

<b><u>No:</u></b>	<b>BH2017/02482</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Bowen Court 31-35 The Drive Hove BN3 3JF</b>		
<b><u>Proposal:</u></b>	<b>Installation of safety railings to roof.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel: <b><u>Valid Date:</u></b>	22.09.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	17.11.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	20.12.2017
<b><u>Agent:</u></b>	Fryzer Property Services 30 York Road Worthing BN11 3EN		
<b><u>Applicant:</u></b>	Bowen Court Ltd 31/35 The Drive Hove BN3 3JF		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	21 July 2017
Block Plan	-	-	21 July 2017
Elevations Proposed	02	-	22 September 2017
Detail	25912-1	C	21 July 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to Bowen Court which forms a purpose built block of flats located to the east side of The Drive. The site is situated within The Willett Estate Conservation Area and the building is relatively modern in design.

2.2 Permission is sought for the installation of safety railings around the edge of the roof.

### 3. RELEVANT HISTORY

3.1 None relevant

### 4. REPRESENTATIONS

4.1 Fourteen (14) letters has been received supporting the proposed development for the following reasons:

- Essential works to prevent high risk of accidents
- Railings required for safe maintenance of the roof
- Railings required for safety of crew and public
- Neighbouring blocks have railings - in keeping with character of area
- High quality and finish of the railings - no negative impact on the appearance of the block

4.2 Sixteen (16) letters has been received objecting to the proposed development for the following reasons:

- Impact on character of building and conservation area
- Impact on the structure of the building
- Noise disturbance
- Unnecessary works
- Leaseholder disputes

4.3 It is noted that three (3) objections were received from the same person, and two (2) objections from another person.

4.4 One (1) further comment was received commenting on the proposed development for the following reason:

- Comment with regards to safety

### 5. CONSULTATIONS

5.1 **Heritage:** Initial comment received 18/10/17:

Insufficient information has been submitted to justify the requirement of the proposed railings. An alternative barrier might be more suitable for the building in design and material.

5.2 **N.B. - Further information and justification was provided throughout the course of this application addressing the above comments**

5.3 **Heritage:** Further comment received 26/10/17:

- 5.4 The information provided is helpful. An alternative style/design of railing which would only temporarily affect the sky line has been suggested and required investigation as to whether this would be more appropriate.
- 5.5 **N.B. - Further information and justification was provided throughout the course of this application addressing the above comments**
- 5.6 **Heritage:** Final comment received 06/11/17:  
This issue of alternative railing designs has been thoroughly explored, and it is accepted that there is no practical alternative, therefore regrettably the public benefit of physical safety of people undertaking maintenance is now considered sufficient to justify the proposal.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP15 Heritage

#### Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations  
QD27 Protection of amenity  
HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD09 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed railings on the appearance and character of the existing building, the wider Willett Estate conservation area, and the amenities of the adjacent occupiers
- 8.2 **Design and Appearance:**  
Initial concerns were raised regarding the proposal in terms of the justification for the need of new railings. It was noted that at present workers use fall arrest equipment, and it was considered further justification was required to explain why this was inadequate. In addition, the design and materials of the proposed railings raised concerns due to their likely impact on the profile of the building against the skyline and the original styling of the building.
- 8.3 Following the above concerns, further information was provided for the proposal as detailed below.
- 8.4 It was stated that the health & safety of contractors and staff working at height on Bowen Court or any other building is primarily the responsibility of the building owner under The Construction (Design and Management) Regulations 2015. Not all contractors have the ability to use their own man-safe system, or other safety harness system which restricts the usable contractors and also restricts any work on the roof being carried out by the resident caretaker. The purpose of the railings is to provide a safe working environment for any contractor who we need to access the roof area. The railings that have been proposed are to be manufactured in stainless steel which is most suitable for the coastal region. An alternative to this would have to be mild steel which would be subject to corrosion.
- 8.5 The above information is considered to provide clear and sufficient justification for the proposal and the principle of the requirement of the railings is therefore accepted. With regards to the design and material concerns, an alternative solution was explored throughout the course of this application.
- 8.6 It was suggested by the Heritage officer that in a similar case safety railings were proposed which could be laid flat when not required. The applicants provided clarification as to the unsuitability of this type of system in this instance, having regards to the design of the existing flat roof area which has relatively narrow walkway sections immediately adjoining the west and east elevations of the building. This alternative design would be such that the bases to the uprights of the railings would impede the surface water drainage, and would represent a trip hazard to those on the roof in these areas, either with the railings in position, or if erecting the railings - a risk in itself.
- 8.7 Subsequently the Heritage officer confirmed that that the issue of design and materials has been thoroughly explored, and that there is no practical alternative. Therefore whilst it is acknowledged that the railings would have an impact on the skyline and building itself, regrettably it is considered that the public benefit of physical safety of people undertaking maintenance is sufficient to justify approval of this application.

8.8 In addition it is noted that there are existing railings present within the streetscene, including railings to the roof of Grove Lodge which forms the adjacent purpose built block of flats to the north.

8.9 **Impact on Amenity:**

The railings would be situated on the roof top and would therefore not result in a harmful impact on the amenity of the flats of Bowen Court. Whilst it may lead to some loss of a view for the penthouse flats located to the rooftop, this is not a material consideration to this application and is therefore not given any weight.

8.10 **Other considerations**

It is noted concerns have been raised regarding noise disturbance from the proposed railings due to strong winds. There is no identified noise impact from the proposed railings.

8.11 Regarding the objection raised on the grounds of disputes between the leaseholder and boards of directors, this is considered a civil matter and is not a material consideration in the determination of this application.

**9. EQUALITIES**

9.1 None identified.

