

LIST OF MAJOR APPLICATIONS

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|--------------------------------------|---|----------------------------|----------------|
| <u>No:</u> | BH2011/03434 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Mitre House, 149 Western Road, Brighton | | |
| <u>Proposal:</u> | Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works. | | |
| <u>Officer:</u> | Guy Everest, tel: 293334 | <u>Valid Date:</u> | 08/11/2011 |
| <u>Con Area:</u> | Adjoining Montpelier & Clifton Hill | <u>Expiry Date:</u> | 07/02/2012 |
| <u>Listed Building Grade:</u> | Adjoining Grade II at 11-15 (odd) and 8-28 (even) Hampton Place | | |
| <u>Agent:</u> | Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton | | |
| <u>Applicant:</u> | Tareem Ltd C/O Montague Management Ltd, Mr Tony Crabtree, Burnhill Business Centre, Burnhill Road, Beckenham | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Regulatory Conditions:

1. BH01.01 Full Planning
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 3204.EXG.001 B, 3204.EXG.002, 3204.EXG.101 B, 3204.EXG.102 B, 3204.EXG.103 B, 3204.EXG.201 A, 3204.EXG.301 A, 3204.EXG.302 A, 3204.EXG.303 A, 3204.EXG.306 A, 3375.PL.100, 3375.PL.101, 3375.PL.102, 3375.PL.103, 3375.PL.104, 3375.PL.105, 3375.PL.106, 3375.PL.300, 3375.PL.301, 3375.PL.302, 3375.PL.800 A, 3375.PL.801, 3375.PL.802, 3375.PL.803, 3375.PL.804 & 3375.PL.805 submitted 8th November 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The rear ground floor access doors to Hampton Street shall only be used in an emergency, and for no other purpose, and have a security alarm fitted prior to the commencement of the use hereby approved which shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The ground floor doors at the junction of Spring Street and Hampton

Street shall only be used for access and egress between the hours of 08:00 and 20:00. Outside of these hours the doors shall be locked shut and shall only be used in the case of an emergency.

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

5. No loading or unloading of vehicles relating to the hotel shall take place on Hampton Street except between the hours of 09.00 and 18:00 on Monday to Saturdays and at no times on Sundays or Bank Holidays.

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

6. Unless otherwise agreed in writing by the Local Planning Authority the fanlight grille to the hereby approved Western Road entrance shall match the design, proportions and detailing of the existing, and adjoining, fanlight grille.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

7. The stone window cills to the north, west and southern elevations of the building shall be retained as existing and shall not be removed or rendered.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

8. Unless otherwise agreed in writing by the Local Planning Authority the roof of the northern block shall be kept clear of any plant, machinery, ductwork or railings.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

9. The railings at ground floor level to Hampton Street shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

10. Notwithstanding the submitted details the railings at first floor level to the Hampton Place frontage shall be painted grey to match the window frames and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

11. 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 policies QD1 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

12. Prior to their installation details, at a 1:20 scale, of the replacement doors to the corner entrance at the junction of Spring Street and Hampton Street shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
13. No works to the eastern (Spring Street) elevation of the building shall take place until details, to include sections at a 1:20 scale, of the blocked windows at first floor level have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

14. Unless otherwise agreed in writing by the Local Planning Authority, the accommodation at third floor level (within the additional mansard roof storey) shall not be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall '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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
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 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.

Post-Occupation Condition:

17. A Travel Plan shall be submitted to the Local Planning Authority no less

than three months prior to the first occupation of the hereby approved hotel. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. It shall also set out arrangements for provisions of disabled parking for guests and employees. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4 and TR18 of the Brighton & Hove Local Plan.

Informatives:

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

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

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The existing office accommodation is genuinely redundant and the loss of storage space and a retail unit would not harm the vitality of the regional shopping centre. The development would provide new hotel accommodation within the identified core area.

The external alterations are of a scale and design which relates well to the existing building and would preserve the prevailing character and appearance of the adjoining Montpelier and Clifton Hill Conservation Area, and the setting of adjoining Listed Buildings on Hampton Place.

The development would not result in harmful loss of light or outlook, or increased noise or disturbance for occupiers of adjoining properties. The development would not have a significant transport impact and additional trips to and from the site can be accommodated using existing infrastructure.

2. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

3. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal

requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk and www.wrap.org.uk.

2 THE SITE

The application site relates to Mitre House on the northern side of Western Road with frontages to Spring Street, Hampton Place and Hampton Street. The site comprises two distinct blocks with the application relating to the northern block.

The northern block comprises a two to four-storey brick built building, plus lower ground floor level, with critical windows throughout. The lower ground floor level, which broadly equates to Western Road street level, comprises storage and ancillary floorspace for the Western Road commercial frontage units. The ground floor level incorporates storage space and a dance studio. The upper floors of the building comprise vacant office accommodation. The northern block is flanked by a two-storey public house at the junction of Hampton Street and Spring Street and a dental surgery at the junction of Hampton Street and Hampton Place.

The northern block lies to the south of the Montpelier and Clifton Hill Conservation Area and is adjoining by Grade II Listed Buildings on Hampton Street.

3 RELEVANT HISTORY

BH2011/01917: Non Material Amendment to BH2010/01966 to block up various windows and rationalisation of dormer window positions. Fire escape stair added to Eastern elevation and other minor amendments. Refused for the following reason:-

The amendments would materially change the character and appearance of the building and affect the setting of the adjoining Montpelier & Clifton Hill Conservation Area. The proposed amendments therefore warrant the submission of a further application for planning permission to enable the Local Planning Authority to fully assess the revised proposals.

BH2010/01966: Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works. Approved (by Planning Committee on 3rd November 2010).

BH2007/02072: Demolition of existing sixth floor and replacement with two additional storeys at sixth and seventh floor levels to create 11 duplex apartments to front (southern) block. Extension of rear (northern) block at third floor level and formation of additional storey at fourth floor level with change of use from offices (Class B1) to form accommodation for 124 students in 23 flats, plus manager's flat. Relocation of existing dance studio (Class D1) to first floor level above retained ground floor public house at

junction of Hampton Street and Spring Street. Refused.

BH2006/03514: Replacement of windows to front/south elevation with white powder coated aluminium windows. Approved.

4 THE APPLICATION

Planning permission is sought for a change of use within the northern block to form a 134 bedroom hotel. The northern block would be extended at third floor level, in the form of a mansard roof, to form an additional storey. The existing building would be rendered to all elevations with replacement windows also proposed. The majority of the southern block does not form part of the application with the exception of an existing retail unit, at no. 150, which would be converted to a new entrance and reception for the proposed hotel.

This application follows the recent approval for the redevelopment of the site approved under application BH2010/01966 and proposes a series of design changes to the approved scheme which can be summarised as follows:

- The incorporation of the existing public house at the corner of Spring Street and Hampton Street within the hotel as a café / bar;
- The formation of an external fire escape from the additional storey (to the eastern side of the northern block);
- A revised window arrangement to the north and southern elevations (with a number of existing openings being infilled);
- Amendments to the siting and number of dormers within the mansard roof;
- The provision of an additional 3 guest bedrooms (forming a total of 134-bedrooms).

The changes were considered to have a material affect on the approved scheme (see application BH2011/01917 in section 3) and must therefore be assessed as part of this new planning application.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **6, 10, 11, 12, 13, 14, 15, 17, 17a, 18 (x3), 19, 20, 30, 37, 39 (flat 2) Hampton Place; 2, 8 Hampton Street; 2, 3, 19 (x2), 21, 24, 27 (x2), 28 & 29 Spring Street** and **17 Mitre House (southern block), Western Road** objecting to the proposal for the following reasons:-

- The Hampton Street entrance should be restricted and access should be from Western Road. This was conditioned as part of an earlier application on the site and should also apply to the current application;
- The application states that deliveries would be from Hampton Street, whereas adjoining commercial uses are services from Western Road;
- Noise disruption, traffic obstruction and congestion from additional delivery and service vehicles, especially at night and in the early hours of each morning;

- The increased volume of traffic from the proposal together with the adjoining primary school would impact negatively on highway safety in the narrow residential streets;
- As part of this application the existing public house would become part of the hotel use. The resulting hotel bar would provide guest access and be open 24-hours, creating noise and disturbance for adjoining residents;
- The area is already full of bins and question how refuse from the hotel would be managed;
- The character, height and general size of the building should be maintained;
- The additional storey represents an overdevelopment of the site;
- Loss of light. Whilst painting the building white may offset some loss the regular painting of the façade should be required through condition;
- Loss of privacy, all the windows should have frosted glazing;
- Question the wisdom of allowing two hotels in close proximity. This could contribute to an already useless empty building turning into a white elephant;
- The change of use should not deter small businesses from settling on the ground floor;
- The application is unspecific about refuse collection from Hampton Place.

Cllr Jason Kitcat: Objects – emails attached.

CAG: No comment.

Clifton Montpelier Powis Community Alliance: The principle grounds of concern are significant increase in noise, disturbance and traffic problems. When the Council gave consent in 2010 a condition was imposed relating to loading and unloading in Hampton Street and Hampton Place, and to access through the rear entrance of the hotel. Local residents feel the same condition should be imposed on the present application if approved.

In addition the current application incorporates the former Shakespeare's Head as a hotel bar and café, with implications for local residents depending on its operation. Local residents feel appropriate conditions should be imposed to minimise disruption to residents.

East Sussex Fire & Rescue Service: No comment, when considering active fire safety measures for all types of premises recommend the installation of sprinkler systems.

Montpelier and Clifton Hill Association: Objects. In 2010 planning committee agreed to impose a condition on the use of the doors in Hampton Street. This condition, which was designed to avoid damaging noise from traffic and guests, meant that these doors could only be used for emergency exit. The association considers that the council should apply the same condition to all the doors in Hampton Street and Spring Street, so that access to the hotel is solely from Western Road, which is what the committee clearly

intended.

The association is also concerned that the extra storey will reduce the amount of light in the houses on Hampton Street. The developers say that painting the building white will reduce this loss of light. Given that this building has been poorly maintained in recent years the association thinks that the council should impose an enforceable condition requiring the painted surfaces to be painted at least once every five years.

This past weekend a skip has been parked in Hampton Street, impeding the flow of traffic and probably preventing the passage of emergency vehicles. The houses in Hampton Street are only seven metres or so from the construction site. The association thinks the developers should submit a Construction Environmental Management Plan for approval by the council, to minimise disturbance to local residents through noise and dust and from plant. This is a standard condition in other major developments.

Internal:

Economic Development: No objection.

Heritage Team: An additional storey is acceptable on the north block as it would be read against the mass of the taller south block in views from the north. On Hampton Place its scale and bulk is also acceptable, due to its set back. It would not appear out of scale or over dominant in the street scene particularly in oblique views where the taller south block would loom above it. However, the architectural style of a false mansard with steep sloping pitched roofs would appear incongruous and out of place on this 1930s building. A more modern approach is called for. Whilst there is a previous permission for a mansard style roof it is hoped that the applicants can be persuaded to amend the design.

In view of the predominantly rendered architecture to the north and the low architectural value of the north block, the rendering of the facades is considered acceptable, provided that the original moulded stone window cills are retained. The render should be carried out without the use of visible plastic or metal expansion joints and corner and stop beads, and the render should be carried right down to ground level without any bell-mouth drips.

The existing steel windows should be retained and restored or if beyond repair replaced like for like. Aluminium windows have bulky frames and generally are a poor match for steel windows. A number of windows on the north block are to be blocked up and a new door formed, this is acceptable.

The public house on the corner of Spring Street and Hampton Street is now included in the scheme, to which there are no heritage objections in principle. The drawings do not show any details of the doors. Some windows would be blocked up from the inside and further details are needed.

The new fire escape stairs at the rear, which will be visible from Hampton Place, are considered acceptable, however, the polycarbonate material is not considered to be a sufficiently good enough material and glass should be used.

A new entrance door with flanking pilasters in place of a shopfront on Western Road would be welcome in principle, as it appears that there was originally one under a single canopy (the original fine 1930s entrance still survives on the left hand side). The existing shopfront is very poor, and its removal would be a significant improvement. The proposal is to copy the surviving original door internal glazed lobby door. Whilst this is acceptable for an internal lobby door, it is not appropriate for an external door and the new entrance should have solid timber external door to match the existing. It is essential that this be done using matching materials, i.e. faience, timber and iron for the fanlight grille, and that its detailing is accurately replicated.

