



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	9 November 2016
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morris, Moonan and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Cliona May Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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AGENDA

63 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

PLANNING COMMITTEE

64 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 12 October 2016 (copy to follow).

65 CHAIR'S COMMUNICATIONS

66 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 2 November 2016.

67 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

68 121-123 DAVIGDOR ROAD, HOVE - REQUEST TO VARY THE HEADS OF TERMS OF SECTION 106 AGREEMENT IN CONNECTION WITH PLANNING PERMISSION BH2015/02917 FOR A MIXED USE BUILDING COMPRISING 47 RESIDENTIAL UNITS AND D1 COMMUNITY SPACE. 1 - 4

Report of the Executive Director Economy, Environment and Culture (copy attached).l

69 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A BH2016/03040 - Jubilee Car Park, Arts Road, University of Sussex, Brighton - Full Planning 5 - 26

Erection of a 4no storey car park with associated landscaping and improved pedestrian and vehicle access.

RECOMMENDATION – GRANT

Ward Affected: Hollingdean & Stanmer

B BH2016/01020 - 4-7,9 & 15-20 Kensington Street, Brighton - Full Planning 27 - 50

Erection of 12no residential units comprising of 2no one bedroom houses, 1no two bedroom house and 9no one bedroom flats (C3).

RECOMMENDATION – MINDED TO GRANT

Ward Affected: St Peter's & North Laine

PLANNING COMMITTEE

- C BH2016/02379 - The Royal Pavilion, Pavilion Buildings, Brighton - Full Planning 51 - 64**

Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire, learners ice rink and associated plant and lighting. (1 year consent).

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

MINOR APPLICATIONS

- D BH2016/01478 - 23 Ainsworth Avenue, Brighton - Full Planning 65 - 80**

Erection of 1no two storey four bedroom house (C3).

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

- E BH2016/01879 - Land to the Rear of 73 North Road, Brighton - Householder Planning Permission 81 - 100**

Erection of part single, part two storey building to provide 8no office units (B1)

RECOMMENDATION – GRANT

Ward Affected: St Peter's & North Laine

- 70 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

INFORMATION ITEMS

- 71 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

(Copy to follow).

- 72 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

(Copy to follow).

- 73 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

(Copy to follow).

PLANNING COMMITTEE

74 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(Copy to follow).

75 APPEAL DECISIONS

(Copy to follow).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

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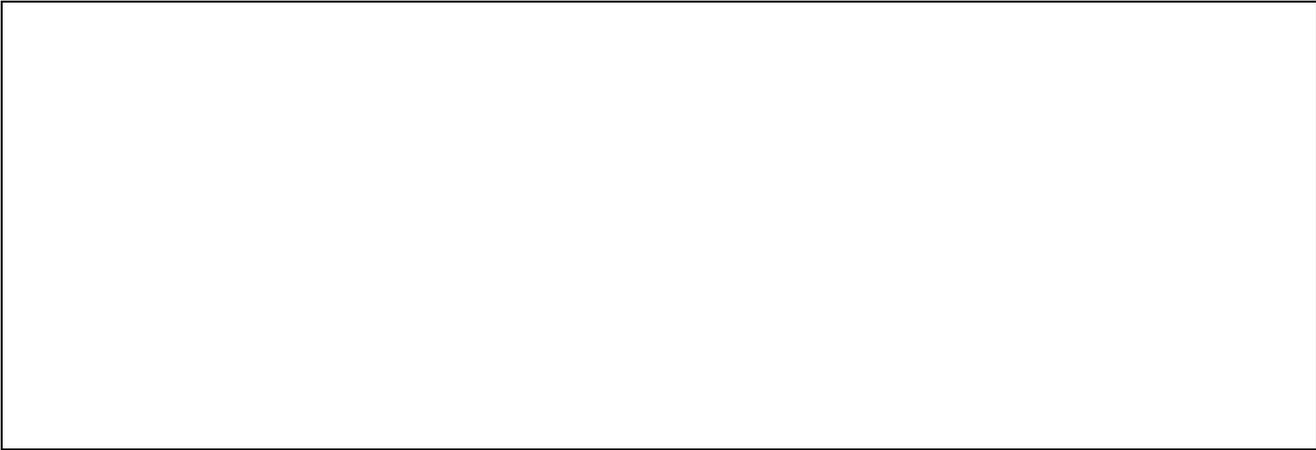
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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

PLANNING COMMITTEE



Date of Publication - Tuesday, 1 November 2016

- 3.3 Planning Permission was granted on 5th February 2015 following completion of the agreed s106 agreement.
- 3.4 The developer wrote to the Council on 31 August 2016 advising that their chosen Registered Social Landlord (Affinity Sutton) had pulled out of their agreed deal to purchase the affordable units within the development. Furthermore, their under bidder (Hyde Housing) had also withdrawn their interest.
- 3.5 The developer has advised that this is the result in part of government budget changes in relation to rent caps for affordable rent accommodation, and in part due to the nature of the development whereby the affordable units form a small number within a larger block where the RSL would not have complete management control.
- 3.5 In terms of other possible RSL providers, the developer has advised that a further 4 did not wish to bid for this development. A fifth (Guinness) placed a significantly lower bid subject to their board approval. Those RSLs that did not bid did so on the grounds that not only were the number of units (8) too low, but that the requested mix was too heavily weighted on affordable rent units.
- 3.6 With the remaining Guinness bid, the developer has now confirmed in a letter dated 23 September 2016 that they are no longer interested in the site. Furthermore, the developer has advised that their significantly lower offer would have led to viability issues with the whole development.
- 3.7 In summary, the developer has advised that there are now no viable offers for the affordable housing from any RSL.
- 3.8 Policy CP20 of the City Plan Part One requires development of the scale proposed to provide 40% affordable housing onsite, which may be applied more flexibly where justified having regard:
- i. local need in respect of the mix of dwelling types and sizes including the city's need to provide more family-sized affordable housing;
 - ii. the accessibility of the site to local services and facilities and public transport;
 - iii. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);
 - iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
 - v. the need to achieve a successful housing development
- 3.9 The Council's Affordable Housing Brief identified that the greatest need in the city is for additional rented affordable housing. The 2012 Assessment of Affordable Housing Need indicated the following tenure breakdown in terms of need:
- 8.5% intermediate
 - 32.5% affordable rent; and
 - 59% social rent

3.10 However, the Brief recognises that this split is unlikely to be achieved due to the considerable changes in the funding regime for providing affordable housing. Therefore, for practical purposes, the Brief sets out following broad tenure split as a citywide objective:

- 55% rented (social rent or affordable rent)
- 45% intermediate (for example shared ownership)

4. PROPOSAL

4.1 The developer has written to the Council to request that the affordable housing be delivered by alternative means, including by way of a commuted sum rather than an onsite provision.

5. COMMENT

5.1 The Local Planning Authority, in discussions with the Housing Strategy team, is satisfied that there is now no opportunity to provide onsite affordable housing within the development that accords with the priorities of policy CP20 of the City Plan Part One and the Affordable Housing Brief.

5.2 The developer initially offered three solutions. The first was to provide 8 intermediate housing units only to be provided by Affinity Sutton (subject to their board approval). The second was that the developer retain the 8 affordable units and sell them at 60% of open market value with covenants in place to ensure resale at this percentage in perpetuity. The third solution was to pay a commuted sum to the Council to provide affordable housing off site.

5.3 The first solution would not provide a suitable mix of affordable housing to meet the requirements of the Affordable Housing Brief, with the development to now include no affordable rent units. The second solution would again not meet the requirements of the Affordable Housing Brief.

5.4 Following discussions with the Housing Strategy team it was agreed that the third option represented the best way to meet the Affordable Housing Brief and secure affordable rent units.

5.5 In terms of the commuted sum, the main planning application was subject to viability appraisal which concluded that a 17% provision only was viable. This equated to 8 units split 6 affordable rent and 2 shared ownership. As a commuted payment, this equates to a figure of £1,218,000.

5.6 The Council's Housing Strategy team and Policy team consider this to be the optimum method for ensuring this development provides for a level of affordable housing that best complies with policy CP20 of the City Plan Part One and the Affordable Housing Brief.

Background Documents:
Planning Application BH2015/02917.

ITEM A

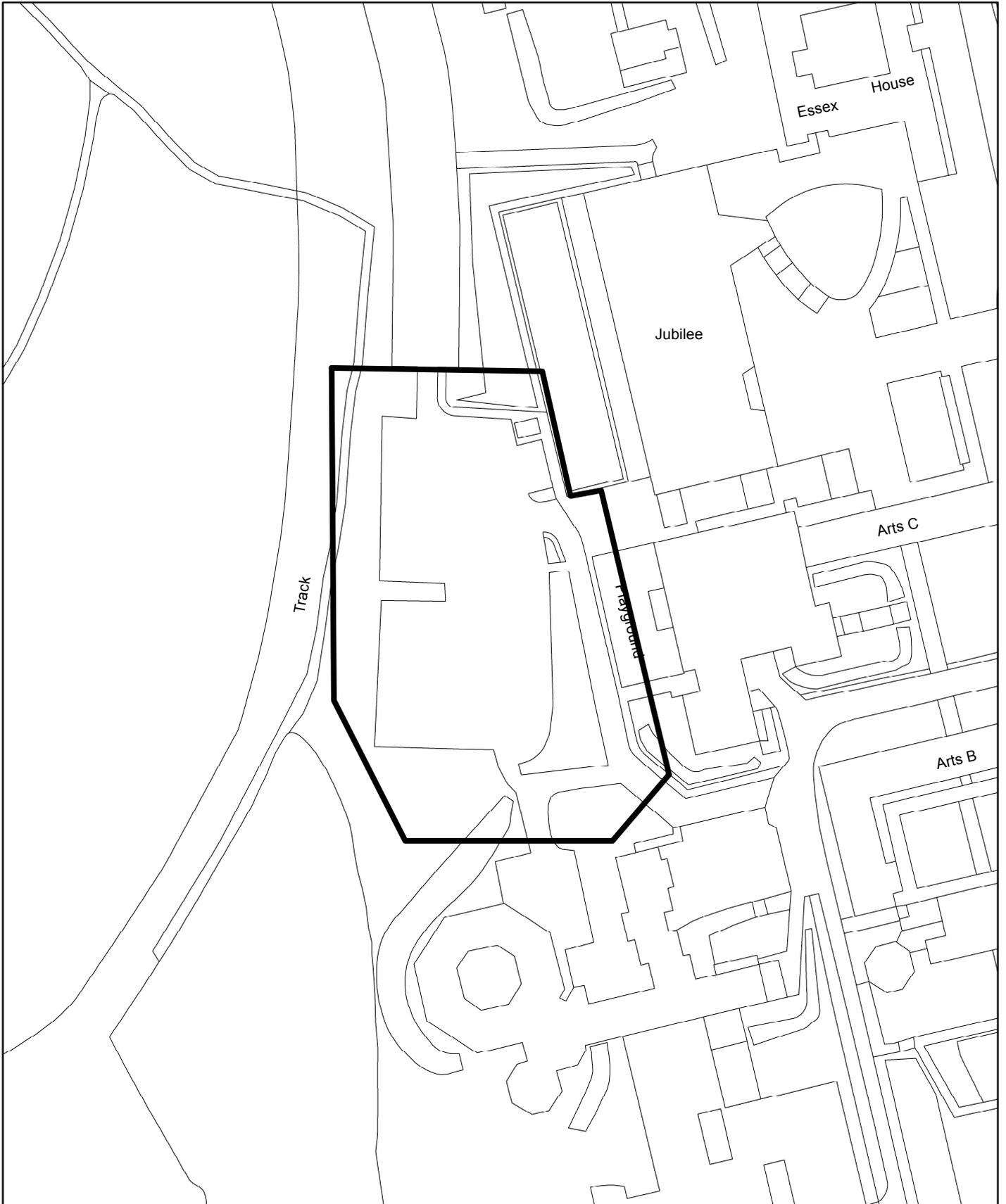
**Jubilee Car Park, Arts Road, University Of
Sussex, Brighton**

BH2016/03040

Full Planning

7 November 2016

BH2016/03040 Jubilee Car Park, Arts Road, University of Sussex, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2016/03040	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Jubilee Car Park Arts Road University Of Sussex Brighton		
<u>Proposal:</u>	Erection of a 4no storey carpark with associated landscaping and improved pedestrian and vehicle access.		
<u>Officer:</u>	Kate Brocklebank, tel: 292454	<u>Valid Date:</u>	18.08.2016
<u>Con Area:</u>	Adjacent to Stanmer Conservation Area	<u>Expiry Date:</u>	17.11.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>	Within the setting of Grade II* and Grade I Listed Buildings		
<u>Agent:</u>	Parker Dann Ltd. S10 The Waterside Centre North Street Lewes BN7 2PE		
<u>Applicant:</u>	University of Sussex c/o Bramber House Refectory Road Falmer Brighton BN1 9QU		

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.

Plan Type	Reference	Version	Date Received
Other	01	2	15 August 2016
Other	02	2	15 August 2016
Other	03	1	15 August 2016
Other	04	2	15 August 2016
Other	100	3	15 August 2016
Other	101	1	15 August 2016
Other	102	1	15 August 2016
Other	200	A	15 August 2016
Other	2000	P1	15 August 2016
Other	2001	P1	15 August 2016
Other	2002	P1	15 August 2016
Other	2003	P1	15 August 2016
Block Plan Existing	A-0961		15 August 2016
Sections Proposed	A-0962		15 August 2016

Sections Proposed	A-0963		15 August 2016
Sections Proposed	A-0964		15 August 2016
Existing Elevations	A-0966		15 August 2016
Existing Elevations	A-0967		15 August 2016
Site Layout Plan	A-0970		15 August 2016
Floor Plans Proposed	A-1000		15 August 2016
Floor Plans Proposed	A-1001		15 August 2016
Floor Plans Proposed	A-1002		15 August 2016
Floor Plans Proposed	A-1003		15 August 2016
Floor Plans Proposed	A-1004		15 August 2016
Floor Plans Proposed	A-1005		15 August 2016
Floor Plans Proposed	A-1006		15 August 2016
Floor Plans Proposed	A-1007		15 August 2016
Elevations Proposed	A-1200		15 August 2016
Elevations Proposed	A-1201		15 August 2016
Elevations Proposed	A-1202		15 August 2016
Sections Proposed	A-1300		15 August 2016
Sections Proposed	A-1301		15 August 2016
Sections Proposed	A-1302		15 August 2016
Other	150-4		19 August 2016
Other	151-3		19 August 2016
Other	152-2		19 August 2016
Other			13 September 2016
Site Layout Plan	201	B	13 September 2016
Landscaping Proposed	202	B	13 September 2016
Landscaping Proposed	203	B	13 September 2016
Landscaping Proposed	204	B	13 September 2016
Block Plan Existing			15 August 2016
Location Plan			15 August 2016

- 2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 3 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the proposed cladding material have been submitted to and approved in writing by the Local Planning Authority. The 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 QD14 and HE3 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 No development above ground floor slab level shall take place until larger scale details of the entrance stair, balustrade and the concrete feature wall to the north-east elevation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The 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 QD14 and HE3 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 5 No development above ground floor slab level shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the site drainage layout (Drg 100 Rev 3) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with policy QD16 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

- 6 The development shall be carried out in accordance with best construction practice as detailed in the Landscape Report - LUC August 2016 p.16. received 13/9/16.
Reason: To safeguard protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

- 7 Prior to the development hereby approved being brought into use, details of all internal and external lighting taking account of the Landscape Report - LUC August 2016 p.16 received 13/9/2016, shall have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies, QD18 and QD25 of the Brighton & Hove Local Plan.

