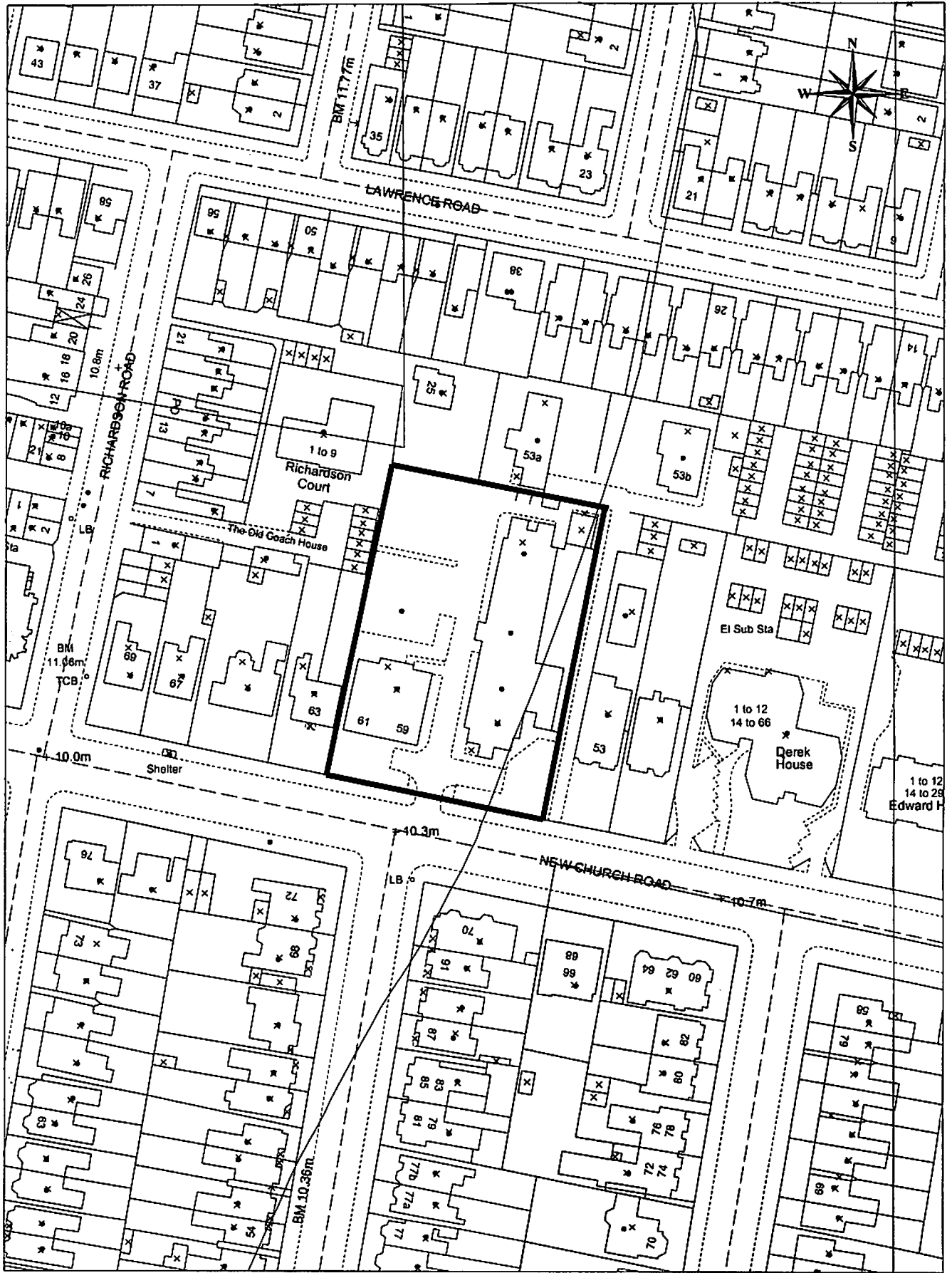
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed terrace and external alterations would not adversely affect the character or appearance of the building or unduly impact on the residential amenities of the occupiers of surrounding properties. The creation of private amenity space is to be welcomed.

9 EQUALITIES IMPLICATIONS

The terrace would provide outside amenity space for occupiers with poor mobility.

LOCATION PLAN



BH2008/00765

SCALE 1:1250

55 & 59-61 New Church Road



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<u>No:</u>	BH2008/01141	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 39, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	Installation of 2 additional velux rooflights. (Amendment to approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

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

Conditions:

3. 01.01AA Full Planning.

Informatives:

- 5) This decision is based on drawing no's 1354 FLAT 39/01 & 02 submitted on 28 March 2008.

- 6) This decision to grant planning permission has been taken:-

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

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.

Supplementary Planning Documents:

- SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

- SSPGBH1: Roof Alterations and Extensions,
and

- vi) for the following reasons:-

The rooflights do not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

2 THE SITE

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. Approval granted 28 May 2008.
- **BH2008/00723**, New roof terrace to flat 23. Approval granted 28 May 2008.
- **BH2008/00941**, New roof terrace to flat 24. Approval granted 28 May 2008.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. The application also appears on this agenda with a recommendation to grant.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application also appears on this agenda with a recommendation to grant.
- **BH2008/01144**, Installation of one additional velux rooflight to flat 40. Amendment to BH2005/02267/FP. The application also appears on this agenda with a recommendation to grant.

4 THE APPLICATION

The proposal is for:

- Insertion of 2 roof lights within the side, east elevation of the building, at third floor level.
- Windows to serve the two main bedrooms.
- Windows each to measure 1.4m x 0.78m.
- Lower level of outside of windows to be 1.6m above internal floor level of flat.

5 CONSULTATIONS

External:

Neighbours: No comments.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD27 Protection of amenity.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the side roof at third floor level facing east.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including rooflights, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The rooflights are proposed within the side, east elevation, of the building at third floor level. The forwardmost roof light is set back 20m from the street frontage. In this location the rooflights would not be visible in the street scene. The windows have a vertical emphasis in appearance which echoes the predominant shape of fenestration within the building. For these reasons it is considered that the rooflights would not detract from the appearance of the building or surrounding area.

Impact on residential amenity:

The proposed rooflights are generally above eye level and would not provide direct overlooking of the neighbouring property, 53 New Church Road, which is approximately 13m to the east. In this location it is considered that the

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insertion of the rooflights will not result in a loss of privacy and the provision of additional natural light to the bedrooms accords with the Council's sustainability objectives.

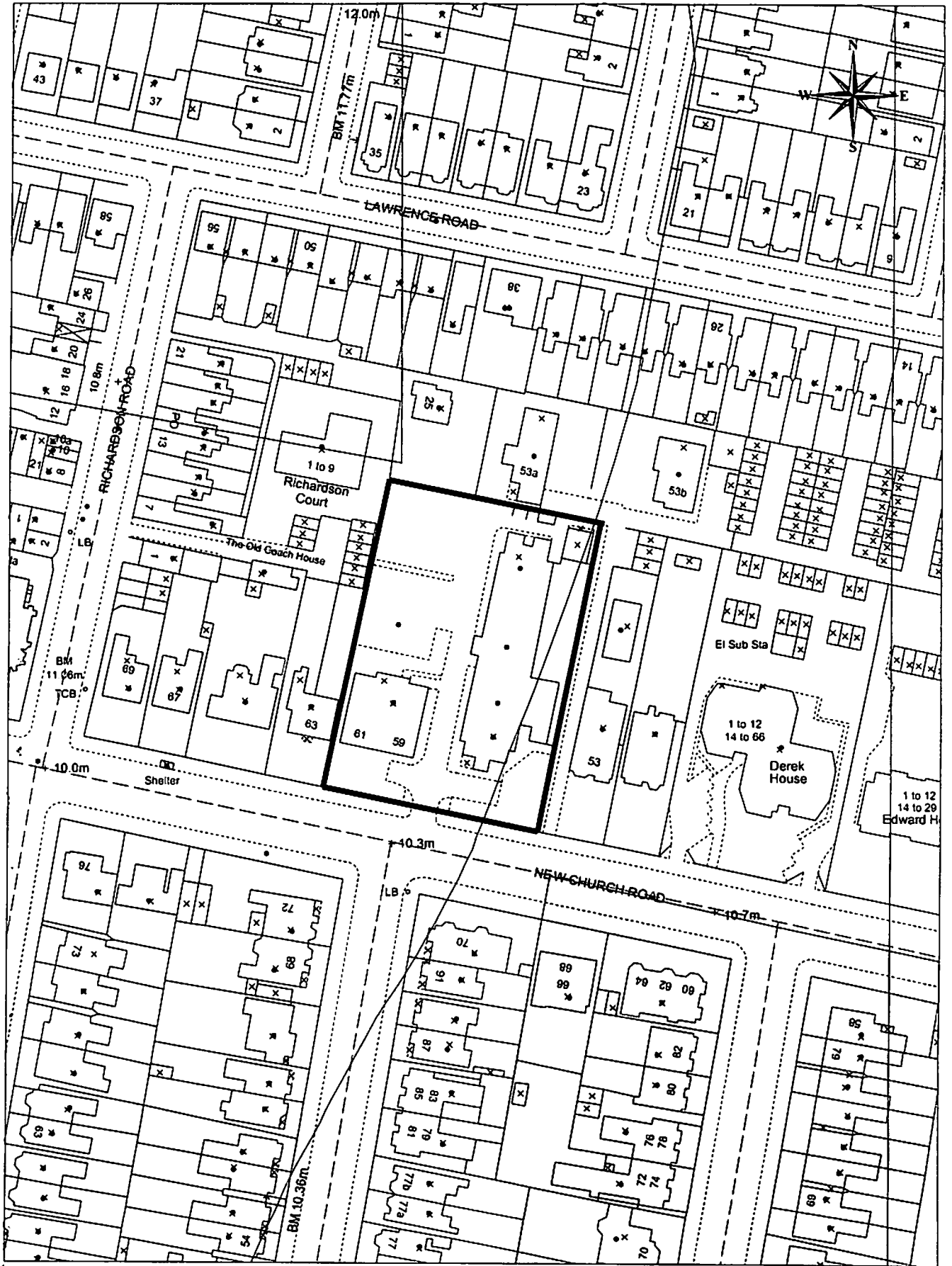
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The rooflights do not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

9 EQUALITIES IMPLICATIONS

None.

LOCATION PLAN



BH2008/01117

SCALE 1:1250

55 & 59-61 New Church Road



Brighton & Hove

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PLANS LIST – 18 JUNE 2008

<u>No:</u>	BH2008/01144	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning.		
<u>Address:</u>	Flat 40, 55 & 59-61 New Church Road.		
<u>Proposal:</u>	Installation of 1 additional velux rooflight. (Amendment to approval BH2005/002267).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 June 2008
<u>Agent:</u>	PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		
<u>Applicant:</u>	Belmont Homes, c/o PPML Consulting Ltd, Kinetic Centre, Theobald Street, Elstree, Herts.		

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

Conditions:

4. 01.01AA Full Planning.

Informatives:

- 7) This decision is based on drawing no's 1354 FLAT 40/01 & 02 submitted on 28 March 2008.

- 8) This decision to grant planning permission has been taken:-

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

Brighton & Hove Local Plan:

- QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD27 Protection of amenity.

Supplementary Planning Documents:

- SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

- SSPGBH1: Roof Alterations and Extensions,
and

- viii) for the following reasons:-

The rooflight would not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

2 THE SITE

The application relates to a new development of 68 flats, both private and affordable, nearing completion on the site of the former Nuffield Hospital site which is situated on the north side of New Church Road, opposite the junction with Carlisle Road. The block is in an “L” shape and is 3 to 6 storey in height. The site is not within a conservation area; however, the Sackville Gardens conservation area is to the south-east.

The surrounding area is residential in character primarily consisting of three storey Edwardian buildings. A post war block of flats known as Richardson Court adjoins the north-west corner of the site and several bungalows are situated to the north, between the site and Lawrence Road. This part of New Church Road consists primarily of 3 storey buildings although two seven storey blocks constructed in the 1960's, Derek and Edward House, and the pre-war Rutland Court are situated 30m to the east, separated from the site by two 3 storey Edwardian buildings converted into flats.

3 RELEVANT HISTORY

- **BH2005/002267/FP**, Demolition of all buildings & redevelopment of site for residential use comprising basement to 6th floor building to provide 68 flats including 28 affordable units, car parking, landscaping & access. Granted 13 April 2006.
- **BH2008/00713**, New roof terrace to flat 26. Approval granted 28 May 2008.
- **BH2008/00723**, New roof terrace to flat 23. Approval granted 28 May 2008.
- **BH2008/00941**, New roof terrace to flat 24. Approval granted 28 May 2008.
- **BH2008/00765**, Installation of additional velux rooflights to flats 20 & 21. The application also appears on this agenda with a recommendation to grant.
- **BH2008/01117**, Formation of roof terrace to flat 25 (at 4th floor, west elevation). The application also appears on this agenda with a recommendation to grant.
- **BH2008/01141**, Installation of 2 additional velux rooflights to flat 39. The application also appears on this agenda with a recommendation to grant.

4 THE APPLICATION

The proposal is for:

- Insertion of 1 rooflight within the south-facing elevation of the building, at third floor level.
- Window to serve main bedroom.
- Window to measure 1.4m x 0.78m.
- Lower level of outside of window to be 1.6m above internal floor level of flat.

5 CONSULTATIONS

External:

Neighbours: No comments.

Internal: None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD27 Protection of amenity.

Supplementary Planning Documents:

SPD03: Construction and demolition waste.

Supplementary Planning Guidance Notes:

SPGBH1: Roof Alterations and Extensions.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the impact of the alterations on the appearance of the building and upon residential amenity.

The application is one of several seeking amendments to a block of 68 flats nearing completion by way formation of roof terraces and rooflights to the building. These additions were not proposed/considered when the original application was considered. The building forms an “L” shape and this application relates to part of the side roof at third floor level facing south.

Planning policy QD14 states that alterations to buildings, including to the roof, should be well designed and detailed in relation to the building to be altered and should not result in significant disturbance or loss of privacy, outlook or daylight to neighbouring properties. Guidance within Supplementary Guidance Note 1: Roof Alterations and Extensions, state that alterations, including rooflights, must respect the particular character of the building and carefully relate to it. Policy QD27 aims to protect residential amenity.

Design:

The site, not within a conservation area, is situated within a residential area with buildings of varied character and appearance. The building varies in height from 3 to 6 storey, and has sections of pitched and flat roofs.

The proposed rooflight is to a flat within the rear part of the building. The rooflight is to be inserted within a section of pitched roof behind other roof slopes. This section of roof is not visible from the street. A rooflight in this location would not detract from the appearance of the building or surrounding area.

Impact on residential amenity:

The proposed rooflight overlooks an area of roof and does not overlook any neighbouring properties. In this location the insertion of a rooflight will not result in a loss of privacy and the provision of additional natural light to the bedroom accords with the Council’s sustainability objectives.

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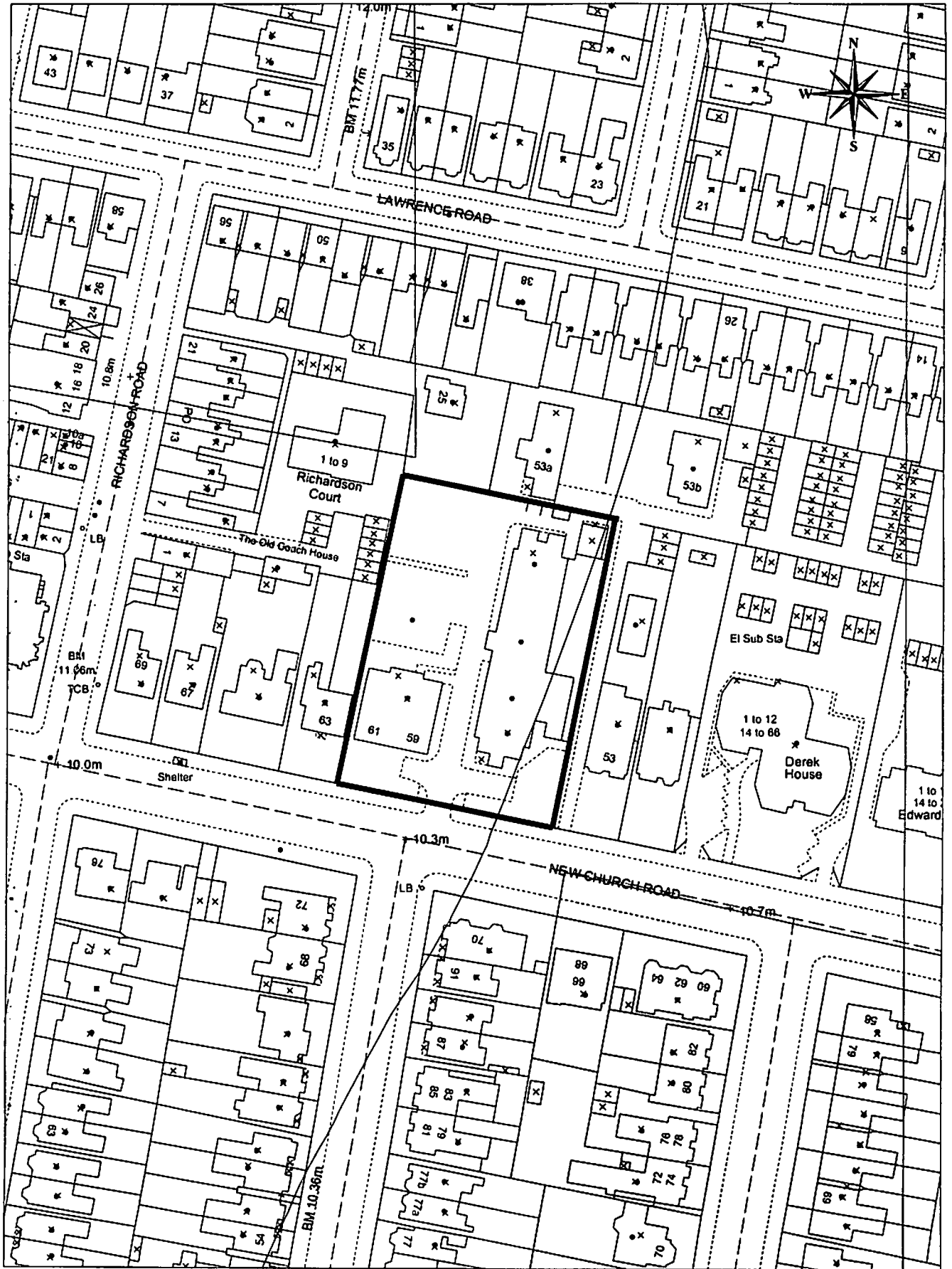
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The rooflight would not adversely affect the character or appearance of the building or impact on the residential amenities of the occupiers of surrounding properties.