Sustainable Transport: The applicants have submitted transport analysis, relating particularly to the likely trip generation impact.

Parking

SPG4 would allow at most 59 general parking spaces and require at least 1 disabled bay and 1 cycle parking space. The applicants argue that general car parking provision is not necessary due to the site's 'highly sustainable location'. No substantial displaced parking problem would arise as the site is well within the CPZ. Access and parking for car borne guests would be difficult but these problems can be reduced by measures which can form part of the travel plan and it would be in the applicants' commercial interest to do this.

Whilst disabled parking provision is an issue the standards require only a minimum of 1 space and the absence of on site disabled parking is not therefore a substantial issue in policy terms or a reason for refusal. The applicants have pointed out that not all disabled guests will drive cars and that local public transport is highly accessible to disabled people. They have also made the point that it would not be practical or reasonable to reduce the (high) number of accessible rooms to reduce the potential parking problem.

The proposal to provide 12 cycle parking spaces is good.

Traffic impact

The applicants have carried out a TRICS based analysis which establishes that there will be no significant increase in the number of person trips generated compared to those which would be expected to be generated by the extant office consent. This means that there would be no material impact on local infrastructure and no requirement for S106 contributions. The office use however has not been in use since 2001 so any trips generated are extra to the existing and recent situation.

Travel Plan

A travel plan should be required by condition to be approved 3 months prior to occupation, and the condition should also require that the applicants implement any resulting measures reasonably required by the Council. The proposed timing is to allow an interval for any appropriate measures to be implemented prior to occupation. This plan should include the consideration of pro active measures to promote sustainable modes by guests as well as staff such as the provision of information on local buses, etc, at time of booking and arrangements for collection of guests from the station.

Conclusion

Provided that conditions as described above are attached to any consent the transport aspects are acceptable.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 4 Planning for Sustainable Economic Growth

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR2 | Public transport accessibility and parking |
| TR4 | Travel plans |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| TR18 | Parking for people with a mobility related disability |
| TR19 | Parking standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU9 | Pollution and nuisance control |
| SU10 | Noise nuisance |
| SU13 | Minimisation and re-use of construction industry waste |
| SU16 | Production of renewable energy |
| QD1 | Design - quality of development and design statements |
| QD2 | Design - key principles for neighbourhoods |
| QD3 | Design - efficient and effective use of sites |
| QD4 | Design - strategic impact |

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| QD5 | Design - street frontages |
| QD14 | Extensions and alterations |
| QD25 | External lighting |
| QD27 | Protection of amenity |
| HO20 | Retention of community facilities |
| EM3 | Retaining the best sites for industry |
| EM5 | Release of redundant office floorspace and conversions to other uses |
| SR4 | Regional shopping centre |
| HO8 | Retaining housing |
| HO20 | Retention of community facilities |
| SR4 | Regional shopping centre |
| SR14 | New hotel and guest accommodation |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

| | |
|-------|-----------------------------------|
| SPD02 | Shop Front Design |
| SPD03 | Construction and Demolition Waste |
| SPD08 | Sustainable Building Design |
| SPD09 | Architectural Features |

8 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the loss of existing office, storage and retail floorspace; the principle of a hotel in this location and the resulting impact of the use and associated external alterations on neighbouring amenity, the character and appearance of the area, transport and highway safety and sustainability.

Change of use

The application involves the loss of office accommodation at upper floors, storage and servicing space at Hampton Street level and a retail unit fronting Western Road. It was accepted as part of application BH2010/01966 that:-

- The office accommodation had been marketed for employment related uses over a prolonged period of time and, despite attempts to find tenants, was genuinely redundant;
- That loss of the storage uses, which in the main were ancillary to commercial units on Western Road, would not impact on the continued vitality and viability of the affected units or the wider regional shopping centre; and
- The loss of a retail unit on Western Road would not result in a harmful concentration of non-retail uses in this location, with the proposed hotel entrance having potential to attract new pedestrian activity to this part of the shopping centre.

The existing permission could still be implemented and it would not therefore be reasonable as part of this application to resist loss of the office accommodation, ancillary storage / servicing space or the retail unit. The change of use therefore remains acceptable.

The existing planning permission retained the public house at the corner of Spring Street and Hampton Street as a self-contained use / unit. In the current application the public house would become integral to the main hotel use and provide a café / bar area. There are no local plan policies which seek to retain Class A4 (drinking establishment) uses and this change is therefore considered acceptable. The resulting impact on neighbouring amenity is considered in a later section of this report.

Planning permission BH2010/01966 granted consent for a 131-bedroom hotel on the site. This decision took into account that the site was within the hotel core area, as identified by local plan policy SR14; a hotel use would not result in the unjustified loss of industrial / business land; and the Hotel Futures Report suggested potential for further budget hotel development (as is proposed by the application) in and around the city. The existing planning permission could still be implemented and a hotel use on the site, with a slightly larger capacity, remains acceptable.

Character and appearance

Planning permission BH2010/01966 granted consent for an additional storey, in the form of a mansard roof; an extension to the southern elevation to form an enclosed fire escape stairwell; and the rendering of existing brickwork facades. The current application includes an additional storey, rear fire escape and external render of matching form, scale and design as the existing planning permission.

As part of the existing permission it was considered that in long views the additional storey would be viewed against the backdrop of the southern block, which is appreciably higher; and in short views the increase in height would not represent an unsympathetic or overly dominant step change in relation to adjoining terraces. The rear fire escape extension was subservient to the main building and considered an appropriate scale. The rendering of the facades was considered acceptable in view of the predominantly rendered architecture to the north of the site and the low architectural value of the existing building. The extensions and alterations were therefore considered to preserve the prevailing character and appearance of the area. There are no reasons to take a different view as part of this current planning application.

As with the existing planning permission the current application seeks to replace a modern unsympathetic shopfront to Western Road with a new hotel entrance to incorporate flanking pilasters, doors and a fanlight to match the adjoining original entrance (which provides access to upper floors of the southern block). This alteration is acceptable and would enhance the appearance of the building.

In design terms the main differences between the current application and the existing planning permission are the proposed window arrangement to Hampton Street; the alignment and number of dormer windows and the provision of an external fire escape to the new mansard roof.

Fenestration:

The proposal includes a new door opening and a reduction to the number of window openings to the northern block, most noticeably to the Hampton Street elevation. The proposal would retain the existing stone cills and a recess would be retained in the original opening. It is considered that the revised fenestration arrangement would not harm the character or appearance of the building or adjoining Conservation Area and setting of nearby listed buildings.

The application includes details of the proposed replacement windows to the Hampton Street frontage which would comprise grey powder coated aluminum. The Heritage Team has raised concerns that the windows would be a poor match the existing steel windows as they have bulkier frames. Whilst this concern is noted the external render, to which there is no objection, would markedly change the character and appearance of the northern block, with the replacement windows viewed in the context of a refurbished and extended building. In this instance it is not therefore considered necessary for the replacement windows to match exactly the existing. This approach is consistent with the southern building where planning permission has also been granted for powder coated aluminum windows (ref: BH2006/03514).

The southern elevation of the site would incorporate white PVC windows. This approach is considered acceptable as the windows would not be visible from surrounding streets.

The submitted details of the windows, which include 1:20 drawings, are considered acceptable and it is not necessary to require further details through condition, particularly as the building is not listed or locally listed.

Dormer alignment:

The existing planning permission incorporates dormer windows within the mansard roof extension. This application proposes a revised distribution of dormers to the north and southern roofslopes, and an additional dormer window to the northern roof. The dormers remain subservient features of the building and the revised alignment and increased number would not create a cluttered appearance.

Fire escape:

A new door opening and external staircase would be formed to the eastern elevation of the mansard roof (at third floor level). The additional structure would not be readily apparent in views along Spring Street and where visible would be viewed against the backdrop of the main building. It would not

therefore appear unsightly or harm the prevailing character or appearance of the building or wider surrounding area.

Materials

The mansard roof and dormers would comprise a merlin grey metal covering with a dimpled texture. Whilst this is not a traditional metal roofing material on balance it is considered appropriate in this instance. The mansard roof and dormers are modest additions to the building which, due to the nature of surrounding development, would not appear unduly prominent in views from street level or within the adjoining Conservation Area. Whilst a traditional material may have been preferable it is considered no harm on the character or appearance of the wider area would result, particularly given the nature of the associated alterations.

The proposed render incorporates a textured finish which is necessary to compensate for variations in the surfaces of the existing brick building. This texture has though been kept as smooth as possible and would not create a poor or unsightly contrast with adjoining development.

Impact on amenity

Loss of light

As part of the existing planning application it was considered that the additional storey, set back from the main rear elevation and incorporating a sloping roof, would not lead to further significant loss of light, and adjoining properties would continue to be primarily affected by lower levels of the existing building and the dominant presence of the southern building.

This current application proposes an additional-storey of the same form and scale and the existing planning permission. It is therefore again considered that the additional storey would not result in significant harm to neighbouring amenity through loss of light.

Overlooking

The current application would reduce the number of window openings to the north and western elevations of the building, and therefore reduce the amount of mutual overlooking between the site and adjoining properties. In the context of the works as a whole the additional dormer window would not lead to intrusive overlooking, and not to the extent that would warrant refusal of the application.

The existing planning permission does not require windows to be obscurely glazed. This proposal incorporates a reduction in the total number of window openings and it would therefore be unreasonable to revisit this, and impose an obscure glazing condition, as part of the current application.

Noise and disturbance

As part of the existing planning permission it was considered that whilst there was greater potential for late night access and egress from the building it

could not be demonstrated this would inevitably lead to noise or disturbance for adjoining residents. This took into account that the principle entrance to the hotel would be off Western Road rather than Hampton Street.

The current application proposes a 134-bedroom hotel on the site, an increase of 3-bedrooms in relation to the existing planning permission. It is considered that this application, and the slight increase in capacity, would also be unlikely to lead to additional noise or disturbance, and not to the extent that would warrant withholding planning permission: particularly given the existing permission that could still be implemented.

The existing planning permission is subject to conditions restricting use of door openings onto Hampton Street by guests and staff. The purpose of this condition was to 'safeguard the amenities of the occupiers of adjoining properties'. Whilst the supporting information states that Hampton Street would provide guest access, controlled by a swipe card, the applicant has confirmed this would not be the case and that the previous condition would remain applicable. There are no reasons as part of the current application to now consider guest access from the rear suitable. It is therefore recommended a condition be again imposed to allow use of the rear doors in emergencies only.

As with the existing planning permission a further condition is recommended to prevent deliveries from Hampton Street except between the hours of 09.00 and 18.00. This is consistent with the existing restriction in place along Hampton Street.

The existing planning permission retains a self-contained public house at the corner of Spring Street and Hampton Street. In the current application the public house would become a café / bar integral to the hotel use, with the existing corner entrance retained and providing through access to the main hotel. The café / bar is physically connected to the main hotel and ancillary to the primary use as a hotel (within Class C1). It is considered that this element of the use would not in itself generate harmful noise or disturbance for occupiers of adjoining properties, particularly given the current Class A4 use which is not subject to any planning conditions.

The café / bar does though incorporate an existing entrance / exit at the junction of Spring Street and Hampton Street. This is a cause of concern as potential use as a primary access for the hotel could lead to noise and disturbance for adjoining residents, notwithstanding the existing use.

The applicant has advised that the café / bar element would be open between the hours of 08:00 and 20:00 and outside these hours no access through to the hotel would be possible. It is considered reasonable and necessary to prohibit use of the entrance at Spring Street and Hampton Street outside of these hours. This would prevent potential disturbance from guests arriving and leaving the hotel premises during unsociable hours and would direct

guest access to the Western Road frontage. The recommended condition would therefore limit the potential for harmful noise or disturbance for occupiers of adjoining properties.

Transport

The current planning application is not considered to raise any new transport considerations as, in relation to the existing planning permission, no material changes to the demand for travel would result.

The site is located in an area of high public transport accessibility, in close proximity to Brighton station and local bus routes, and is in close proximity to the services and facilities within the town centre. The proposed hotel would be accessible from Western Road, which has limited access rights for private vehicles, and is a key bus and taxi route through the City.

The development does not allow for any dedicated guest parking and due to the constraints of the site and adjoining roads there is no scope for additional parking to be provided. The application site is though sited well within a Controlled Parking Zone and displaced parking would not arise: existing residents of the area would not therefore be impacted by increased uptake of on-street parking spaces. In reality access and parking for car borne guests would be difficult and it would be expected that the majority of guests would be aware of this and arrive to the site by public transport. If guests arrived to the hotel by car they would need to be referred to nearby public car parks, with Regency Square the nearest (approximately 250 metres to the south).