- 8 The landscaping scheme detailed on drawing nos 202 revision B, 203 revision B and 204 revision B received on 13/09/2016 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 9 No development about ground floor slab level shall take place until full details of the section of relocated footpath adjacent to the ancient woodland has been submitted to and approved in writing by the Local Planning Authority; the footpath shall avoid excavation, any excavation necessary shall be carried out by hand. The development shall then be carried out in accordance with the approved scheme.
Reason: In order to protect the adjacent ancient woodland and to comply with policies QD16 and QD17 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 10 No equipment, materials or machinery shall be brought onto the site for the purposes of development, unless or until an arboricultural supervision statement has been submitted to and agreed in writing by the Local Planning Authority. The supervision statement shall be informed by a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by S J Stephens Associates Project ref 6707 - 100 revision B dated September 2016. The tree protection shall be positioned as shown on the Tree Protection Plan job no. 6707 Drawing no.200 Issue A before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 11 No development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 9 has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:
- a) Induction and personnel awareness of arboricultural matters.
 - b) Identification of individual responsibilities and key personnel.
 - c) Timing and methods of site visiting and record keeping, including updates.
 - d) Procedures for dealing with variations and incidents.
 - e) The scheme of supervision shall be carried out as agreed.
 - f) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.
- Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 12 Prior to the development hereby permitted first being brought into use, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- 13 Prior to the development hereby permitted first being brought into use, a revised car parking layout should be provided which provides full details of appropriate car park signage and lining to include details of centre line white line markings, give way lining and all signing shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure safe and efficient access for all road users and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 14 The development hereby permitted shall not be commenced until details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SU2 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 15 Prior to the development hereby approved being brought into use, an Energy performance Certificate (EPC) demonstrating the development has achieved an 'A' rating shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.

16. 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 The applicant is advised regarding condition 4 that the Lead Local Flood Authority notes the site drainage layout (Drg 100 Rev 3) submitted in support of

the application and in order to discharge the condition the LLFA would expect to see:

- Details of the final (not indicative) peak rate of the surface water runoff - post development
- Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.

The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30% allowance for climate change) year event in any part of a proposed buildings susceptible to water.

- 3 The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application relates to the University of Sussex campus which occupies circa 94 hectares of parkland at Falmer, at the foot of the South Downs National Park. The campus sits within a valley with the A27 to its south. The South Downs National Park climbs to the north and east of the campus. To the west lies Stanmer Park, which is a Grade II registered historic park and garden.

2.2 The University was designed by Sir Basil Spence in the 1960s and was the first of seven new post war universities in the country. Sir Basil Spence prepared the masterplan in 1959 and the first buildings were ready for occupation in 1962. Ten of the University's original buildings have been listed, all of which are based around Fulton Court (nine at grade II* and Falmer House at grade I). These determine the general character, architectural tone and presence of the campus. Similarly, the landscape, designed by Spence in consultation with Dame Sylvia Crowe, plays an equally important role to the buildings in setting the tone and character of the campus. The listed buildings, essentially the core of the campus, have a very high degree of architectural significance in their careful contextual design and materials and historic significance in relation to the campus as a model of educational organisation.

2.3 Background:

The Masterplan proposes no additional parking on site with the exception of 61 car parking spaces for mobility impaired staff, students and visitors. The table below summarises the anticipated changes in car parking numbers, as per the approved Masterplan application.

2.4 Parking levels through the masterplan period:

Car Parking	Base	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Gain	0	+213	+368	+633	0	0	+126
Loss	0	-462	-271	-167	0	-253	-126
Net Change	0	-249	+97	+466	0	-253	0
Total Available	1,899	1,650	1,747	2,213	2,213	1,960	1,960
Change	0	-249	-152	+314	+314	+61	+61

2.5 Application:

The application site is located on the western slope of the campus adjacent to the boundary with the South Downs National Park and Stanmer Park adjacent to the tree belt which includes ancient woodland. The area is currently occupied by surface car parking with 116 spaces, 15 of which are disabled parking spaces.

2.6 The application seeks permission for a four storey split level car park with 8 decks in total taking advantage of the change in site levels to provide a total of 362 spaces (net increase of 247 spaces), 14 of which will be disabled. Compliant level access approach has been provided along with a lift and a second ambulant staircase. The proposed pallet of materials is anodised aluminium panels with a fold on an asymmetrical ridge which will be in dark, light and mid grey whilst some panels are left open to allow for natural ventilation. The main staircase on the eastern side and the retaining walling running round the north east corner of the car park will be board marked concrete, the spiral escape stair and areas across the structure that are not clad will be constructed of pre-cast concrete.

2.7 Pre-application discussion

The application has been the subject of pre-application discussions on scale, design and landscaping.

3. RELEVANT HISTORY

BH2016/01001: Demolition of existing buildings and redevelopment to 'East Slope' to create a mixed use six storey building comprising entertainment and assembly venue, bar, meeting space, ancillary office space, flexible retail floorspace (A1, A3, A4) and 249 student bedrooms with associated landscaping and bicycle storage. Approved 22 September 2016.

BH2016/01004: Reserved matters application for approval of appearance, landscaping and layout in relation to 'Phase 1 - East Slope' development which includes 1,868 student bedrooms and ancillary accommodation, pursuant to outline approval BH2013/04337 (Demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works). Approved 9 August 2016.

BH2013/04337: Outline application with some matters reserved for demolition of existing buildings and construction of new buildings providing new academic

facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works. Matters for approval include layout, access and scale. Matters reserved are appearance and landscaping. (Layout subsequently reserved at appeal) Appeal allowed 30 July 2015.

4. REPRESENTATIONS

- 4.1 **Neighbours:**
None received.

5. CONSULTATIONS

External:

- 5.1 **Brighton and Hove Archaeology: Comment**
The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. It is recommended this is cross checked with the County Archaeologist.
- 5.2 **County Archaeologist: Comment**
The proposals are not within an Archaeological Notification Area; though immediately adjacent to the Stanmer Park registered park and garden and Conservation Area.
- 5.3 Archaeological evaluation in 2010 for the New Academy Site (BH2009/02941) by Archaeology South-East revealed no archaeological features and concluded that particularly up slope the site has been heavily impacted by landscaping in the past. Evidence from aerial photographs showing the development of open air parking at the site indicates that this is likely to be the case at the Jubilee Car Park site.
- 5.4 **Sussex Police Comment**
The University are adopting the 'Park Mark - Safer Parking Scheme' which has been implemented elsewhere on existing car parks on campus as such there are not concerns from a crime prevention perspective.
- 5.5 **The Gardens Trust No comment**
- 5.6 **County Ecologist No comment**
The site lies immediately adjacent to Stanmer Park/Coldean Local Nature Reserve (LNR) and Stanmer Village Local Geological Site (LGS). Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value.
- 5.7 The proposed development is also adjacent to an area of ancient woodland. Natural England's Standing Advice is that there should be a minimum of 15 m between ancient woodland and development.

- 5.8 The Environmental Statement submitted with the original outline application recognises the risk of damage to tree roots and proposed the implementation of tree protection measures, including root protection areas, as mitigation. The site plan demonstrates that the closest point (the north western corner of the car park), the proposed embankments will be circa 6.2 m from the edge of the ancient woodland, i.e. well within the 15 m buffer zone. Potential impacts of the cuttings/embankments include ground damage, loss of understorey and/or soil and/or root disturbance, and changes to hydrology from drainage within ancient woodland.
- 5.9 The scale and extent of the cuttings should where possible be reduced, particularly in vicinity of the root protection areas and/or alternatives should be explored e.g. retaining walls, and whether they would have lesser ecological impacts on the ancient woodland. In terms of compensation for any residual impacts on the ancient woodland following the above discussions, the possibilities are basically new native woodland planting and/or beneficial management of alternative sites.
- 5.10 With respect to the footpath, there should be no further excavation (or at least no significant excavation and any that is required should be done by hand), and the path should be unlit.
- 5.11 The proposed development will require the removal of 31 trees or groups of trees. None of the trees to be removed have bat roost potential. Given that there is a proposal to replace the trees lost with 65 new trees plus new scrub and woodland edge planting and strengthening planting, this loss is acceptable. Wherever possible, native trees of local provenance should be used.
- 5.12 To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August) unless a nesting bird check is carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.13 The adjacent woodland is used for commuting and foraging by bats and for foraging and sett building by badgers. To avoid disturbance it is therefore recommended that external lighting design should take account of national guidance. The proposed measures to avoid light spill and to maintain a dark corridor along the woodland edge described in the Ecology section of the Landscape Report (LUC, August 2016, p. 16) are appropriate and should be supported.
- 5.14 The recommendations in the Ecology section in the Landscape Report regarding reducing the construction impacts on ecology should also be employed.
- 5.15 **Twentieth Century Society Object**

Given the centrality of the landscape, of open views through the campus, and how fundamental this is to the significance of the buildings as a group, the Society considers that building a four storey car park in this location would constitute significant harm to the surrounding Grade I and II* listed buildings and the interest of the group as a whole.

- 5.16 The proposed site is a highly visible location at the apex of a grand staircase and at the end of a key axis across the site. The current low-lying open air car park plot does not obstruct views through to the National Park beyond, which was intended to be the focal point of the axis - reinforcing the University's place within the landscape. Placing a four-storey car park here will harmfully impact the setting of the listed buildings and will also terminate the space prematurely, making the central plaza enclosed and inward looking. Its location at the top of an inclined axis would further give the proposed building undue prominence. This is therefore a wholly inappropriate place to construct any new building, but the cladding materials and design - square anodised aluminium panels with asymmetrical, multi-coloured folds - will only increase the visibility and the dominance of a service building here.
- 5.17 This application constitutes substantial harm to a group of internationally significant buildings. This cannot be justified, given the University of Sussex is a large site with a number of current car parking facilities which have potential for redevelopment. The Twentieth Century Society urges that the applicants relocate the proposed car park elsewhere on the University site, and strongly urge that the application is refused.
- 5.18 **County Archaeology Comment:**
Archaeological evaluation in 2010 for the New Academic Site (BH2009/02941 Arts D & E buildings) by Archaeology South-East revealed no archaeological features and concluded that particularly up slope the site has been heavily impacted by landscaping in the past. Evidence from aerial photographs showing the development of open air parking; as such this is likely to be case at the Jubilee Car Park site
- 5.19 **South Downs National Park Authority (SDNP) Comment:**
It is appreciated that the proposed car park will reduce the impact of ranks of cars, including glare from windscreens when viewed from the surrounding area. The SDNPA is however concerned regarding the bulk of the scheme, particularly as it is in such close proximity to the SDNP boundary, adjacent to the public right of way to the west of the proposed building.
- 5.20 The SDNPA would have preferred a softer approach to the proposal, in both design and material, given the close relationship with the SDNP. The SDNPA is similarly unsure whether the landscaping would screen the development from the west as convincingly as the visual impact report proposes, considered to be most significant view in terms of impact on the SDNP.
- 5.21 Further detail is recommended to be sought regarding the proposed material, landscaping and details of the proposed lighting scheme to avoid further detriment to the Park which is an International Dark Skies Reserve.

Internal:

5.22 Heritage Comment:

The principle of a car park on this site was established under the outline masterplan application and has been subject to pre-application discussions on scale, design and landscaping.

5.23 The footprint is as per the masterplan although at the highest point would be 2.25m above the approved height parameter. However, it would still be below the height of the adjacent Jubilee Building and, crucially would still be below the crown of the woodland belt of trees immediately to the west. The design approach to the car park is welcomed, in particular the creation of a green wedge within the centre of the building that would break up its mass and better help to integrate it into the edge-of-countryside setting. Given that a multi-storey car park is a new building typology for the campus, and particularly given the simple functional nature of the use, it is considered appropriate for it to take a different approach to the prevalent Spence aesthetic. The faceted metal panel cladding system would provide visual interest at close view whilst screening the cars behind and the colour palette would make contextual reference to the flint and chalk of the downs. It will, though, be important to see samples of this material prior to approval. The monumental entrance stair structure, in board marked concrete, would provide strong legibility whilst at the same time making clear reference to the Spence buildings, which would help to relate the car park to the original campus. CGI views 2 and 3 in the Design and Access Statement show that the entrance stair would be a positive feature closing the vista at the top of the Jubilee steps.

5.24 The key views included demonstrate that the car park would have limited impact from views across and into the campus and that surrounding trees would remain visually dominant over the building, which would generally be seen in the context of the existing built development and would not be visually intrusive. In this respect the proposed cladding system and colour palette enables it to be visually recessive where it is seen. It would have little impact on the setting of the listed buildings; the main viewpoint is from Fulton Court, as shown in CGI view 1, where it would be a background recessive feature between the listed Library and the Listed Arts A buildings, even in winter. There is little inter-visibility between the historic park and the site and between Stanmer conservation area and the site. The views analysis in the Landscape report confirms that there would be no harmful impact on the settings of these assets. The car park would be visible in Viewpoint 5 from within Stanmer Park, but built development on the campus is already clearly seen from here and the car park would not significantly alter that and, crucially, would not intrude on the skyline. The slight adverse impact can be mitigated by the proposed tree planting.

5.25 The proposed landscaping and tree planting are welcomed and would more than compensate for the loss of existing trees. The hard landscaping is appropriately simple and reflective of the local context, subject to approval of samples by condition.

5.26 Flood Risk Management Officer Comment

The Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of a condition to secure detailed design and management/maintenance plan for surface water drainage using sustainable drainage methods.

5.27 **Planning Policy** No comment

5.28 **Economic Development** No comment

5.29 **Environmental Health** No objection

Environmental Health is satisfied that the reports are robust and that the application is merely to change the site from a surface hard stand car park to a multi storey car park.

5.30 The consultants, Ashdown Site Investigation have done both a desktop walkover and an intrusive investigation to determine any contaminants of concern, including both asbestos and unexploded ordnance, as there has been concern about the Canadian military occupying the site during the Second World War.

5.31 It would be appropriate for a discovery strategy to be applied to ensure that any unidentified or unexpected findings are properly risk assessed.

5.32 **Sustainability** No objection

It would be onerous to require a BREEAM assessment for the building in relation to City Plan Part One policy CP8. In relation to energy performance standards specifically, the design target to achieve an Energy performance Certificate (EPC) 'A' rating is welcomed. The building will have very low energy requirements, mainly resulting from lighting. LED lighting is proposed for at least the flood lighting, and use of LED lighting would be welcomed internally, it was not clear from the Design & Access Statement if this would be installed.

5.33 It is recommended that a condition is applied to ensure an EPC 'A' rating for the scheme is achieved by applying a post construction condition requiring submission of the Energy Performance Certificate demonstrating this.

5.34 **Arboricultural Services:** Comment

The loss of trees is to be regretted but the majority of trees to the East and the woodland area to the North should be unaffected. Overall, the Arboricultural Section has no objection to the proposals, the Arboricultural report is comprehensive and Arboricultural Services would recommend that a condition is imposed to further support the Arboricultural consultant's recommendations and to secure the submitted landscaping scheme.

5.35 **Sustainable Transport:** Comment

As part of the approved masterplan for the site the majority of car parking spaces are to be relocated to the perimeter of the site to create a more pedestrian friendly heart to the campus. The masterplan proposes no additional parking on-site apart from 61 disabled car parking spaces for staff, students and visitors. The existing total number of car parking spaces on-site is 1899 and this

is set to increase to 1960 spaces (a 61 space increase). Therefore the Highway Authority has no objections to the proposed car parking provision as it is generally a re-provision of existing supply across the campus.