9 EQUALITIES IMPLICATIONS

None.

LOCATION PLAN



BH2008/01141

SCALE 1:1250

55 & 59-61 New Church Road



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MINOR APPLICATIONS

<u>No:</u>	BH2008/00559	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ground Floor, 14 Matlock Road		
<u>Proposal:</u>	Change of use from retail (Class A1) to cafe (A3) (retrospective). Proposed extract duct to side elevation.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	15 February 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 April 2008
<u>Agent:</u>	CJ Planning, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Mr Jim Hopkins, c/o Agent		

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. The premises shall not be open or in use except between the hours of 08:00 and 18:00 on Mondays to Saturdays; and between the hours of 09:00 and 16:00 on Sundays and including Bank Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

2. Prior to its installation a scheme for the fitting of odour control equipment to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed odour control equipment works shall be carried out in accordance with the agreed details and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

3. Prior to its installation a scheme for the sound insulation of odour control equipment, as required by condition 2, shall be submitted to and approved in writing by the Local Planning Authority. The agreed sound insulation works shall be carried out in accordance with the agreed details and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. Prior to its installation a scheme for painting the external ducting a matt colour shall be submitted to and approved in writing by the Local Planning

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Authority. The approved scheme shall be carried out in accordance with the approved details and shall thereafter be retained as such.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1) This decision is based on a Design and Access Statement, and drawing nos. 14/08 1, 2 & 03 submitted 15th February 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:

TR1	Development and the demand for travel
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
SR7	Local parades; and

ii. for the following reasons:-

The café has not harmed the function, vitality or viability of the local parade, and will not cause significant harm to neighbouring amenity through increased noise or disturbance. Furthermore, subject to compliance with condition 4, the extract ducting will not harm the appearance of the building or surrounding area.

2 THE SITE

The application site relates to a ground floor commercial property within a parade on the eastern side of Matlock Road. The ground floor is in use as a café with self-contained residential accommodation above: similarly adjoining properties are commercial at ground floor with residential above. The surrounding area is primarily residential.

3 RELEVANT HISTORY

There is no history relevant to this application.

4 THE APPLICATION

The application seeks retrospective consent for a change of use from retail (A1) to a café (A3). In response to comments from neighbouring residents a proposed take-away element has been removed from the development description.

The application also seeks consent for the installation of extract ducting to the side elevation of the property discharging at roof level.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from **8 (x3), 10, 12 (x2) & 39**

Maldon Road; 4, 12A, 13, 14A, 18, 20, 21 & 24 Matlock Road; 25, 27, 35 (x2), 37, 39 Tivoli Crescent and 1 letter of no address objecting to the proposal for the following reasons:

- consider that the unlawful use should cease trading until the application has been determined;
- it has not been determined that the A1 use is no longer economically viable and no marketing has taken place;
- situating a take-away facility in this location would be potentially noisy, smelly and liable to increase litter and debris in the alley;
- a take-away use is not in keeping with the residential area;
- there is no guarantee that future occupants of the premises would not extend opening hours or change the style of café;
- any extended opening hours would lead to increased noise and disturbance, and traffic movements;
- there has been no mention of what foods will be cooked on the premises or how cooking smells will be addressed;
- any ducting would harm the appearance of the property;
- increased security risk for adjoining properties to the rear;
- loss of property value.

Letters have been received from **2 & 14A Matlock Road; 26 Maldon Road; 13 Tivoli Crescent and 106 Western Road (Hove)** supporting the proposal for the following reasons:-

- the café has brought more trade to the area which helps small businesses;
- the café has a positive impact on the general atmosphere of the area and provides a place for people to meet;
- there are no comparable cafes in the surrounding area.

A **petition of 321 signatures** has been received supporting the proposal as *‘the need for another retail outlet in Matlock Road is not required and that the coffee house provides a better service to the community and the local residents.’*

Sussex Police: Recommend that a temporary planning consent is granted for twelve months with a closing time of 23:00 hours.

Internal:

Environmental Health: Recommend conditions relating to opening hours, odour control equipment and its soundproofing. There are no pollution related complaints about the existing use.

Traffic: No comments.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations
QD27 Protection of amenity
SR7 Local parades

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the loss of a retail unit in this location; and the impact of the café use on neighbouring amenity and transport.

Change of use

The application site forms part of a local parade where policy SR7 of the Brighton & Hove Local Plan applies. This policy seeks to retain shops unless the number of units or frontages other than Class A1 in the parade would not exceed 50%; it has been adequately demonstrated that an A1 retail use is no longer economically viable; and that the nature and level of activity (particularly in the daytime) likely to be associated with the proposed use would make a positive contribution to the vitality and viability of the parade.

There was no marketing of the premises prior to the change of use to a café and as such there is a conflict with the requirements of the above policy. However, adjoining units within the parade are in retail use as a pharmacy, post office, and newsagent / greengrocers. Seventy-five percent of the units are therefore retained as retail use. The change of use has therefore not harmed the function of the parade in serving the convenience needs of local residents and it is apparent the café attracts pedestrian activity to the parade and contributes to its vitality and viability. For these reasons, and despite the absence of marketing, in this instance it is considered the change of use to a café is acceptable and has not harmed the function, vitality or viability of the local parade.

Impact on neighbouring amenity

The submitted plans indicate the provision of extract ducting to the side elevation of the property. Environmental Health have raised no objection to the principle of this equipment but consider further information is needed regarding the provision of silencers and odour control equipment. There are no apparent reasons as to why adequate sound insulation and odour control equipment could not be provided and further details are required by condition.

The applicant proposes opening hours of between 08:00 and 18:00 hours Monday to Friday; 09:00 to 18:00 hours on Saturdays; and 09:00 to 16:00 on Sundays. These hours are considered acceptable in a predominantly residential location and a condition is recommended to ensure the premises does not open beyond these hours.

A number of representations from neighbouring residents advised that whilst there were no objections to the current café use the proposed take-away element was considered unsuitable for the area. In response the application description has been amended and seeks consent for the café use only. The café does not appear to have resulted in undue noise or disturbance for occupiers of adjoining properties and Environmental Health have received no

pollution related complaints concerning the current use.

Design and appearance

The proposal seeks consent for the installation of extract ducting to the side elevation of the property in a footway separating two semi-detached buildings. The visual impact of the ducting will be minimal due to the separation from the street, the proximity of the adjoining building and modest projection from the main side elevation. To further reduce the visual impact a condition is recommended requiring a scheme, and its subsequent implementation, for the painting of the ducting.

The footpath leads to the rear gardens of properties on Matlock Road and Tivoli Crescent. The ducting will not prevent or unduly obstruct access through this passageway for occupiers of adjoining properties.

Traffic

Neighbours objections to the application include that the use leads to an increase in traffic movements. This cannot be demonstrated within the shopping parade and the Traffic Manager has raised no objections on highway safety grounds.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The café has not harmed the function, vitality or viability of the local parade, and will not cause significant harm to neighbouring amenity through increased noise or disturbance. Furthermore, subject to compliance with condition 4, the extract ducting will not harm the appearance of the building or surrounding area.

9 EQUALITIES IMPLICATIONS

The application does not proposed any changes to the existing entrance arrangements which appears to provide adequate access.

LOCATION PLAN



BH2008/00559

SCALE 1:1250

Address: Ground floor, 14 Matlock Road



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

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No:	BH2008/00781	Ward:	WITHDEAN
App Type	Full Planning		
Address:	4 Barn Rise Brighton		
Proposal:	Remodelling of house including ground floor, first floor, and roof extensions, to front side and rear. Front, side, and rear rooflights. (Resubmission).		
Officer:	Jonathan Puplett, tel: 292525	Received Date:	03 March 2008
Con Area:	N/A	Expiry Date:	09 May 2008
Agent:	Mr M J Lewis, 25 St Nicholas Lodge Church Street Brighton		
Applicant:	Mr and Mrs M Johnston, 4 Barn Rise Brighton		

This application was deferred at Committee on 28 May 2008 for a site visit.

1 RECOMMENDATION

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

1. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The dwelling is located in a prominent position therefore any extension must be carefully designed in compliance with the above policy. The proposed extensions would result in a significantly enlarged appearance to the dwelling which would be out of keeping with the surrounding area, and would result in an overly dominant appearance, to the detriment of the visual amenities of the surrounding area. The scheme is therefore contrary to the above policy and guidance.
2. Policies QD14 and QD27 of the Brighton & Hove Local Plan states that Planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed rear extension would represent an overbearing structure for residents of the neighbouring property no. 6 Barn Rise. The proposed extensions would create a sense of enclosure when viewed from the rear garden and ground floor rear windows, and would also block sunlight and daylight this area. The extension would also harm outlook from the rear bedroom window and garden areas of no. 2 Barn Rise, again resulting in an overbearing effect. The proposal is therefore contrary to the above policies.
3. Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. No information has been submitted with the application to demonstrate how these requirements

PLANS LIST – 18 JUNE 2008

would be met. The scheme is therefore contrary to the above policy and supplementary planning document.

Informatives:

This decision is based on drawing nos. A236 08, 09, and 10 submitted on the 3rd of March 2008.

2 THE SITE

The application relates to a detached house on the northern side of Barn Rise, approximately 50 m metres west of the junction with Eldred Avenue.

3 RELEVANT HISTORY

Planning permission was granted for a garage and ground floor extensions in August 1972 (ref. 72-1598).

More recently planning permission was refused in February 2008 (ref. **BH2007/04586**) for a scheme similar to that currently proposed. An appeal has been lodged against this decision.

4 THE APPLICATION

The current application seeks consent for the construction of substantial extensions and alterations to the existing dwelling house including ground floor, first floor, and roof extensions, to front side and rear. Front, side, and rear rooflights.

The rear extension has been reduced in depth by two metres in comparison to the previous scheme, the remainder of the design is identical to that refused planning permission under application BH2007/04586.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the residents of **no. 6 Barn Rise, and nos. 51 and 53 Eldred Avenue**, objecting to the proposal on the following grounds:

- The revisions to the scheme have not addressed neighbouring residents objections which were raised at the time of the previous application.
- The proposed alterations are not in keeping with the existing house or the surrounding area. The extended building would appear extremely large, overdeveloped, and would be very prominent.
- The proposed extensions would overshadow the rear windows and garden of no. 6 Barn Rise; the structure would be oppressive / overbearing when viewed from this property and other neighbouring properties.
- The proposed extension will affect the privacy of neighbouring residents.

Letters have been received from the residents of nos. **5, 7, 11, 13, and 15 Dene Vale** stating support for the proposal.

Councillor Drake has submitted a letter of objection. A copy of the letter is attached to this report.

Councillor Ann Norman has submitted a letter in support. A copy of the letter is attached to this report.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Document

Construction and demolition waste

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

7 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

The following inaccuracies have been noted in regard to the submitted drawings:

- a) The proposed north facing side elevation drawing does not show the proposed porch and two storey side extension stepped forward from the main front elevation of the dwelling (drawing no. A236 10).
- b) Minor inaccuracies have also been noted in regard to the proposed roof plan (drawing no. A236 09).

Due to the relatively minor nature of these inaccuracies, it is considered that a full assessment of the scheme can still be made.

Impact on the appearance of the property and the surrounding area

The existing detached dwelling is of a design which matches the dwelling to the north, and this design is repeated in some parts of the street scene. In general the street consists of dwellings of various designs. The dwelling in question has undergone significant extensions at ground floor level to the southern side and the rear of the property. It is acknowledged that these extensions were granted planning permission in 1972 and it is not considered that ground floor extensions necessarily provide a suitable footprint for first floor and roof extensions above.

The previous scheme was refused on grounds of design, the relevant reason from the decision stating: *“The proposed extensions would result in a significantly enlarged appearance to the dwelling which would be out of keeping with the surrounding area, and would result in an overly dominant appearance, to the detriment of the visual amenities of the surrounding area.”* The revisions which have been made to the scheme, which consist of the

PLANS LIST – 18 JUNE 2008

reduction in depth of the rear extension, do not represent a significant change in regard to the visual impact of the proposal on the dwelling and the street scene.

The applicant has submitted a 'photo-montage' to show that the visual impact of the scheme is acceptable. This photograph has been taken from an angle (to the north-west of the dwelling) which would shield the vast majority of the proposed extension behind the existing dwelling. A more realistic representation would be provided by photographs taken from in front of the dwelling or from a position nearer the junction of Barn Rise and Eldred avenue; the proposed extensions would be particularly prominent when viewed from these angles.

The proposed extensions would result in a significantly enlarged appearance to the property to the front, side and rear. The front and southern side elevation are particularly prominent in the street scene and it is considered that the proposed scheme would result in an overly dominant bulky appearance to the dwelling, with a large blank side wall (which would be particularly visible from Eldred Avenue to the north). The size of the dwelling would not be in keeping with those in the surrounding street scene, and in particular would stand out alongside no. 6 Barn Rise to the north; at present these two dwellings form an attractive matching pair in the street. Overall, it is considered that the appearance of the building and the street scene would be harmed, to the detriment of the visual amenities of the area.

Impact on residential amenity

The rear extension proposed has been reduced in depth by 2 metres following refusal of the previous application in an attempt to reduce the impact of the scheme on neighbouring residents.

It is however still considered that the proposed first floor and roof extension to the rear of the dwelling would have a significant impact on the residents of no. 6 Barn Rise, located to the north of the application site. No. 6 has a small extension to the rear which has windows on three sides. The proposed rear extension, which is 3 metres deep, would block sunlight and daylight to the rear ground floor fenestration of no. 6 with serves a living room, and to the rear garden area. The bulk of the proposed extensions would also be overbearing and enclosing when viewed from the rear garden area in particular, and from the rear extension.

No. 2 Barn Rise to the rear is a bungalow set on a lower level to the application site with a small rear garden area, and a larger side / front garden area. The existing single storey side extensions are prominent and have an enclosing effect when viewed from these garden areas, they are also visible from the rear (bedroom) window of no. 2. The proposal to extend upwards above these existing extensions would have an increased effect of enclosure and would be overbearing for residents of no. 2. Overall the extensions are considered unacceptable due to the overshadowing they would cause, and the overbearing / enclosing effect which the increase in bulk would have.

It is not considered that the proposed rear windows and rooflights would cause significant harm to neighbouring privacy in comparison to the existing fenestration of no. 4.

Construction and demolition waste

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. The proposal represents a substantial amount of building work, therefore such matters are considered of importance in this case. This issue was highlighted at the time of the previous application (and constituted a reason for refusal). Notwithstanding this fact, no information has been submitted with the revised application to demonstrate how these requirements would be met. The scheme is therefore contrary to the above policy and supplementary planning document.

Conclusion

In conclusion, the proposed extensions are considered excessive in size, and would harm the appearance of the property and the surrounding area. The impact on neighbouring amenity in terms of overshadowing, and the overbearing / enclosing effect which the increase in bulk would have, is also considered unacceptable. Furthermore no information has been submitted in regard to the minimisation of construction and demolition waste. Refusal is therefore recommended.

9 EQUALITIES IMPLICATIONS

None identified.



Brighton & Hove

COUNCILLOR ANN NORMAN

c/o King's House
Grand Avenue
Hove
BN3 2LS
Tel: 01273 291182

Date:

April 6th 2008

Jonathan Puplett.
Planning Officer
Brighton and Hove City Council.
Environmental Services.
Norton Road,
HOVE BN3

cc. Caroline De Marco

Dear Mr. Puplett,

Application Number: BH2008/00781
Address: 4, Barn Rise, Brighton BN1 5EE
Description: Remodelling of house including ground floor, first floor and roof extensions to front side and rear. Front, side and rear roof lights. (Resubmission)

I am writing in my capacity as Withdean Ward Councillor to request that should officers be minded to recommend this application for refusal, I would like any decision to be taken by the Planning Applications Sub Committee.

In this particular area of Withdean Ward, many properties have been extended in similar ways and I believe this application to be satisfactory and will not be detrimental to the local surrounding area.

Yours sincerely,

Councillor Ann Norman
Withdean Ward Councillor

Tel/Fax: 01273 291182

Conservative Member for WITHDEAN Ward

email: ann.norman@brighton-hove.gov.uk
<http://www.brighton-hove-councillors.org.uk/annnorman/blog>

Jonathan Puplett



Brighton & Hove 09/04/2008 09:07

Jonathan Puplett

To: planning.applications@brighton-hove.gov.uk
cc:
Subject: Fw: Planning Application: BH2008/00781

4/4/2008
P.M.

Please could this objection be printed/date stamped and recorded on MVM to application BH2008/00781.

Thanks.