The applicants have carried out a TRICS based analysis which establishes that there would be no significant increase in the number of person trips generated compared to those which would be expected to be generated by the existing office use. It is appreciated that the premises has been vacant for a prolonged period of time, however, as an office use could lawfully occupy the premises trips from the existing potential use (and therefore trip generation) should be taken into account when considering travel impacts. There are no reasons apparent to dispute the analysis and the development would have no material impact on local infrastructure.

There is a concern that no disabled parking provision is, or can be, made as part of the application and the proposal would therefore be relying on existing street provision. However, adopted standards would only require 1 space to be provided and the absence of disabled parking is not considered to be a substantial issue in policy terms that would warrant refusal of the application. It is considered that there is scope within the travel plan for measures to be put in place to ensure people with a mobility related disability are not put at a disadvantage by the absence of on-site disabled parking.

There are no reasons why the hotel could not consider pro-active measures to promote sustainable modes of travel by guests and a travel plan has been submitted to this effect. The plan outlines a series of measures, for both

guests and staff and these include the sending of promotional material to guests upon booking advising of the zero parking provision; outlining local public transport availability; public car park locations; and drop-off areas on Western Road. The plan also outlines measures for staff and given the accessible location of the site it is not anticipated that this would raised significant issues.

The application would remove the ability for servicing of the Western Road commercial units from Hampton Street and only the northern block could be serviced from this street. In relation to the existing situation it is considered that the application would be unlikely to result in additional commercial traffic along Hampton Street. There is no objection to this arrangement which is repeated elsewhere along Western Road.

The Council's cycle parking standard specifies the provision of 1 space per 10 employees for hotels; the standard does not require cycle parking facilities for hotel guests. The proposal allows for 12 cycle spaces within the basement which exceeds the minimum requirement and is secured through condition.

Sustainability

The information as part of this current application on sustainability remains substantially the same as the existing planning permission on the site.

The development relates primarily to conversion of an existing building with a smaller new-build element at fourth floor level. Supplementary Planning Document 08, Sustainable Building Design, states that the change of use, and conversion of the existing building, should achieve no additional net annual CO₂ emissions, a reduction in water consumption and minimisation of surface water run-off. A new-build element of the scale proposed should achieve 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good'.

The Planning Statement and an Energy Assessment Report indicate a commitment to achieve the required BREEAM standard and a number of potential measures, such as rainwater harvesting and reuse in entry level WCs, dual flush toilets and low flow showers / taps, are outlined and would be factored into the BRE assessment and rating.

It is considered that the applicant has provided sufficient information to demonstrate that the development would achieve a BREEAM rating with high levels in the water and energy sections. On this basis it is considered that further details can be secured through condition. This approach is consistent with the existing planning permission on the site.

Other considerations

It has been queried whether a Construction Environmental Management Plan could be secured through condition to minimise disruption for adjoining residents. It is though considered that the extension and conversion works

involved in this development are not of a nature that would be expected to generate disturbance or require mitigation. If necessary any disturbance could be investigated through other legislation.

Similarly it is not considered reasonable to condition the building be repainted every 5-years as it could not be demonstrated that this would be necessary. If the condition of the building became an amenity issue the Planning Investigations & Enforcement Team would be able to consider action.

9 CONCLUSION

The existing office accommodation is genuinely redundant and that the loss of storage space and a retail unit would not harm the vitality of the regional shopping centre. The development would provide new hotel accommodation within the identified core area.

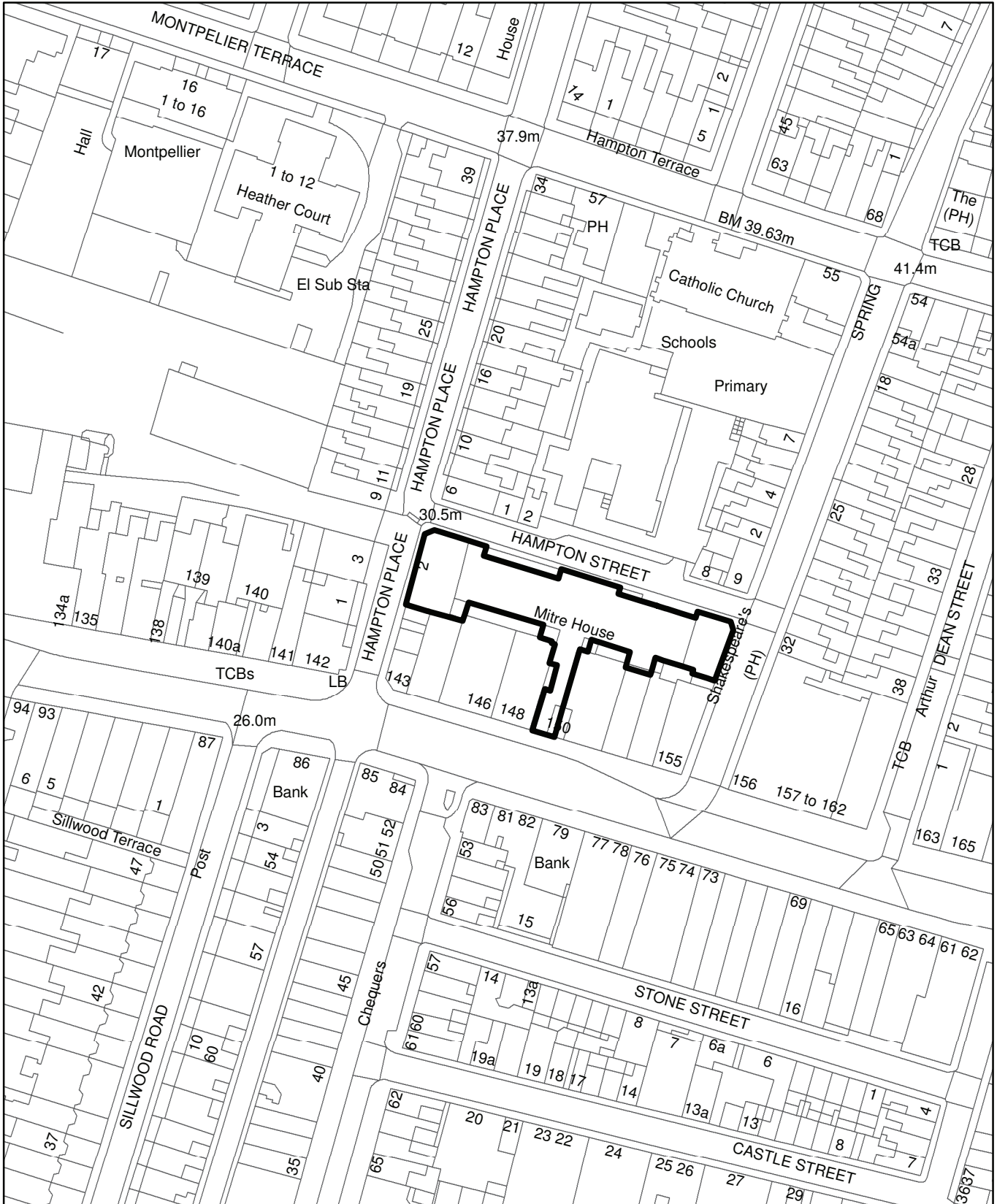
The extension and external alterations are of a scale and design which relates well to the existing building and would preserve the prevailing character and appearance of the adjoining Montpelier and Clifton Hill Conservation Area, and the setting of adjoining Listed Buildings on Hampton Place.

The development would not result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties; and would not have a significant transport impact and additional trips to and from the site can be accommodated using existing infrastructure.

10 EQUALITIES IMPLICATIONS

The development makes provision for 5% accessible (en-suite) bedrooms on various floors serviced by a lift. Whilst the provision of disabled parking is a concern it is considered that the requirement for a travel plan would satisfactorily alleviate this concern.

BH2011/03434 Mitre House, 149 Western Road, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250



PLANS LIST – 01 FEBRUARY 2012

COUNCILLOR REPRESENTATION

From: Jason Kitcat
Sent: 05 January 2012 09:20
To: Guy Everest
Subject: Objection to application BH2011/03434 for Mitre House

Dear Guy

I'm writing to register my objections to application BH2011/03434 for Mitre House.

This application appears to be an attempt to overturn the committee's previous decision to make the rear access for emergency use only. This was to protect the neighbouring residents from excessive traffic and nuisance from late night access, taxis waiting and so on.

I would ask that the committee's condition be retained and that any access to the hotel via a residential street (Hampton Street, Spring Street, Hampton Place) be alarmed for emergency use only.

I also understand that the neighbouring pub premises is now being integrated into the proposals, which was not previously the case. The applications have not sought to engage with ward councillors nor residents on this change. I would urge the committee to take this opportunity to consider the impacts of how the applicant seek to operate this additional space, I would suggest it should be for hotel guest use primarily.

Best regards,
Jason

--

Cllr Jason Kitcat
Green City Councillor, Regency Ward
Brighton & Hove City Council

From: Jason Kitcat
Sent: 05 January 2012 09:22
To: Guy Everest
Subject: Request for BH2011/03434 to be heard by committee

Hi Guy

One more thing... if BH2011/03434 for Mitre House is recommended for approval please can I request that it is heard by the committee?

Many thanks,
Jason

--

Cllr Jason Kitcat
Green City Councillor, Regency Ward
Brighton & Hove City Council

| | | | |
|--------------------------------------|--|----------------------------|------------------|
| <u>No:</u> | BH2011/03358 | <u>Ward:</u> | PATCHAM |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Maycroft & Parkside London Road & 2-8 Carden Avenue, Brighton | | |
| <u>Proposal:</u> | Demolition of existing buildings and erection of 3no storey residential care home for the elderly with associated facilities. | | |
| <u>Officer:</u> | Liz Arnold, tel: 291709 | <u>Valid Date:</u> | 15/11/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 14 February 2012 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Gerald Eve, 72 Welbeck Street, London, W1G OJB | | |
| <u>Applicant:</u> | Hallmark Care Homes, C/O Gerald Eve | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the following Conditions and Informatives:

- i) A Section 106 obligation to secure the following;
- A contribution of £15,000 towards Sustainable Transport Strategy prior to commencement of the development,
 - The securing of a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car including residents, visitors, staff, deliveries, servicing, parking management and other users of the site),
 - Public art works to the value of £32,500, the details of which to be submitted and approved in writing by the Council prior to the commencement of the development; and
 - A S278 agreement for the relocation of the Carden Avenue bus stop, the provision of a bus shelter and the reinstatement of redundant crossovers.

Regulatory Conditions:

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings nos. 6151-AL-001, 6151-AL-002, 6151-PL-003RevH, 6151-PL-004RevG, 6151-PL-005RevG, 6151-PL-023RevB, 2 drawings no. SUN/711018, a drawing titled Access Plan and a drawing titled Tree Protection Plan received on the 3rd November 2011, drawing nos. 6151-PL-006RevG, 6151-PL-007RevC, 6151-PL-008RevF, 6151-

PL-009RevF, 6151-PL-20RevA, 6151-PL-021RevC, 6151-PL-022RevA and 6151-PL-024RevA received on the 5th January 2012 and drawing no. 6151-PL-002RevH received on the 11th January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) No furniture, umbrellas or similar paraphernalia shall be placed upon the roof terrace, hereby approved, in a position from which it will be visible from the pavement in either London Road or Carden Avenue or from the northern areas of Withdean Park.

Reason: To protect the character of the area and to ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 4) The east facing windows in the southern section of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 6) 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 faced of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. There should be no significant low frequency tones present.

Reason: To safeguard the amenities of the future residents of the development and amenities of the locality against potential noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 7) The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: In the interests of the character and appearance of the

development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 8) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 9) Notwithstanding details shown on drawing no. 6151-PL-002RevH, the development hereby permitted shall not be commenced until further details of secure, covered, lit cycle parking facilities for the staff of and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented, in accordance with the approved details, and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 10) No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the future residents of the development and the amenities of occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 11) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the future residents of the development and amenities of occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) Notwithstanding the information submitted, no development shall commence until an Arboriculturist Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing measures to protect the trees to remain on the site to a British Standard BS 5837 (2005) Trees in Relation to Construction during construction of the development including the construction or demolition of any pathways etc in the vicinity of the retained trees.