- 5.36 It is also noted that the applicant is also proposing new parking permit proposals where staff and students will only be issued a permit if they meet a set of clearly defined criteria. The policy is still being developed but will be based on need, distance of travel and a charging regime. The enforcement of this parking permit policy can be managed through the University Travel Plan secured as part of the masterplan application.
- 5.37 Car parking layout and design:
The aisle width is 6m and the applicant is providing a running lane with a hatched footpath either side, which will assist with pedestrian movements within the car park and is welcomed by the Highway Authority; the full details of the layout should be secured by condition. Access has been tracked for differing size vehicles around the car park to demonstrate safe movement.
- 5.38 Electric Vehicle Parking:
The applicant is proposing 9 electric vehicle charging points which is welcomed by the Highway Authority.
- 5.39 Disabled User Vehicle Parking:
The applicant is proposing 14 disabled user car parking spaces. All disabled spaces are located at ground floor level close to the main pedestrian entrance which is welcomed. The majority of these are designed in accordance with Traffic Advisory Leaflet 5/95 which requires a 1.2m clear zone to both sides of a bay, 3 do not and as such final details of the layout are recommended to be secured by condition.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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
DA3 Lewes Road Area
CP2 Sustainable economic development
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP15 Heritage

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU11 Polluted land and buildings
QD15 Landscape design
QD16 Trees and hedgerows
QD17 Protection and integration of nature conservation features
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the design and impact on heritage assets, amenity, ecology, sustainable transport and sustainability.

8.2 **Principle:**

The principle of a car park in this location was established as part of the masterplan approved under outline permission BH2013/04337. The outline permission will introduce a net increase of 2,530 bedspaces within the campus and net increase of 43,034sqm of academic floorspace; it is not proposed to

increase the level of parking except to include 61 additional disabled parking bays.

- 8.3 The footprint of the proposed car park is equal to that approved under the masterplan however at its highest the structure will be approximately 2.25m above the parameter height approved under the outline for the site. The outline identified redevelopment of the existing surface parking at this site (Jubilee car park) to accommodate a total of 271 parking spaces.
- 8.4 The current application seeks permission for a total of 348 spaces which equates to a net increase of 247 spaces, 14 of which will be disabled spaces set out over four storeys arranged in two wings on split levels (totalling 8 decks of parking - 4 within each wing).
- 8.5 In order to accommodate the structure and avoid using significant lengths of retaining walls, the footings of the car park extend beyond the red edge of the outline application (BH2013/04337) and the bank is proposed to be cut away to provide a landscaped area. This, coupled with the slight increase in height, has necessitated the submission of a full planning application rather than a reserved matters scheme under the outline approval.
- 8.6 On the basis that the principle for a multi-storey car park has already been established, and for the reasons explained in detail below, the proposed car park is considered acceptable.
- 8.7 **Design and impact on heritage assets:**
The proposed multi-storey car park occupies the same footprint as that established under the outline and is only 2.25m higher than the approved parameter at its highest point. Crucially, as noted by the Heritage Team, it would still be below the height of the adjacent Jubilee Building and well below the crown of the woodland belt of trees immediately to the west.
- 8.8 The views of the Heritage Team in relation to the design are supported and the approach taken for the car park is welcomed, in particular the creation of a green wedge within the centre of the building that would break up its mass and better help to integrate it into the edge-of-countryside setting. The building represents a new typology for the campus and is a functional use, as such it is considered appropriate for it to take a different approach to the prevalent Spence aesthetic. The metal cladding system with faceted panels provides visual interest whilst screening the cars whilst the colour palette makes contextual reference to the flit and chalk of the downs.
- 8.9 The main staircase on the eastern side would be visible at the top of the Jubilee steps and would provide strong legibility, whilst the proposed board marked concrete of its construction has clear reference to the Spence buildings helping to integrate it into the campus. The key views submitted demonstrate that the development would have a limited impact from views across and into the campus and that surrounding trees would remain visually dominant over the building. The building would generally be seen in context with the existing development and would not be intrusive; the colour palette also enables it to be

visually recessive. As noted by Heritage, the development would have little impact on the setting of the listed buildings. The Landscape report confirms that there would be no harmful impact on the setting of Stanmer historic park or the Stanmer Conservation Area. In addition the hard landscaping is appropriately simple and reflective of the local context.

8.10 Landscaping and trees:

Beyond those agreed to be lost as part of the outline application, the proposal would result in the loss of 5 additional trees, a sycamore, lime and horse chestnut (T6, T67 and T68 in the submitted tree survey) along with an ash (T54) and a sycamore (T60) are proposed to be removed in order to widen the access road.

8.11 As noted by Heritage, the tree planting is also welcomed and is considered to more than compensate for the loss of existing trees.

8.12 Arboricultural Services have assessed the scheme along with the proposed landscaping scheme and have noted the loss of additional trees to be lost beyond those previously agreed under the outline scheme as being regrettable. However, the majority of trees to the East and the woodland area to the North should be unaffected and the applicant has also submitted information detailing difficulties with providing safer access to serve the development along with the existing adjoining linear car park to the north and the Jubilee Building service yard. The proposed access will separate the service vehicles from the parking areas and has been designed to maintain as many trees as possible.

8.13 Overall, the Arboricultural Section has no objection to the proposals and the Arboricultural report is considered comprehensive. Conditions are recommended in line with the Arboricultural consultant's recommendations in order to protect the retained tree, along with securing the submitted landscaping scheme which contains a mix of trees appropriate for the campus including native species.

8.14 **Ecology:**

The proposed development is also adjacent to an area of ancient woodland. Natural England's Standing Advice is that there should be a minimum of 15 m between ancient woodland and development. The proposal will come within this buffer where the grass cut embankments are proposed and will be circa 6.2m from the edge of the woodland at its closest point. As noted by the Ecologist, this has the potential to cause damage to the ancient woodland. At the time of writing this report the applicant is working on alternatives to address this concern such as reducing the scale and extent of the cuttings should where possible be reduced, particularly in vicinity of the root protection areas and/or the use of retaining walls. If necessary, compensation for any residual impacts on the ancient woodland could be sort for new native woodland planting and/or beneficial management of alternative sites.

8.15 The recommendations in the Ecology section in the Landscape Report regarding reducing the construction impacts on ecology along with seeking a

suitable lighting scheme, avoidance of disturbance to nesting birds and details of the replacement footpath are recommended by condition.

8.16 Impact on Amenity:

The proposal is contained within the campus and is some distance from any residential accommodation and as such no concern is raised regarding potential impacts on neighbouring amenity.

8.17 Sustainable Transport:

The proposed layout of the car park is supported in principle by the Highway Authority and includes a hatched zone for pedestrians using the car park which will aid movement within the car park and sufficient details of the tracking have been submitted to demonstrate safe movement in and around the car park.

8.18 Matters recommended to be secured by condition relate to the detailed design of the layout including disabled parking bays and electric charging points.

8.19 Sustainability:

As noted by the Sustainability Officer, it would be onerous to require a BREEAM assessment for the building in relation to City Plan Part One policy CP8. With regard to energy performance standards specifically, the design target to achieve an Energy performance Certificate (EPC) 'A' rating is welcomed. As the building will have very low energy requirements, it is recommended that a condition is applied to ensure an EPC 'A' rating for the scheme is achieved.

9. EQUALITIES

9.1 The proposed development has been designed to be accessible as well as provide a designated accessible pedestrian route from the car park via the Jubilee Building.

ITEM B

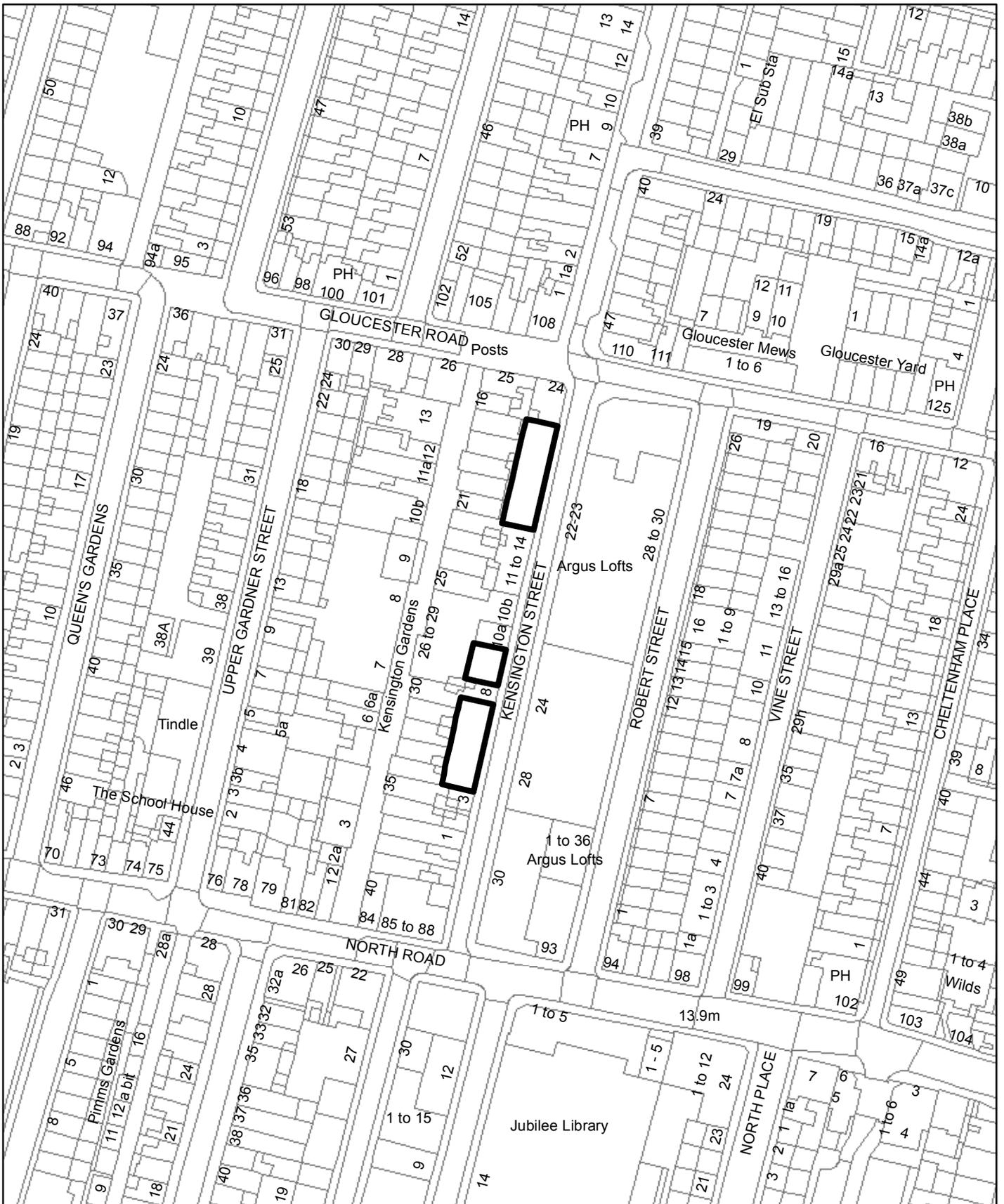
4-7, 9 & 15-20 Kensington Street, Brighton

BH2016/01020

Full Planning

7 November 2016

BH2016/01020 4-7,9 & 15-20 Kensington Street, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/01020	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	CAR PARKING AT 9, Kensington Street, Brighton, BN1 4AJ (4-7,9 & 15-20 Kensington Street Brighton)		
<u>Proposal:</u>	Erection of 12no residential units comprising of 2no one bedroom houses, 1no two bedroom house and 9no one bedroom flats (C3).		
<u>Officer:</u>	Stewart Glassar, tel: 292153	<u>Valid Date:</u>	17.05.2016
<u>Con Area:</u>	NORTH LAINE	<u>Expiry Date:</u>	16.08.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Baily Garner 146-148 Eltham Hill Eltham London SE9 5DY		
<u>Applicant:</u>	Ms Jaine Jolly Room 506 Kings House Grand Avenue Hove BN3 2LS		

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and 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.

Plan Type	Reference	Version	Date Received
Location Plan	PL01	A	21 March 2016
Floor Plans Proposed	PL03	B	30 September 2016
Floor Plans Proposed	PL04	A	21 March 2016
Floor Plans Proposed	PL05	B	30 September 2016
Floor Plans Proposed	PL06	A	21 March 2016
Elevations Proposed	PL07	B	30 September 2016
Elevations Proposed	PL08	B	30 September 2016
Elevations Proposed	PL09	B	30 September 2016
Elevations Proposed	PL10	A	21 March 2016
Sections Proposed	PL11	B	17 August 2016

Sections Proposed	PL12	B	17 August 2016
Sections Proposed	PL13	B	17 August 2016
Sections Proposed	PL14	B	17 August 2016
Sections Proposed	PL15	B	17 August 2016
Sections Proposed	PL16	B	17 August 2016
Sections Proposed	PL18	B	17 August 2016

- 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.

- 3 Notwithstanding the submitted documentation, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all blinds/grills to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window treatments
- e) Samples of all other materials to be used externally

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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4 No development shall commence until an Employment and Training Strategy is submitted to and approved in writing by the Local Planning Authority. The strategy shall detail measures to secure 20% local employment during the construction phase and 20% during the demolition phase where possible. The approved Strategy shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure training and job opportunities for local residents and to comply with Policy CP2 of the Brighton & Hove City Plan

- 5 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- i) The phases of the Proposed Development including the forecasted completion date(s);
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;

- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- v) Details of hours of construction including all associated vehicular movements;
- vi) Details of the construction compound;
- vii) A plan showing construction traffic routes;
- viii) An audit of all waste generated during construction works.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 6 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 7 Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 8 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 9 Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers onto Kensington Street shall be reinstated back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.
- 10 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 11 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 12 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 and QD27 of the Brighton & Hove Local Plan.
- 13 The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 14 The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. PL05 Rev A received on 21.03.2016 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed

for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 15 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 16 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the City Plan Part One.

- 17 No development shall take place until 1:20 scale elevational drawings of the eaves, which should be sympathetic to examples in the area, and details of the reveals to the windows and doors, which should be suitably deep to provide relief to the elevations, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

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. Accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 12 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD)

Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- 4 The proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The Streetworks Team can be contacted on (01273 293366).
- 5 The scheme required to be submitted by Condition 16 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Kensington Street is located in the centre of Brighton, within the North Laine Conservation Area. It has a variety of buildings; the east side of the street is primarily made up of larger warehouse-style buildings. These are mainly brick-built and of three storeys. To the west side, the street includes historic 2 and 3 storey terraced historic buildings, interspersed by more modern buildings of a similar scale and gap sites used for car parking. The area is characterised by a mix of uses including residential, retail, office and light industrial operations.
- 2.2 The application relates to all three vacant gap sites along the western side of Kensington Street which are currently used for car parking (Nos. 4-7, 9 and 15-20 Kensington Street). These sites originally accommodated historic terraced properties, which were demolished in the mid-1980's. The gap sites are all now heavily graffitied.
- 2.3 The application proposes to redevelop the three sites for housing and would in total provide 12 residential units. The development would entail two and would comprise of:
 - Site 1 (Nos.4-6 Kensington Street):
1No. Two bed house
3No. Two bed flats
 - Site 2 (No.9 Kensington Street) :
2No. One bed houses
 - Site 3 (Nos.15-20 Kensington Street):
6No. One bed flats
- 2.4 All the units would be provided as affordable units.