Jonathan Puplett
Development Control
Tel: 01273 292525

— Forwarded by Jonathan Puplett/MAIL/BHC on 09/04/2008 09:06 —

Pat Drake

08/04/2008 17:20

To: <jonathan.puplett@brighton-hove.gov.uk>
cc:
Subject: Planning Application: BH2008/00781

Dear Jonathan

I object to this reapplication for the extension of 4 Barn Rise. I appreciate that the application is now 2metres shorter at the rear but it will still have an overwhelming effect on neighbouring properties.

4 Barn Rise is already a four bedroomed property with a ground floor extension. This further most substantial addition will totally alter the original design of the building and is out of keeping with the eight other similar properties built in that close area. It will dominate the next door property at 6 Barn Rise and seriously affect their enjoyment and privacy and light to their side windows.

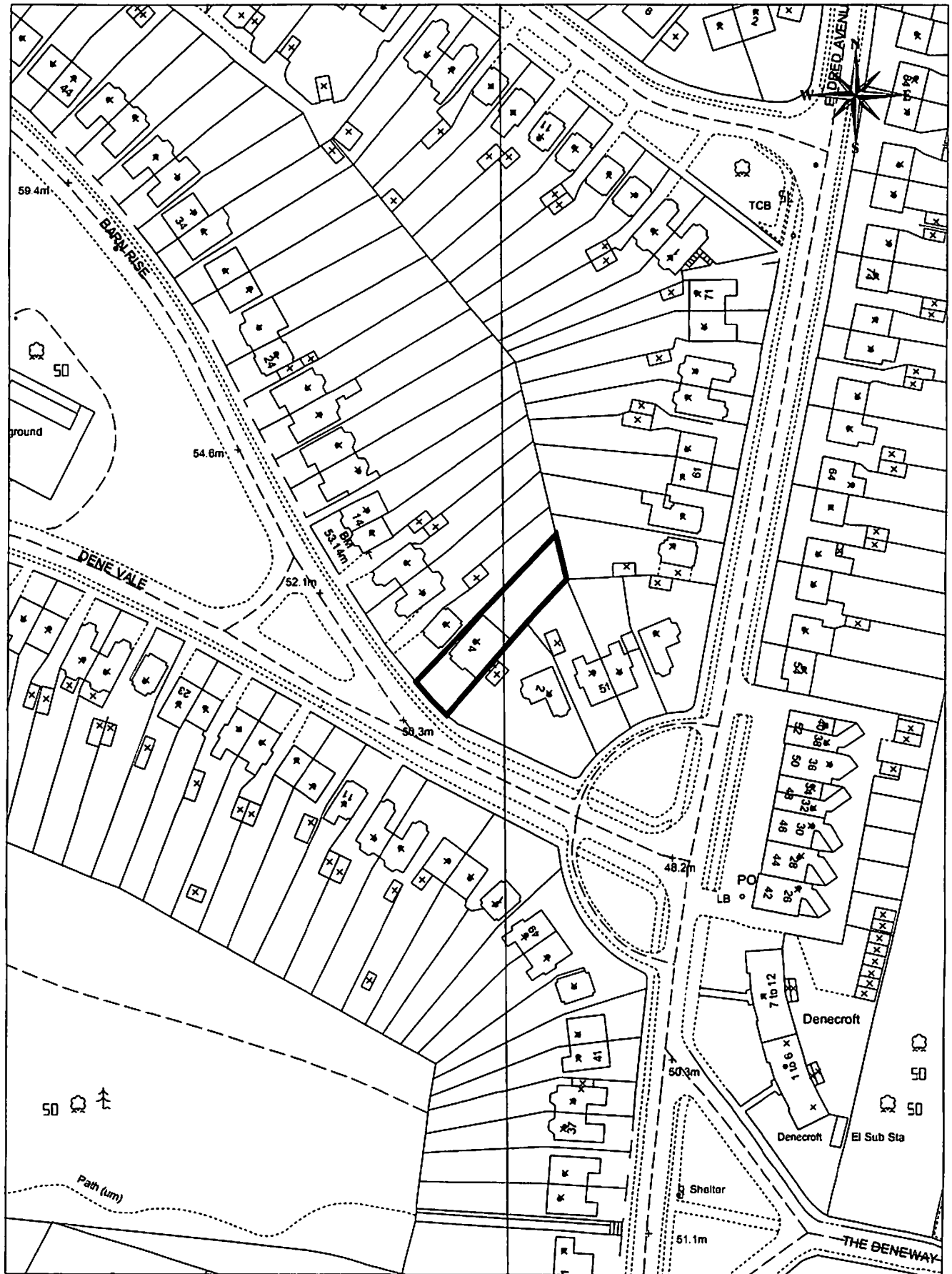
I ask that this application be again refused.

Kind regards

Pat

Pat Drake

LOCATION PLAN



Application No.: BH2008/00781

SCALE 1:1250

Address: 4 Barn Rise



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

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<u>No:</u>	BH2007/04444	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land to the rear of 67 - 81 Princes Road Brighton		
<u>Proposal:</u>	Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space.		
<u>Officer:</u>	Kathryn Boggiano, tel: 292138	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	25 January 2008
<u>Agent:</u>	Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Carelet Ltd, C/o Cornelius House, 178-180 Church Road, Hove		

1 RECOMMENDATION

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

1. The proposed development, by reason of excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings is considered to be an overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers, contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.
2. The proposed terrace by reason of its excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, would result in a poor appearance that was incongruous with the existing Princes Road terrace and harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The proposed car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking, contrary to Brighton & Hove Local Plan policies TR1, TR19, QD27 and HO7.
4. The proposed development by reason of its bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties, to the detriment of residential amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The proposed development would result in the loss of a greenfield site

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which had significant ecological interest. The applicant has failed to incorporate nature conservation mitigation and enhancement measures within the design of the proposal and as such has failed to address and mitigate the adverse impacts of the development on the nature conservation value of the site contrary to policies QD17, QD18 and QD19 of the Brighton & Hove Local Plan.

6. The proposed solar panels would result in a cluttered roofscape, and insufficient information has been submitted with regard to the appearance of the solar panels, and in the absence of an Echomes/Code for Sustainable Homes pre-assessment by an accredited assessor, the contribution the solar panels make towards achieving the necessary rating cannot be properly assessed. Therefore the proposal cannot be properly judged against policies QD1, QD2, QD4, HE6 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 16 'Renewable Energy & Energy Efficiency'.
7. The applicant has failed to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site. As such it is considered that the proposal is contrary to policy QD16 of the Brighton & Hove Local Plan.
8. The proposed development would result in an off road parking space and cross over from Princes Road, which would be detrimental to the character and appearance of the conservation area, in particular Nos.67 – 81 Princes Road, which are characterised by front boundary walls and front gardens. As such the proposal is contrary to policies QD2 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0409._07_001, 010, 011, 012, 013, 014, 015, 020, 021, 022, 023, 024 submitted on 30 November 2007, Tree Report submitted 11 February 2008,

2 THE SITE

The site is a rectangular plot of land to the rear Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.

Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road. The Waste Transfer Station is currently under construction on the other side of the railway.

Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep stepped access down into the site.

The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terrace houses, and approximately 11m above the railway corridor. The elevated position of the site means that it is quite visible from the north and east of the site. There is also a level change increasing from east to west across the site.

All vegetation from within the site has recently been cleared.

There is a Tree Preservation Order on a horse chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.

The site is located within the Round Hill Conservation Area.

3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

50/958: Proposed Nissen Hut to keep hens. Refused

50/958: Proposed use of land as poultry farm and erection of hen house. Approved

53/703: O/A 22 lock-up garages. No decision

65.2110: O/A Erection of 24 garages. Refused

BH2004/03605/FP: Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. This application was refused as an excessive scale building that was an overdevelopment of the site resulting in a cramped environment that was out of character with the surrounding area and would cause a loss of privacy and an overbearing impact on neighbouring properties. The coach house was considered unsympathetic in relation to the surrounding area. The scheme was also considered to be detrimental to the protected tree and failed to demonstrate incorporation of sustainability measures.

This decision was appealed by the applicant, and this appeal was dismissed. In dismissing the appeal, the Inspector made specific observations about the proposed development and the site.

The Inspector identified three issues as forming the basis of the case;

- the inconsistency of the bulk and scale with the surrounding Conservation Area
- the excessive density of the proposal and resulting inadequate living conditions for future occupiers (including specific reference to amenity space)
- the impact of the proposal on adjoining residential properties.

The Inspector also considered that the proposed gate house building would sit awkwardly in relation to the adjoining property and that the proposed flat roof would be wholly out of context with the surroundings.

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An application was submitted during the course of the appeal ref: **BH2005/02279** for the erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space.

The proposal was considered to be of excessive bulk and scale, a cramped development of the site with poor living conditions for future occupiers, and likely to cause detriment to the living conditions of adjoining properties and potential detriment to the protected horse chestnut tree. Accordingly this application was refused on 3rd February 2006.

BH2006/03214: Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one parking space. Refused on the 11th of December 2006. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, considered to be an overdevelopment and resulting in cramped living conditions for future occupiers;
- Excessive building height of the terrace in relation to plot size, excessively deep and bulky proportions, bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, resulting in an incongruous poor appearance to the Princes Road terrace properties and views into the area and the character and appearance of the conservation area;
- Design of the lift house, by reason of its proportions, flat roof and material, would relate unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area;
- The car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing residents parking;
- Loss of an area of habitat that potentially could be supporting slowworm and other species and is within a designated Greenway;
- Development would be overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road;
- Inadequate information provided regarding the reduction of raw materials and construction waste minimisation measures.

4 THE APPLICATION

The application proposes residential development of the site to provide a terrace of 8 houses, aligned parallel to Princes Road. The proposed development would comprise three and two storeys and would largely fill the application site, with approximately 1.0 - 1.8 metre setback retained to the east and west boundaries, (which does not include the fire escape on the western boundary) and a setback of 1.6m – 4.1 metres to the northern (rail corridor) site boundary.

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The proposed dwellings would be positioned along the northern site boundary and set into the ground stepping down from west to east generally following the site gradient. Units 2 – 8 would step back at each storey level to provide a small south facing terrace over the both the ground and first floor levels.

The proposed residential units comprises the following:

Unit 1 & 4 – two storey – two bedrooms plus study room;
Units 2, 3 & 5 – 8 – three storey – two bed plus study room;

A lift house is proposed adjoining no. 81 Princes road which would provide access to the site, with an alternative stair access along the eastern boundary.

One city car club parking space is proposed at the front of the site, with no other on-site car parking provision.

The protected Chestnut Tree is retained in the proposed scheme.

5 CONSULTATIONS

External:

Neighbours: 31 individual letters of objection have been received. The addresses of the objectors are included within appendix A of this report.

96 standard letters of objection have been received, the addresses of residents are included within Appendix A. In additional 13 standard letters were received with no address given.

The grounds of objection are summarised below:

- The proposal is contrary to PPS3 as it involves the development of a greenfield site;
- Loss of vital open space. The open space has screened and separated the built area of Roundhill from the former Hollingdean depot and more recently the industrial estate;
- The development is contrary to QD20 and PPG17 as the existence of local open spaces like the application site is much appreciated by the residents of Roundhill and is not surplus to local requirements;
- The proposal would also result in the loss of a habitat which has supported slowworms and other species and is within a designated Greenway and the proposal is contrary to policies QD17, QD18 and QD19;
- The horse chestnut tree could be irretrievably harmed;
- Adjoining residents will suffer overshadowing, overlooking and loss of privacy contrary to policy QD27;

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- The appearance and size of the building is inappropriate and will not enhance the conservation area;
- The proposal would have an unacceptable impact on population density and does not respect the capacity of the area to handle additional dwellings placing additional stress on utilities and infrastructure;
- There will be an increase in noise and disturbance e.g. from the comings and going of extra traffic, and the development of the site will remove the ability of the site to act as a buffer from noise arising from the waste transfer site;
- The proposal does not provide for the travel demand which it generates and would exacerbate on street parking which is contrary to policies TR1, TR19, QD27 and HO7;
- The steep gradients of the site result in unusable amenity space area, and proposal is an overdevelopment of the site resulting in cramped living conditions contrary to policies QD1, QD2, QD3, QD27 HO4 and HO5;
- New buildings will not have satisfactory access for disabled people, what would happen if the gatehouse lift broke?

In addition information has been submitted by the resident of **50 Princes Road** in the form of photos before the site was cleared and ordnance survey maps from 1931, 1957, 1972 and 1996, which show that the site has never had a dwelling within it. It is the resident's view that the site is a greenfield site with the only buildings ever being present are sheds, greenhouses and stables.

Information has also been submitted from the resident of **55 Princes Road** in the form of a number of photos showing the application site's character before and after it was cleared.

A comment has been received from the occupier of **67 Dyke Road** which states that the boundary is incorrect adjacent to the retaining wall to unit 2a Centenary, and the site boundary should be a further 1 metre away from this wall.

5 letters of support have been received from the residents of **10 Southdown Road, 21 Stanford Avenue, 36 Edburton Avenue, 15 Park Court, 139 Preston Drove**

- The proposed development has taken account of the topography of the site, are sensitive in appearance and is an appropriate development in terms of its size and location, and will hardly be visible from Princes Road;
- The contemporary design will be an asset, certainly when viewed against the industrial estate and will offer a more attractive view of the Roundhill Conservation Area than the existing terrace of houses 67 – 81 Princes

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- Road which are not of the original Roundhill conservation style;
- Support the sustainable measures which have been incorporated in order to reduce the carbon footprint of the development, the green roofs will encourage biodiversity;
- Proposed gardens will be attractive to the new and existing residents
- The 2/3 bedrooms are similar in size to the area and offer decent sized living and amenity areas to new residents;
- The scheme achieves accessibility for both wheelchair and elderly residents.
- The offsite secure cycle parking is an asset and together with the car club should encourage the neighbourhood to become less car-dependant;
- The scheme will be a much needed addition to the housing shortage in Brighton and is a good use of a derelict site

An objection letter has been received from **Nancy Platts, Labour Party candidate for Brighton Pavilion** on the grounds of impact on neighbouring residential amenity, increase in car parking, loss of open space and the capacity of the site to screen noise from the adjacent waste transfer station; loss of habitat for local wildlife and impact on the horse chestnut tree

CAG: Recommend refusal, on grounds of overdevelopment of a green space. Further grounds for refusal are the impact it would have on the conservation area, particularly the view from the top of Bear Road; the inadequacy of access; the loss of screening from the industrial estate; and that they were also concerned about the chestnut's tree preservation, which would be affected by this development. The Group expressed concern over reports of the loss of trees and general degradation of wildlife on the site since the last application.

Internal:

Planning Policy: The principle of residential development on this backland site has been established through consideration of earlier applications and an appeal decision. With regard to the key policy issues regard should be given to the previous comments relating to the past applications. However, it should be noted that since consideration of the last application clarification over whether the site should be considered previously development or not has been sought to due to the preparation of a PPG17 Open Space, Sport and Recreation Study (this study is being prepared by consultants on behalf of the Council and will cover the whole of the City) Whilst the applicant asserts the land was previously a very large domestic garden linked to one of the adjoining dwellings no evidence has been submitted to support this. Indeed, the Council had made it clear to the applicant that land registry plans had been submitted which indicated that the application site was a separate parcel of land. After careful consideration of the evidence the Council took the view that the land should not be considered previously developed. The site has therefore been included as open space within the PPG17 study. The completion of the study is expected by the end of Spring this year.

PPG17 advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 10). However, when

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considering previous applications a view was taken on what the site offered in terms of open space and regard was given to the site constraints. However, as time passes and the density of development within the city increases the importance of existing open space increases. Once developed they are very unlikely to return to open space. PPG17 recognises this and seeks to protect both public and private open space. Until the findings of the PPG17 Study are complete it is hard to assess the current and future importance of this particular open space. Early indications from the preparation of the study show that there should not be a reduction in open space and if anything an increase to serve new development. In view of the history of this site it is accepted that a small element of development may be justified subject to the green/openness of the site being retained however every effort should be made to open up some of the site to the community to improve its value to the public as sought in the companion guide to PPG17. (The companion guide to PPG17 states in para. 2.4 'inaccessible open spaces can nonetheless contribute to the appearance, environmental quality and amenity of an area and contribute to biodiversity.' In para 10.24 it goes on to suggest that where an audit results in a 'low value' classification, e.g. this could be because it is inaccessible, then all the options for increasing its value should be considered.) It should be noted that as circumstances materially change (eg the PPG17 Study is completed, strategies are put into place which may enable the Council/community to purchase areas of private open spaces and the impacts of hope value are taken into account which affects the ability of local communities to purchase such spaces) that the development of these types of private open space could become harder to justify.

In view of the increasing importance of open spaces in the city it is felt the current application does not seek to increase the open space value of the site to the community. Whilst green roofs help to soften a development they do not alter the developed footprint of a site and thus the loss of open space. However should the proposed level of development on this site be felt acceptable the following policies apply:

Housing

Policies QD3 and HO4 of the adopted Brighton & Hove Local Plan requires new development to respect the capacity of the local area and its ability to accommodate additional dwellings. Whilst draft SPG9 takes the approach that the provision of the requirements of policy HO6 are not necessary for a scheme of this size regard should still be given to the capacity of the area to accommodate this development in terms of its outdoor recreation space requirements. It should be noted that the capacity of an area alters over time due to new developments etc. The eight 2 bed units do not trigger a requirement for affordable housing provision and whilst Policy HO3 requires a mix of dwelling types and sizes, it is considered given the limitations of the site that the provision of all 2 bed houses is acceptable especially as study rooms are included allowing flexibility in the accommodation.

Private amenity space has been provided in the form of balconies and small garden areas as well as a landscaped amenity area. It is considered that this meets the requirements of Policy HO5. Whilst the design statement suggests

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all the homes will fully comply with Lifetime Homes Standards, which would accord with Policy HO13, verification from the Access Consultant should be sought.