Reason: To protect the trees which are to be retained on the site and those in the vicinity of the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

- 13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development including intended numbers and species, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 14) Notwithstanding the Ecological Assessment Document submitted on the 3rd November 2011, no development shall commence until details of nature conservation, protection and enhancement strategies has been submitted to and approved in writing by the Local Planning Authority. These details shall include mitigation measures for the loss of the grassland and pond habitats, quantified nature conservation enhancement measures and a reptile mitigation and method statement which include a precautionary exercise, to capture and remove to an identified and approved temporary receptor site (within the development boundary), any reptiles which may be present on site. The development shall be carried out in strict accordance with the approved details.

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

- 15) No development shall commence until an appraisal, either a screening tool or a detailed dispersion model, of the air quality impact of the proposed biomass plant on the third floor accommodation and external roof terrace of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

- 16) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of at least 65% in the energy section and at least 62% in the water section of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of at least 65% in the energy section and at least 62% in the water section of relevant

BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

18)

- 17) No development shall commence until details of the proposed means of foul sewage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to control foul sewage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

- 18) Prior to the commencement of the development, on site detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

- 19) The development hereby approved shall not commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: The development is likely to disturb remains or archaeological interest and in order to protect and provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 20) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed, unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To control light pollution, to safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research

Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating at least 65% in the energy section and at least 62% in the water section of relevant BREEAM assessment within overall 'Excellent' 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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 22) 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.

- 23) The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would provide adequate residential accommodation for up to 99 elderly residents in accordance with policy HO11 of the Brighton & Hove Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impacts upon the character or appearance of the site or the surrounding area. Furthermore, subject to the compliance with the attached conditions it is considered that there would be no significant harm to the amenity of neighbouring properties.
2. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (01962 858688) regarding positioning of public water mains and foul sewage disposal.
3. The applicant is advised that the written scheme of investigation, in accordance with condition 19, should confirm the action to be taken and

accord with the relevant portions of the East Sussex County Council document 'Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex (Development Control) (2008) including Annexe B.

4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
6. Environmental Protection UK has published Biomass and Air Quality Guidance for Local Authorities and this should be consulted as part of the assessment (http://www.environmental-protection.org.uk/assests/library/documents/Biomass_and_Air_Quality_Guidance.pdf)
7. The applicant is advised that due to the presence of pressure gas mains in proximity of the site, Southern Gas Networks has requested that no mechanical excavations are to take place above or within 0.5m of low pressure and medium pressure systems and 3m of the intermediate pressure system. The position of mains should be located using hand dug trail holes.

2 THE SITE

The application site, which is located on the corner of Carden Avenue and London Road, encompasses 6 separate plots, currently occupied by large detached family houses. 2 of the plots (Parkside and Maycroft) front onto London Road, the other 4 plots front onto Carden Avenue. At present all boundaries benefit from mature planting and there are a number of mature trees on the site.

The site lies in a residential area, adjacent to London Road which is the primary route into the City from the north. There are dwellings located immediately adjacent to the east and on the western side of London Road; Withdean Park adjoins the site to the south and a residential/sheltered

housing development lies to the north. There are also existing rest/nursing homes in the locality and a children's nursery. Development in the immediate area is generally two storeys, although Elwyn Jones Court opposite the site, is three storeys. In the wider locality there are larger high rise developments along London Road.

3 RELEVANT HISTORY

BH2008/03015: Demolition of existing buildings and development of residential care home for the frail elderly (C2). Resubmission of planning application BH2008/00925. Approved 21/01/2009.

BH2008/00925: Demolition of existing buildings and development of residential care home. Refused 11/07/2008 on the grounds of the bulk, massing, footprint, height, and design being out of character with the surrounding area, the net loss of the existing six dwellings and exacerbation of traffic problems within the area.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing 6 dwellings, known as Maycroft and Parkside, London Road and nos. 2, 4, 6 and 8 Carden Avenue, and the construction of a residential care home (Use Class C2). The proposed development would consist of a building comprised of between 2½ and 3 storeys (2½ storeys on the eastern end), with a 'C-shape' building form located along the south and west and part of the north boundaries of the site, (formed by the curtilages of the existing 6 detached dwellings). The building would be of a traditional design with pitched roofs, dormers, tall chimney stacks, bays and Dutch gables. The development would be constructed of brickwork, render panels, timber framing and plain clay tiles.

The proposed development would provide 99 private suites along with the provision of facilities such as communal living/dining areas, a cinema, a shop, a hairdressers and staff accommodation.

Vehicular access to the site will be provided in the north-eastern corner of the site via Carden Avenue. A car park, providing thirty parking spaces, including 2 disabled, is proposed towards the centre and the north-eastern side of the site.

5 CONSULTATIONS

External

Neighbours: Unknown Address, comments that the proposal would have a significant environmental impact on the area, the site is situated adjacent to Withead Park, an unspoilt and valued amenity enjoyed by many. The south side of the development would overlook and have an adverse impact visually and upon the appearance of open space, It would considerably alter the character of the area, as a building of such a size close to the east side of London Road replacing family sized dwellings of attractive appearance. Much of the site is previously undeveloped so that the development would extend over an increased geographical area, especially to the south.

10 Carden Avenue, objects as the development now has a larger car park adjacent to property, outside a bedroom window. Requests that adequate screening by mature trees is provided providing privacy to no. 10 and that lighting to the car park does not pollute the neighbouring properties.

70 Elwyn Jones Court, comments that there are already about 100 elderly, vulnerable and disabled residents living on the opposite corner of Carden Avenue, the proposed scheme would double this population and effectively form a 'ghetto'. Has concerns regarding traffic and pedestrian safety especially as the proposal would increase traffic levels. Would the local bus service and medical centre be able to cope with the extra demand? The demolition and building works may cause traffic havoc at this dangerous and busy corner and considerable discomfort, inconvenience, noise and dust to those residents in proximity to the site.

County Archaeologist: The proposed development is of archaeological interest because it lies within a Downland dry valley which appears to have been the focus for Prehistoric activity. Although no finds or features have been reported for the development area, finds of Bronze Age burials have been made in areas close by. It is highly likely that these burials have related, but so far un-located, occupation areas associated with them. In light of the potential archaeological significance of this site, considers that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

Environment Agency: No objections.

Southern Water: No objections subject to inclusion of a condition regarding foul and surface water sewerage disposal.

Southern Gas Networks: There are low/medium/intermediate pressure gas mains in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3m of the intermediate pressure system. The developers should, when required, confirm the position of mains using hand dug trail holes.

Internal:

Arboriculturist: No objection subject to suitable conditions being attached to any planning consent granted to protect trees that are to remain and replace some of these that are to be lost.

Ecology:

Original Comments 12/01/2012

The application fails to provide adequate information regarding the potential presence of bats on site. Such information is necessary before the application can be determined. Further information is also desirable regarding enhancement of the site for nature conservation, although this could be

resolved via condition.

Additional Comments 12/01/2012 following submission of a Bat Survey
Further information is required regarding mitigation and enhancement of the site for nature conservation. This requirement could be resolved via condition.

Environmental Health: The proposed development is well designed in respect of the location of kitchen extracts and plant. Conditions recommended.

Planning Policy: Has no comments.

Public Art: To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component; schedule be included in the Section 106 agreement.

Sustainability:

Original Comments 01/12/2011

The proposal does not currently comply with SPD08 standards for BREEAM which requires an 'excellent; score as a minimum. There are some positive aspects to the scheme, including a proposed biomass (woodchip) boiler, 66m² PV array, considerable constructors scheme and food growing in raised beds for residents. There are other aspects in which the proposal do not address local policy. These include BREEAM 'excellent' and 70% in energy and water sections, use of grey and rain water systems and a feasibility study, use of sustainable materials, composting and greening of development. It is recommended that the applicant supply further information to demonstrate policies are addressed. In the event of approval being granted conditions should be attached.

Additional Comments 11/01/2012 following submission of further information
This schemes now complies with local sustainability polices SU2 and SPD08. The development will be certified under BREEAM 'Multi-Residential' and expects to deliver a score of 'Excellent'. Since the site straddles both green and brown-field land' the applicant has agreed to deliver standards in the energy and water sections of BREEAM which are a compromise between the standards expected for each of these. The BREEAM pre-assessment predict a score of 65% in the energy section and 62% in the water section. It is recommended that these slightly elevated scores be conditioned.

Positive aspects of the scheme include renewable heat provided from renewable fuel (biomass – wood) boiler; water efficiency and landscaping including raised beds for food growing for residents use. A rainwater harvesting study has concluded that a system though potentially effective is not financially viable. Rainwater collected from roof downpipes has been agreed.

Sustainable Transport: Transport aspects are satisfactory subject to a S106

contribution, completion of a S278 agreement and conditions regarding disabled parking, cycle parking and the travel plan.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 9: Biodiversity and Geological Conservation
- PPS 10: Planning for Sustainable Waste Management
- PPS 22: Renewable Energy
- PPS 23: Planning and Pollution Control

Planning Policy Guidance Notes (PPGs):

- PPG 13: Transport
- PPG 24: Planning and Noise

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel plans
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development
- TR8 Pedestrian routes
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface run-off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and reuse of construction industry waste
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements

| | |
|------|--|
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD5 | Street frontages |
| QD6 | Public art |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD17 | Protection and integration of nature conservation features |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| HO11 | Residential care and nursing homes |
| HE12 | Scheduled ancient monuments and other important archaeological sites |

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

8 CONSIDERATIONS

Background:

Application BH2008/00925 sought permission for the demolition of the existing dwellings and the construction of an 82 bedroom residential care home but was refused for reasons including the design, massing, footprint and bulk being out of character with the surrounding area, the loss of the existing residential properties and on the grounds of the travel and traffic implications. A subsequent application, reference BH2008/03015 was however approved.

The current application has been submitted by a different care home operative than the previously approved application. Although the application is not an amendment to the previously approved scheme it is considered worth setting out the main differences between the previously approved scheme and that now proposed, namely;

- the maximum ridge height of the proposed development has been slightly lowered by around approximately 0.24m,
- the footprint has increased by around 0.5%,
- the built form of the proposed development has altered from an L-shape to a C-shape, which has changed the overall appearance of the development in addition to locating the development nearer to the boundary with no. 10a Carden Avenue (approximately 8.2m to this boundary) and further away from the boundary with no. 10 (approximately 28m to this boundary),
- accommodation will be provided for 99 residents within 99 suites instead of the formally approved 103 residents within 80 suites,

- the creation of a external roof garden, within the area between the pitched roofs
- the creation of raised external terrace areas,
- the omission of a pedestrian access route from the development to the junction of Carden Avenue and London Road,
- the provision of 30 car parking spaces (including 2 disabled), an increase of 5 spaces.

In the determination of the current application consideration must be given to the loss of the existing detached dwellings, the suitability of the site to accommodate the proposed residential care home taking account of the needs of the residents and criteria set out in policy HO11 of the Brighton & Hove, the impact of the development upon the character and amenity of the surrounding area, traffic and travel implications and sustainability.

A Screening Opinion was issued by the Local Planning Authority for the site which concluded that an Environmental Impact Assessment was not required.

Loss of Existing Dwelling

At present the development site is comprised of 6 large family sized dwellings. In order to accommodate the proposed care home these existing properties will be demolished. Policy HO8 prevents the net loss of residential units subject to 5 exception tests. The proposal does not appear to meet any of these tests in that the existing dwellings are not unfit for human habitation, each dwelling is served by adequate access, the buildings are not listed, there would be no increase in affordable housing and there are no previous uses to be considered as a material consideration in the determination of the application.

The proposed care home falls within the C2 (Residential Institutions) category of the Town and Country Planning Use Class Order 1987 and as such the proposal would result in the loss of 6 single dwellinghouses, which fall into Use Class C3 of the Order, contrary to policy HO8. However within the determination of application BH200/8/03015, the loss of the existing dwellings was considered justified given that future residents of the proposed development are likely to give up their existing homes, which would release properties back onto the housing market and as a result it was considered that the proposal would result in the reuse of, often under-occupied, existing homes and an increase in available accommodation. This view by officers' has not changed since approval of the former application and therefore it the principle of the development is considered to be acceptable as an exception to policy HO8 of the Brighton & Hove Local Plan.

Provision of Care Home

It is not considered that in principle the provision of a care home on this site would harm the character of the area. It is recognised that there are already nursing/rest homes and sheltered housing schemes within the locality.