3. RELEVANT HISTORY

BH2004/02185/FP - Construction of 10 affordable residential units consisting of 4 houses at 4 to 7 Kensington Street and 6 flats at 15-20 Kensington Street. Approved 16.04.2010.

BH2004/00530/FP - Construction of 9 affordable residential units consisting of 3 houses at 4 to 7 Kensington Street and 6 flats at 15 to 20 Kensington Street. Withdrawn 05.04.2004.

BH2002/03275/FP - Redevelopment of 15-20 Kensington Street Brighton to provide 5 new houses. Approved 06.02.2003.

BH2002/01565/FP - Redevelopment of 4-7 Kensington Street to provide 4 new houses. Approved 16.01.2003.

BH2002/03276/FP - Redevelopment of 4-7 Kensington Street to provide 4 new houses. Approved 16.01.2003.

4. REPRESENTATIONS

4.1 **Two (2)** letters have been received from **18 Kensington Gardens** and **24 Gloucester Road** objecting to the proposed development for the following reasons:

- Daylight/sunlight report is not correct in some of its assumptions and thus its outcomes
- Loss of light
- Loss of privacy
- Noise nuisance
- Structural impact on neighbouring buildings
- Impede access to neighbouring buildings

4.2 In addition a representation from **21 Kensington Street** has been received in support of the provision of affordable housing and has raised the following points:

- There appears to be no reason why the proposed application cannot be limited to the line of the roof level of the two storey building
- The hours of working for any construction to take place and also the maximum decibel level that the works can attain should be controlled
- Any additional vehicle/parking congestion caused by this development could easily lead to a complete traffic seizure as the northern end of Kensington Street is often congested with commercial vehicles unloading goods.

5. CONSULTATIONS

5.1 **Heritage:** No objection

Development of these gap sites is acceptable in principal, as is the use of a modern interpretation of the characteristic historic form of the area. The general

heights and building lines are generally acceptable. The design gives an appropriate sense of bay rhythm and reflects the plot size of the area.

- 5.2 In general some increase in eaves height would not be harmful given the context of the street, but it is the fact that there would be five continuous houses at this height at the northern end that is of some concern, as it rather makes this appear as the predominant height. It is considered that that this does result in some harm to the conservation area but that this harm is outweighed by the overall benefits of developing these unsightly gap sites.
- 5.3 The revised roof pitch is more characteristic/appropriate for the area. The amendments satisfactorily address concerns about materials
- 5.4 Large scale details of the elevations and architectural features will be required by condition.
- 5.5 **Housing: No objection**
The city-wide Housing Strategy adopted by the Council in March 2015, has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent.
- 5.6 In this instance the scheme is being developed by Brighton & Hove City Council and will provide 12 affordable housing properties for rent (100% of the properties developed). This includes one wheelchair accessible unit (1 bed 2 person) which meets the Affordable Housing Brief requirement of 10%.
- 5.7 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City.
- 5.8 In terms of need for rented accommodation: We currently have 1,636 households in Temporary Accommodation and more than 23,400 people on the joint housing register (66% of whom are in demonstrable need - Bands A to C). With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. [Source: Housing Statistical Bulletin January to March 2016].
- 5.9 **County Archaeologist: No objection**
As the development sites are not within an Archaeological Notification Area, it is considered unlikely that these proposals will have a significant archaeological impact.
- 5.10 **Sustainable Transport: No objection**
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.
- 5.11 **Sustainable Drainage: No objection**

The Lead Local Flood Authority (LLFA) has no objection in principle to the development proposal.

5.12 Sustainability Officer: No objection

City Plan Policy CP8 sets out residential energy and water efficiency standards required to be met on residential developments. The planning application confirms that these standards are targeted by the scheme. It is therefore recommended that these are secured by condition: energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.

5.13 The scheme is located in a very constrained urban site that restricts potential for passive design. However, the scheme proposes thermal performance values well in excess of minimum national standards, intended to deliver enhanced energy efficiency. For example triple glazing and Mechanical Ventilation with Heat Recovery (MVHR) are proposed in addition to enhanced insulation values. The proposals also include installation of renewables in the form of a roof mounted PV array of 60m² 8.5kWp. These are shown in the roof plan.

5.14 In terms of other CP8 policy considerations, the scheme could be improved by use of timber from certified sustainable sources; green walls or green roofs; rainwater collection; measures to minimise the risks associated with flooding; biodiversity enhancements. Several of these measures however may be difficult to incorporate into the site given its practical constraints and the Conservation Area designation.

No objection. Suggested condition: Standard conditions for energy and water efficiency.

5.15 City Regeneration: No objection

City Regeneration has no adverse comments in respect of this application other than the acknowledgement of the loss of the site as an iconic location for large scale graffiti art, which has become a tourist attraction in its own right in recent years.

5.16 However, the proposed provision of 12 dwellings on this site demonstrates the council's commitment to identifying and utilising suitable brownfield sites whenever possible in order to contribute, in some small way, to addressing the city's challenging housing targets and needs.

5.17 If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £3,600 towards the Local Employment Scheme in accordance with the Developer Contributions Guidance. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).

5.18 Education (Capital): No objection

Education contribution to school provision in this part of the city would equate to £8,063.00

- 5.19 In terms of which schools might benefit from this funding, this could be Middle Street Primary, St Pauls C E Primary, St Mary Magdalene RC Primary, St Bartholomew's CE Primary, Carlton Hill Primary or Brunswick Primary as these are the closest. These schools offer a total of 1962 permanent places and there are currently 1968 pupils on roll.
- 5.20 In terms of secondary schools this development would fall into the catchment area of Dorothy Stringer and Varndean Schools and the funding would be used at either or both of these schools

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP8 Sustainable buildings
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; the design and appearance of the buildings, their impact upon the conservation area; the impact on amenity; sustainable transport; sustainability; housing standards, mix and density. The extent of any developer contributions also needs to be assessed.

8.2 Principle of the development:

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis. The application proposal will therefore make a useful contribution to the City's provision of housing.

8.3 The wider objective of the City Plan (policies CP1 and CP12 and CP14) with regard to the delivery of housing is to encourage the efficient use and development of land and sites across the City, including higher densities in appropriate locations. This application would accord with this objective of productively using centrally located vacant/brownfield land. Given that the application sites' originally accommodated terraced properties; the prevailing range of land uses in the area, which includes residential use and the City Plan objective of seeking to maintain mixed and sustainable communities, it is considered that the principle of the redevelopment is acceptable and accords with the wider objectives of the City Plan.

8.4 Housing Standards, Mix and Density:

The application proposes a total of 12 new residential units, which will make an important contribution towards the overall housing supply targets for the City. The development produces a density of 300 dwellings per hectare which exceeds the minimum desired density of 150 dwellings per hectare that is set

out in Policy CP14 of the City Plan. This policy encourages developments to make efficient use of land and notes that increased densities can be acceptable where the development is of a high standard and respects and reinforces the character of the area and contributes positively to the sense of place, which this scheme is considered to do. In addition, these sites' central location means that they are close to facilities and thus sustainable, both of which are factors identified in Policy CP14 as necessary in ensuring higher density developments are acceptable.

- 8.5 City Plan Policy CP19 seeks to ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the City. Up to date assessments of housing need show that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes and the Council's Affordable Housing Brief for the City is based on providing a mix of unit types/sizes. This development only provides smaller units but given the restricted nature of the site and the design requirements of being within a conservation area it is accepted that providing larger, family units would not be feasible in this instance. Accordingly, it is considered that greater weight should be placed on the site's location and the conservation area requirements than seeking larger, family units within the scheme.
- 8.6 With regard to the overall standard of accommodation, it is noted that three of the units in site 3 fall slightly below the space standards and each provide 2-3m² of floorspace below the 50m² preferred minimum for a 1 bed/2 person flat. However, the scheme does include one wheelchair accessible unit (1 bed 2 person) which meets the Affordable Housing Brief requirement of 10% of the units being wheelchair accessible. Overall the standard of accommodation is considered acceptable given the constraints of the site.
- 8.7 As the Council is the applicant/developer the intention is that the development will provide 100% 'affordable housing' and that when the development is completed the City Council will be able to nominate people from the housing register to the properties. It may also enable people to move into the new units thereby freeing up larger family homes elsewhere. The provision of affordable housing would be secured through a legal agreement. However, as Policy CP20 of the City Plan requires up to 30% of developments of this size to be affordable units, the Local Planning Authority can only seek a maximum of 30% affordable housing and any provision above that level would be at the applicant's discretion.
- 8.8 **Design and Appearance:**
The application proposes to infill the three sites with new, terraced properties. The units would comprise houses and flats and would be accommodated within buildings which although contemporary in their appearance and materials, seek to respect the historic character and pattern of development of the area.
- 8.9 The buildings would be two and three storeys in height and were originally to be finished in a white brick with dark roofs. The use of white brick and slate roofs would enable the new development to integrate into its historic context and a

condition requiring the submission of finished materials is recommended. Coloured aluminium panels and blinds with grey window frames are proposed and would be considered acceptable against a backdrop of white brick and dark roof.

- 8.10 The proposed elevations would have a strong vertical emphasis which reflects the prevailing character of the street, particularly the existing, taller three storey buildings. This is largely achieved through the position and dimensions of the windows and openings and indents within the façade which help to reinforce the regular rhythm and sense of the narrow building plots.
- 8.11 A modern interpretation of the historic form of the area is considered acceptable in principal and is supported by City Plan Policy CP14 which encourages a high standard of design and recognition of heritage assets but do not seek pastiche developments. In this instance the design gives an appropriate sense of bay rhythm and reflects the plot size and building lines that are characteristic of the area.
- 8.12 Overall it is considered that the design and appearance of the buildings are acceptable.
- 8.13 **Heritage:**
The gap sites have become iconic locations for large scale graffiti art, which in turn have become tourist attractions in their own right in recent years and have come to form part of the character of the street. However, the gaps provide views to the rear of buildings on Kensington Gardens and in heritage terms erode the urban grain of the conservation area. The North Laine Conservation Area Study (1995) states that 'the development of these small sites should reflect the particular character of each individual street in terms of uses, height, mass, materials, building lines, roof and parapet lines and plot widths' (para 6.40).
- 8.14 It is considered that the proposed development has largely met the stated desires of the North Laine Conservation Area Study (1995) in that the development has high site coverage on narrow plots with buildings hard up against the pavement edge and contributes to the variety of building types, styles, and heights. In this respect the overall character of the conservation area will be preserved.
- 8.15 Some concerns were initially raised with regard to the height of the three storey buildings and that their ridges sit above those of the existing three storey buildings. The applicants have indicated that it is not possible to reduce the eaves heights to match adjacent buildings as this would result in inadequate floor to ceiling heights within the building. Early designs did suggest lower ridge heights but this was achieved through a shallower roof pitch which was felt to be uncharacteristically shallow and would be particularly apparent in oblique views along the road and in the relationship with existing neighbouring buildings.
- 8.16 Historic photographs of Kensington Street indicate that there was not uniformity amongst the height of the original three storey dwellings with some being

slightly higher than others. Given that there are two storey 'cottages' at the North Road end of the street and other original two storey buildings midway along Kensington Street together with three storey buildings on the opposite side of the street which are of varying heights it could be argued that the variety of building heights along Kensington Street has long been part of its character.

- 8.17 The proposed buildings would be some 0.8 metres higher than the existing three storey buildings. The additional height will give the proposed buildings a degree of prominence compared to some of the adjacent buildings which could be seen to reinforce the variety of roof heights along Kensington Street. At the northern end of the street this does make this height appear as the predominant height and could be seen to result in some harm to the conservation area at this point.
- 8.18 Having assessed this aspect of the scheme, it is considered that in general some increase in eaves height would not necessarily be harmful given the context of the street. Whilst the five continuous houses at this height which results in some harm to the conservation area, it is acknowledged that the scheme is now more in keeping with the area than the previously proposed shallower roofs and that any harm caused to the Conservation Area by the height of the buildings is outweighed in heritage terms by the overall benefits of developing these unsightly gap sites.
- 8.19 Thus, in considering each site individually, and their cumulative impact, it is considered that the proposed redevelopment in the manner proposed of the vacant gaps does not cause overall harm to the character or appearance of the area and represents an enhancement to Kensington Street and the appearance of the North Laine Conservation Area. Accordingly the scheme is not considered contrary to City Plan policy CP15 which seeks to protect the City's historic environment.
- 8.20 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.21 The neighbouring properties, particularly those on adjacent sites in Kensington Gardens have over time to some extent benefitted from the application sites not having been redeveloped. Thus their existing level of amenity and expectation must be recognised but it is also acknowledged that this is not characteristic of the area and that central locations will have a greater degree of overshadowing and buildings in close proximity to one another.
- 8.22 Site 1: (Nos.4-6 Kensington Street):
The backs of 30-34 Kensington Gardens onto which this part of the development will face is not uniform and contains the blank rear elevations of two storey outriggers together with boundary walls and fences which separate the open areas between these outriggers from the application site.

- 8.23 The proposed development has been laid out so that any part of the development which extends the full depth of the site backs on to the blank rear of an existing building. Thus the existing open areas between the outriggers will be opposite new areas of amenity space within the new development. Site 1 has been laid out so that most of the new development is approximately 2 metres away from the boundary with the Kensington Gardens properties which helps to mitigate some of the impact of the three storey element of the development.
- 8.24 Given that the application sites are currently vacant, any development will have an impact on the outlook from the adjoining buildings to the rear. However, it is noted that in terms of the windows on the side/rear of Nos. 33-34 Kensington Gardens, these are generally not serving habitable rooms and many of the windows have obscure glazing. It is also noted that these windows are all currently overshadowed by an existing tree on the boundary which currently blocks light and outlook. The two-storey dwelling which will back onto Nos.33-34 Kensington Gardens will therefore have a limited impact in terms of outlook and no windows will directly face towards these neighbours.
- 8.25 The proposed flats, which are to the rear of Nos.30-32 Kensington Gardens have been laid out so that only bathroom windows, kitchen windows or windows serving corridors are on the rear elevation of the building. These windows are at 90° to the windows on the outriggers to Nos. 31-32 Kensington Gardens and thus avoid any direct overlooking. Given that the new building is set some 2 metres from the shared boundary the impact has been kept as low as possible for a redevelopment of this nature.
- 8.26 Access to the upper floor flats is via stairs at the back of the building. Access to these stairs is through an entrance door directly off Kensington Street, which maintains the appearance and rhythm of the building's facade. The stairs are within the footprint of the building but not enclosed and thus in order to minimise any disturbance/overlooking grey aluminium blinds are proposed.
- 8.27 Site 2: (No.9 Kensington Street)
This proposed building will completely infill the space between 8 and 10 Kensington Street and will back directly on to the rear of Nos.28/29 Kensington Gardens.
- 8.28 There are three rooflights on the rear of No.28 Kensington Gardens which is two storeys in height. There will be some change to the outlook from these windows and some diminution of light as a result of the proposed building. However, there are no windows on the rear of the proposed building and the neighbouring properties are three storeys in height. The relationship between the existing buildings is complex as the neighbour at No.10 Kensington Street has a first floor rear veranda which is directly opposite one of the rooflights in No.28 Kensington Gardens. Therefore the rear of the proposed new building has been designed as two storeys in height at this point to minimise the impact of the building on the veranda and the rooflights serving No.28 Kensington Gardens.
- 8.29 Site 3: (Nos.15-20 Kensington Street):

As with Site 1, the proposed buildings do not occupy the full depth of the site and are between 1.7m and 2m away from the boundary with the properties in Kensington Gardens that back on to the site. The neighbouring building has an obscurely glazed side window which faces towards the site and thus this setting back of the proposed building also avoids blocking this window.