Sustainability

The aspects of sustainability proposed (such as sedum roof, solar panels, rainwater recycling) are welcomed, however regard to alternatives to sedum roofs that are better for biodiversity should be considered. Internal bathrooms/shower-rooms are proposed and this is generally discouraged by policy SU2. It is not clear whether as well as general facilities for refuse and waste recycling whether there is provision of space within each planning unit for refuse and waste recycling.

The site has a steep drop in levels and abuts the Brighton to Lewes Railway line cutting, it should be clarified with the applicant that regard has been given to Policy SU8. The design statement refers to the identification of contaminated land on the site that will require action. Environmental Health will need to be consulted on this matter and Policy SU11 applies. It is also considered that Policies SU9 and SU10 may apply given the sites location. The applicant also needs to demonstrate how construction waste will be minimised and re-used. Policy SU13 and the Construction and Demolition Waste SPD03 applies and a Site Waste Management Plan should be produced.

Design

The Conservation and Design Team should be consulted on whether this proposal addresses earlier concerns with the effect of development on the Round Hill Conservation Area, in particular the design, roofline and style, scale and form of the residential block and the siting and design of the Gate House. Policies QD1-5 and HE6 applies. The council's Ecologist and Arboriculture Team should be consulted on this application and QD16, QD17 and in particular whether the applicant has demonstrated that the TPO Chestnut tree will be retained in the long term, the Trees and Development Sites SPD 06 apply. Due to the current use and the need to retain 'open space' particular regard should be given to QD15 'Landscape Design' and whether the green and openness of the site is being appropriately retained.

Transport

One car parking space is being provided and 12 cycle parking spaces. Traffic and Transport should also confirm whether the cycle parking provision accords with Policy TR14. However it should be noted that the cycle parking standards are minimum standards and that regard should be given to providing one cycle parking space per bedspace in order to encourage sustainable means of transport.

Conservation & Design:

Site coverage and green space issues:

This is an area of green space that is not visible from the public highway, but nevertheless, like the other green ribbons of land in Round Hill, has a positive impact on the character of the conservation area. There are a number of

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green spaces in the Round Hill Conservation Area that not visible from the public highway, but are recognized by the adopted Round Hill Conservation Area character statement as being an important feature of the conservation area – as well as being green spaces, they reflect the planned Victorian layout of the area. With regards to this site and adjacent buildings, the character statement recognizes the greenness of the area and the stepping of the buildings of Princes Road are also features worthy of preservation; “Equally important to the shape of Round Hill is the stepped terrace and building line along the north side of Princes Road. This is softened by the line of trees that mark the junction of the former Kemp Town Branch railway line. The surviving railway line is Round Hill’s green corridor.”

Therefore any development on this site needs to take into account the sites previously undeveloped character, contribution to the green spaces to the character of the Round Hill Conservation Area and the railways’ greenway contribution to the area. The softening effect that the previous line of trees had on the character of the conservation area is also important. The Planning Inspectorate and previous applications have accepted the principle of some sort of development on this site. It is reasonable to conclude that any proposal on this site needs to have special regard to both of these material considerations.

However, even if the principle of development of the site has been accepted, the proposed development, by design, height and bulk, still has a negative impact on the character of the conservation area. The applicant has demonstrated that the density and stepped terraced affect of the proposed development has elements in common with the surrounding building design, however this does not outweigh the fact that the character statement recognizes the positive softening nature of the previously existing trees and green space has on the character of the rear elevation of Princes Road. By proposing to cover a large proportion of site with development, and not providing screening would be contrary to the positive features set out in the character statement and therefore fail to preserve or enhance the character of the conservation area.

Design and layout:

The design of the individual units, the architectural style and use of a terrace are not objectionable. However, the amount and height of the development is considered to be a detraction from the Conservation Area, as the size of the development impacts negatively on the current green space and is not screened – see the above comments with regards to site coverage and green space. The height of the development also has a negative impact on the views of the rear of the buildings in Princes Road, as viewed looking down towards the Conservation Area, down Roedale Road. The height and length of the proposed terrace buildings have not been significantly reduced to address previous reasons for refusal under BH2006/03124, reason 2. The existing roofline of Princes Road also regularly steps down where as the height of the proposed terrace is irregular, with stepping up and down of roof heights. This does not reflect the character of the roofline in this section of the conservation area.

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However, it is considered that minor alterations could be made to minimize some of the impact of the design. Timber cladding could blend better into the green of the area, and the windows should be timber too. This could help the design to blend into the backdrop and foreground of proposed landscaping and sedum roofs. The south elevation balconies appear as dominating feature of the façade. It is suggested that the design here should be simple, to reflect the simple design of the rest of the conservation area. The protruding balconies at first and second floor should be reduced to just balconies on the first; this will help reduce the bulk and overall size of the development. The rooflights, due to the size and number are also considered to detract from the roof plan and have a negative cluttering effect on the overall design of the buildings. One rooflight per roof would be the preferred option.

Elevation drawings without trees and planting would also better enable the design of the buildings. These have not been provided.

Gatehouse, access and car parking:

The design of the gatehouse to match to the detailing of number 81 is acceptable, as this would be viewed rather like an extension. However the drawings provided show a planter in front of the gatehouse – a true elevation, both of section KK and of the side elevation showing the gatehouse's relationship with the ramp and site levels should be submitted for a fully informed opinion. There are insufficient details on the windows to the gatehouse, nor what is inside the gatehouse, nor on the materials or landscaping surrounding the steps and access down to the site.

Front garden parking is not feature of the conservation area, and none of the terraces from numbers 67-81 Princes Road have front garden parking. Therefore the car parking space to the front of the gatehouse should be removed from the scheme and the area constructed as a garden wall, to match number 81, and a grassed area. This will better preserve the character of the conservation area by the introduction of a front garden, in keeping with the rest of the road. A specific on street parking bay should be used for any car club proposed if the application is approved.

Other factors:

There is evidence to suggest that the area is now being used for dumping. The trees and shrubs and gardening activity that was previously present at this site has been cleared and the site currently resembles scrubland. However, trees and grass can be re-grown and flytipping removed, restoring the areas previous green space contribution to the conservation area. The application should therefore be refused as being contrary to policy HE6 of the B&H Local Plan, with regard to Round Hill Conservation Area character statement as a material consideration.

Traffic Manager: It is recommended that the application be refused due to the increased risk to users of the public highway and the additional stopping and turning reversing traffic and car parking demand that would be created. It therefore fails to comply with policies TR1, TR17, TR14 and SPG4. The surrounding highway network experiences a significant level of on street

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parking that regularly blocks the carriageway for emergency and delivery vehicles. As such this proposal will increase the associated hazards and therefore it would be reasonable to expect this proposal to specifically accommodate the car parking which it creates. This could be achieved by providing off-street parking to meet the demand created.

Environmental Health: Are satisfied that work has been carried out by Anderson Acoustics to assess the potential noise impacts and additionally some contamination investigation has been carried out by Ashdown Site Investigation, the report of which have been submitted with the application. Note that the noise report was carried in October/November 2006 whilst the site was relatively vacant. The site has now been developed for the materials recycling facility and waste transfer station, however are satisfied that the proposals made in the acoustic report will mitigate both the railway noise and any activity related noise from the waste facility. Recommend approval and conditions for contamination/gases site investigation and remediation work and noise mitigation measures.

Ecologist: Would not be reasonable to require the developers to survey for Slow-worm or implement a Slow-worm mitigation package since the site really has been completely cleared of vegetation and (provided it is developed within the next year or so) is unlikely to support anything other than a relict population. An informative could be added reminding them of their obligations to protected reptiles and the Wildlife & Countryside Act 1981.

With regards to nature conservation enhancement measures under Local Plan policy QD17, the following should be secured as recommended in 2006:

1. Planting and management of the 'buffer' area between the proposed houses and existing houses on Princes Road to maximise its potential as an urban wildlife habitat. Particular care is needed over the species chosen. This area could also include a small wildlife pond to replace that lost in 2005. A detailed habitat creation and maintenance plan is required for this area.
2. Replacement of the proposed Sedum roofs with biodiverse roofs, for example using a chalk grassland seed mix (similar to the scheme currently being implemented on the new Crew Club building in Whitehawk).
3. Incorporation of nesting boxes suitable for use by bats, House Sparrow and Starling into the wall of each new house.

Arboriculturist: The horse chestnut at the entrance to the site is protected by Tree Preservation Order NO.17 (2004) and may be adversely affected as this is the only point of access on to the site. The tree report submitted is comprehensive and as long as the protection measures recommended are followed the tree may survive the development however this is by no means guaranteed.

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Should the application be granted, all trees to be retained on site must be protected to BS5837 (2005) Trees on Development Sites and the Horse Chestnut needs to be protected as per recommendations in RW Green's report. In addition the sloped driveway must be laid as per the above report, and the "car club parking space just to the side of this will be in the vicinity of the tree roots. This must be excavated and laid in accordance with BS 5837 (2005) ie. No mechanical digging and semi-permeable membrane. Prior to commencement of development a site meeting is required with the arboricultural team to ascertain that the trees are protected as requested above.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU5 Surface water and foul sewage disposal infrastructure
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – full and effective use of sites
- QD4 Design – strategic impact
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD20 Urban open space
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling types and densities
- HO4 Dwelling densities
- HO5 Provision of private amenity space
- HO6 Provision of outdoor recreation space
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE6 Proposals in Conservation Areas.

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

- S1 Twenty one criteria for the 21st Century
- S3 Infrastructure
- H6 Other local housing requirements
- TR3 Accessibility

Regional Planning Guidance 9 - Policy W5 Waste

Planning Policy Statement 3 – Housing

Planning Policy Guidance 13 – Transport

Planning Policy Guidance 17 – Planning for Open Space, Sport and Recreation

7 CONSIDERATIONS

The main considerations are:

- Principle of development;
- Impact on the character and appearance of the conservation area and the Roundhill Conservation Area;
- Impact on amenity of surrounding residents;
- Traffic impacts;
- Standard of living accommodation;
- Impact on ecology
- Impact on protected tree;
- Sustainability;
- Contaminated land;

Principle of development

The backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The site is not subject to any specific designation in the Brighton & Hove Local Plan.

A key objective of PPS3 is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. PPS3 defines previously developed land (brownfield) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This definition does not include land that is or has been occupied by agriculture.

When the previous application for the site was determined it was considered that the principle of residential development of the site has been accepted in the two previously refused applications and appeal decisions.

The application site has not been in use as private or public recreational open space. It is noted that the planning history for the site records an historic use as a poultry farm. It appears that there have been a number of different uses on the site, including stables, and the keeping of poultry. The site has been used as an extended garden for No.67 Princes Road, however, this was never formalised through a planning application. It is therefore considered that the site is a greenfield site.

However, PPS3, unlike PPG3 which it replaced, does not require a sequential test for the development of greenfield sites.

Impact on Open Space Provision

Policy QD20 will not permit the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.

When planning applications BH2004/03605/FP, BH2005/02279 and BH2006/03214 were determined by the Council it was considered that as the site had difficult access problems, it would be difficult to argue the loss of the site as open space with regard to PPG17 and policy QD20 of the Local Plan.

Since the determination of these previous applications, the Council has started work on a PPG17 Open Space, Sport and Recreation Study. The application site has been included within this Study. However, the results of this Study have not yet been adopted by the Council, and therefore can only be given very limited weight in the decision making process.

Planning Policy Officers have commented that PPG17 advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 10). However, when considering previous applications a view was taken on what the site offered in terms of open space and regard was given to the site constraints. However, as time passes and the density of development within the city increases the importance of existing open space increases. Once developed they are very unlikely to return to open space. PPG17 recognises this and seeks to protect both public and private open space. Until the findings of the PPG17 Study are complete it is hard to assess the current and future importance of this particular open space. Early indications from the preparation of the study show that there should not be a reduction in open space and if anything an increase to serve new development.

However, in the absence of any adopted PPG17 Open Space Study, it is considered that there is not enough evidence or new guidance to now add a reason for refusal regarding the loss of the open space.

Impact on the character and appearance of the area and Round Hill Conservation Area

Although PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a

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way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

Reasons for refusal 1 – 3 of the previous application BH2006/03214 were related to layout, massing, height and design. These are summarised below

1. Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, which was considered to be an overdevelopment and resulted in cramped living conditions for future occupiers.

2. The building height of the terrace was excessive in relation to plot size, and had excessively deep and bulky proportions, a bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, which resulted in an incongruous poor appearance to the Princes Road terrace properties and views into the area and the character and appearance of the conservation area.

3. Design of the lift house, by reason of its proportions, flat roof and material, related unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area.

Scale and Footprint

The proposed terrace would run parallel to the Princes Road properties. The existing houses present on Princes Road follow the gradient of the land and step down the hill.

The previous application (BH2006/03214) comprised three storey 9 terraced properties. The terrace had a footprint of 41 metres width, and a 9.2 metre depth at ground floor with the first and second floors being set back from the building line on the elevation facing the rear of Princes Road to accommodate terraces. There was approximately 0.8 to 1.2 metres to the side boundaries.

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The height above existing ground levels on the elevation facing the railway was between 8 metres and 9.5 metres. The height above ground on the elevation facing the rear of Princes Road properties was 7.5 to 9.5 metres.

This current application comprises 6 three storey terraces and 2 two storey terraces, covering a width of 40.7 metres with a depth of 9 metres at the ground floor for the three storey units, with the first and second floors again being set back to accommodate terraced areas. The middle two storey unit (unit 4) has a depth of 7 metres at the ground floor as it is set back 2 metres from the building line of the terrace fronting the railway line. The end two storey unit has a larger footprint at the ground floor and extends up to the site boundary on the southern boundary with a large roof terrace area over this at the first floor.

When the previous application BH2006/03214 was determined it was considered that the proportions of the development failed to relate to the site and the surrounding development and were considered to be excessive. With no setback to site boundaries, the terrace was considered to be too large for the site, and each of the houses was considered to be too big for each plot. In addition, in relation to the plot width, the proposed houses appeared overly tall and overly deep, with a very bulky profile, particularly when the solid terrace enclosures were considered.

As part of the current application, two of the units have been reduced by a storey and the height of the three storey units has decreased slightly from the previous scheme BH2006/03214 (0.3 – 1.2 metres). However, it is still considered that the concerns relating to excessive site coverage, inadequate space around the proposed dwellings, excessive height in relation to plot size, excessively deep and bulky proportions, and lack of separation to site boundaries still stand.

The existing Princes Road properties step down the hillside following the natural gradient of the land, providing interest in the view of the rear of these properties. As they follow the natural gradient of the land they step down the hill to varying heights from one terraced house to the next. When BH2006/03214 was determined it was considered that the proposal had sought to emulate this, however the regularity of stepping and roof proportions and form have meant that this is not successful, and the scheme did not follow the natural gradient of the land.

The height of the terrace proposed as part of this current application now steps up and down with irregular heights. The two storey elements in the middle and at the end of the terrace at the higher ground level do not follow the pattern of heights stepping down gradually along the hill. The Conservation & Design team have commented that this does not reflect the strong character of the roofline of this conservation area, where terraced roofs regularly step up and down the hillsides to reflect the natural gradients of the land.

The Conservation & Design Team have commented that the site is an

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important area of green space within the Round Hill Conservation Area and is defined as such within the Round Hill Conservation Area Character Statement. In addition, the stepped terrace and building line along the north side of Princes Road is equally important, and this was defined within the Character Statement as being softened by the line of trees that mark the junction of the former Kemp Town Branch railway line. The surviving railway line is Round Hill's green corridor.

The Conservation & Design Team have also commented that any development on the site would therefore need to take into account the site's previously undeveloped character, and contribute to the green spaces of the Round Hill Conservation Area and the railway's contribution to the area. The softening effect that the previous line of trees had on the character of the conservation area is also important.

With regard to the height of the terrace, the Conservation & Design team have commented that the applicant has demonstrated that the density and stepped terraced effect of the proposed development has elements in common with the surrounding building design, however, this does not outweigh the fact that the Character Statement recognises the positive softening nature of the previously existing trees and green space has on the character of the rear elevation of Princes Road.

It is the view of the Conservation & Design Team that the proposed development, by design, footprint, size and bulk still has a negative impact on the character of the conservation area as it would wholly compromise the existing situation of a recognised important green space and greenway, and impairs the view of the rear of properties on Princes Road.

Design of elevations of terrace

When the previous application (BH2006/03214) was determined it was considered that the elevation facing the railway presented a relatively bland and uninteresting elevation to the railway corridor. Elements of the design of this elevation have been improved as part of this current application.

The Conservation & Design Team have commented that the design of the individual units, the architectural style and use of a terrace are not objectionable, however the amount and height of the development is considered to be a detraction from the conservation area.

In addition the Conservation & Design Team have also commented that on the north elevation, the proposed cladding should be timber as should the windows and doors to soften the design and help it blend into the backdrop and foreground of proposed landscaping and sedum roofs. The south elevations balconies appear as a dominating feature and these should be reduced to balconies on the first floor only. In addition, the rooflights and solar panels due to their size and number are also considered to detract from the roofplan and would have a negative cluttering effect on the overall design of the buildings.

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It is therefore considered that the design and proposed materials of the terraces is not acceptable and would be of detriment to the character and appearance of the conservation area.

Gatehouse

The design of the gatehouse proposed on the Princes Road frontage has been altered significantly from the previous scheme BH2006/03214. The gatehouse now would be read as an extension to the dwelling it would adjoin No.81 Princes Road. The Conservation & Design Team have commented that there is insufficient detail regarding the side elevation, front window, ramp and site levels, what is proposed inside the gatehouse, and also with regard to materials and landscaping surrounding the steps and access down the site.