Policy HO11 is supportive of development which provide new residential care and nursing homes provided that four criteria are met;

- a) no adverse effect to the locality or neighbouring properties – it is not considered, in principle, that a nursing home in this location will harm neighbouring properties by way of noise, disturbance or overlooking above and beyond the existing situation whereby there are six households occupying the site;
- b) provision of adequate amenity space at a minimum depth of 10m and not less than 25m² per resident (but allows a lower standard for nursing homes where residents are less mobile) – within the type of development proposed a great emphasis is placed upon the provision of community and communal space throughout the overall floorspace within the building. It is proposed to provide areas of external amenity space around the perimeter of the building which residents can use for walks, raised external terrace areas and a roof terrace. The proposal would not meet the suggested amenity space standards set out in this criterion however it is considered that the external and internal amenity areas proposed would be of high quality. It is stated that 20% of the total floor space of the proposal would be occupied by communal areas;
- c) the premises must be accessible to people with disabilities - the proposal includes the provision of 2 lifts to provide access between all floor levels; and
- d) the proposal must provide operational parking in accordance with Council standards – 30 car parking spaces, including 2 disabled are proposed, an issue which is discussed in further detail below.

Amenity for Residential Occupiers

Within the current proposal 99 single suites are proposed in comparisons to the 80 suites, providing accommodation for up to 103 residents, in the approved application, BH2008/03015. The internal layout of the proposed development is considered acceptable and it is considered that the proposal would provide high quality accommodation for the particular sector of the community for which the development is intended for.

The planned schedule of care of the 99 suites is as follows,

- 16 Residential (ground floor),
- 16 Nursing (first floor),
- 32 Lifestyle (across ground and first floor), and
- 35 Dementia (second floor).

The Lifestyle and Residential suites provide accommodation for residents requiring assistance with daily living. The Dementia community will provide for residents suffering from mental frailty or dementia. This community will be a self-contained, secure and care managed area in order to provide a safe and stimulating environment for the residents.

Each resident room is provided with a lockable front door and an en-suite bathroom and in some rooms a sink and tea/coffee making facilities will be

provided. Meals will be provided in the communal dining areas.

A variety of room types and sizes will be provided which provides a wide range of options for residents. The rooms are categorised into the following schedule;

- gold (48 suites),
- platinum (33 suites),
- deluxe (6 suites),
- grand suites (4), and
- single suites (8).

It is stated that all resident rooms are larger than the minimum requirement of 12m² (excluding en-suite facilities) set out in the National Care Standards. The room sizes vary from between 15.2m² to 20.4m².

Communal space includes a café/bar, shop, library, cinema and hairdressers.

Central service facilities such as a kitchen, satellite serveries, a laundry room, administration areas and staff accommodation will also be provided. It is recommended that conditions are attached to an approval requiring soundproofing and odour control equipment to be installed prior to occupation to minimise any adverse impacts with regards to noise or smell pollution which may result from the communal kitchen and laundry areas.

As part of the current proposal a roof garden will be created upon the south-western section of the development, in a valley positioned between the pitched roof forms. This garden area will be assessable via a lift from all other floors of the development and therefore accessible to all residents.

External terrace areas for use by the residents of the various 'communities' will also be provided as part of the development. The terrace areas will be directly connected to the proposed internal communal living spaces. The terraces have been designed to be an external living space providing comfortable seating and activity areas. They will be fully accessible with level access and will have double access doors. It is stated that the proposed terraces will provide a safe external space for the residents to be able to use on their own without staff assistance or intervention. A combination of pergolas, trellis and railings would provide enclosure of the terraces to comply with safety standards.

Design:

Policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan set out design criteria for applications of the nature proposed. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale bulk and design, whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated

successfully into its context.

As set out above the proposed scheme differs to that previously approved in application BH2008/03015 with regards to the built form and footprint. The built form of the dwelling will have a C-shape form compared to the previous proposed L-shape form. The overall footprint of the proposed development has also increased by approximately 0.5%.

The proposed development would be set away from the boundary with no. 10 Carden Avenue by a minimum of approximately 28m, approximately 8.2m to the boundary with no. 10a Carden Avenue, a minimum of approximately 5m to the boundary with Withdean Park, a minimum of approximately 4m to the boundary with London Road and a minimum of approximately 8.2m to the boundary with Carden Avenue.

This application site lies within two neighbourhoods, as defined in the Council's Urban Characterisation Study. These are the suburban area of the London Road Corridor and the Patcham Suburb character of the Patcham neighbourhood.

The proposal would involve the demolition of the existing six dwellinghouses which currently occupy the site. The existing dwellings are themselves considered unusual for the related stretch of London Road, although not of Carden Avenue, as the related stretch of London Road is described as 'Suburban, predominantly large scale, tall residential blocks set in attractive landscaped amenity space. Mainly private ownership and elderly occupied' whereas Carden Avenue has a different character, being made up of substantial detached houses with part of the northern corner, adjoining London Road having a 2½ to 3 storey sheltered housing development, known as Elwyn Jones Court. There is no objection from a design aspect to the demolition of the existing dwellings.

The development now proposed would be formed of between 2½ and 3 storeys. Compared to the previously approved scheme, the maximum ridge height of the proposed development has been slightly lowered by around approximately 0.24m. The 3 storey elevations would be located along the northern and western boundaries of the site, fronting onto Carden Avenue and London Road whilst the 2½ storey section of the development will be located on part of the southern side of the development, fronting onto the proposed car park area and Withdean Park. It is stated that the central building element, located the corner of London Road and Carden Avenue, provides the focal point of the development, being a communal centre of the building and is designed therefore to be the full three storeys in height.

As a result of the alteration to the overall form of the development, the entire Carden Avenue frontage will now comprise a 3 storey elevation where as within the previously approved application this frontage stepped down in height from 3 storeys to 2 storeys as a result of the proximity of the

development to no. 10 Carden Avenue. It is considered that the entire proposed Carden Avenue frontage is capable of accommodating 3 storeys in addition the London Road frontage and the corner of the development which fronts the Carden Avenue and London Road junction as it is considered that the development will integrate with the taller buildings located to the north and west of the site, on the opposite side of London Road, and with Elwyn Jones Court located on the opposite side of Carden Avenue. It is also considered that the proposed distance between the Carden Avenue frontage and no. 10 Carden Avenue, approximately 31.6m, is acceptable as it will provide a visual gap between this existing neighbouring property and the proposed development.

The height of the development will however step down in height towards the eastern end of the southern section of the development, which would be located near to no. 10a Carden Avenue. This section of the development would be set back from Carden Avenue but is likely to be glimpsed within parts of this street scene as a result of the built form of the development and the proposed landscaping. It is not however considered that this reduced height element of the building will have a significant adverse impact upon the visual amenities of the Carden Avenue street scene.

At present the Carden Avenue boundary of the site comprises mainly close boarded timber fencing and gates, a dwarf brick wall along the section closest to London Road and brick walls with fencing onto with vegetation behind along the London Road boundaries with close boarded timber gates. As part of the proposal the north-western corner of the site (fronting the junction of Carden Avenue and London Road) the boundary will be altered to comprise an angled brick wall with a capped pitched features in between two brick pillars and related coping stones. The maximum height of the pitched feature would be approximately 1.9m high whilst the associated brick pillars would measure approximately 2.4m high. The London Road boundary would comprise both areas of a 1.8m high close boarded fence and dwarf brick walls of approximately 1.8m high with railings above and hedging behind. The proposed railings will measuring a maximum of approximately 1.6m above related ground level and would comprise capped brick pillars located at various internals along the boundary. The Carden Avenue boundary would comprise a 1.8m high close boarded fence, as will the boundary fronting Withdean Park with a small brick wall, railings and a hedge along part of the boundary closest to the junction with London Road.

A controlled secure pedestrian access will be located in the London Road boundary of the site, opposite the junction with The Deneway.

The southern boundary of the site, fronting Withdean Park and the eastern boundary, which adjoins nos. 10 and 10a Carden Avenue will both comprise a 1.8m high close boarded fencing.

The proposal includes the provision of external terrace areas at first floor level

on parts of the 'out-side' facing south, west and north elevations of the development whilst a larger terrace area will be provided at second floor level on part of the in-side facing east elevation (which would face onto the proposed car park area). The design of these proposed external terrace areas are sympathetic and integrated into the overall design of the development.

New trees will be planted along parts of the northern boundary of the site close to the vehicular access point of the development behind the proposed 1.8m high close boarded boundary fence. It is considered that this boundary treatment will alleviate views into the proposed car park area from Carden Avenue, a feature which is not typical of the Carden Avenue street scene.

The proposed development is considered to be adequate in terms of height, scale, bulk and design and is considered to respond satisfactorily to the character of the area. The building in its own right is of an acceptable design and would not have an adverse impact on the character of the site, the Carden Avenue or London Road street scenes or the wider area, including the adjacent Withdean Park. As with the previously approved application, in this location, the proposed traditional building style, which takes its lead from existing properties within the area, is considered appropriate and acceptable.

Sustainable Transport:

Policy TR1 stipulates that all new development should provide for the travel demand it creates with a particular emphasis upon promoting sustainable modes of transport.

The development will provide 30 car parking spaces, including 2 disabled bays in addition to the provision of space for 2 mobility scooters, to be stored adjacent to the drop off/pick up area.

The Council's Sustainable Transport Manager has requested the provision of 2 additional disabled parking bays. The response to this request from the developer is that 4 spaces are unlikely to be used and therefore 2 additional disabled parking spaces have not been provided. Within the previously approved application, BH2008/03015, 2 disabled parking spaces were proposed and approved and therefore it is not considered that refusal, on the failure to provide four disabled parking spaces overall, could be justified.

The existing site, incorporating the 6 single dwellings, provides 8 separate vehicular access points onto either London Road or Carden Avenue. All of these existing access points will be closed and upstand kerbs and footways reinstated accordingly.

The only vehicle access point to the development will be located in the north-eastern corner of the site, accessed from Carden Avenue. Provision of 'Keep Clear' markings on the westbound lanes of Carden Avenue adjacent to the site access will ensure residents turning right into the site will not be subject to delay.

The developer will be replacing an existing westbound flag bus stop located within Carden Avenue in the vicinity of the access point for the development, with a new stop and related bus shelter to the east of the development. These works are to be secured through the S106 Agreement.

In compliance with policy TR1, seven cycle spaces for use by staff and visitors will be provided adjacent to the eastern side of the proposed car park. Although it is stated that these proposed facilities will be covered it is not clear what structure will be provided and whether this area will be lit, therefore it is recommended that further information is sought via a condition.

In order to comply with policies TR1 and QD28 of the Brighton & Hove Local Plan, the applicant is expected to make a financial contribution to help finance off-site highway improvements schemes. Within the previously approved application the proposal was for the construction of an 80 suite care home but would be able to accommodate 103 residents and a financial contribution of £15,000 sought. It is acknowledged that the current proposal is for 99 single suites within the development however there is no conclusive evidence as to whether the number of trips generate by the proposal would be higher or lower with this revised number of occupants but it is not considered that the change would be substantial. As a result it is considered that a contribution of £15,000 should be sought through a S106 agreement.

Sustainability:

Policy SU2 of the Brighton & Hove Local Plan requires all development to be efficient in the use of energy, water and materials.

It is considered that the proposed development has been designed to maximise energy management in that all the principal rooms have been designed to benefit from natural light and ventilation.

The site currently comprises dwellings and associated garden areas and therefore the site contains previously developed and un-developed land. Since the site straddles both these types of land, which require different standards to be met in order to accord with SPD08, the applicant has agreed to deliver scores in the water and energy sections which are a compromise between the two types of developments. A minimum of 62% is proposed for the water section and 65% for the energy section, thereby improving on the standard 60% in both sections required for major developments on previously developed land and 70% in both sections for developments on Greenfield developments. It is recommended that these slightly elevated scores are ensured via a condition.

Due to the nature of the proposed development it must be assessed under BREEAM Multi Residential. At the time of submission the proposed development would have met a BREEAM standard of 'very good'. Although the development site comprises both developed and un-developed land, following negotiations between the Local Planning Authority and the applicant

this standard has however been raised to BREEAM 'excellent'.

The proposal will include the installation of a Biomass boiler. In addition raised beds are proposed within the external amenity area which are welcomed and would be positive assets supporting the health and wellbeing of the future residents.