- 8.30 The interior layout of the buildings means that habitable room windows are generally on the front elevation. There is at first and second floor level a window on the rear elevation which is shown as serving a dining area although given its position at the end of kitchen units and adjacent to an internal door it is not a practical space for a table and chairs. These windows are thus unlikely to be intensively used and instead are more likely to provide light to the kitchen area than provide an outlook for residents. Notwithstanding their likely use, the windows face towards the blank rear elevation of 18 Kensington Gardens.
- 8.31 The main impacts from this site will be on the windows serving Nos. 18 and 19 Kensington Gardens. Most of the windows to the rear of No.19 are obscurely glazed and/or relatively small. Whilst these windows are unlikely to serve habitable rooms the development will have an impact on the natural light entering these spaces. However, it is noted some of the windows on No.18 do serve habitable rooms. The natural light to these rooms will be affected. Whilst the use of a light/white external brick on much of the rear elevation will assist in helping to reflect light it is clear that there will be a noticeable diminution of light to this particular neighbour.
- 8.32 As with site 1, the upper floor flats are accessed via stairs at the back of the building with access to these stairs through an entrance door directly off Kensington Street. These stairs are similarly within the footprint of the building but not enclosed and thus in order to minimise the disturbance/overlooking grey aluminium blinds are proposed on the central rear section of the building.
- 8.33 Kensington Street (East Side):
Kensington Street is part of the irregular linear grid street pattern which helps to characterise the North Laine area. The streets are relatively narrow and have buildings positioned hard up against the pavement edge. The development of these gap sites will consequently have some impact upon the buildings on the opposite side of Kensington Street. These are generally commercial in use on the ground floor with the first and second floors being residential. The infilling of the gap sites will change the outlook in some cases from these buildings and at ground floor the impact will be most noticeable. However, given that the new developments are some 8 metres away, on the opposite side of the road and are of a similar height to the existing adjacent properties the impact upon the residents opposite is not likely to be significant.
- 8.34 The proposed development will inevitably have an impact upon the neighbouring buildings. It is accepted that in central areas of the City there is likely to be a degree of overlooking and that any new development will necessarily be in close proximity to existing buildings. It is therefore acknowledged that any redevelopment of these sites will inevitably have some impact of the rear elevations of the Kensington Gardens properties due to their

closeness to the site boundary and their orientation eastwards. Furthermore, any resulting amenity impact must be balanced against the heritage consideration which relates to both the re-use of these sites and the requirement to ensure building heights in the surrounding area are respected.

- 8.35 Through a combination of design/layout and the position of windows on existing building, the issues of overlooking/loss of privacy/amenity have been limited as much as possible. However, there will be some neighbouring habitable room windows, particular to the rear of Site 3 that will be noticeably impacted by the development through a loss of light and outlook.
- 8.36 The impact of the development will be that much greater on neighbours because the sites have been vacant for a number of years. Clearly had the buildings been retained on site then the redevelopment would have been perceived to have had a lesser impact. However, given that the occupants are now used to the current levels of light the development will be seen to have a significant impact on the rear of No.18 Kensington Gardens in particular.
- 8.37 **Sustainable Transport:**
The development is not forecast to generate a significant increase in vehicle trips and therefore any impact on the capacity of the local road network will be minimal. The Highway Authority therefore deems the application acceptable.
- 8.38 To comply with Brighton and Hove Local Plan 2005 policies TR7, TR11 and TR12, CP9 of the City Plan Part One and the Council Guidance on Developer Contributions the applicant is expected to make a financial contribution of £8,400. This contribution would be used to improve pedestrian access through the installation of dropped kerbs and tactile paving between the site and various education, employment, retail, leisure, medical and transport facilities in the vicinity of the site that future residents would need to access on a regular basis.
- 8.39 Given the sites' central and sustainable location, with public transport and local facilities close by the scheme does not propose any on site car parking, which accords with the Council's SPD14 maximum parking standards. However, as the site is within the CPZ it is considered appropriate to condition the development so that it is 'car free' and that residents do not have access to residents parking permits.
- 8.40 In addition to the absence of parking there is a proposed loss of 22 car parking spaces once the sites are redeveloped. However this reduction is in line with policies promoting sustainability, air quality and road safety and the Highway Authority has noted that the loss of these spaces has been consulted since at least January 2015 and therefore does not object to their loss. On this basis it is considered that the loss of the car parking spaces would not carry significant weight in the overall determination of the application.
- 8.41 For a development of this scale, the minimum cycle parking standard is 16 cycle parking spaces in total (12 for residential units and 4 visitor spaces). The application proposes 13 cycle parking spaces which does not quite reach the minimum standard and there is a lack of detail regarding the cycle parking

equipment. The Highway Authority has therefore sought a cycle parking condition on the basis that with use of the latest parking equipment the minimum standard can be capable of being met.

8.42 Sustainability:

City Plan Policy CP8 sets out residential energy and water efficiency standards required to be met on residential developments. The planning application confirms that these standards are targeted by the scheme. It is therefore recommended that these are secured by condition: energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013; and water efficiency standards of 110 litres/person/day.

8.43 The scheme is located in a very constrained urban site within a conservation area that limits some measures such as green walls, green roofs or rainwater collection. However, the scheme proposes thermal performance values well in excess of minimum national standards, intended to deliver enhanced energy efficiency. For example triple glazing and Mechanical Ventilation with Heat Recovery (MVHR) are proposed in addition to enhanced insulation values. The proposals also include installation of renewables in the form of a roof mounted PV array of 60m² 8.5kWp.

8.44 Overall it is considered that the scheme would accord with Policy CP8 of the City Plan.

8.45 Developer Contributions

In accordance with City Plan Policy CP7 and the Council's Developer Contributions Technical Guidance all major developments are expected to make contributions towards a range of infrastructure facilities within the City. The proposed development would generate a requirement for:

- 30% Affordable Housing
- Employment & Training Initiatives: £3,600
- Open Space & Indoor Sport: £24,700
- Education Provision: £8,063
- Sustainable Transport: £8,400

8.46 These would need to be secured through an appropriate legal agreement.

8.47 Conclusions

The proposal will make an important contribution to the City's housing supply and the provision of affordable housing within the central area of the City. The buildings will offer a modern and contemporary design solution for what are constrained development sites but nevertheless the resulting buildings are adjudged to preserve the character of the North Laine conservation area and will enhance the overall appearance of the conservation area by replacing three gaps sites.

8.48 The size of the sites and their close relationship with the neighbouring buildings to the sides and rear inevitably mean that there will be some impact upon the amenity of these neighbours. No.18 Kensington Gardens is likely to be the most

affected by the development with a reduction in light to habitable room windows and a significant change in their outlook. Reducing the height of the development, for example to two storeys, would not necessarily overcome all these impacts on light and outlook and might have an adverse impact on the appearance of the Conservation Area. However, it must also be noted that these sites were previously occupied by housing and that this scheme is not dissimilar to a previous approval in 2010 on these sites. In particular, that approved scheme for Site 3 similarly proposed three storey houses to the rear of Nos. 18 and 19 Kensington Gardens and had a similar impact to those of the current proposal.

- 8.49 Notwithstanding the above, the application offers significant benefits both in terms of providing much needed housing for the City and an important overall upgrading to the character and appearance of the Conservation Area. The use of the sites for parking in such a central location is clearly unsustainable against the background of national and local demand for new housing in urban areas, especially on brownfield sites. Accordingly, these aspects are considered to have significant weight and given that during pre-application discussions and during the course of the application the scheme has been altered to try to limit as much as possible the impacts on neighbours, it is considered that the proposal has reached a point where the benefits of the scheme can be considered to outweigh the impacts and accordingly the application can be approved.

9. EQUALITIES

- 9.1 None identified.

ITEM C

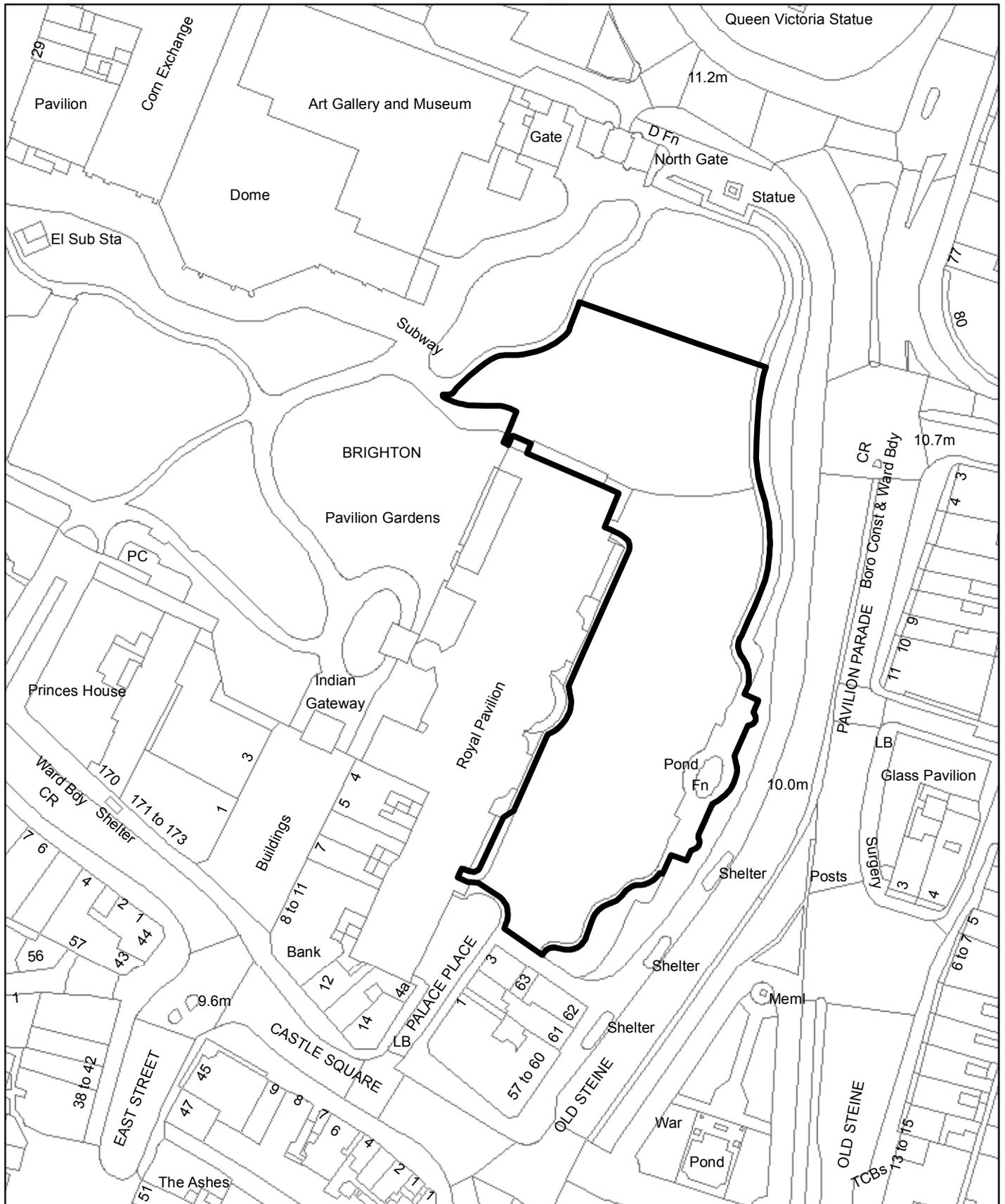
**The Royal Pavilion, Pavilion Buildings,
Brighton**

BH2016/02379

Full Planning

7 November 2016

BH2016/02379 The Royal Pavilion, Pavilion Buildings, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/02379	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	ROYAL PAVILION, Pavilion Buildings, Brighton, BN1 1EE		
<u>Proposal:</u>	Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire, learners ice rink and associated plant and lighting. (1 year consent).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	07.07.2016
<u>Con Area:</u>	VALLEY GARDENS	<u>Expiry Date:</u>	06.10.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>	Adj Listed Building		
<u>Agent:</u>			
<u>Applicant:</u>	Laine Ltd Mrs Shalini Parkin 31 North Road Brighton BN1 1YB		

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.

Plan Type	Reference	Version	Date Received
Location Plan	BHIRRB/01		19 October 2016
Block Plan Proposed	BHIRRB/03		19 October 2016
Floor Plans Proposed	BIR 161014_PLAN		19 October 2016
Elevations Proposed	BIR 161014_PLAN		19 October 2016
Site Layout Plan	ISOLUX DIAGRAM		27 June 2016
Method Statement	PROTECTION STONE STEPS		27 June 2016
Site Layout Plan	TBHIRRB/03	TREE PROTE CTION PLAN	27 June 2016
Other	CHILLER TECHNICAL INFORMATION		27 June 2016

Tree Survey	SCHEDULE OF TREES		27 June 2016
Lighting scheme	EXTERIOR LIGHTING SPEC		19 October 2016

- 2 The use hereby permitted shall be discontinued and the ice rink and associated buildings/structures hereby permitted removed from the site on or before 23 January 2017. The land shall be restored to its condition immediately prior to the buildings being situated on the land within two months of 23 January 2017.
Reason: The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.

- 3 The use hereby permitted shall only take place between 31 October 2016 and 17 January 2017. The ice rink and associated buildings/structures hereby permitted shall be removed from the site on or before 23 January 2017.
Reason: The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan

- 4 The ice rink hereby permitted shall not be open to customers except between the hours of 10.00 and 22.15.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 5 The café hereby permitted shall not be open to customers except between the hours of 10.00 and 24.00 each day.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 6 The total number of people on the ice rink at any one time shall not exceed 330.
Reason: To ensure provision of an appropriate amount of ancillary facilities, and to protect the amenity of its users and neighbouring residents in compliance with policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan.

- 7 The main floodlighting illuminating the rink hereby permitted shall be switched off between the hours of 23.00 and 09.00 the following day.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 8 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 9 The development hereby permitted shall not be open to customers until the measures proposed to protect the steps leading to the eastern elevation of the Royal Pavilion (specified in the Method Statement received on the 27th June 2016) have been fully implemented. The steps shall thereafter be protected at all times for the duration of the development including during removal of the ice rink and buildings from the site.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 10 No development shall commence until the fences for the protection of the trees during construction and dismantling have been erected in accordance with the submitted drawing Tree Protection Block Plan received on the 7th July 2016. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until completion of the construction period. The fencing shall be re-erected prior to the commencement of dismantling of the ice rink and related structures and shall be retained for the duration of those works. No vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction and dismantling works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 11 The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by staff and visitors and shall be removed from the site on or before 23 January 2017.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

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 the eastern lawns within the grounds of the Royal Pavilion Estate. The site is adjacent to the Grade I Listed Royal Pavilion and is within the Royal Pavilion Estate, which is a registered Garden of Special Historic Interest.