The Conservation & Design Team have commented that front garden parking is not a feature of the conservation area, and none of the terraces from numbers 67-81 Princes Road have front garden parking. It is therefore considered that boundary walls and front gardens are an important feature of the conservation area.

The Conservation & Design Team have also commented that the car parking space to the front of the gatehouse should be removed from the scheme and the area constructed as a garden wall, to match number 81, and a grassed area. This will better preserve the character of the conservation area by the introduction of a front garden, in keeping with the rest of the road.

It is therefore considered that the design of the gatehouse is acceptable and would not be of detriment to the character and appearance of the conservation area, provided the materials, included that of the window, are controlled via conditions, if the scheme was considered to be acceptable. However, it is considered that the front parking space would be of detriment to the character and appearance of the conservation area.

Longer views

Views of the site from public areas from inside the conservation area are restricted. However, the development would be clearly visible in some longer views of the conservation area from areas outside of the conservation area to the north of the site. Examples of this are from Roedale Road where the site can be viewed from in between the buildings at the Site Waste Transfer Station.

The Conservation & Design Team have commented that the height of the development has a negative impact on the views of the rear of the buildings in Princes Road, as viewed from Roedale Road, and that the height and the length of the proposed terrace has not been significantly reduced to address the previous reason for refusal 2 of BH2006/03214.

Impact on Amenity of Surrounding Residents

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.

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Reason for refusal 6 of the BH2006/03214 was concerned with the bulk, height and lack of separation to adjoining site boundaries resulting in the development appearing overbearing and resulting in overlooking and a loss of privacy to the rear of the Princes Road properties, to the detriment of their amenity.

Two of the units have been reduced from three storeys to two storeys and there are now 8 units proposed instead of 9. The interface distances between the proposed dwellings and the rear of properties on Princes Road is consistent with the interface distances of the previous scheme BH2006/03214.

Cross section G shows that the first floor of the windows of unit 2 will be set slightly lower than the ground level of the garden of No.69 Princes Road, which reduces the overlooking impact. Cross section H shows that unit 1 will also be set considerably lower than No.65 Princes Road. Units 1 – 4 would be set at a lower ground level than the existing ground levels on the site, and the overbearing impact of units 1 and 4 has been reduced as these are now two storey instead of the three storeys proposed as part of BH2006/03214. However, units 5 – 8 are not set at a lower level than the existing ground level, and these units are still three storeys.

Although there are two areas within the site that are described as new trees and landscaped areas on the site plan, the scheme heavily relies on the trees and vegetation outside of the application site, on the adjoining Princes Road properties to screen the development.

Overall, it is still considered that the proposal would appear overbearing and would result in a loss of privacy to the Princes Road properties, particularly from the proposed terraces/balconies that would overlook the rear gardens and directly face the rear windows of the Princes Road properties.

Traffic Impacts

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 BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

Policy HO7 of the Local Plan will grant permission for car free housing in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term.

The site is located in an area with reasonable access to public transport. Princes Road in the vicinity of the site is not subject to on street car parking controls.

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The applicant has stated that a car club would be established, with a parking space for a vehicle provided at street level to offset the travel demand of the proposal. Information from City car club has been submitted as part of the application.

There are no other off road parking spaces proposed for residents as part of this application. Due to the very steep and narrow access it would not be feasible to accommodate any off road parking spaces adjacent to the proposed terrace.

One of the reasons for refusal of the previous application for 9 houses (BH2006/03214) was as the proposed car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking. One parking space for the car club was also proposed as part of this application, however no details of the likely operator were included.

Earlier applications for the site were not refused on their traffic impacts, however when dismissing an appeal for 30 flats on the site (BH2004/03605/FP), the Planning Inspectorate considered that the lack of a guaranteed traffic-free solution reinforces their view that the proposed development was unacceptable.

Transport Planning have objected as part of this application and do consider that the proposal would result in an increased risk to users of the public highway.

It is therefore considered that in the absence of any controls to ensure that the development would be genuinely car free in the future, the proposal does not provide for the travel demand which it would create and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking.

Standard of living accommodation

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers.

The proposed development has been designed to maximise the development on the site and relies on the trees and vegetation on adjoining Princes Road properties to screen the development. The building would extend the full width of the site leaving little, if no space for landscaping along the boundaries to screen the proposed development from the railway and waste transfer station to the north, the industrial site to the east and residential properties to the west and south. This is not considered acceptable and given the backland location and adjoining commercial use, development on the site should provide for screening on-site.

The proposed houses would all benefit from acceptable levels of natural light and outlook.

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The ground floor of the proposed development would be largely obscured from the existing Princes Road terrace due to the change in site level. The upper levels of the proposal generally maintain approximately 20m separation with the rear elevation of the Princes Road terrace. This is reduced to 18m when measured from the first and second floor balconies. The exception to this is at the western end of the site, where a significant single storey rear extension to no. 67 Princes Road, reduces this separation to 14.5m.

A large roof terrace is proposed over part of the ground floor of unit 1. It is considered that this would be overlooked by the adjacent properties on Princes Road.

The west elevation shown on plan referenced 0409_07_021 shows that a person stood immediately outside the rear of the No.67 Princes Road would not have a direct view into the windows of unit 2. However, No.67 does not directly face unit 2, rather it directly faces unit 1. It is considered that other properties to the rear of Princes Road will have views into the balconies and windows of the other proposed units.

Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development.

The three storey units would have access to terraces/balconies at the first and second floors as well as a small grassed area to the front of the dwellings. Unit 1 has a large roof terrace area and unit 4 has a smaller balcony at the first floor and a grassed area to the front. There are also two small communal amenity areas. It is considered that there are acceptable areas of amenity space provided, although they will be overlooked.

Reason for refusal 1 of the previous application BH2006/03214 was related to the proposal being an overdevelopment of the site and resulting in cramped living conditions for future occupiers of the scheme. It is considered that this current proposal would still amount to an overdevelopment of the site, the only screening to the railway line consists of one proposed tree adjacent to unit 4. It is considered that the terraced area for unit 1 in particular would be overlooked.

Impact on Ecology

Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.

The site has been extensively cleared of previous vegetation coverage and now provides limited natural habitat. Previously it is likely to have had

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significant ecological interest. Reason for refusal 5 of BH2006/03214 related to the loss of an area of habitat that potentially could currently be supporting slowworm and other species and is within a designated Greenway. In the absence of a species survey and adequate detail of how the development would address and mitigate this impact the proposal was considered to be contrary to Local Plan Policy.

The Council's Ecologist considers that it would be unreasonable to require the developers to survey for a slow worm or implement a slow worm mitigation package since the site has been completely cleared of vegetation and is unlikely to support anything other than a relict population.

However, the Ecologist has proposed a number of nature conservation enhancement measures which include:

1. Planting and management of the 'buffer' area between the proposed houses and existing houses on Princes Road to maximise its potential as an urban wildlife habitat. This area could also include a small wildlife pond to replace that lost in 2005. A detailed habitat creation and maintenance plan is required for this area.
2. Replacement of the proposed sedum roofs with biodiverse roofs for example using a chalk grassland seed mix.
3. Incorporation of nesting boxes suitable for use by bats, House Sparrow and Starling into the wall of each house.

The applicant has not provided any nature conservation enhancement measures within the scheme design apart from a sedum roof and designation of small amenity areas. Given that the site is greenfield and as it is likely that the site used to support a number of species and had a nature conservation value before it was cleared of all vegetation, it is considered that it is important that any acceptable scheme incorporates effective and extensive nature conservation enhancement measures. It is therefore considered that the applicant has failed to demonstrate that the scheme can accommodate effective nature conservation measures and has attempted to bypass Local Plan policy by clearing the site.

Impact on Trees

Policy QD16 of the Local Plan states that work to a tree which is subject to a Tree Preservation Order or lies within a conservation area, will be permitted only where the works do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice.

The Council's Arbiculturist has commented that the horse chestnut at the entrance to the site is protected by Tree Preservation Order No.17 (2004) and may be adversely affected as this is the only point of access on to the site. The tree report submitted is comprehensive and as long as the protection measures recommended are followed the tree may survive the development however this is by no means guaranteed.

It is considered that if it cannot be guaranteed that the tree will survive, then

the proposal is contrary to policy QD16. When dismissing the appeal for 30 flats on the site (BH2004/03605/FP) the Inspector found that the tree makes a significant contribution to the street scene and every effort should be made to retain it in any future development and allowance should be made for its future growth.

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 and policy SU13 requires the minimisation and re-use of construction waste.

The applicant has submitted a sustainability checklist, a sustainability statement and a waste minimisation statement.

Reason for refusal 7 of the previous application (BH2006/03214) was related to failure of the applicant to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy, resulting in excessive use of these limited resources and the failure to provide adequate detail of construction waste minimisation measures.

One internal bathroom and W.C. for each of the units 2 & 3 and units 5-8 would be internally lit and mechanically ventilated. The applicant has indicated as part of the sustainability checklist that the dwellings will meet a minimum BREEAM/Echomes rating of at least 'Very Good', however, no level of detail has been proposed to support this and a pre-assessment report by an accredited assessor has not been submitted. However, it is considered that the majority of previous concerns have been addressed with regard to the previous reason for refusal relating to sustainability. Two solar panels are proposed on the southern elevations of the units. No information has been provided regarding these solar panels, regarding the appearance or efficiency.

Contaminated Land

The site is identified in records as having previous uses that may have resulted in contamination. Brighton & Hove Local Plan policy SU11 requires applications to demonstrate existing levels of contamination and site remediation where necessary.

The report concludes that the site is subject to existing contamination (with elevated levels of lead and polynuclear aromatic hydrocarbons) and accordingly, were the recommendation for approval, conditions could be imposed to require further investigative work and details of remediation.

It is also noted that the report indicates further investigation is necessary in relation to groundwater through the site and contamination.

Other matters

There appear to be discrepancies between the height of the development shown on the different plans. For example the cross section G shown on plan

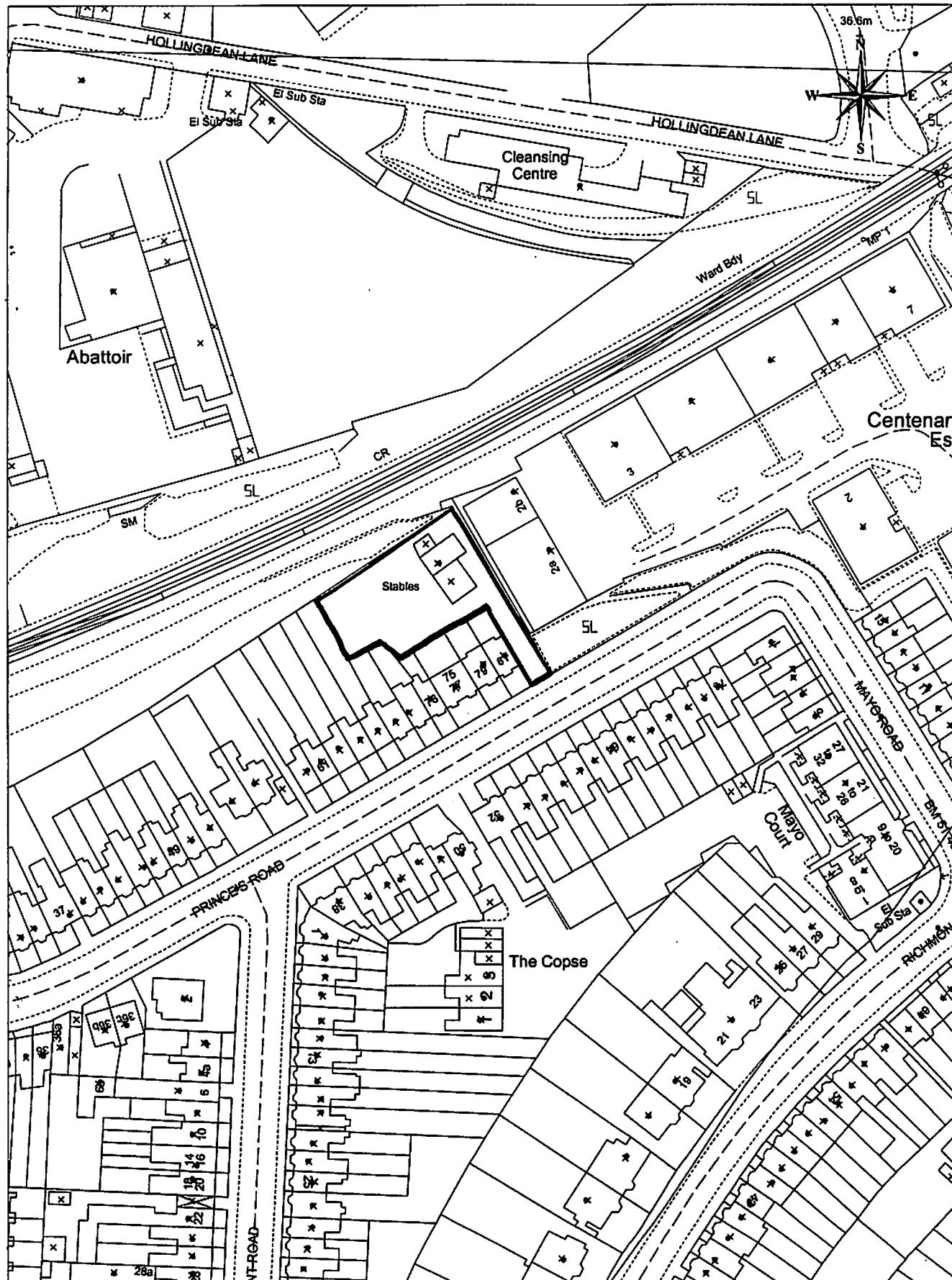
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reference 0409_07_023 shows the ridge height of unit 2 as being approximately 6 metres below the ridge height of No.69 Princes Road. Plan reference 021 shows this height difference as being 6 metres, where as cross section J on plan reference 024 appears to show the roof as being flat and therefore the height difference is shown as 6.5 metres making the development appear smaller than it actually would be.

8 EQUALITIES IMPLICATIONS

The dwellings meet Lifetime homes standards.

LOCATION PLAN



BH2007/04444

SCALE 1:1250

Land R/O 67 - 81 Prince's Road



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

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<u>No:</u>	BH2008/00953	<u>Ward:</u>	QUEEN'S PARK
<u>App Type</u>	Advertisement		
<u>Address:</u>	115 St James's Street Brighton		
<u>Proposal:</u>	1 No. externally illuminated projecting sign. 1 No. externally illuminated fascia lettering sign and 1 No. externally illuminated logo sign and associated lighting.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	11 March 2008
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	13 May 2008
<u>Agent:</u>	Pegasus Planning Group, 2-10 Kings Parade Av, Clifton, Bristol		
<u>Applicant:</u>	Starbucks Coffee Co. (UK) Ltd, C/O Agent, Pegasus Planning Group		

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** advertisement consent subject to the following Conditions and Informatives :

Conditions:

1. 10.01 Standard time condition (advert)
2. 10.02 Clean and tidy condition (advert)
3. 10.03 Safety (advert)
4. 10.04 Removal if necessary (advert)
5. 10.05 Owner's permission (Advert)
6. 10.06 Highway safety (Advert)
7. 10.07A Non-intermittent illumination (B and H)

Informatives:

1. This decision is based on drawings no. A2.0D, the Site Location Plan and the supporting documentation received on the 18th March 2008 and drawing no. A2.01F received on the 8th May 2008.
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 07:

Advertisements

- (ii) for the following reasons:-

The proposed advertisements would cause no loss of visual amenity to the

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locality or the surrounding East Cliff Conservation Area, or result in a loss to highway safety. The proposal is considered to be in accordance with development plan policies.

3. The applicant is advised that in the interests of highway safety illumination of the signs should accord with the latest draft of the Institute of Lighting Engineers Technical Report No. 5 – The Brightness of Illuminated Advertisements.

2 THE SITE

The application relates to a ground floor retail unit on the southern side of St James Street at the junction with Charles Street, in an area of prime retail frontage. The site is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2008/01039: Planning permission refused on 21 May 2008 for change of use for Use Class A1 (Retail) to mixed A1/A3 coffee shop. Appeal lodged.

4 THE APPLICATION

The application seeks permission for 1 no. externally illuminated projecting sign, 1 no. externally illuminated fascia lettering sign and 1 no. externally illuminated logo sign and associated lighting. The proposal originally included a second projecting sign to the Charles Street elevation, however this has been removed from the application after comments from Transport Planning who considered it to be too close to the highway which could result in vehicles using Charles Street colliding with it.

5 CONSULTATIONS

External

Neighbours: In excess of 400 letters and emails of objection received. The objectors included residents, local shopkeepers and businesses. Some objectors only gave email addresses, and many used a standardised format. Where known, the objector's address is listed in Appendix A. The grounds of objection regarding the proposed advertisements are summarised below:

- The proposed Charles Street projecting sign is in a residential street with no other signs in it and would be intrusive for the immediate residential properties
- Illuminated signs advertising a chain such as Starbucks would be out of keeping with the independent shops within this area.
- The proposed signage would not be a preservation or enhancement of the conservation area.

Other issues included:

- Already many coffee shops and A3 use establishments within the area.
- A global corporate business would be detrimental to the unique character of St James Street which is well known for its independent cafes, bars, restaurants and shops.
- Encourage other large corporate businesses to move in.

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- Loss of individually in the street which would strip the nature of the area which attracts visitors.
- A possible negative effect on independent businesses in the area which could push them out of business.
- The City is already served by at least 4 other Starbucks premises.
- Applicant's lack of support for Fairtrade and organic products, contrary to locally applied ethical approach.
- Locally based businesses should be supported in line with a recent Council decision to support the Transition Towns and Cities Initiative in declaring BHCC a Transition City.
- Against policy SR5 of the Brighton & Hove Local Plan which states that St James's Street should have a clear predominance of A1 retail (at least 51%).
- Against policy SR12 of the Brighton & Hove Local Plan which states that any new large A3 should not abut residential property which this site does.
- Against policy SR12 which also states that such a change of use should not be allowed within 400 metres of another large A3.
- Building works and signage already in place.