Plans submitted as part of the proposal includes the installation of solar panels on the eastern most part of the southern section of the building. However it has been stated that these panels may not be installed in the immediate future due to financial constraints in addition to their provision would have little effect on the energy ratings achievable by the proposed development. Regardless of if/when the panels would be installed they (56 in total) would be positioned within the roof valley located between the pitched roof forms, but it has been demonstrated that these panels would not project above the ridge of the related pitched roofs and therefore it is considered that their installation at a future point would not have a detrimental impact upon the visual amenities of the development, the Carden Avenue and London Road street scenes or the wider area.

A bin/recycling store will be located on the northern side of the site, between the proposed delivery bay area and the vehicular access point.

Ecology/Nature Conservation:

As a result of the need to demolish the 6 existing dwellings currently occupying the site and the removal of a number of trees in order to accommodate the proposed development, a bat survey has been submitted. This survey, undertaken in July 2011, concluded that bats were not using the site for roosting at the time of the survey.

Although the Council's Ecologist considers that significant populations of Common Lizard, Slow-worm and Grass Snake are unlikely on the site, given that they are protected from harm under the Wildlife and Countryside Act 1981 (as amended) and that they were not conclusively searched for in the Ecological Appraisal carried out in July, it is recommended that mitigation for the potential presence of low numbers of these species should be required proper to commencement of the development, an issue which can be ensured via a condition.

Policy QD17 requires development to mitigate for the loss of habitats, such as the grassland and pond in the scheme proposed, and enhance the nature conservation value of development sites and parts of SPD11 quantifies the amount of biodiversity new developments are expected to provide. These issues can be dealt with via conditions.

Landscaping:

A comprehensive Arboricultural Report has been submitted as part of the application, the contents of which the Council's Arboriculturist fully agrees

with.

Tree Preservation Order (TPO) (No. 6) 2008 covers 17 of the existing trees on the site.

44 trees will be removed in order to facilitate the development however the majority are of a small back garden specimens. 4 trees covered by the TPO will be removed however these are diseased and are located adjacent to the public footpath at the bottom of Carden Avenue and would need to be removed regardless of whether the development is approved.

Retained trees should be protected and a detailed landscape scheme submitted; an issue which can be ensured via conditions.

Other Issues:

In accordance with policy QD6 of the Brighton & Hove Local Plan, the applicant is required to provide £32,500 towards funding public art, an issue which can be ensured via the signing of a S106 agreement.

Neighbouring 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.

The site is bounded by two residential dwellings of the east, nos. 10 and 10a Carden Avenue and Withdean Park to the south. The previously approved L-shape built form would have been sited in close proximity to no. 10 Carden Avenue. The proposed development will be located closer to no. 10a Carden Avenue and further away from no. 10 than compared to the previously approved scheme.

This application seeks to mitigate the impacts upon no. 10a by stepping the building down in height on the eastern end of the southern section of the dwelling and thereby reducing the amount of bulk and massing near this neighbouring property. A distance of approximately 11.1m will be located between the eastern most elevation of the proposed development and the western most elevation of no. 10a Carden Avenue. A window at ground, first and second floor levels would be located within the east facing elevation of the development nearest to no. 10a. Although these windows related to corridor of the development, it is recommended that a condition is attached to an approval requiring these windows to contain obscure glazing in order to protect the amenities of the occupiers of no. 10a with regards to overlooking and loss of privacy.

The proposed development would be located further to the north than no. 10a Carden Avenue. At present this neighbouring property adjoins garden areas

related to Parkside London Road and no. 8 Carden Avenue. A 1.8m high close boarded fence and vegetation will be located along the boundary with nos. 10 and 10a Carden Avenue. Four windows are located within the west facing elevation of no. 10a Carden Avenue, the 3 ground floor windows are secondary windows relating to the living room whilst the first floor window contains obscured glazing as a result of relating to a bathroom area. Overall it is considered that the development would not have a significant adverse impact upon the amenities of this neighbouring property with regards to overshadowing, loss of outlook, loss of light/sunlight.

As a result of the amendment to the built form, the development would be located further away from the boundary with no. 10 Carden Avenue than previously approved. It is considered that the scheme proposed would not have a significant adverse impact upon the amenities of this neighbouring property with regards to overlooking, loss of privacy, overshadowing and loss of light/sunlight. It is acknowledged that the sole vehicle access route into the site would be to the western elevation of no. 10 Carden Avenue. No windows are located within the main west facing elevation of this neighbouring property although high level west facing windows are located within the rear single storey section of this dwelling in addition to a raised rear terrace area. A 1.8m high close boarded timber fence and trees will be located along the boundary between the development and this neighbouring property. Overall it is not considered that the positioning of the main access route will have a significant adverse impact upon the amenities of this neighbouring property given the proposed boundary treatment, including the planting of trees, furthermore this situation was approved in the previous scheme. With regards to the concerns raised by the neighbouring property over the lighting of the car park, it is considered that this issue can be dealt with via a condition.

Finally it is not considered that the inclusion of elevated external terrace areas will have a significant adverse impact upon the amenities of neighbouring properties.

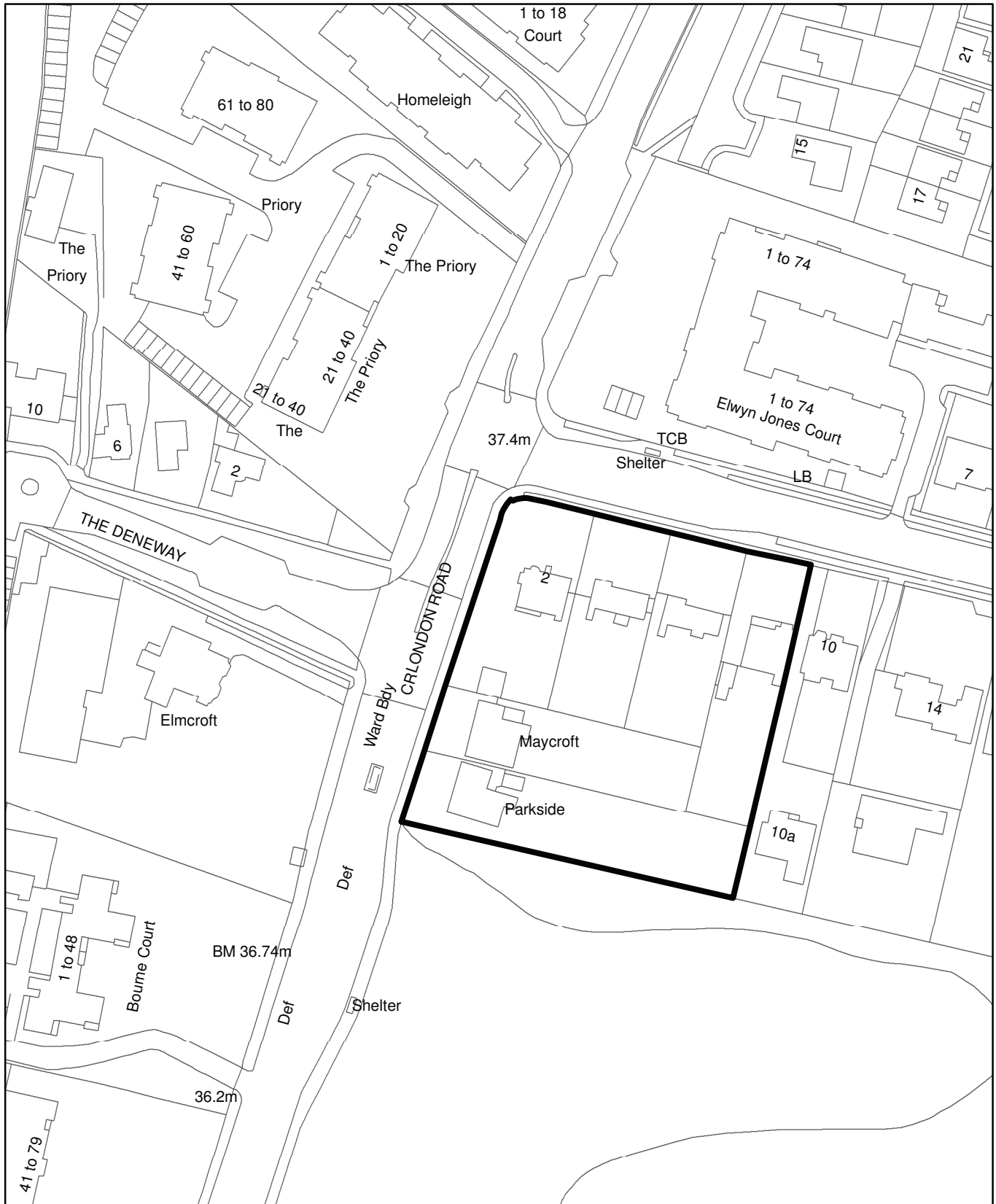
9 CONCLUSION

The proposed development would provide adequate residential accommodation for up to 99 elderly residents in accordance with policy HO11 of the Brighton & Hove Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character or appearance of the site or the surrounding area. Furthermore, subject to the compliance with the attached conditions it is considered that there would be no significant harm to the amenity of neighbouring properties.

10 EQUALITIES IMPLICATIONS

Access into and around the proposed development would be fully accessible to the disabled. Disabled parking spaces will be provided close to the main entrance of the development in addition to the provision of two mobility scooters. Developments for care homes are not required to comply with Lifetime Homes Standards as this is covered by the National Care Standards.

BH2011/03358, Maycroft & Parkside, London Rd & 2-8 Carden Ave, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2011/02485 | <u>Ward:</u> | PRESTON PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 52 Preston Road, Brighton | | |
| <u>Proposal:</u> | Conversion of single dwelling property to 4no self contained flats, erection of single storey rear extension and construction of new frontage at ground floor. | | |
| <u>Officer:</u> | Aidan Thatcher, tel: 292265 | <u>Valid Date:</u> | 26/09/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 21 November 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | Hardwick Hartley Partnership, C/O Lewis & Co Planning | | |

This application was deferred at Planning Committee on 11th January in order to confirm the consultation response from Sustainable Transport.

1 RECOMMENDATION

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

1. The proposed scheme fails to provide a unit of accommodation that is suitable for occupation by a family (including garden access) and as such the proposal is contrary to policy HO9 of the Brighton & Hove Local Plan.
2. The application fails to demonstrate that the site would fall within a satisfactory noise category and have no adverse air quality issues and as such could cause harm to the amenity of the future occupiers of the units. The proposal is contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. The proposed rear extension would have an unacceptable impact on the character and appearance of nos. 52 and 54 Preston Road, resulting in an overly dominant extension by virtue of its excessive width and depth. The proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
4. The proposed development would have an unacceptable impact on the living conditions of the future occupiers by virtue of a cramped form of accommodation, particularly within the ground floor units, poor outlook and would result in inter-overlooking between the proposed and existing units (including neighbouring residential accommodation). Therefore the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The application fails to provide for an acceptable standard of cycle parking provision and as such the proposal is contrary to policies TR14 and HO9 of the Brighton & Hove Local Plan.

6. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and is contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 1110-20 received on 22.08.11 and drawing no. 1110-21D received on 28.11.11.
2. Any subsequent application would need to address potential contamination issues at the site by including a phased land quality assessment in order to address the issues raised within policy SU11 of the Brighton & Hove Local Plan.

2 THE SITE

The application site is a three storey Victorian building situated on the northeast side of Preston Road and is located within the designated London Road Town Centre, although outside its prime retail frontage.

It has a commercial shopfront to the ground floor, with its own entrance. This and the remainder of the ground floor is known as no. 52A.

The upper floors also benefit from their own entrance and include part of the ground floor entrance hall and the two top floors of the building. These are known as no. 52B.

The site is currently in use as a single dwelling, and a certificate of lawful use has recently been approved to confirm this.

3 RELEVANT HISTORY

BH2011/00952: Certificate of lawfulness for existing use of property as a single dwelling house – approved 20/05/2011.

BH2001/02894/FP: Replacement shopfront – approved 23/01/2002.

BH1998/00136/FP: Change of use from part D1/part A1 to A1 at front and residential at rear – approved 11/06/1998.

4 THE APPLICATION

Planning permission is sought for the subdivision of the existing building to 4 no. residential units comprising 2 no. 1 bed units on the ground floor, 1 no. 1 bed unit on the first floor and 1 no. 2 bed unit across the second and attic floors.