- 2.2 The site is located within the Valley Gardens Conservation Area. Old Steine/Pavilion Parade, the main north-south vehicular route into the city lies immediately to the east of the site. The nearest residential properties are in Palace Place to the south of the site and there are also flats on the opposite side of Pavilion Parade.
- 2.3 Planning permission is sought for a temporary ice rink on Royal Pavilion Eastern Lawns during the winter between 31 October and 23 January for a one year period. Included would be ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant.
- 2.4 The rinkside and roadside structures will have aluminium frames and glass walls. There is no cover for the rink. Other than the toilet block and kitchen, the other areas will have transparent PVC roof sails.
- 2.5 It is proposed that the opening hours of the rink will be 10.00 to 22.15. There will be a maximum of 330 people on the rink at any one time and up to 330 people waiting to go onto the rink. The café will offer seating for up to 130 people and would be open from 10am to midnight.
- 2.6 The application is similar to the approved 2011 scheme; however there are some amendments:
- Increased rink area from 800m² to 892.5m²;
 - Separate beginners' rink;
 - Volcano tent deleted from scheme - kitchen now located in southernmost bay of café structure
 - Increased length of the skate exchange area to project forward of the eastern elevation of the café structure;
 - Slight increase in height of lighting trusses;
 - Plant area relocated
- 2.7 As originally submitted the scheme proposed a longer consent. However following concerns raised by the Heritage team permission is sought for the scheme for one year only.

3. RELEVANT HISTORY

BH2011/02303 Temporary ice rink on Royal Pavilion Eastern Lawns during winter for a five year period. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire and associated plant. Approved 17/10/2011

BH2010/02344 Temporary ice rink on the Royal Pavilion Eastern lawns. Structure to include ancillary buildings for a restaurant, crèche, café, toilet facilities and skate hire. Proposed dates are 26th October 2010 to 23rd January 2011 including set up and break down, with resurfacing to be completed by 23rd February 2011. Approved 03/11/2010.

BH2009/02089 Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1st November 2009 to 23rd January 2010 including set up and break down. Approved 11/11/2009. This permission was not implemented.

No other relevant planning history on this site, although there have been many applications over the years affecting the Royal Pavilion Estate.

4. REPRESENTATIONS

4.1 **One (1)** letter has been received from **Flat 8 Glass Pavilion 2 Princes Street** objecting to the proposed development for the following reasons:

- Excessive noise from music and tannoy
- Light pollution from floodlights
- Appearance is an eyesore

5. CONSULTATIONS

5.1 External

Historic England: Comment The scheme remains harmful to the setting of the Pavilion but mindful of the temporary nature of the proposal and that it delivers public benefits in the form of the additional income to the Royal Pavilion as well as contributing to Brighton's visitor economy. However it has been consistently advised in the past that any future proposals to renew permissions here should be accompanied by design changes that reduce the effects on the setting of the Pavilion.

Ecology: No objection subject to protection of trees in the vicinity.

Southern Water: No objection

Scottish Gas Networks: No objection

Sussex Police: No objection

County Archaeologist: No objection

Brighton and Hove Archaeology Society: No objection

5.2 Internal

Environmental Health: No comment

Arboriculture: Verbal comment: No objection subject to tree protection measures. No concerns regarding increased visitor numbers.

Heritage: Objection Overall the combined physical and visual impact of the proposal, arising from its increased scale and extent, would be considerably greater than the previous approval and would cause considerably greater harm

to the settings of the various heritage assets and particularly to the Royal Pavilion.

Sustainable Drainage: No objection

Tourism and Leisure: No objection Welcome the scheme which positively enhances the City's leisure facilities throughout December both for residents and tourists.

Arboriculture: No objection subject to an appropriate condition regarding tree protection to ensure the retention of all trees on site post-development.

Sustainable Transport: No objection subject to conditions re cycle parking

Sustainability Team: No comment

Planning Policy: No comment

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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
CP2 Sustainable economic development
CP5 Culture and tourism
CP9 Sustainable transport
CP10 Biodiversity

CP11 Flood risk
CP12 Urban design
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD26 Floodlighting
QD27 Protection of amenity
HE1 Listed buildings
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE11 Historic parks & gardens

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 Principle of development

The City has a long history of ice skating facilities. From 1935 to 1965 the Sports Stadium Brighton in West Street had a full size ice rink which was open to the public and held regular Ice Spectaculars. It was also the home of The Brighton Tigers, one of Europe's leading ice hockey teams at the time. It was demolished to make way for the Top Rank Centre which had a much smaller rink and proved to have inadequate provisions. It closed after only five years. Another small rink was created in Queen Square, however this closed in 2003. Regrettably, at the present time the City has no permanent ice rink.

8.2 Therefore, although public skating has been available at the Brighton Centre for the past few years over the festive period, the skating facilities in the City are not as well-provided as they were previously.

8.3 Policy CP17 promotes the increased participation in sports and physical activity; the aim is to safeguard, expand, enhance and promote access to Brighton & Hove's sports services. The proposal would enhance both sporting and recreation facilities within the City. The site is centrally located and has good pedestrian and cycle links. It is well served by public transport.

- 8.4 The principle of a temporary ice rink in the Royal Pavilion grounds was established in 2010 and again in 2011 for 5 years. The operation took place for the temporary period permitted and no significant concerns were raised. This application is again for a temporary seasonal ice rink for a period of one year.
- 8.5 **Design and appearance**
The setting of a listed building is often an essential part of the building's character, especially if the gardens or grounds have been laid out to complement its design. The Royal Pavilion grounds are Grade II listed and a designated Registered Park of Special Historic Interest. The Royal Pavilion is a Grade I listed building. The site lies within the Valley Gardens Conservation Area.
- 8.6 The proposed structures will block clear views of the Royal Pavilion's eastern elevation and the public will be restricted from walking on the Eastern Lawns. The development would substantially obscure a large part of its east elevation, greatly compromising the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it.
- 8.7 The particular architectural and historic importance of the Royal Pavilion, its extensive setting and that the significance of views of the main east elevation should not be underestimated. However, given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year.
- 8.8 Siting an ice rink and ancillary buildings in this location will inevitably block some views of the Royal Pavilion. However, it is considered that the design of the proposed development, with the open rink, glass walls, and siting of the ancillary structures minimises, as far as possible, the impact on the views of the Grade 1 listed Royal Pavilion and its grounds.
- 8.9 However there are concerns regarding the moving of the Skate Exchange structure eastwards, as part of the changes from 2011, so that it would be much closer to the pavement on the Old Steine and would encroach further on the serpentine pathway. The general increase in size of the rink, structures and lighting trusses is also a concern, in terms of the cumulative impact of the scheme. However this has been accepted on the basis that the consent is for one year only.
- 8.10 The entrance to the Pavilion and views of its western elevation would be unaffected by the proposal. The western gardens are used far more intensively than the eastern lawns. The scheme proposes the provision of complimentary public access to the Pavilion's eastern lawns and to the ice rink's viewing platforms and café terrace so that any visitor to Brighton can enjoy a largely unobstructed view of the Pavilion. Therefore although there will be an impact on people who are visiting the City for a chance to view the Royal Pavilion, it is

considered that this is far outweighed by the number of people enjoying skating with views of the Pavilion.

- 8.11 The proposed temporary ice rink will generate income both directly through the hire fee and ticket sales and indirectly by increased visitors to the Pavilion which will be of financial benefit to the Royal Pavilion and Gardens and help with upkeep and maintenance of the Pavilion Estate. In addition, the cost of the reinstatement and repair of the eastern lawns will also be provided by the operator.
- 8.12 The structure is temporary during the winter period and there will be no physical harm to the listed building. An acceptable method statement has been submitted in regards to protecting the Pavilion steps to the eastern elevation which is the closest part of the listed building to the rink. A condition can be applied so that the trees and shrubs are protected.
- 8.13 Given the above and that the facility will create jobs and attract many visitors and residents to the area over the Christmas period, it is considered that the positive effects of the development outweigh the temporary negative impact upon some views of the listed building for this one year, on the proviso that discussions are undertaken to reduce the impact on the Pavilion in forthcoming years.
- 8.14 **Impact upon neighbouring amenity**
With regards to lighting, there will be 6 no. four/ five metre towers around the rink with floodlights and LED lights attached. There will also be floodlights along the entrance path. Other lighting will include LED Christmas lights on the aluminium frames of the structures, lanterns hung on shepherd crooks to light the pathway from the entrance arch to the front entrance, trees to the left of the entrance to be lit with pealights, and spotlights/ lanterns on the entrance signage.
- 8.15 The rink is proposed in a noisy, brightly lit city centre location. The Pavilion is already floodlit each night. The rink, lighting structures and plant would be approximately 25 metres from the nearest residential properties.
- 8.16 The Council's Environmental Health team has no objections to the scheme. The proposal is therefore considered acceptable in terms of impact upon residential amenity, subject to conditions regarding noise.
- 8.17 **Transport & Access**
The application site is currently within the City's controlled parking zone (CPZ) Z. The proposal does not propose any car parking facilities, however the site is very close to public transport links.
- 8.18 Given the nature of the proposals and that it is a temporary facility, Sustainable Transport anticipate that the majority of additional person trips will be linked journeys associated with visits to Brighton city centre. As such the proposed development would not result in many additional trips to the site and therefore no contribution or additional parking requirements are required.

8.19 Temporary cycle parking stands are being provided to the north of the rink which is considered adequate to meet any additional cycle parking demand.

8.20 With regard to emergency vehicle access, the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west. Emergency workers can also access the site via the Palace Place gate to the south of the rink.

8.21 Visitors and staff will enter the site to the north of the Pavilion. The applicant has stated that the entrance will be clearly signposted. Pedestrian trackway will be laid along the entire entrance path to minimise wear and tear on the grass.

8.22 Arboriculture

It is important that vegetation within the Pavilion Gardens, which form a key part of the setting of the Royal Pavilion, is protected during the ice rink use and reinstated afterwards. It is clear that the ice rink is to be sited in a position to minimise impact upon trees. Details of tree protection measures have been provided with the application. The Council's Arboriculture Officer has no objection to the scheme provided all relevant trees are protected particularly during the set up and de-rigging of the structures.

9. EQUALITIES

9.1 Wheelchair access will be provided via ramps at the entrance/ exit and users and the whole site would be fully wheelchair accessible; all doors will be at least 2 metres in width. A disabled toilet and baby change facilities are also being provided.

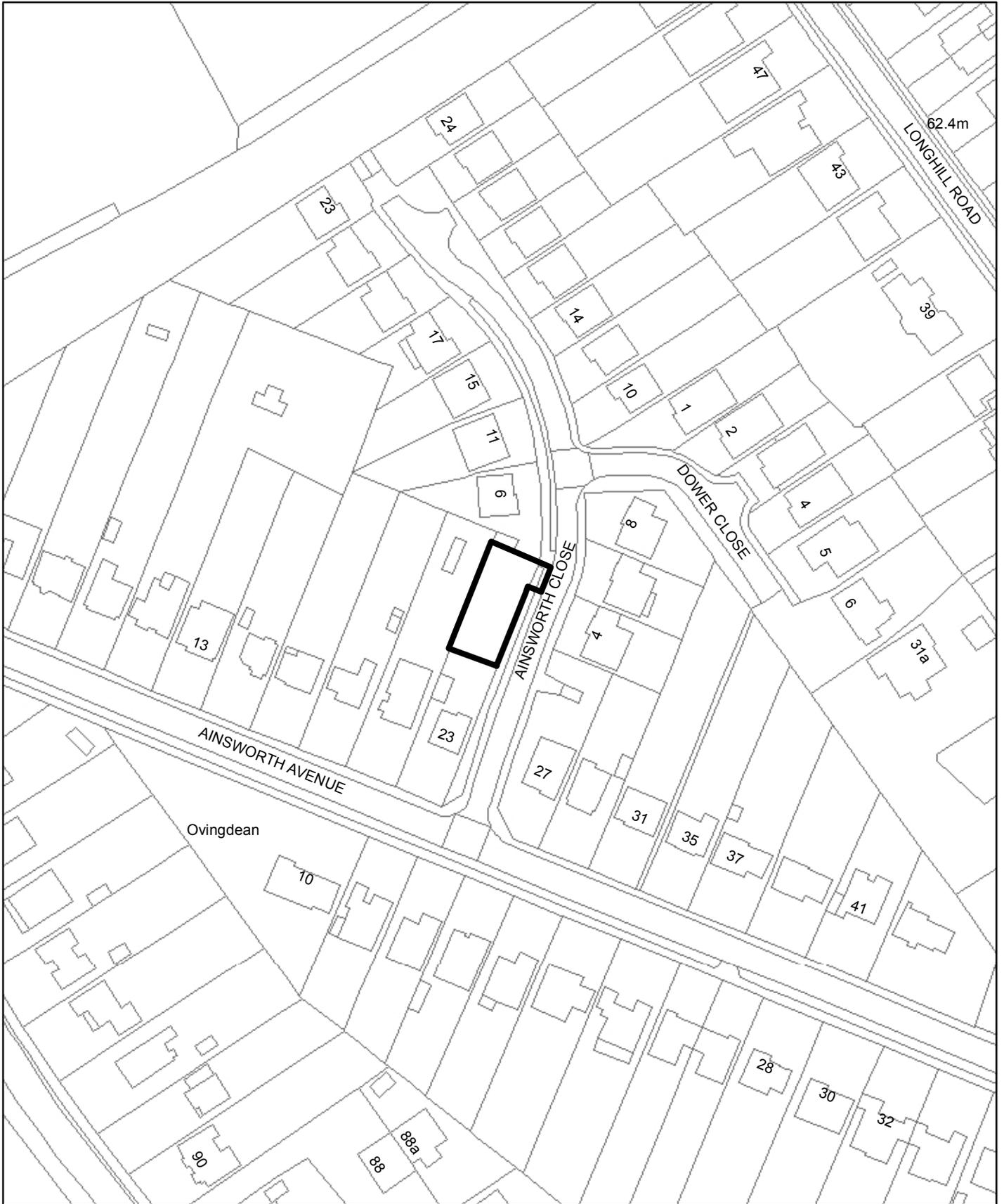
ITEM D

23 Ainsworth Ave, Brighton

BH2016/01478

Full Planning

7 November 2016



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/01478	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Ainsworth Avenue, Brighton, BN2 7BG		
<u>Proposal:</u>	Erection of 1no two storey four bedroom house (C3).		
<u>Officer:</u>	Stewart Glassar, tel: 292153	<u>Valid Date:</u>	04.05.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29.06.2016
		<u>EOT/PPA</u>	
		<u>Date</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Yelo Architects Ltd	Olivier House	18 Marine Parade Brighton BN2 1TL
<u>Applicant:</u>	Mr Andy Babbyan 2 Ashford Road Brighton BN1 6LJ		

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.

Plan Type	Reference	Version	Date Received
Site Layout Plan	YO190 - 1200	B	2 August 2016
Floor Plans Proposed	YO190 - 1202	B	2 August 2016
Floor Plans Proposed	YO190 - 1203	A	19 September 2016
Roof Plan Proposed	YO190 - 1204	B	19 September 2016
Elevations Proposed	YO190 - 2000	B	19 September 2016
Elevations Proposed	YO190 - 2001	D	2 August 2016
Streetscene elevation proposed	YO190 - 2005	A	19 September 2016
Sections Proposed	YO190 - 3002	B	19 September 2016

- 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.

- 3 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Details of any cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and terrace screening treatments
 - e) Details of all other materials to be used externally

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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4 The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 5 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14/HE6 and QD27 of the Brighton & Hove Local Plan.

- 6 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting to all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 7 The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.

- 8 The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

- 9 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

- 10 The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

11. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

12. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
3. The accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The Streetworks Team (01273 293 366) must be contacted prior to any works commencing on the public highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises part of the rear garden of an existing detached dwelling which occupies a plot on the corner of Ainsworth Avenue and

Ainsworth Close. The existing dwelling has its main frontage onto Ainsworth Avenue. The site is located within a residential area that is characterised by a range of different housing styles and sizes, including bungalows and two storey houses. Ground levels change across the site, increasing away from the existing dwelling.