Internal

Traffic Manager: No objections raised subject to the illumination of the scheme being in accordance with the latest draft of the Institute of Lighting Engineers Technical Report No. 5 – The Brightness of Illuminated Advertisements.

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 07:

Advertisements

7 CONSIDERATIONS

The only issues for consideration are the impact of the proposed signage on the appearance of the property and the setting of the conservation area, and its affect on public safety and amenity.

The application seeks consent for 1 no. externally illuminated projecting sign, 1 no. externally illuminated fascia lettering sign and 1 no. externally illuminated logo sign and associated lighting.

The projecting sign is proposed to the St James's Street elevation. It is a 600mm diameter logo, double sided, and to be externally illuminated by two trough lights. It will project 0.9 metres from the building, will be 2.1 metres above ground level and will be fixed with a bracket made from 200mm x 5mm mild steel finished in black.

The fascia sign to the St James's Street elevation consists of individually built

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green fret lettering, 356mm high, pin fixed to the existing wood fascia and externally lit by trough lights. It will be 3.4 metres from the ground.

The 600mm diameter vinyl logo sign situated to the corner of the premises, above the front door, will be externally illuminated by a trough light. It will be mounted on the existing repaired and repainted fascia board and be 3.5 metres above ground level.

Policy QD12 of the Brighton & Hove Local Plan states that advertisements and signs should be sensitively designed and located, and contribute to the visual amenity of the area. The planning authority will seek to ensure that advertisements and signs are kept to a minimum and carefully designed so that the appearance and character of an area is not harmed.

Policy HE9 of the Brighton & Hove Local Plan refers to advertisements within conservation areas and states that they will only be allowed if they do not have an adverse effect on the architectural and historic character or appearance of the building, on a conservation area or on their settings. It also states that if illumination is required, the advertisement has individually halo or internally illuminated letters on an unlit fascia, or is externally spot-lit.

The site is located within a shopping area and this form of advertisement would be anticipated within such a location. There are a number of projecting signs and fascia signs within the area. All the proposed signs are externally illuminated by trough lamps. It is considered that the proposal does not detract from the visual amenity of the East Cliff Conservation Area and does not significantly impact upon the character and appearance of the building. Therefore approval is recommended.

The objectors raised concerns about the previously proposed Charles Street projecting sign. This has subsequently been deleted from the scheme. It is noted that the vast majority of the objections do not address the proposed signage.

The advertisement control regime does not seek to address the type of business proposed and refusal could not be justified on the grounds that Starbucks' signage is out of keeping with independent shops, as suggested by the objections submitted.

The Traffic Manager has not raised any objections to the proposal on highway safety grounds.

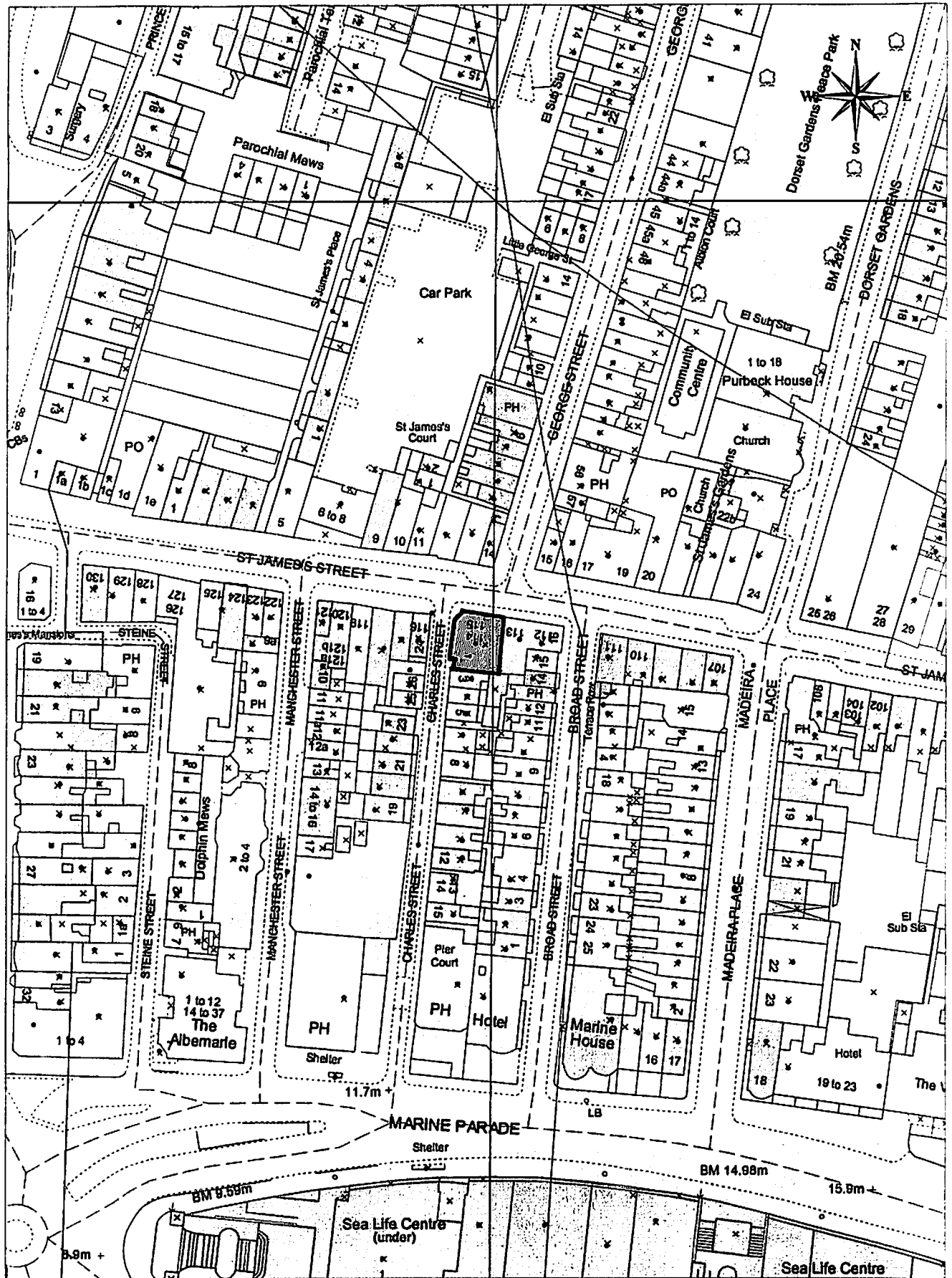
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed advertisements would cause no loss of visual amenity to the locality or the surrounding East Cliff Conservation Area, or result in a loss to highway safety. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified

LOCATION PLAN



BH2008/00953

SCALE 1:1250

115 St James's Street



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

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<u>No:</u>	BH2008/00232	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Windlesham School Dyke Road Brighton		
<u>Proposal:</u>	Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and class rooms and internal alterations to existing building.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	23 January 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	07 April 2008
<u>Agent:</u>	Clive Voller Associates, 15 Station Road, Burgess Hill		
<u>Applicant:</u>	Mrs S Evans, Windlesham School, Dyke Road, Brighton		

This application was deferred at Committee on 28 May 2008 for a site visit.

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. 03.01A Samples of Materials Non-Cons Area (BandH)
3. 02.02A No permitted development (windows) (BandH) **amended to read...**no windows, other than those expressly authorised by this permission shall be constructed in the south east elevation of the building at first storey level without Planning Permission obtained from the Local Planning Authority. **Standard reason**
4. 02.05A Refuse and recycling storage (facilities) (BandH)
5. 03.03A Obscured glass (BandH) **amended to read...**the first storey window on the south east elevation of the building servicing classroom 4 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such. **Standard reason**
6. 05.03 Waste Minimisation Statement
7. 05.01 BREEAM or equivalent
8. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation. **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.*
9. 06.02A Cycle parking details to be submitted (BandH)

Informatives:

17. This decision is based on drawing nos. 2402-01, 2402-02, 2402-10 Rev A,

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2402-11 Rev A, Waste Management Plan and Design and Access Statement submitted on 23rd January 2008 and drawing no. 2402-12 submitted on 11th February 2008.

18. 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 (SPGs and SPDs) and the East Sussex and Brighton & Hove Local Plan:

Brighton & Hove Local Plan:

TR1 Development and demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU9 Pollution and nuisance control
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

ii) for the following reasons: The application is considered to be of acceptable design and scale in relation to the context of the site and its surroundings. The proposal will provide more modern purpose built accommodation which will have a more coherent appearance than the existing structures. Further, it is considered that the scheme will not cause demonstrable harm to the residential amenities of any neighbouring dwelling by way of overlooking, loss of privacy, overshadowing or loss of light.

19. IN.08 SPD, 'Construction and Demolition Waste'.

20. In relation to condition 6 the lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for **zone E** or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details.

2 THE SITE

The site is located on the east side of Dyke Road, opposite Dyke Road Park

and covers a large, roughly square area to the rear of 182-188 Dyke Road; 190 Dyke Road forms part of the school complex. The site is bounded by residential properties on Port Hall Road to the south east with a private garden area abutting the southern boundary, Port Hall Street to the north east and Dyke Road to the south west. To the north of the site there is a complex of three blocks of flats known as Fairways, the closest block is approximately 5 metres from the site boundary. The site has two points of access from Dyke Road. There is a narrow pedestrian access to the front of 190 Dyke Road which is a large former residential dwelling. The second access is adjacent to 178 Dyke Road is a narrow vehicular access to the site.

In the wider context, Dyke Road is characterised by a mix of more modern flatted development and detached and terraced dwellings of varying design and age set back from the road. Port Hall Street and Port Hall Road have a more uniform character formed predominantly by terraced period properties with regular sized relatively shallow front gardens when compared with Dyke Road development.

3 RELEVANT HISTORY

BH2002/00469/FP – Removal of temporary classrooms and temporary swimming pool enclosure and construction of new classroom block and pool enclosure, alteration of hall and new link walkways. **Approved** 05/04/2002.

BH2002/02140/FP – New classroom block (3 storey) and pool enclosure – amendment to previously approved application BH2002/00469/FP. **Approved** 30/09/2002.

BH2003/00574/FP – Construction of external staircase to new classroom block. **Approved** 31/03/2003.

4 THE APPLICATION

The proposal seeks planning permission for the demolition of the existing pre-fabricated buildings and extension to the existing building to the south of the site.

The scheme will involve the re-organisation of the internal layout of the existing building to provide improved boys changing facilities and toilets, an enlarged medical room on the ground floor and enlarged toilet facilities on the first floor.

The additional accommodation includes two classrooms, enlarged kitchen facilities, two stores and an enlarged gymnasium on the ground floor. On the first floor two additional classrooms, an office and a viewing gallery/landing are proposed.

The design of the proposal is intended to be sympathetic to that of the existing building with a mixture of fair-faced brickwork at low level, pebbledash panels within a timber frame in matching materials. The gymnasium is of a more contemporary design constructed using a timber frame.

5 CONSULTATIONS

External:

Neighbours: Numbers 7, 13, 15, 17, 19, 21 and 27 Port Hall Street and No. 174 Dyke Road have **objected** to the scheme on the following grounds:

- The overall scale is inappropriate.
- The building will give rise to overshadowing particularly in the evening, loss of privacy and overlooking.
- The development will result in intensification of the use which will give rise to noise and disturbance.
- The external alterations do not appear to maintain the character of the existing structure which has the appearance of a large house. The building will dominate the surrounding development.
- Out of scale with surrounding development, particularly in Port Hall Street and Port Hall Road.
- The reduction of the playground area will lead to a greater concentration of pupils leading to increased noise and disturbance, as with the construction of the 'Cooper House' building.
- The development includes additional classrooms suggesting a potential increase in the number of pupils.
- By providing the ground floor below the normal ground level would add the reduction of the impact of this scheme on neighbouring dwellings.
- Visitors/parents park in residents' spaces, on yellow lines and without paying. Any permission should secure a solution to this problem. May bring increased traffic. More encouragement needed to use buses and walking.

Internal:

Traffic Manager: The Design and Access Statement submitted with the application states that, 'it is not proposed to increase the number of pupils but to improve the facilities for the existing students'. It would therefore not be reasonable to raise a concern about the transport impact generated by the site because there will be no material impact.

Environmental Health: The nearest residential properties are located approximately 30-35 metres East to North East. To protect residents from any potential light trespass, a condition is necessary for a lighting scheme.

Approval subject to conditions regarding lighting.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

7 **CONSIDERATIONS**

The main considerations of this application relate to the principle of the proposed development, the design of the proposed buildings, affect on the character of the area, affect on amenity for neighbouring dwellings, transport issues and consideration will also be given to sustainability.

Principle of the proposed development

The proposal seeks to demolish the existing prefabricated buildings and gymnasium to the south east side of the site and erect an extension to the existing two storey building to provide additional accommodation including classrooms, kitchen facilities and a new gymnasium. The school has expressed no intention to increase the number of pupils attending. The proposal would improve existing educational facilities and is considered acceptable in principle.

Design of the proposed buildings

Local Plan policies QD1 and QD2 set out design criteria to ensure that all proposals for new buildings demonstrate a high standard of design and make a positive contribution to the visual quality of the environment while taking account of the local characteristics.

The proposal incorporates two differing design styles. The extension to the main building to provide additional/improved accommodation is to be constructed in a similar design to the existing building with a timber frame, pebble dash finish, hipped roof and matching tiles. The gable end on the south west elevation will mirror that of the existing gable and the maximum height of the extension will not exceed that of the existing building. It is considered prudent to condition that the materials shall match those on the existing building to aid the proposal's visual integration. The gymnasium is distinctly more modern in design with a sloping roof Cedar wood cladding, powder coated aluminium windows and brick plinth with the main area of glazing on the north east elevation overlooking the play ground.

The school is surrounded by residential properties and elements of the school itself were previously residential dwellings (190 and 180 Dyke Road). As such the existing structures are of a more domestic character and scale than is perhaps usual for a school complex. The continuation of the domestic character through the extension of 180 in a similar design is considered to be in keeping with the character of the school while having regard for the residential character of the area. The gymnasium appears a more purpose built design.

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The design of both elements are considered to be acceptable within the context of the existing structures on the site. Although the structure is of a larger scale than those it is replacing, it is not considered to be overly dominant and maintains visual subservience to the existing building. Further, the existing structures are prefabricated and are not considered to be of a high standard of design. Their replacement would provide a more coherent form of development. As such the scheme is considered to adequately accord to policies QD1 and QD2 of the local plan.

Affect on the character of the area

The site is surrounded on all sides by existing development, the scale of the proposal is such that it is not considered likely that the scheme will have a negative impact on the character of the surrounding area.

Affect on neighbouring amenity

Local Plan policy QD27 relates to the protection of amenity. With respect to this the closest neighbouring residential dwelling within Port Hall Mews, to the proposed development abuts the south east boundary of the site and is approximately 5.5m away from the south west corner of the extension. The property has two windows at first storey level overlooking the site and two rear dormers. The scheme includes the insertion of two windows on the south east elevation at first storey level and one in the south west elevation in the gable end at first storey level. To preclude any adverse overlooking to the neighbouring dwelling in Port Hall Mews it is considered prudent to condition that no additional windows are inserted in the south east elevation at first storey level and the window servicing classroom 4 shall be obscured glazed.

It should also be noted that given the nature of school operations, the use of the buildings is likely to be restricted to daytime hours, during term times. Further, the maximum height of the extension is approximately 8.4m and due to the orientation of the proposed extension in relation to the neighbouring dwelling to the south east of the site, it is not considered that it will give rise to adverse overshadowing or overbearing affect or cause significant loss of light.

The remaining neighbouring properties to the south east and north east of the site are a minimum of 25 metres away. It is therefore not considered that the development will give rise to adverse overlooking, loss of privacy or overshadowing. As such it is considered that the proposed development will not cause demonstrable harm to the residential amenity of any neighbouring dwelling in accordance with policy QD27 of the Local Plan.

Transport issues

The Council's Traffic Manager has raised no objection to the proposal on the basis that the Design and Access Statement submitted with the application states that, 'it is not proposed to increase the number of pupils but to improve the facilities for the existing students'. It would therefore not be reasonable to raise a concern about the transport impact generated by the site because there will be no material impact. Concern has been expressed about the use by parents and visitors of parking bays on adjoining streets. Given that no increase in pupil numbers is proposed, this problem would not be

exacerbated by the proposal.

Sustainability

Local Plan policy SU13 relates to minimisation and re-use of construction industry waste. The Local Planning Authority request the submission of a detailed waste management statement detailing how the scheme will incorporate measures to reduce the amount of construction waste and re-use and recycle those materials which can be. This development requires a Waste Minimisation Statement to address the reuse and minimisation of construction waste that will be generated as a result of the proposed demolition and physical alterations. A 'Waste Management Plan' has been submitted with the application, however it contains limited information with respect to specific measures on limiting the amount of waste which is sent to landfill sites. As such an appropriately worded condition requiring the submission of a Waste Minimisation Statement is recommended.

Local Plan policy SU2 seeks to ensure proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. Part of this consideration is the use of natural light and ventilation. It is considered that this development demonstrates adequate layout by way of natural light and ventilation to the majority of the rooms. Those rooms which are being provided as part of the proposed extension have the benefit of both natural light and ventilation except the two proposed store rooms on the ground floor.