The application also involves the erection of an L-shaped extension wrapping around the northern corner of the existing rear projection measuring approximately 3.0m deep (min) and 5.7m deep (max) x 3.6m wide (min) and 7.25m wide (max – including the side return of the neighbouring property no. 54 Preston Road which is also in the applicants ownership) x 2.85m high, being flat roofed.

5 CONSULTATIONS

External:

Neighbours: Five (5) standard letters of representation have been received from **64 Stanford Avenue, 27 Hill Brow, 58 Breamore Road, 11 Silverdale Road and 22 Eaton Court, Eaton Gardens** supporting the application for the following reason:

- The proposed extension and conversion would make an efficient use of the building and would be appropriate for the surrounding environment.

Internal:

Environmental Health: Insufficient information on which to comment. Specifically an acoustic report carried out in accordance with PPG24 and a phased land quality assessment are required.

Records available to the City Council indicate that the site was a dry cleaners in 1956 and prior to this, a coal and coke merchants from 1908-1916. A large engineering works to the rear (north West of the property) referred to as Argyle engineering was present from 1938 to 1949. As such, the historic uses may have had the potential to cause localised contamination which may impact on the new uses. The rear extension will require investigation to ensure that it does not present any adverse human health or contamination impacts to the end residents. The introduction of private patio gardens is likely to require specific consideration.

The site is located on a busy arterial road out of Brighton and there are concerns regarding road traffic noise. It is appropriate to consider road traffic noise at a very early stage. On viewing the DEFRA noise mapping in combination with the plans in drawing number 1110-21, it is noted that a number of the flats have bedrooms located on the western and main road façade. Therefore at present there is insufficient information to gauge whether road traffic noise is likely to present an issue to future occupants.

It is therefore important that a critical appraisal of noise is carried out prior to the design stage. Given both the noise and potentially contaminated land issues as identified above, it is considered that there is insufficient information on which to make a decision.

2009 pollution monitoring data at 56 Preston Road shows NO₂ concentrations above the limit value. The 2010-11 monitor is closer to vehicles accelerating northbound from Preston Circus and therefore more worse-case than the site in question. The premises façade is 4 m from the kerb; so likely to be 6 metres from passing vehicle exhausts.

52 Preston Rd is a marginal-case for future breach of pollution limit values. Therefore introduction of permanent new residential quarters solely on the ground floor is not ideal.

Sustainable Transport:

Recommended approval with conditions to protect the interests of the public using the roads and footways.

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £1500 to help finance off-site highway improvement schemes within the local vicinity of the application.

Brighton & Hove's development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in September 2000. These standards set out the maximum level of car parking for various use classes.

The scheme is located outside the cities controlled parking zone (CPZ). The proposal does not include any car parking on site.

Parking standards within the CPZ allow for a maximum provision of 1 car parking space per dwelling plus 1 car parking space per 2 dwellings for visitors on site. This means that the proposal could provide up to a maximum of 6 car parking spaces on site to serve the development.

It is anticipated that this proposed development would have a parking demand of 4 vehicles over the existing development. This is based on the analysis of Census data with an average dwelling owning 1.1 vehicles within Preston Ward. The application could therefore result in an increase of 3 parked vehicles on the Public Highway from the gain of 3 additional dwellings.

In my opinion this level of uplift would not result in a material impact on the local highway that would support a reason for refusal.

Unlike car parking cycle parking standards are set as a minimum, for this type of development the cycle parking requirement is calculated on a basis of 1 space per dwelling plus 1 space per 3 dwellings for visitors. The development would be required to provide cycle parking spaces for 5 bicycles.

The planning application states that 6 cycle parking spaces are to be provided, however, only 4 are shown on the submitted plans. In addition, the type of cycle parking proposed to serve the proposed development is not considered to be convenient or practical.

Cycle parking should be secure, convenient, well lit, and wherever practical, sheltered cycle parking should be located close to the main entrance of the proposed development to comply with TR14 and SPG4.

The applicant should design appropriate secure cycle parking in accordance with Local Plan Policies TR14 and SPG4 or provide information proving the

suitability of the proposed storage type. This information should be provided to the Local Planning Authority for written approval before commencement of the development.

If the cycle parking cannot be accommodated within the proposed development, the applicant may wish to consider negotiating “*with the applicant for the provision of cycle parking facilities nearby on the public highway or for a contribution to improvements to cycling infrastructure*” in line with TR14 of the Local Plan. If an agreeable solution could be found this would address the suggested reason to refuse, alternatively this could be controlled by condition.

I would like to be consulted if you choose to negotiate the providing of cycle parking facilities of the public highway as there is no guarantee that planning approval would mean a licence would be issued to construct the stand of highway land.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

National Planning Guidance

PPS3: Housing

PPG13: Transport

Brighton & Hove Local Plan

TR1 Development and the demand for travel

TR2 Public transport accessibility and parking

TR7 Safe Development

TR8 Pedestrian routes

TR14 Cycle access and parking

TR19 Parking standards

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

QD1 Design - quality of development and design statements

QD2 Design - key principles for neighbourhoods

QD3 Design - full and effective use of sites

QD5 Design - street frontages

QD27 Protection of amenity

| | |
|------|--|
| QD28 | Planning obligations |
| HO3 | Dwelling type and size |
| HO4 | Dwelling densities |
| HO5 | Provision of private amenity space in residential development |
| HO7 | Car free housing |
| HO9 | Residential conversions and the retention of smaller dwellings |
| HO13 | Accessible housing and lifetime homes |
| HE3 | Development affecting the setting of a listed building |

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

| | |
|-------|-----------------------------------|
| SPD03 | Construction and Demolition waste |
| SPD08 | Sustainable Building Design |

Planning Advice Notes

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

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the change of use, impact on the building and wider area, amenity, contamination, highways and sustainability issues.

Principle of the change of use

The building is currently in use as a 6 bedroom dwelling (i.e. one residential unit), which appears to be rented out to a group of students. There is no in principle objection to a conversion scheme however any scheme needs to comply with policy.

Policy HO9 of the Local Plan will permit the conversion of dwellings, including maisonettes into smaller units of self-containment when all of the following criteria are met:

- a. the original floor area is greater than 115m² or the dwelling has more than 3 bedrooms as originally built;
- b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
- c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
- d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);
- e. the proposal will not result in an unacceptable level of on-street car parking;
- f. if the building is listed, the proposal preserves the character of the listed

- building; and
- g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.

The requirement within criterion b) for a unit of family accommodation will not apply when:

- i. a different mix of units is essential to preserve the character of a listed building; or
- ii. a different mix of units is necessary to meet the needs of existing occupants who will remain on completion of the conversion;
- iii. the proposal is poorly located to meet the needs of families; or
- iv. the proposal is specifically for people with special housing needs.

The aim of criterion a) is to protect small family dwellings from conversion, as there remains a high level of demand for these dwellings within Brighton & Hove. When calculating the original floor area, later additions such as extensions, garages and loft conversions must be excluded, and the calculation of the original floor area must be based on internal dimensions only. The internal floor area of the original dwelling is approximately 161 sqm (excluding the attic space), and is therefore above the threshold of 115 sqm defined within criterion a).

Criterion b) requires that at least one unit is suitable for family accommodation and contains 2 bedrooms or more. The top maisonette is the only unit that would include 2 bedrooms. Family accommodation should also have provision for adequate outdoor private amenity space, and thus unit does not, yet the smaller 1 bedroom units on the ground floor do. As such the proposal is contrary to criterion b) as none of the exception criteria is considered relevant to this proposal.

With regard to criterion c), it is considered that the proposal makes adequate provision for recycling and refuse, and would not be of detriment to adjoining properties in terms of noise and nuisance.

The information submitted with regard to criterion d), the provision of cycle parking, indicates that secure parking would be in various locations across the development. 4 no. spaces are proposed under the stairs, and each of the ground floor units has provision within their amenity areas.

However, the usability of these spaces is questioned, as all are proposed to be accessed via a narrow hallway, through a tight doorway into the communal ground floor hallway. In addition, the under stair provision is not usable as there is inadequate space for 4 no. cycles with sufficient access, and the route to the amenity space for proposed flat 1 would be even more convoluted, via an additional narrow hallway and would need to be carried over a bed (not to mention other obstructions such as wardrobes etc) to obtain access to the cycle parking spaces.

As such it is not considered that the provision of cycle parking is adequate, and thus the proposal fails to accord with criterion d.

With regard to criterion e) of policy HO9, the impact on the local highway network/parking is discussed later in this report.

With regard to criteria f) and g), the property is not a listed building nor is it within a conservation area.

The scheme is therefore unacceptable.

Impact on the building and wider area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

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

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property.

The application proposes a large single storey rear extension, as described in section 4. The proposed extension would be the full width of the site, and would also extend into the side return of the neighbouring building, no. 54 which is also in the applicant's ownership.

The extension itself would relate poorly with the existing building and would create an overly dominant extension by virtue of its excessive width and depth. This impact is exasperated by the fact the extension extends into the neighbouring property, further dominating the character of the rear of these

two properties.

The applicant contends that a similar extension could be constructed under permitted development rights which is incorrect. Limited extensions of a maximum of 3m in depth could be taken off each of the rear elevations of no. 52 itself (so a staggered extension), and no extension to no. 54 would be permitted for residential use, as this is in commercial use at ground floor level. If permitted development rights were used to extend the property (whilst it was still a single residential unit) this would result in a significantly lower level of built form at the site than is proposed as part of this application.

It is noted that some neighbouring properties have large single storey rendered extensions to the rear. However, a search through planning history of Preston Road reveals no permissions for these structures after 1993, and as such if they are authorised structures, these would have been permitted under a historic form of planning policies and guidance and as such set no precedent for similar types of development today. It is considered that these existing extensions are harmful to the original buildings due to their sheer size and scale and over dominate the existing buildings and also the development to the rear of the site.

As such, the rear extension is considered to be wholly unacceptable by virtue of its excessive scale, bulk, massing and causes an overly dominant impact on the existing building.

Alterations are also proposed to the front elevation replacing the historic shopfront and installing more domestic style windows (yet retaining the opening size of the window whilst removing a secondary front entrance door). This is considered to be acceptable, without unduly harming the character or appearance of the building or the wider street scene.

Amenity issues

For Neighbours

Policy QD27 protection of amenity confirms that permission will not be granted where development 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.

Whilst the proposed rear extension is large, it is not considered to give rise to any adverse amenity concerns as the ground floor neighbouring uses are in commercial use. As such there would be no undue loss of light or overbearing impact issues that would harm residential amenity.

The conversion to 4 residential units could give rise to concerns of increased noise and disturbance. However, the property is already in residential use and the creation of these additional units is not considered to cause any undue harm.

The proposed rear ground floor unit includes a window facing back towards the rear elevations of nos. 52 and 54 Preston Road. This would mean that interlooking and overlooking would be possible between the units on the upper floors of these properties and the ground floor unit. This relationship is unacceptable and would cause a harmful impact on amenity.

For Future Residents

Policy QD27 requires new residential development to provide a high standard of living accommodation, suitable for future occupiers.

Policy HO13 requires residential units to be lifetime home compliant. When dealing with conversions it is recognised that the existing built form of the property may restrict full compliance with this policy but compliance should be sought wherever possible.

Policy HO5 requires the provision of private useable amenity space in new residential development.

The layout of the proposed conversion varies in its level of acceptability. The layout of the proposed units on the first, second and attic level floors are considered to be acceptable. Each of these room sizes are considered to be sufficient for their function with most having natural light and ventilation (save for bathrooms).

However, the situation on the ground floor is far from satisfactory. In particular the units are considered to provide a cramped form of accommodation and room sizes are not adequate for their function, which is particularly relevant in the proposed bedrooms which have insufficient space for any furniture other than a bed. In addition, the living room area for flat 1 is also considered to be constrained and of inadequate size for its function.

The ground floor units do not meet lifetime homes criteria where they could feasibly do so, particularly as the internal layout is altering completely. The only rooms which show compliance are the combined living rooms. As such the proposed design demonstrably fails to comply with policy HO13.

The proposed ground floor front unit, Flat 1, is also considered to have a poor outlook from the front, with the lower part of the windows to be etched glazed, giving no view, and even if there were a view, this would be equally poor for the main outlook of the property. As such this would provide a poor level of amenity for the proposed occupiers.

Concern has also been raised from the Environmental Health team regarding noise levels and air quality. No information has been submitted with the application to address these issues.

It is noted that the property is currently in residential use as a single unit and thus gives the occupiers the option to move within the building to utilise rooms

which are not as adversely impacted by noise or pollution, such as to the rear of the property.