- 2.2 The application proposes a new dwelling in the rear garden of the existing dwelling. As the site is a corner plot, the proposed dwelling would occupy the rear portion of the existing garden and have a direct frontage onto Ainsworth Close. The existing dwelling would retain a rear garden area albeit of a reduced length.
- 2.3 The proposed dwelling would have a plot of approximately 26.5m in length and a rear garden of 8 metres in length. The host dwelling would be left with a rear garden of some 14 metres in length and an overall plot length of 35m. The new dwelling would be a split level design to accommodate the gradual increase in ground levels northwards from Ainsworth Avenue.
- 2.4 The layout of the dwelling has been amended to overcome concerns about the impact on neighbour's amenity and privacy. The terrace which was closest to no. 21 Ainsworth Avenue has been re-positioned away from the boundary and no overlooks onto Ainsworth Close and the existing dwelling, no. 23 Ainsworth Avenue.
- 2.5 The scheme as proposed would have three bedrooms on the lower level and a lounge, kitchen and fourth bedroom on the upper level. The building would be finished in brick and have a flat and dual mono-pitch roof design.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

4.1 **Seventeen (17)** letters were received from **11, 14, 18, 19, 21, 27, 42 Ainsworth Avenue and 6, 9 (x4), 12, 13, 15 (x2) 17 Ainsworth Close** objecting to the development as initially proposed for the following reasons:

- Unneighbourly and overbearing
- Loss of light
- Design and appearance
- Scale of development
- Removal of trees
- Loss of privacy
- Additional traffic
- Lack of off-street parking
- Impact on wildlife

- 4.2 **Thirteen (13)** further letters were received from **4 & 6 (joint letter), 8, 9 (x3), 17, 24 Ainsworth Close** and **9 (x3), 11, 21 and 27 Ainsworth Avenue** objecting to the amended development for the same reasons.

5. CONSULTATIONS

- 5.1 **Environmental Health:** No comment.

- 5.2 **Sustainable Transport:** No objection.

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 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
CP1 Housing delivery
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP12 Urban design
CP14 Housing density

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking

QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; the impact upon the character and pattern of development in the area; the design and appearance of the proposed dwelling and its impact upon the amenity of neighbours and the wider area, transport and sustainability.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis. The proposed development will make a small contribution to the City's housing supply figure.

8.3 The application site is located within a residential area of Ovingdean and is within the built up area of the City. The wider objective of the City Plan is for the built up area of the City to accommodate additional residential development and where appropriate this can be done at a higher density than that typically found in the locality.

8.4 As such, a residential redevelopment of the site would not be resisted in principle, but the specific details of the proposal will need to be carefully assessed and accordingly the overall acceptability of the scheme is discussed below.

8.5 Character of the area:

The proposal would see the existing plot split into two separate sites. The plot for the new dwelling would be smaller than many of the surrounding plots, but this accords with the approach to housing density advocated in City Plan Policy CP14 which allows a higher density of development than the prevailing levels provided it does not cause undue harm to the area. In this instance it is considered that neither of the resulting plots would be so out of character with some of the smaller plots in the immediate vicinity on Ainsworth Close and Dower Close so as to warrant refusal in this case. In addition, given the view from the streetscene, it would not be overly obvious where the split between the two plots is. As such, the size and its appropriateness to the context of the area

would not be appreciable give the existing boundary treatment along the boundary.

- 8.6 Both the existing and proposed dwellings would have sufficient size to provide private useable space for future occupants to accord with Local Plan policy HO5. The new dwelling has space identified for refuse and bike storage.
- 8.7 It is considered that the proposed creation of an additional plot would not harm the character of the area and would respect the prevailing pattern of development.
- 8.8 **Design and Appearance:**
The application proposes a split level dwelling which will be finished in red brick and have a dual mono-pitch and flat roof design.
- 8.9 The existing rear garden of 23 Ainsworth Avenue gently rises in ground level from the existing dwelling towards the rear of the site and its boundary with No.9 Ainsworth Close. The application proposes to lower the ground level of the rear part of the garden which will accommodate the new dwelling and its curtilage. Thus, the lower ground floor of the new dwelling will be set at a ground level similar to that of the host property, No.23 Ainsworth Avenue.
- 8.10 A concern raised by objectors is that the building would be out of keeping with the bungalows in Ainsworth Close. However, by lowering the ground level and incorporating the mono-pitch roof, the new building will not appear from Ainsworth Close as a two-storey dwelling and will have a lower roofline than the neighbouring bungalow No. 9 Ainsworth Close. Indeed, given that the host property, No.23 Ainsworth Road is a two-storey dwelling with a side elevation onto Ainsworth Close the dwelling's overall height will not appear out of character with the area.
- 8.11 The proposed dwelling does propose a contemporary design, which many of the objectors have raised as a concern. However, there is a great deal of variation within the area in terms of an overall style, type and appearance of dwellings. There is some consistency in finished materials as most dwellings in the immediate vicinity generally have tiled roofs and either a brick or render finish, or a combination of the two. However, the building will have a brick finish and as it is located close to the Ainsworth Avenue/Ainsworth Close junction it will be seen within an area of great variety of building types and styles. In this regard it is noted that the host property, No. 23 Ainsworth Avenue is a two storey building with a hipped roof design, the neighbour (No. 21 Ainsworth Avenue) has gabled ends and a large side box dormer. Opposite the site in Ainsworth Close are bungalows with hipped roofs and a detached flat roofed single storey garage and immediately to the north, No.9 Ainsworth Close, has a main hipped roof but with flat roof rear extensions.
- 8.12 Against this backdrop it is considered that the proposed design, whilst more modern than the neighbouring buildings in terms of its overall shape and design will have a limited impact upon the wider townscape and overall it cannot be

said to result in a building which will materially harm the character or appearance of the area.

- 8.13 Paragraph 60 of the NPPF makes it clear that Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Given the variety of dwellings types and styles in the vicinity of the site and that the site is not within the Ovingdean conservation area or close enough to impact upon the setting of the Conservation Area, there are not considered to be grounds for rejecting the building based on its design and appearance.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 The scheme has been amended during the course of the application to overcome concerns regarding the impact of the building on the privacy and overlooking of neighbours.
- 8.16 The amended scheme has relocated the proposed terrace from the rear of the dwelling, where it overlooked the garden of No.21 Ainsworth Avenue to the front of the building where it looks out onto Ainsworth Close. The terrace will now also be shielded by a 1.8m high screen. In addition, the proposed lounge window which faced south towards No.23 Ainsworth Avenue will now have a perforated brick screen to prevent overlooking of the garden and the rear patio/elevation of No.23 Ainsworth Avenue. Whilst this could have resulted in concerns raised in respect of the standard of accommodation, this is a secondary window as the main lighting to the lounge will come from the patio doors/windows which lead out onto the front terrace and will not unduly impact the use of the lounge.
- 8.17 The lower ground accommodation is given over to bedrooms and the windows serving these rooms would not overlook neighbouring properties given the reduced ground level and boundary fencing.
- 8.18 On the upper floor, other than the screened lounge window, there are patio doors on the front elevation which access the terrace and face Ainsworth Close and a full height window on the front elevation which provides light to the hall/stairs. The design creates an external courtyard within the layout which is overlooked by the kitchen window, a bedroom window and a bathroom window. Given their position and relationship to the boundary with No.21 Ainsworth Avenue these windows are not likely to create an overlooking issue. The existing boundary fencing will also assist in blocking any views and the boundary fencing could if necessary be enhanced in this area through the imposition of a suitable condition.

- 8.19 Clearly the reduced ground level and boundary fencing will not completely hide the building from the neighbour at No. 21 Ainsworth Avenue. Therefore there will be some impact on the views and outlook from this neighbour's garden and that of No.9 Ainsworth Close to the north. However, the new dwelling would be set away from the neighbour at No.21 Ainsworth Avenue by some 20 metres and therefore would not result in a detrimental impact on the dwelling. The dwelling would though be visible from the garden area and would extend higher than the boundary. However, given the separation distance between the dwelling and the boundary, together with the limited amount by which the dwelling would extend above the boundary, the dwelling is not considered to result in an unneighbourly development. The existing bungalow at No.9 Ainsworth Close is located to the rear of the application site and No.21 Ainsworth Avenue and already provides a context of neighbouring buildings sitting close to the site boundary but at a higher level than that of either No.21 or No.23 Ainsworth Avenue. The proposed dwelling would to some extent mirror that context.
- 8.20 The layout ensures that the northern part of the application site, closest to No. 9 Ainsworth Close, incorporates the car port and single storey, flat roof element of the design adjacent to the driveway of No.9 Ainsworth Close. There are no windows on the northern elevation facing No.9 Ainsworth Close and there will be a path between the northern elevation of the proposed dwelling and the boundary with No.9 Ainsworth Close. This neighbour has a high level obscured window and a separate window on the elevation facing the proposed dwelling. There will be some impact in terms of outlook but given the distances and angles involved together with the height of the development, the proposal will not be overbearing nor will it significantly impact upon sunlight or overall amenity for this neighbour to a level sufficient to warrant a refusal.
- 8.21 **Standard of Accommodation:**
The application proposed 4No. bedrooms, three of which are on the lower level. All the bedrooms will exceed the nationally described minimum space standards for bedroom sizes and all will be served by good sized windows allowing natural light. One of the lower ground floor bedrooms (Bedroom 3) will have a more limited outlook than the other rooms as it will look out towards the boundary fence. However, this is not considered to warrant refusal of the application.
- 8.22 The main living accommodation is on the upper level and has an open plan layout. This space benefits from the patio doors/windows on the front of the dwelling as well as the large vertical windows serving the hall and stairs which will also light the kitchen area.
- 8.23 **Sustainable Transport:**
The application proposes a new vehicular access onto Ainsworth Close and two on-site car parking spaces. The new access is considered acceptable by the Highway Authority subject to its implementation prior to the occupation of the dwelling. Although there have been objections from neighbours regarding a likely increase upon on-street parking and highway safety concerns there is no objection from the Highway Authority.

8.24 The application proposes two cycle parking spaces in accordance with Policy TR14 of the Brighton & Hove Local Plan 2005. A condition requiring the submission of their details is recommended by the Highway Authority.

9. EQUALITIES

9.1 None identified.

ITEM E

**Land to The Rear Of 73 North Road,
Brighton**

BH2016/01879

Full Planning

7 November 2016

BH2016/01879 Land to the Rear of 73 North Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/01879	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	73 North Road, Brighton, BN1 1YD (Land to the Rear Of 73 North Road Brighton)		
<u>Proposal:</u>	Erection of part single, part two storey building to provide 8no office units (B1) (amended plans).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	27.05.2016
<u>Con Area:</u>	NORTH LAINE	<u>Expiry Date:</u>	22.07.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Flint Architecture 12 Shepherds Close Ringmer BN8 5LU		
<u>Applicant:</u>	John Blake C/o Flint Architecture 12 Shepherds Close Ringmer BN8 5LU		

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.

Plan Type	Reference	Version	Date Received
Location Plan	D.01		23 May 2016
Location Plan	D.02	A	23 May 2016
Block Plan	D.03	B	23 May 2016
Floor Plans Proposed	D.04	D	23 May 2016
Floor Plans Proposed	D.05	E	30 September 2016
Roof Plan Proposed	D.06	E	30 September 2016
Sections Proposed	D.07	E	30 September 2016
Sections Proposed	D.08	D	30 September 2016
Sections Proposed	D.09	D	30 September 2016
Sections Proposed	D.10	D	30 September 2016
Elevations Proposed	D.12	B	23 May 2016

Sections Proposed	D.15	D	30 September 2016
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- 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.

- 3 The building hereby permitted shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4 The walls to the development hereby permitted shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings. The render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 5 The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 6 No development shall commence until a method statement setting out how the existing boundary walls are to be protected, maintained and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved method statement.
Reason: This pre-commencement condition is required to ensure the satisfactory preservation of the boundary walls throughout all demolition and construction works and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 7 No development shall commence until full details of existing and proposed levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site have been submitted to and approved by the Local Planning Authority. The details shall include spot heights and cross-sections referencing the height of adjacent buildings, gardens, boundary walls (existing and proposed) and the proposed floor levels, eaves and ridge height of all new buildings. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy CP12 of the Brighton and Hove City Plan, and policies QD27 & HE6 of the Brighton and Hove Local Plan.

- 8 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with policy CP8 of the Brighton & Hove City Plan Part One, and policies QD27, SU9, SU10, and TR7 of the Brighton & Hove Local Plan.

- 9 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all hard surfacing materials

- c) Samples of the proposed window and door treatments
- d) Samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 10 No development above ground floor slab level shall take place until full details of all new windows and doors and their reveals, thresholds and cills including 1:10 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 11 No development above ground floor slab level shall take place until full 1:10 details of the eaves and parapet roof details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 12 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 13 Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover fronting the site on North Road back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policy CP9 of the Brighton and Hove City Plan Part One, and policy TR7 of the Brighton and Hove Local Plan.
- 14 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One

- 15 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 16 The development hereby approved shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:

- The provision of up to date public transport information within the building and to users of the building;
- Sustainable transport details and directions to the site provided on the company websites and sent to external parties when arranging meetings;
- Promotion of sustainable travel for staff trips including personal travel planning as part of their induction;
- Sustainable transport promotional material being readily available to staff and patients including cycle and bus routes and timetable brochures and car club information.
- The above works must be implemented prior to the first occupation of the building and thereafter be maintained as such.
- Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One

- 17 (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then, (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

(c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and

proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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. The applicant is advised that the proposed highways works required by condition should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
3. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition.
It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises a rectangular parcel of land to the rear of buildings on Queens Gardens and Upper Gardener Street. The site is accessed from an undercroft beneath 73 North Road and sits within the North Laine Conservation Area.
- 2.2 The site is currently used as a flea market with fruit, vegetable and bric-a-brac stalls and a café, and includes a number of timber and steel structures. Both the structures and the use of the site do not have the benefit of planning permission.
- 2.3 The site is accessed through a coach door opening to no. 73 North Road, and is bounded by residential properties and terraces. Buildings in commercial use (such as a public house, workshops etc) are also found along Upper Garden Street which backs onto the application site.
- 2.4 Planning permission is sought for the erection of a part single, part two storey building to provide 8no office units (B1). The two storey part of the building would have a mansard roof with rooflights. The single storey element would have a flat roof. The walls are proposed to be cream render and the windows and doors would be aluminium.
- 2.5 This application follows a previously refused application on appeal (BH2015/00445) due to impact on amenity of neighbouring properties. In this application, the roof design has been altered from a pitched roof to a mansard roof. During the process of the application the shaped of the mansard roof was altered.

3. RELEVANT HISTORY

BH2015/00445 - Erection of part single, part two storey building to provide 8no office units (B1) - Refused (20/08/2015) for the following reason:

The proposed development by reason of its height, scale, bulk and design does not enhance the positive qualities of the local neighbourhood and thereby fails to preserve the character and appearance of the conservation area.

Appeal dismissed (19/04/2016) as the Inspector determined that the proposal would significantly harm the living conditions of the occupiers of Nos 40 - 43 Queens Gardens in relation to outlook.

BH2014/00603 - Erection of part single storey, part two storey building to provide 8no office units (B1) with new entrance gates to site entrance - Refused (23/04/2014) for the following reason:

The proposed development, by virtue of the scale, materials, bulk and design

of its roof form, fails to complement the general form and setting of the site and its surroundings, and would result in appreciable harm to the character and appearance of this backland site and the positive characteristics of the surrounding North Laine Conservation Area.

The proposed development, by virtue of the scale, bulk and design of its roof form, would result in a loss of amenity for occupants of Queens Gardens by way of adverse loss of light and harmful oppression of outlook.