A row of rooflights are to be installed to the roof slope above the boys changing rooms and the girls toilets to replace those being blocked up in the north east elevation of the building. The agent has confirmed that some natural ventilation will be provided by way of trickle vents to each of these rooflights and no division is proposed between the toilets and the changing rooms as such some light will be provided to the adjoining rooms. On balance and giving consideration to the fact that part of the scheme incorporates the use of the existing building, the scheme is considered to provide an energy efficient layout by way of natural light and ventilation.

However, the applicant has not submitted information to demonstrate what measures would be in place to seek to reduce water consumption, use of materials and methods to minimise overall energy and/or raw material inputs, have been integrated into the scheme. Given the scale of the development the use of the Sustainability checklist is not appropriate and therefore a condition is recommended.

Conclusion

On balance, for the reasons stated, this application is considered to be acceptable and therefore approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application is considered to be of acceptable design and scale in relation to the context of the site and its surroundings. The proposal will provide more

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modern purpose built accommodation which will have a more coherent appearance than the existing structures. Further, it is considered that the scheme will not cause demonstrable harm to the residential amenities of any neighbouring dwelling by way of overlooking, loss of privacy, overshadowing or loss of light.

9 EQUALITIES IMPLICATIONS

The school is required to be constructed in full compliance with Disability Discrimination Act (DDA) 1995 standards.

LOCATION PLAN



Application No.: BH2008/00232

SCALE 1:1250

Address: Windlesham School, Dyke Road, Brighton



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

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<u>No:</u>	BH2007/04061	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 Dean Court Road Rottingdean Brighton		
<u>Proposal:</u>	Demolition of existing dwelling. Construction of one 3-bedroom dwelling house.		
<u>Officer:</u>	Liz Holt, tel: 291709	<u>Received Date:</u>	31 October 2007
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	26 December 2007
<u>Agent:</u>	Allen Rollings, 17 Brambletyne Av, Saltdean		
<u>Applicant:</u>	Dr Ben & Mrs Hilary Miflin, 29 Tudor Cl, Dean Court Rd, Rottingdean		

1 RECOMMENDATION

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

8. The proposed dwelling, by virtue of its design, bulk, height and massing, is considered to constitute undesirable development which would be of detriment to the character and appearance of the site, the adjacent listed buildings and consequently would fail to preserve or enhance the character or appearance of the Rottingdean Conservation Area or the setting of the adjacent Sussex Downs Area of Outstanding Natural Beauty and proposed South Downs National Park. The proposal is therefore contrary to policies QD1, QD2, QD3, HE3, HE6 and NC8 of the Brighton & Hove Local Plan.
9. The application site forms an essential part of an open area between Rottingdean and Saltdean which runs from the Downs to the parish church. The proposal would result in an intrusion into this important visual scene and a significant contrast with the open character of this part of the Rottingdean Conservation Area and the adjacent Sussex Downs Area of Outstanding Natural Beauty and proposed South Downs National Park, contrary to policies QD2, QD4, QD20, HE6 and NC8 of the Brighton & Hove Local Plan.
10. The proposed internal layout of the development, by virtue of the creation of a bathroom with no natural light or ventilation, represents an energy inefficient form of development, contrary to policy SU2 of the Brighton & Hove Local Plan.
11. There is insufficient evidence to show that adequate levels of light and ventilation for the northern section of the lower floor level of the proposed dwelling. Consequently the proposal represents an energy inefficient form of development requiring artificial lighting and it has not been adequately demonstrated that the development will not lead to an unsatisfactory level of residential amenity for future occupiers, contrary to policies SU2 and QD27 of the Brighton & Hove Local Plan.

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Informatives:

1. This decision is based on drawing nos. A0.1, A1.0, A1.1, A1.2, A1.3, A2.0, A2.1, A3.0, A3.1, A4.0, Garden Plan 1 and Garden Plan 2 and Documents in Support of the Application submitted on the 31st October 2008.

2 THE SITE

The site address relates to a small studio building located to the rear of properties sited on the southern side of Dean Court Road, in Rottingdean. The building currently provides a bed-sit style residential unit.

The existing building is set in very large grounds for its scale and has vehicular access, a small turning head and a driveway, which is accessed off Dean Court Road from a private access track which runs between number 6 Dean Court Road and Little Cottage.

The site address is within the Rottingdean Conservation Area and is subject to an Area Tree Preservation Order. The site is located adjacent to Tudor Close which provides a collection of Grade II Listed properties, which were built as a hotel in the late 1920, which today provide a number of houses and flats. Furthermore the site address is located close to the boundary of the Sussex Downs Area of Outstanding Natural Beauty proposed South Downs National Park, which is located to the east of the site address.

3 RELEVANT HISTORY

Former Swimming Pool Site

BH2005/06530 - Change of use of studio (B1) to single Dwelling (C3).

Allowed on appeal.

BH2002/01578/FP – Change of condition 2 on approval BN/83 to enable new owner to use the studio and garden. Granted 09/10/2002.

BH2001/00072/FP – Erection of two storey house with double garage and carport. Withdrawn 11/07/2003. Dismissed on appeal for non-determination.

83/674 – Change of use of existing pump house to studio. Granted 17/07/1983.

82/961 – Change of use to single private dwellinghouse. Refused 12/10/1982.

79/2770 – Erection of single dwellinghouse with garage and alterations to swimming pool. Refused 20/11/1979.

75.1953 – Change of use to private dwelling. Refused 23/09/1975.

74.1428 – Alterations to use rooms as single dwellinghouse. 01/10/1974.

74.115 – Erection of WC. Granted 12/02/1974.

71.3239 – Outline for the erection of a detached house and garage. Refused 18/01/1972.

71.1859 – Outline for the erection of a detached house and garage. Refused 10.08/1971.

68.534 – Outline for the erection of a detached bungalow and garage. Refused 09/04/1968.

60.1803 – Outline for the erection of a single storey dwelling, Refused 18/10/1960.

Tudor Close, Dean Court Road

1988/02077/FP – Conversion and extension of outbuilding to form self-

contained single storey cottage. (Amended plans showing larger building, on garden side and no rooflights) Granted 08/12/1988.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing dwelling and the construction of a 3 bedroom dwellinghouse with associated parking facilities.

5 CONSULTATIONS

External:

Neighbours:

A total of **37** letters of **objection** received from

4, 6 (2 letters), 46, 47, 58, 113 Dean Court Road, The Cottage, 1, 5, 7 (2 letters received), 9, 10, 11, 13, 14, 17, 19, 24 and 27 (2 letters received) Tudor Close, Dean Court Road, Tudor Close Residents Association (Registered Office 17 Tudor Close, Dean Court Road), Point Clear Lustrells Road, 13 Grena Gardens Richmond Surrey, 5 Olde Place Mews and Kipling Cottage The Green, 15 Park Road (2 letters received), 42, 43 and 110 High Street, 46 Gorham Avenue, Horseshoe Cottage Whipping Post Lane, 14A Fontenoy Road London, 1 Royles Close, 72 Donald Hall Road, 2 Challoners Close, 101 Oaklands Avenue and 2 letters with no address given

On grounds of:

- proposal is not in keeping with the area, which is largely Grade 11 Listed, of historic interest and within the Rottingdean Conservation Area, the development will have a detrimental effect upon the local environment,
- the location, scale and arrangement are unsuitable to be sited within the boundaries of the Rottingdean Conservation Area and also within the proximity of an Area of Outstanding Natural Beauty,
- are not persuaded that the site is a brownfield site, the site has never had industrial or commercial use upon it. In addition the current property is used daily and therefore is not derelict and should rule out any claims of being a brownfield site.
- concerned that the eco-umbrella is a smoke screen in order to get planning permission,
- the plot is too small for the proposed development which will dominate the site and will result in town cramming,
- the house will overlook the neighbours and will impair their amenity,
- the backland development will be to the detriment of the beauty of the village and its residents,
- there would be inevitable damage to the preserved trees during excavations,
- will result in the loss of open space
- the proposed solar panels will blight the entire neighbourhood and have an adverse impact upon the Rottingdean Conservation Area.
- would set a precedent for other unwelcome additions in the future,
- the appeal allowed on the site to upgrade the studio had expressly forbidden any extensions to be built and removed the householders

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permitted development rights, so surprised that this proposal is even being considered,

- access to the site is via a narrow drive which is extremely limited with a blind turn onto Dean Court Road. This could prove extremely dangerous to local residents during the development with works vehicles having to drive across the pavement to obtain access,
- the narrow entrance is impassable for emergency vehicles,
- residents and the local school will be affected during construction with regards to noise, dust and dirt that such developments inevitably bring,
- the Council has already set a precedent in protecting the village form undesirable developments in refusing the application for building on a backland plot at Eagles in Steyning Road (BH2007/01912),
- the development contravenes a number of policies of the Brighton & Hove Local Plan including policy NC7 which does not permit development within or adjacent to an Area of Outstanding Natural Beauty,
- the proposal will have an impact upon wildlife within the hedges along the side of the drive leading to the plot. Their habitat will be desecrated by this development with vehicles constantly traversing the very narrow drive,
- the plans and photomontages submitted as part of the application provide an inaccurate picture of how views will be comprised from outside the property,
- concerned that the applicant has no intention of actually building anything on the site but is just obtaining permission in order to enhance the value of the plot,
- previous application for a dwelling on the site have been refused and upheld on appeal, consider that nothing has changed in the interim regarding the general reasons for the refusal,
- development of this property has been turned down several times before,

Rottingdean Parish Council, object as the site is in open green space and an approval will set a precedent for land along the back of Dean Court Road which adjoins the Area of Outstanding Natural Beauty and which may be included within the proposed South Downs Park designation. In October 2006 change of use from a studio to a dwelling was granted on appeal. In the granting of the appeal the Planning Inspector noted that no external alterations or extensions were proposed to the building or the grounds, therefore the appearance of the building would not change. The inspector noted that there was a substantial difference between the conversion of the existing building and the erection of a new dwelling on the site which had previously been dismissed on appeal. In allowing the appeal the householders permitted development rights were removed. The current planning application goes against all of the inspector's recommendations for the preservation of the site. The site is not a brownfield site. The development would have a detrimental impact on the Conservation Area in that it would adversely affect the strategic views and historic skyline and have a negative effect on a listed building. The design of the building is out-of-keeping and out-of-character with the existing street scene. Also raise concern regarding

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access to the site during construction.

Letters of support

10 Guildford Road, the building is designed to a high standard and intended to be a low energy building constructed from sustainable produced materials. The Council should be actively encouraging people to build with as much care and attention to eco-issues as this plan is intending.

4A Park Road – does not object to the application as the building plan is in keeping with the area and is also environmentally friendly.

Flat 2, 60 The Drive surprised that there should be any problem with this application. What is proposed is an excellent way of turning what is now a derelict plot of land into an environmentally suitable dwelling which appears to have no adverse effect on the surrounding neighbourhood. It should certainly enhance the Rottingdean Conservation Area.

11 St. Michaels Place, does not object to the application.

6 Elm Drive, does not object to the application.

25 Tudor Close, The site is a fairly ordinary green area except for the trees at the top which are outside my window. Am very pleased that these are being retained. The building on the plot id not really in keeping with either Tudor Close or the flint walls and the chimney is rather ugly. The proposal to build a low building clad with flint, like the walls surrounding the site and graveyard, would be much more in keeping with the Conservation Area. The intension to have a modern building within a traditional flint exterior, which tries to keep carbon emissions down, is something I support. The proposed development will be more interesting than the current plot and an improvement to the area.

21 Cranleigh Avenue, This new building and garden disguised behind and original flint wall is a beautiful calm and environmentally sound project which would appear to comply with and not have any adverse effect on the Rottingdean Conservation Area. The proposed development appears to fulfil all of the sustainability requirements. With regards to the local environment the proposed property being of such a discreet design should not cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers. The intention to develop the land which at present is an unused plot serving no purpose can only enhance the particular site.

9 Chesham Road, the plot has potential for development; the proposed property is environmentally friendly, indiscreet and sympathetic to the Conservation Area of Rottingdean. The development is hidden behind the original wall and does not in anyway encroach upon the surrounding properties or cause loss of amenities to and existing and adjacent users, residents or occupiers.

Internal:

Traffic Manager: As I understand the site already has an occupied dwelling house, which would create an existing transport impact. Any increase in scale of this single dwelling (eg as with this application) would not lead to an increase in the number or frequency of vehicle and person trips that could be considered as material.

Attention has been drawn to the previous planning application on the site that

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was refused in 2001 with a reason being that the access was not designed to an appropriate standard at that time. The latest design guidance for accesses has removed the requirement to provide pedestrian visibility splays because research has shown that the lack of pedestrian visibility splays did not worsen public safety in anyway. Therefore the requirement to provide pedestrian visibility splays was dropped for the design guidance that was published in March 07. The same guidance also notes that where parking takes place within vehicle visibility splays there is no material worsening of the accident records because drivers will tend to emerge for the access more slowly.

Therefore, when considering whether a vehicle access is safe the criteria that needs to be used are;

Width of the footway,

Number of pedestrian movements passing the site, and

frequency of vehicle movements,

On balance as the footway is wide, there are limited vehicle and pedestrian movements passing and using the site, there are no recorded accidents in the vicinity of the site, and there is an existing residential dwelling served by the access so a refusal of this planning application on transport related grounds would not be reasonable or supportable at an appeal hearing.

Conservation and Design: The Rottingdean Conservation Area Plan dated 1972 defined three character sub-areas of the conservation area, i.e. The Street, the area around The Green and Falmer Road.

It described the area around The Green as follows:-

"This area is centred around the pond and village green. To the north and east lie large houses, hidden behind high flint walls. Notable among them is The Grange, with its portico and elegant Venetian shutters, and Kipling's home, The Elms, which overlooks The Green. The large tree filled garden with its circle of flint walls is of prime importance in shaping the character of the northern part of this area. East of the Green stands St Margaret's Church, an early English Flint building with some Norman work. Behind it there is the interesting anachronism of Tudor Close, several barns converted in the 1930s into a hotel with liberal use of carved oak beams and herringbone brickwork. To the south of the churchyard and the new school, Whiteway Lane, an ancient sheepwalk, wends its way to the open downs beneath a canopy of trees which overhang a high bank on one side and a flint wall on the other."

Originally the village green included the Kipling Gardens and the grounds of The Dene and The Elms. The remaining unenclosed part of The Green, Kipling Gardens and the gardens of The Dene and The Elms, together with the walled churchyards of St. Margaret's and the walled gardens extending beyond these to the east to open countryside, are still important areas of open green space in the central section of the conservation area. This contrasts

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with the denser southern end of the village with its smaller houses crowding onto the High Street and the small back lanes leading off it and gives this part of the conservation area a more rural feel.

Although the site lies within the defined Boundary of the Built Up Area as shown in the Local Plan Proposals Map, there is a presumption against the development of important open green spaces within conservation areas.

Local Plan Policy HE6 which refers in subsection (d) to "the retention and protection of trees, gardens, spaces between buildings and other open areas which contribute to the character or appearance of the area".

Also Local Plan policy QD20 - Urban Open Space - states:-

"Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance. ... "

Over the years, there have been numerous applications for a dwelling on this site, which have been Refused and some Dismissed on Appeal. The most recent Dismissed Appeal (BH2001/00072/FP) was dated 19th June 2001 and the most recent Refusal was on 9th May 2001 (BH2001/00137/FP).

An application ((BH2005/06530) for the change of use of the existing studio building on the site was allowed on Appeal on 26th October 2006. In his decision letter the Inspector stated:-

"The appeal site forms part of a predominantly open and undeveloped area beyond the graveyard, albeit one that is largely hidden from public views because of the surrounding flint walls. I recognise that this open character is important to the conservation area."

"Concern has been expressed in representations about the precedent some perceive would be created if the appeal were allowed. But there is a substantial difference between the conversion of an existing building and the erection of a new building on the site, which has been previously dismissed on appeal. Allowing this appeal would not weaken the Council's ability to safeguard what I have identified as the important contribution of the site to the conservation area."

He also stated:-

"A residential use would also give the property permitted development rights for extensions. Because of the small size of the existing building, the implementation of such rights could result in a substantial change to the appearance of the site. Possible harm from such development could be avoided by withdrawing permitted development rights."

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This he did by attaching a condition withdrawing PD rights.

Bulk and Height:

The proposal involves a very substantial increase in the footprint (four times) and volume of building on the site. This is in addition to the existing carport and bicycle shed.

Whilst part of it is sunk into the ground, most of the building would rise significantly above the surrounding flint walls and would be visible from the Listed Tudor Close, and the paddock and graveyard to the south and the walled paddock to the north. At its highest point, the two-storey part of the new building would rise approx. 3.8m above the natural ground level and approx 1.85m above the adjacent flint walls.

Together with the existing and proposed hard paved areas and existing carport and bicycle shed, it would result in a much more built up appearance and character of the site. This development would intrude of development into the tongue of open space that links the Churchyard to open countryside.

Given the height of the buildings and their positioning on the site, the development would not read as a series of walled garden subdivisions, but as a substantial new large free-standing building sitting in the walled garden.

Massing and Form:

Whilst the modern design of the proposed building is a good one it is not appropriate in this location. As a free standing building, its form and massing and flat roof would be alien to the character of the conservation area and does not reflect the traditional mainly clay tiled pitched roofed buildings in the locality. This would not matter if the proposal were a low single storey building no taller than the boundary walls and fully linked to them so as to read as bothies and garden wall divisions, but this is not the case.

The eco-building features such as the green roof and solar panels would be welcomed, provided that they are not visible. However, as they would be visible from Tudor Close, they would add to the alien nature of the development.

Materials and Detailing:

The use of flint with brick dressings is appropriate, although further details would be required of these. However, the zinc cappings on the parapet walls would be an alien detail, Red brick copings (with a DPM under them) would be more suitable.

In view of the above, the proposal would detract from the character and appearance of the conservation area and the setting of nearby listed buildings and would be contrary to Policies QD2, QD3, QD4, QD20, HE3 and HE6 of the Local Plan.

Hard and Soft Landscaping:

The indicative landscaping scheme is acceptable in principle, provided that

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the hard surfacing is of appropriate traditional local materials, i.e. plain red clay brick pavers and the new planting includes a high proportion of locally native species and species typical of village walled gardens.

There are existing wooden trellises on top of the flint walls surrounding the site. These would have required planning permission to erect and there appears to be none. If they have been there for more than four years they would be immune from enforcement action. However, they are inappropriate to the character of the area and their removal should form part of the development scheme for the site in accordance with Local Plan policy HE6(f), in the event that planning permission is granted.

If notwithstanding the above comments, the council is minded to grant permission, conditions should be attached requiring the submission of details of the flintwork and brick dressings, the landscaping, hard paving, external lighting and also requiring the removal of the trellises and the removal of permitted development rights.

Arboriculturist: The site the subject of this application has three trees covered by Preservation Order and several others. Only one tree covered by the preservation order (Tree No. T.19) is recommended for removal for health and safety reasons and not to facilitate the development. The Arboricultural Section would like to recommend that a separate application is submitted to deal with this issue.

Eleven further trees of relatively insignificant stature, ie, Cherry, Pear, Birch, are recommended for removal for reasons such as decay, poor specimen, in decline etc.

The Arboricultural Section do not object to this, however, it should be made a condition of any planning consent granted that a landscaping condition is attached to show replacement trees for these 11.

The Tree Survey report submitted with the application is comprehensive and the Arboricultural Section are in full agreement with it. The Arboricultural Section would like it made a condition of any planning consent granted that the remaining trees are protected to BS 5837 (2005) Trees on Development Sites. This has already been covered in the attached Arb report.

The footprint of the building is mostly within the sunken area of the ex-swimming pool, and therefore there are unlikely to be many tree roots in this vicinity.

The access on to the site is terribly narrow and trees in the vicinity may be affected by builders' traffic etc.

The Arboricultural Section would like to see a method statement on how access is likely to be achieved, ie, either hand barrowing through the narrow entrance, or the current concrete "pad" remaining in situ and being taken up and relaid as the final task on the site in order to protect any tree roots that

may be in that vicinity.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficient of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD14 Extensions and alterations
- QD15 Landscape Design
- QD16 Tress and hedgerows
- QD18 Species protection
- QD20 Urban open space
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a Listed Building
- HE6 Development within or affecting the setting of Conservation Areas
- NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Document

Construction and Demolition Waste (SPD03)

Supplementary Planning Guidance on Parking Standards SPGBH4

Planning Policy Statement Housing (PPS3)

Planning Policy Guidance 13 – Transport (PPG13)

7 CONSIDERATIONS

In the determination of the application consideration must be given to the impacts of the proposed development upon the character and appearance of Dean Court Road and the surrounding area, especially the Rottingdean Conservation Area and the adjacent Sussex Downs Area of Outstanding Natural Beauty. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions for future occupiers and highway issues matters must also be considered.

Background

As set out above there is a long history of refused applications for a dwelling on this site.

The application relates to an outbuilding which was formerly used in connection with Tudor Close development which is situated to the front of Dean Court Road. The building was previously a pump house which served a swimming pool which was located in the centre of the site.

As the planning history above sets out previous planning applications have sought permission for the change of use or the redevelopment of the site to a single dwellinghouse. Such proposals have been refused on a number of occasions. However a change of use to a studio (Use Class B1) was granted and more recently an application was granted at appeal for a conversion of the studio to a single dwelling (BH2005/06530).

Within the appeal decision relating to application BH2005/06530 it was stated by the inspector that the proposed conversion of the existing studio to a residential unit, as a result of not incorporating any external alterations or extensions, would not be harmful to the character of the area. However it was stated that “a residential use would also give the property permitted development rights for extensions. Because of the small size of the existing building, the implementation of such rights could result in a substantial change to the appearance of the site. Possible harm from such development could be avoided by withdrawing such permitted development rights”.

Further comments within the inspectors appeal decision was that there is a substantial difference between the conversion of the studio to a dwelling than the erection of a new dwelling on the site, which have previously been refused on appeal. The conversion of the studio to a residential unit was stated not to weaken the Council’s ability to safeguard the important contribution of the site to the Conservation Area.

Principle of Development

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question.

PPS3 states that a development, such as that proposed should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. However PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

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- whether the development would be integrated with and complimentary to the area;
- whether the development would compromise the quality of the local environment;
- whether the development would be inappropriate in its context; and
- whether the development would fail to improve the character and quality of the area.

These matters are considered below.

Design Impacts

The proposal includes the demolition of the existing building which is located within the north eastern corner of the site.

The applicant seeks permission to construct a property, formed of two levels within the northern section of the site. The proposed structure will provide a three bedroom dwelling with ancillary study and workroom/laundry.

The design of the proposed development incorporates two large flat roofs, one of which will form a green roof. It is considered that the free standing building with associated flat roofs does not reflect the traditional mainly clay tiled pitched roofed building evident within the locality of the site.

The proposed dwelling will be integrated within the south sloping gradient of the site address which results in the northern section of the property appearing as one storey but as two storeys when viewed from the south. The maximum height of the proposed property is approximately 6m although only approximately 3.3m will be above ground level.

The floor level of the proposed lower level of the property will be located approximately 2.7m below ground level. The overall height of the proposed lower section of the property is approximately 3.8m. The flat roof of the proposed lower section will be set down from that of the upper section by approximately 2.2m. The flat roof of the lower section of the property will become a green roof.

A flint wall, with a wooden trellis above, is located around the perimeter of the site address. The height of this wall varies across the site in order to reflect the gradient upon which the property is located. There is no planning history to indicate that the trellis upon the wall has been approved by the Local Planning Authority. Its presence is considered inappropriate to the character and appearance of the area. It would be preferable for the trellis to be removed which would result in a lower boundary treatment around the site.

Part of the surrounding flint wall to the north of the existing unit has been inappropriately altered in the past in order to install gas central heating to the unit. The proposal will result in this wall being restored to match the rest of the wall.

The proposed development involves a substantial increase of the footprint

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and volume of the existing property. Despite the intention to sink part of the proposed development within the ground, part of the development would rise above the existing surrounding flint wall and as a result would be visible from within the surrounding area, for example from the eastern section of the graveyard associated with St. Margaret's Church which is a listed building.

The proposed dwelling in addition to the associated existing and proposed hard standing/paved areas will result in a greater built up visual appearance and character of the site which is considered to be unsympathetic to the surrounding area.

With regards to the proposed materials it is considered that the use of the timber frame clad with flint brick dressings is appropriate, however the proposed zinc cappings on the parapet wall would not be a suitable detail.

The Rottingdean Conservation Area, in which the site address is sited, has three character sub-areas, namely The Street, the area around the Green and Falmer Road. Although the site lies within the defined boundary of the built up area there is a presumption against the development of important open green spaces within Conservation Areas. This is reflected in section d of policy HE6 of the Brighton & Hove Local Plan in which it is stated that developments within Conservation Areas should show 'the retention and protection of trees, gardens', spaces between buildings and other open areas which contribute to the character or appearance of the area'. Furthermore policy QD20 states that 'planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance layout and features of importance'. The site is considered to form an important component in the area of open space between Rottingdean and Saltdean which runs from the Downs to the parish church.

Overall it is considered that the proposed development, by virtue of its design, bulk, height and massing constitutes unacceptable development. Furthermore the proposal is considered to result in an intrusion into the important open space which surrounds Rottingdean. Consequently the proposed development is considered to be of detriment to the character and appearance of the site, the setting of the adjacent Listed Buildings and the wider area including the Rottingdean Conservation Area and adjacent Sussex Downs Area of Outstanding Natural Beauty and proposed South Downs National Park.

Living conditions for Occupiers

Policy HO13 requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. Within the supporting documents submitted as part of the application a lifetime homes checklist has been completed in relation to the proposed development and the 16 lifetime homes standards. In addition floor plans

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A1.12 and A1.2 shows the installation of a platform lift to provide access between the two floor levels of the proposed dwelling and the potential positioning of a hoist between bedroom 3 and the adjacent bathroom area.

Furthermore the applicant has failed to demonstrate that the northern section of the lower level of the property will benefit from enough natural light and ventilation due to the lack of windows within the eastern and northern facing elevations of the lower floor level. It is acknowledged that the northern section of the lower level is below ground level however, in accordance with policy SU2; the development should not result in the reliance on mechanical means of ventilation and artificial lighting. Furthermore it is considered that lack of light to areas of the proposed development would be contrary to policy QD27 as the development fails to provide sufficient amenity for occupiers of the dwelling.

The remaining southern section of the site address will provide adequately sized private usable amenity space for the use by the occupiers of the proposed dwelling and therefore is in accordance with policy HO5 of the Brighton & Hove Local Plan.

An area for the storage of refuse and recycling is identified on the plans submitted as part of the application in accordance with policies set out in the Brighton & Hove Local Plan.

Impact Upon Neighbouring Properties Amenities

The proposed three-bedroom dwelling would be accommodated across two floor levels. The site address currently slopes to the south.

No properties are located directly to the west or east of the site address. St. Margaret's' C of E Primary is located to the south of the site address and a number of residential units is located to the north of the site.

As already stated, due to the integration of the proposed unit within the contours of the land, the upper level of the proposed unit will be level with the existing northern entrance area of the site whilst the lower floor will be level with the proposed garden area.

A narrow but long window is proposed within the north facing elevation of the proposed upper floor level of the property which will face the residential properties closest to the site.

A large number of the windows will be inserted within both the upper and lower levels of the proposed property within the south facing elevation. These windows will face onto the garden area.

Overall it is considered that the proposal will not have a significant adverse impact upon the amenities of the surrounding properties.

Sustainability

In accordance with policy SU13 a waste minimisation statement has been

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submitted as part of the application with regards to both the demolition of the existing property and the construction of the proposed dwellinghouse. However the document does not provide certainty and the information fails to provide an indication on likely amounts of waste to be recycled and therefore it is considered that the proposal does not fully comply with policy SU13 or SPD03. This issue could be resolved via a condition attached to an approval if the application is considered acceptable.

Policy SU2 of the Brighton & Hove Local Plan requires new developments to demonstrate a high standard of efficiency in the use of energy, water and materials. It is stated within the information submitted as part of the application that the proposed property will surpass the standards for a 3* building under the Code for Sustainable Homes. Despite this statement it is considered that the overall proposal fails to fully comply with policy SU2 for the reasons set out earlier.

The proposed development fails to accord to policy SU2 of the Brighton & Hove Local Plan as the lower floor bathroom area is not provided with natural light or ventilation which will result in the reliance on mechanical means of ventilation and artificial lighting, which result in an excessive draw on energy.

The design of the proposed unit includes the insertion of solar panels to part of the flat roof which will form the northern most section of the property, in addition to the provision of a green roof upon the flat roof of the lower level of the dwelling. Whilst it is acknowledged that these features will enable the proposed development to be sustainable it is considered that they would form incongruous features viewable from properties located on Dean Court Road, such as Tudor Court and therefore it is considered that these elements would have an adverse impact upon the visual amenities of the surrounding area.

Transport issues

Access to the site is already provided by a driveway from Dean Court Road located between 6 Dean Court Road and Little Cottage. Currently within the site a small parking area and turning head is provided. The driveway into the site also provides pedestrian access for a number of properties located within Tudor Close.

It is acknowledged that one of the grounds for refusal of application BH2001/00137/FP related to the intensification of the existing access route and its inadequacy for such purpose. However no objections to the current application have been made by the Council's Transport Manager as the current use of the site already creates a transport impact and it is considered that any increase in the scale of the dwelling would not lead to an increase in the number or frequency of vehicle and person trips that would be considered as material. Furthermore, with regards to the existing access road, the 2007 design standards and guidelines for accesses has removed the requirement for pedestrian visibility splays.

Windows relating to no. 6 Dean Court Road are located within the west facing elevation of the neighbouring property and therefore face toward the existing

driveway which provides access from Dean Court Road to the site address. The existing driveway and the western facing elevation are divided by the western boundary of no. 6 Dean Court Road which is formed of a combination of sections of a solid wall, a fence and established vegetation.

Residential units located within Tudor Close also face onto the existing driveway. These properties are set back from the access route by approximately 12m.

Overall it is considered that the amenities of the occupiers of the related residential units within Tudor Close and no. 6 Dean Court Road will not be adversely affected by the use of the existing access route continuing to provide access into the proposed dwelling.

The site address is located in close proximity to public transport, namely a bus service which runs from Rottingdean Village to Brighton on a regular basis.

Within the north-western corner of the site the applicant intends to erect a cycle shed and as a result it is considered that the proposal complies with policy TR14 of the Brighton & Hove Local Plan.

Other Issues

The site address is subject to an Area Tree Preservation Order. An Arboriculturist Impact Assessment and Statement has been included as one of the documents which form part of the application. Within this document it is stated that tree loss will be kept to a minimum and will be restricted to the removal of trees that are reaching the end of their useful lives, are causing damage to property or are in decline. A plan has been included which clearly sets out which trees will be affected by the proposed development. No objection to the proposed works are raised by the Council's Arboriculturist subject to the attachment of conditions, including the submission of a method statement with regards to access, due to the narrow access route and the possible impact upon trees in the vicinity and the request for a separate application to be submitted with regards to the proposed removal of tree No. T19.

A detailed ecology report has been submitted as part of the application to demonstrate that the proposed development will not have a significant adverse impact upon the local wildlife. Furthermore the report sets out measures which will be incorporated within the development to increase the sites value for nature conservation, for example the construction of a pond and the installation of bat and bird boxes.

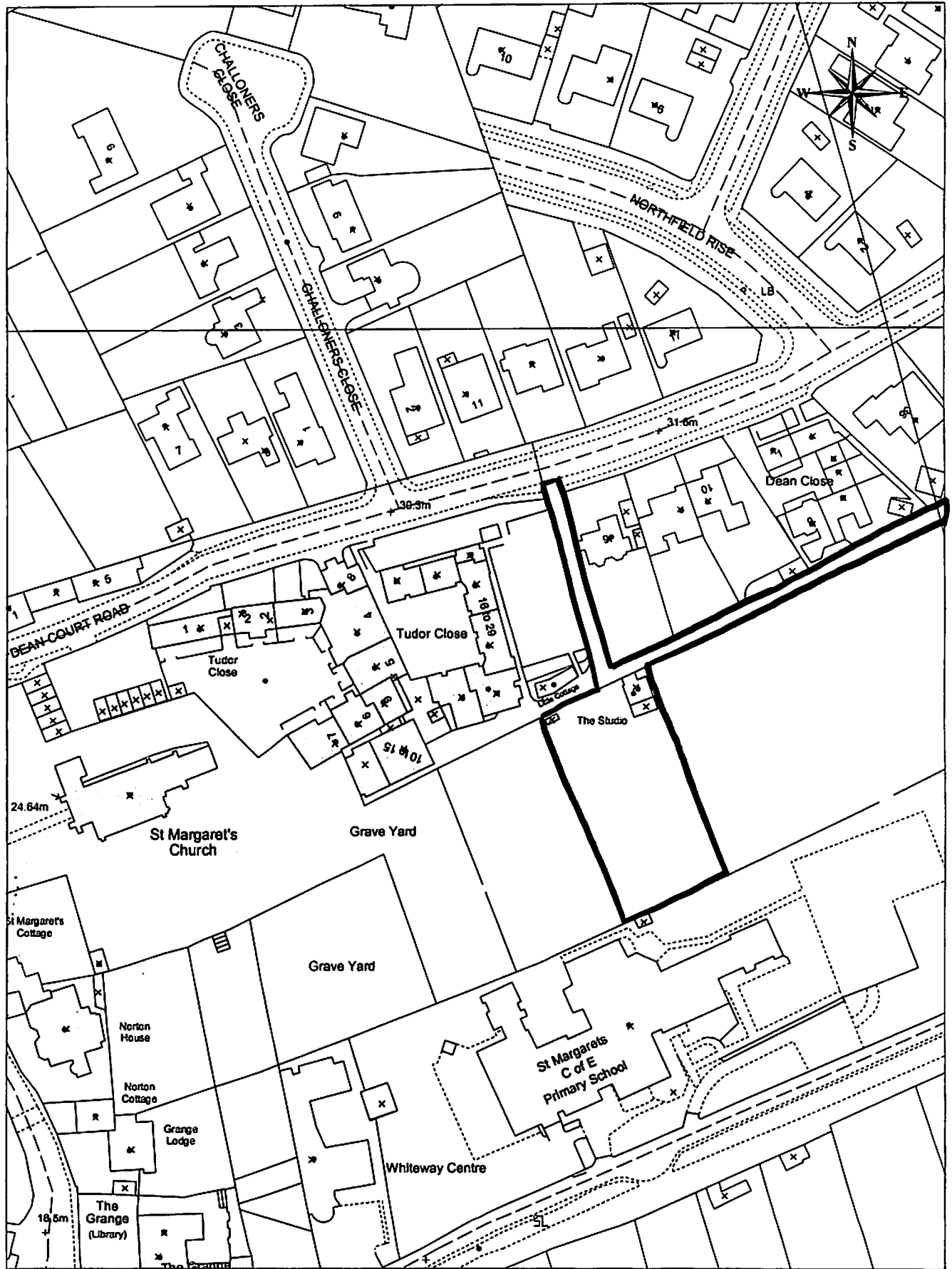
Conclusion

For the reasons set out above refusal is recommended.

8 EQUALITIES IMPLICATIONS

Policy HO13 would require the dwelling to be built to lifetime home standards.

LOCATION PLAN



Application No.: BH2007/04061

SCALE 1:1250

Address: 4 Dean Court Road, Rottingdean



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

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