Appeal dismissed (26/01/2016) as the Inspector determined that the use of zinc cladding would be an uncharacteristic material which would not reflect the context of the Conservation Area, and that there would be a significant increase in the sense of enclosure that would be oppressive for the occupiers of Nos 40,

BH2008/02421- Construction of new part single storey, part two storey offices. (Resubmission). Appeal against non-determination dismissed

BH2007/01780- Erection of three storey office building. Refused 31/08/2007

BH2004/02194/FP- Proposed development of seven residential units (comprising 3 no. 1-bed flats, 2 no. 2-bed houses, 1 no. 2-bed flat, and 1 no. 3-bed house) and one office (B1) unit. Finally disposed.

BH2004/01497/CA- Conservation Area Consent for demolition of structures on site. Approved 12/07/2004.

BH2004/01332/FP- Redevelopment to provide 8 new dwellings. Approved 29/06/2004.

91/0299/FP- Demolition of existing B8 units to yard, construction of new unit, change of use of 2 storey house to shop and flat above, 2 storey rear extension. Approved 21/05/1991.

91/0300/CA- Demolition of existing B8 units to yard, construction of new unit, change of use of 2 storey house to shop and flat above, 2 storey rear extension. Approved 21/05/1991

91/0753/FP- Amendment to extend hours of operation. Approved 26/07/1991.

4. REPRESENTATIONS

4.1 **Seven (7) letters have been received from Queens Gardens (nos. 40, 41), Upper Gardener Street (40, GFF North of 40, Flat 4 of 40, The School House 44) and North Laine Community Association objecting to the proposed development on the following grounds:**

- Loss of market which is thriving and adds to the character and varied commerce of the North Laine area. It is unique and quirky in keeping with the Laines

- The market is an established part of the community and more important than another office building
- Loss of community facilities
- No parking provision
- Cramped overdevelopment
- Higher building will cause loss of light and loss of privacy to patios, balconies, rear gardens and windows of properties on Queens Gardens and Upper Gardner Street
- Noise and disturbance from building works

5. CONSULTATIONS

5.1 Environmental Health: Comment

A phased potentially contaminated land condition is appropriate to ensure that that the application seeks to build offices in an existing void between two streets. Having examined the historic maps and trade directories, it is suggested that the site may have been a former coachbuilders in the 1908 edition of Pikes, similar to today's yellow pages. As such and with the introduction of offices, it is appropriate to consider a phased potentially contaminated land condition to ensure the integrity of the new build.

5.2 Heritage: Comment

There is a long planning history to this site, including three refusals for similar development (2008, 2014 and 2015), which were dismissed at appeal. This site has historically always been an open yard; this open character contributes to the conservation area, providing evidence for the former industrial character of the area and relief to the dense built form. It is however acknowledged that the principle of development at the site has previously been considered acceptable by the Local Planning Authority and by a planning inspector.

5.3 The 2015 appeal decision acknowledges that the development cannot be seen from the wider conservation area, other than potential glimpsed views through the entrance from North Road. It however does acknowledge that it would be seen in private views from the rear of adjacent properties.

5.4 Previous Heritage comments set out that whilst the principle of a modern design approach was considered to be acceptable in this location, it must respect the character of the area in terms of its materials and form. This is in line with the NPPF, which sets out that new development should respond to local character and history and reinforce and positively contribute to that character and distinctiveness. It is appreciated that there are only glimpses of the application site from the public realm when the access gates to the site are open however, the Framework does stress the importance of achieving high quality design for all development, including development within private spaces.

5.5 The main difference within this application (relative to the BH2015/00445 submission) is the roof form, and thus comments will be made on this item.

5.6 Traditional ridged, hipped and valley roofs, slate roofing, some tile roofing, painted render and some brickwork for the walls are the dominant

characteristics of the North Laine area. Mansard roofs are not an overriding characteristic of the conservation area, although it is acknowledged that there are some examples evident.

- 5.7 It would be more appropriate for the roof to be amended to a simple pitched roof with central ridge. A simple roof form would also be more appropriate in reflecting the rear 'backland' location of this site and in remaining subservient to the surrounding development. This is in-line with the reference made to the 2014 appeal decision within the D&A Statement: the inspector felt that the roofs would form an overly prominent feature in the conservation area. It would be appropriate for the pitched roof with central ridge to be set lower than that proposed in the 2015 application, e.g. at the height of the central ridge of the currently proposed mansard.
- 5.8 If a mansard roof were considered acceptable by the case officer, guidance set out in SPD12 appendix B should be applied to ensure the mansard is traditionally laid out. The current proposal is not a true mansard.
- 5.9 Ridgeline rooflights are not generally used in combination with a mansard roof, and leads to a somewhat confused roofscape. The number of rooflights should be kept to a minimum; the reflective quality of the rooflights is uncharacteristic of the area, as indicated in the Appeal decision (2009).
- 5.10 **Sustainable Transport:** No objection
Pedestrian access to the building is retained from North Road and the Highway Authority has no objections to this arrangement.
- 5.11 The applicant is intending to provide 5 cycle parking spaces at the front of the property. This level of provision is deemed acceptable and welcomed by the Highway Authority. The nature of the cycle stands is not apparent from the submission. Therefore the Highway Authority would recommend further details are secured via condition. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.12 There is forecast to be more deliveries associated with the current use of a market or the permitted use of a B8 storage unit, than that of an office. There will be some deliveries associated with the office development for example for office supplies. These deliveries could take place from the existing loading bay on North Road.
- 5.13 The applicant is not proposing any on-site car parking spaces therefore the existing vehicular access on North Road is now redundant. The Highway Authority would recommend that the existing crossover is reinstated back to footway via the inclusion of the suggested condition and informative (detailed below). The reinstatement of footway will ensure the development will be in accordance with policy CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan, by providing short, safe, attractive and direct

routes for walking. This will ensure short, safe and attractive walking routes are provided from the site and also help prevent drivers from parking on the footway which could pose road safety issues.

- 5.14 The applicant is not proposing any on-site car parking provision. The proposed level of car parking is deemed acceptable given the central and sustainable nature of the site.
- 5.15 The proposals are not considered to significantly increase total person trips to and from the site when comparing the proposed use of an office with the existing permitted use of a B8 storage unit. There will be a change in the nature of the trips associated with the site however with more trips occurring within the traditional highway peak hours. While the development is not of a size to warrant a full Travel Plan the Highway Authority would look for travel plan type measures to be adopted to encourage sustainable travel to and from the site. It is recommended that further details be secured via condition.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP15 Heritage

SA2 Central Brighton

Brighton and Hove Local Plan (retained policies March 2016):

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO20 Retention of community facilities
EM4 New business and industrial uses on unidentified sites
EM10 North Laine Area - mixed uses
SR4 Regional shopping centre
SR8 Individual shops
HE1 Listed buildings
HE6 Development within or affecting the setting of conservation areas
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of change of use, the impact of the proposed building on the appearance of the site and North Laine Conservation Area, its impacts on neighbouring amenity, and transport and sustainability impacts.

8.2 Planning Policy:

The site as existing forms a flea market with bric-a-brac stalls and a café set just outside the western boundary of the Regional Shopping Centre. It is understood that this A1 use has been intermittent over a considerable period of time, with the last period of inactivity between 2004 and 2008 when the site was cleared of all structures. The current mixed A1 and A3 uses on the site and associated informal structures are unauthorised. Notwithstanding this the use of the site contributes positively to the character and vibrancy of the North Laine Conservation Area, albeit the fact that the structures are of a disjointed and harmful appearance.

8.3 There is very little other history on the use of this site. On the assumption that the lawful use of the site is predominantly A1 (with the A3 use ancillary), policy SR8 (individual shops) applies as the site forms a retail use adjacent to the boundary of the Regional Shopping Centre, not within. Policy SR8 resists the loss of individual A1 uses unless the use is within easy walking distance of a designated shopping area; is not economically viable; and any new use would

not be harmful to neighbouring amenity. In this instance the nature of the market use, the proximity of the site to the Regional Shopping Centre and the retention of employment floorspace within the development is such that policy SR8 would not be materially conflicted.

8.4 In terms of providing 299sqm of new B1 office accommodation, Policy EM4 of the Local Plan sets out the criteria for when planning permission for such uses on unidentified sites will be granted:

- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
- b) The site is readily accessible by public transport, walking and cycling;
- c) The development would not result in the net loss of residential accommodation;
- d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
- g) There is adequate landscaped amenity open space.

8.5 It is considered that the proposal would meet criteria a - e by virtue of its city centre location and the identified need for modern office accommodation within the Employment Land Study update 2012. The council's Economic Development Team has indicated on the previous application that the proposal would provide good sized units for start-up and embryonic businesses. Whilst some vacant office units are present in the area, their size, location and quality is mixed. As such this does not necessarily mean that there is no demand for new modern units suitable for business growth such as those proposed.

8.6 Matters relating to criteria f are addressed below. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable. This accords with the views previously taken by the Appeal Inspectors.

8.7 **Design and Appearance:**

As with the previous submissions, the application proposes eight office units set in a single building through the length of the site to replace the existing agglomeration of unauthorised structures. Access would again be via the existing undercroft fronting North Road, with each unit accessed via a 1.2m wide passageway along the eastern boundary. Two central offices would be single storey with a flat roof to protect the amenities of 40 Upper Gardener Street, with the remainder two storey to accommodate a mezzanine floor within. The building would be completed in painted render with aluminium windows and doors.

- 8.8 The site coverage of the building, its position within the site, its access, and use of render has been established by previous Appeal Inspector decisions. Previous appealed schemes however have been refused on the grounds of either the design/appearance of the roof form, or the impact on amenity of the roof form on neighbouring properties. The 2008 scheme included a corrugated metal barrel roof form over the two storey elements, and the 2015 scheme included a more traditional simple pitched roof. The principle of these roof designs were accepted by the Inspector given the variety of roof forms in the area and its relative lack of visibility in the wider realm. Although it was acknowledged that it would be seen in private views from the rear of adjacent properties.
- 8.9 The current submission proposes a mansard roof which is lower in height than the previously proposed roof forms. The Heritage officer raised concerns to this design approach on the grounds that a mansard is not an overriding characteristic of the conservation area, and that the mansard design presented did not have a traditional mansard form that is set out within SPD12. Further concern was raised at the number of rooflights proposed. Amended plans have been received showing a more traditional mansard form with a widened parapet gutter on the west elevation bank of conservation style rooflights along the ridge with some rooflights dropped to this level to reduce the coverage further up the roof slope. This is in line with the Heritage consultation comments. The height of the roof is lower than the previously proposed barrel roof and traditional pitched roof. Given the constraints of the site and the requirement to reduce the impact on neighbouring properties, it is considered that this is the most appropriate historically appropriate design solution in this instance. Further details would be required of materials, to ensure the use of natural slate roof tiles and conservation rooflights. The plans detail that the building would sit within the remaining flint walls that form the western side boundary, thereby ensuring the preservation of these historic boundary treatments.
- 8.10 For these reasons, on balance, the proposed development is now considered to be of an appropriate design that would not harm the character or appearance of the surrounding North Laine Conservation Area in accordance with local plan policies.
- 8.11 To the front, the existing undercroft timber gates are to be retained with a side door adjacent removed and infilled to match the adjacent wall. No harm is identified with this element of the proposal. Likewise the provision of cycle and refuse stores within the undercroft are not considered to be of harm to the area.
- 8.12 **Impact on Amenity:**
The site is directly abutted by a number of residential and commercial properties. As previous, the greatest impact would be on nos. 40- 43 & 46 Queens Gardens which as existing have small courtyard gardens on a lower level to the site and bounded by tall walls. These properties currently face onto original flint boundary walls topped by the various unauthorised structures of the market. The Inspector considered the eaves and ridge heights of the 2015 traditional pitched roof form to result in significant impact on the amenity of the neighbouring properties of nos. 40-43 Queens Gardens in particular, by way of

a loss of outlook to their ground and first floor rear windows. It was considered that the height of the proposed roof would not be significantly perceptible from the existing neighbouring basement courtyards, and the roof terraces were at of a sufficient height to not be significantly affected. The amenities of properties on 46 Queens Gardens and on Upper Gardner Street, although still affected, would be relieved to a significant extent by the single storey element of the proposal.

- 8.13 The plans detail that the flint walls rear of Queens Gardens are to be retained. The current scheme would include a pitched roof of a reduced ridge height by approximately 1m, and the eaves height would be set away from the existing boundary wall to Queens Gardens by approximately 0.7m. It is considered that this would be sufficient to ensure it would not have an unduly enclosing impact on the outlook of the rear windows of these neighbouring properties, especially relieving the previous significant impact to the rear windows of nos. 40-43 & 46 Queens Gardens. Objections have also been received from occupiers of the flats and nursery/community uses at nos. 40 & 44 Upper Gardner Street. It is considered that the lowered eaves and ridge heights as a result of the proposed mansard roof would also relieve the impact on rear windows of nos 40-44 Upper Gardner Street.
- 8.14 For the avoidance of doubt, and to ensure the building relates appropriately to the existing boundary treatments, a condition is recommended requiring existing and proposed spot heights relative to the ground levels to Queens Gardens.
- 8.15 The proposed rooflights facing Queens Gardens would be high level to the ground and first floor rooms and would not introduce overlooking potential. Although some light spillage may occur, this would not be out of keeping given the compact backland nature of the site with numerous facing windows.
- 8.16 To the east, the proposed facing rooflights within the development are set low relative to first floor level and, although there would be facing rooflights towards 40 Upper Gardner Street, this would not introduce significant overlooking given the use of both buildings.
- 8.17 The southernmost roof section would face rooflights and dormers within 41 Upper Gardner Street however given the scale of the roof, its separation and the low position of the proposed rooflights, no significant amenity harm would arise. This section of roof would also not significantly harm adjacent rear windows and amenity spaces to 72 North Road to the west side given its scale and form.
- 8.18 For these reasons the proposed building would not result in significant loss of amenity to adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.19 The proposed office use would result in no significant increase in potential noise and odour disturbance to that of the existing use. A condition is attached to ensure the site can only be used as offices to avoid potential for other permitted uses to impact on the amenities of adjacent occupiers, along with a condition restricting hours of use. A further condition is attached to require a Construction

Environment Management Plan to help reduce disturbance to adjacent occupiers during construction works.

8.20 Sustainable Transport:

The site is located in a sustainable town centre location within a Controlled Parking Zone (zone Y), and would provide no onsite vehicle parking. Secure covered bicycle storage for 5 bicycles is proposed which is considered acceptable in this instance and final details are secured by condition. A further condition is sought to restore the dropped kerb outside the site back to footway, alongside the provision of a travel plan. No contribution towards sustainable transport infrastructure is being sought in this instance by Sustainable Transport officers.

8.21 Residents have raised concern at potential impact on parking capacity in the area, which is already strained. It is not considered that eight small office units would have a significant impact on daytime parking levels in the area and neither Sustainable Transport officers or previous appeal inspectors have raised objection on these grounds.

8.22 Sustainability:

The site forms previously developed land. Policy CP8 of the Submission City Plan requires development of this scale to meet BREEAM 'Very Good'. A condition is attached to ensure the development meets this standard. Provision for refuse and recycling facilities is shown to the front of the site within the undercroft and is also secured by condition.

8.23 Other Considerations:

The site has been identified by the Environmental Health Team as having been a former coachbuilders. Given the proposed office use, it is appropriate for a potentially contaminated land condition to be required in this instance.

9. EQUALITIES

9.1 The development would have a level access.