This choice of movement would be removed if the application were to be approved, due to the cramped subdivision into 4 residential units. The impact would be particularly acute in relation to air quality for the ground floor units, notably Flat 1 to the front of the building.

Amenity space is provided for each of the ground floor units. The upper floors do not have any amenity space provided.

It is considered that the provision for the ground floor units is acceptable, although relatively small is appropriate in size for the scale of the units. However, the only unit suitable to accommodate a family is across the second and attic levels and this does not have access to outside space, as such the proposal is contrary to Policy HO5.

It is considered that the proposed conversion is a poor example of the subdivision of a building into multiple units which would result in an unacceptable standard of accommodation for the future occupiers.

Contamination issues

Policy SU11 confirms that proposals for the development of known or suspected polluted land and/or premises will help to ensure effective and productive use is made of brownfield sites and will be granted, in accordance with the other policies of the development plan, where the following can be met:

- a. The application is accompanied by a site/building assessment and detailed proposals for the treatment, containment and/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses, and to prevent leaching of pollutants;
- b. The proposal will not give rise to an increase in contamination and atmospheric pollution; and
- c. Conditions can be imposed and/or a planning obligation sought in order to ensure the fulfilment of any necessary remediation measures and/or future monitoring.

Planning permission will not be granted for the development of polluted land or land adjacent where the nature and extent of contamination is such that even with current methods of remediation the proposed development, people, animals and/or surrounding environment will be put at risk.

Where the suspected contamination is not felt to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.

The comments from the Environmental Health Team are noted, in that the land is suspected to be contaminated due to the previous uses of the site

itself and the adjacent site to the rear.

No information has been submitted with the application to address the suspected contamination, and as such a judgement cannot be made as to the risk level of this. Therefore the applicant has failed to demonstrate that there are no undue contaminated land issues and as such the application is lacking in this respect.

Highway issues

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

The site is located within a controlled parking zone (CPZ) and it would be appropriate to restrict the future occupiers from obtaining a parking permit, and a condition to this effect would be recommended were the application to be recommended for approval.

Comments have been provided above regarding the inadequate cycle parking provision and as such this is unacceptable to conform to the requirements of TR14.

The Sustainable Transport Team also recommends a legal agreement to mitigate against the impact of the development. However, the Local Planning Authority is not currently seeking such contributions on schemes of less than 5 residential units to assist the development industry during these times of austerity.

Sustainability issues

Any new residential building upon the site would need to conform to the requirements of SPD08 and policy SU2.

The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08. No information has been provided detailing how the development would minimise its reliance on energy, water and materials, and as such fails to demonstrate compliance with policy SU2.

However, were the application to be recommended for approval, this could be addressed by a suitable condition.

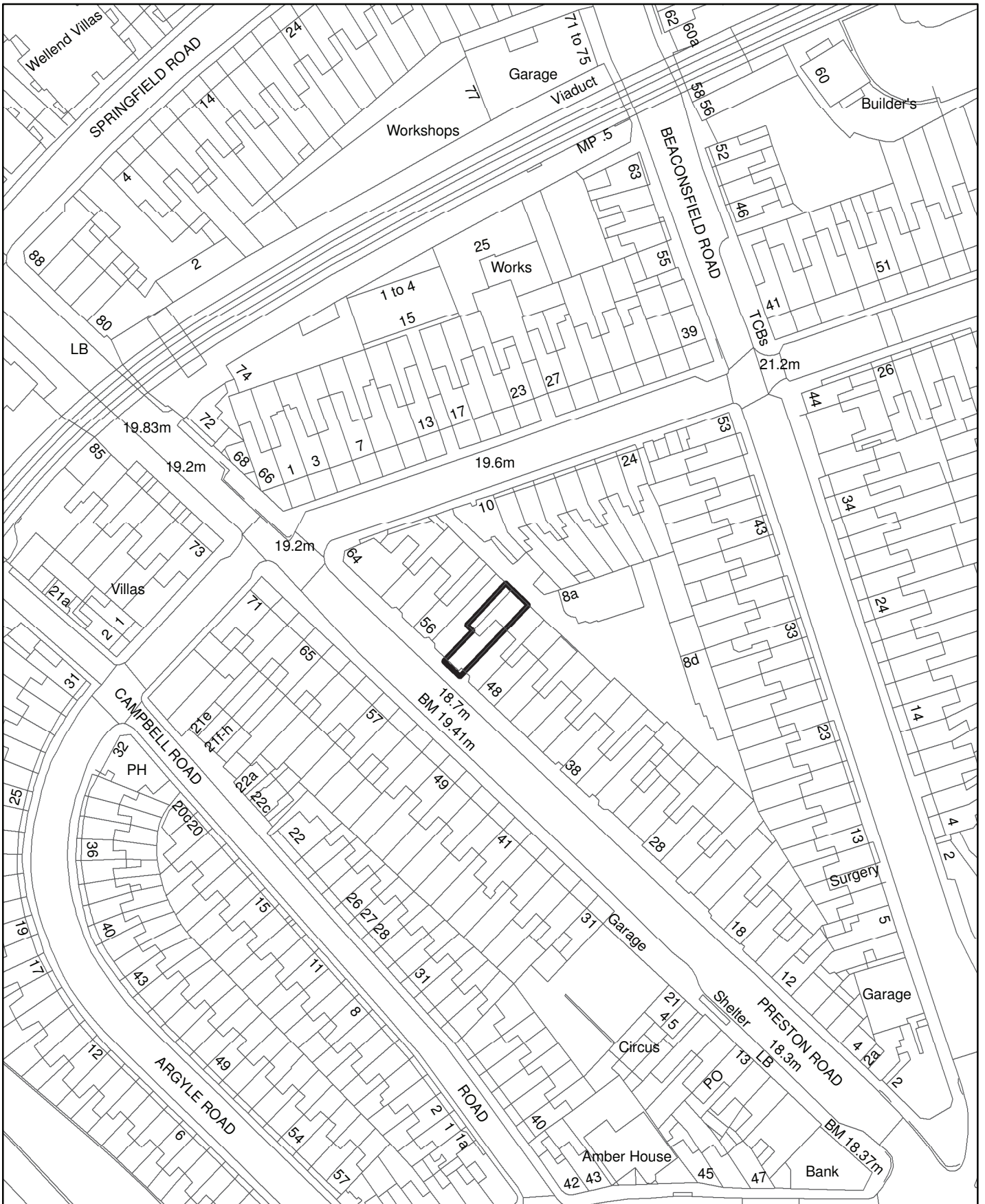
9 CONCLUSION

The application fails to demonstrate that the proposed occupiers would not be adversely affected through excessive noise and poor air quality, would create a sub-standard level of residential accommodation, including cramped units and overlooking, provides for inadequate cycle parking provision, would create an overly dominant rear extension with a poor relationship to the existing building and also fails to demonstrate that the site is free from contamination. As such the proposal is considered to be contrary to development plan policies.

10 EQUALITIES IMPLICATIONS

The application fails to meet lifetime homes standards where it could feasibly do so.

BH2011/02485 52 Preston Road, Brighton



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|----------------------|
| <u>No:</u> | BH2011/01736 | <u>Ward:</u> | EAST BRIGHTON |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 3 The Broadway, Brighton | | |
| <u>Proposal:</u> | Change of use from retail (A1) to hot food take-away (A5) | | |
| <u>Officer:</u> | Sonia Gillam, tel: 292359 | <u>Valid Date:</u> | 12/07/2011 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 06 September 2011 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | Mr Zulfukar Akyol, C/O Lewis & Co Planning | | |

This application was deferred at the Planning Committee meeting on 23/11/2011 for the following information to be obtained:

1. Details of the ownership of the rear garden;
2. Clarification on access to/from the rear garden for the flat and shop;
3. Further details of the 1996 refusal on the application site; and
4. Confirmation of the opening hours of the takeaway at No. 7 The Broadway.

Full details of the additional information sought by officers is set out in sections 2 and 8 below.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with drawing no. 01A received on 20 December 2011 and the site location plan, block plan and the 'Extraction Equipment Information' document by Purified Air received on 12 July 2011 and the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on 9 September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The use hereby permitted shall not be open to customers except between the hours of 12.00 to 24.00 on any day.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 and 19.00 on

Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

5. No development shall commence unless the scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration, contained in the 'Kitchen Extract Fan Noise Impact Assessment Final Report' by Anderson Acoustics received on 9 September 2011, is fully implemented. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

6. No development shall commence unless the 'Extraction Equipment Information' scheme of odour control equipment to the building by Purified Air received on 12 July 2011 is implemented. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

7. 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.

Informatives:

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

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

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

It has been adequately demonstrated that the existing retail (A1) use is currently not economically viable. The change of use of the unit would not cause significant harm to the vitality and viability of the shopping centre or to the amenity of neighbouring occupiers and is acceptable with regard to transport.

2. Licensing

It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.

3. Investigations under the Environmental Protection Act 1990

The applicant should be aware that, although conditions have been applied to the application, the future investigation of nuisance under the above legislation is not mitigated against. Should future investigations identify a Statutory Nuisance, this could result in further noise control measures.

4. Food Safety

The applicant is advised to register the food business with the Food Safety Team at least 28 days prior to opening.

2 THE SITE

The application relates to a retail unit occupying part of the ground floor of a property within The Broadway. This unit forms part of the Whitehawk Road Local Shopping Centre. Within the parade, there are residential units at first floor level and gardens to the rear.

Originally, the applicant/agent advised that the rear garden at no. 3 was connected to the shop and that the flat above had no access. However, the flat owner has clarified that, in fact, the flat does have direct access to the rear garden, through a ground floor door. Officers now understand that the garden forms part of the lease of the flat, not the shop. The agent has confirmed that the lease for the shop does not include the rear garden.

3 RELEVANT HISTORY

BH1998/00779/FP: Change of use to A3 cafe/hot food takeaway. Withdrawn.

96/1126/FP: Change of use from Use Class A1 (Retail) to Use Class A3 (cafe/hot food takeaway). Refused 23/12/1996.

4 THE APPLICATION

Planning permission is sought for the change of use from retail (A1) to hot food take-away (A5). A flue is proposed to the rear of the property.

5 CONSULTATIONS

External:

Neighbours: Letters of objection have been received from **1a, 2a The Broadway** (x2), **9 Rycroft Whitehawk Road** (owner of flat above **3 The Broadway**), **50 North Way Lewes** (owner of **Flat 4a The Broadway**).

A petition objecting to the application has been received from the following: **2, 2a, 3b, 4a, 7, 8 The Broadway, 1, 3, 5, 9 Reading Road, 35 Whitehawk Road.**

Grounds of objection to the application include:

- Odour
- Noise and late night nuisance
- Litter
- Waste disposal
- Health risks
- Reduced property values
- Prevent enjoyment of garden
- Proliferation of fast food outlets in the area

Sussex Police: No objections.

Internal:

Environmental Health: Approve with conditions relating to hours of opening, restrictions on loading and unloading times, soundproofing of plant and machinery, and odour control equipment.

Food Safety Team: (Original comments) The premises will not meet with current food legislation as the toilet opens directly onto the food preparation area. The Regulations state that a ventilated lobby is required to a toilet.

(Additional comments) Revised plan is fine with regard to the lobby for the toilet.

Sustainable Transport: No objections.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan

- SR6 Local Centres
- SU9 Pollution and noise control
- TR1 Development and the demand for travel
- SU10 Noise nuisance
- QD27 Protection of amenity

8 CONSIDERATIONS

The key issues relate to the principle of the change of use from retail (A1) to a hot food take-away (A5), the impact on neighbouring amenity and traffic

issues.

At the Planning Committee meeting on 23 November, members raised queries regarding a previous refusal at the property, access to and ownership of the rear garden area and the operating times of a Chinese take away located at No. 7 The Broadway.

Planning application 96/1126/FP at No. 3 The Broadway sought permission for a change of use from use class A1 (retail) to use class A3 (café/hot food takeaway). It was refused on the following grounds;

- There is no area available for the external storage of refuse and so the proposal would be likely to result in its unsatisfactory storage, thus harmful to the environment of adjoining occupiers,
- The location of any ducting required would be harmful to the visual amenity of the area due to its prominent siting and harmful to the visual amenity and outlook of adjoining residents, and
- The proposal would be detrimental to the amenities of adjoining properties by reason of late night noise and disturbance.

These are clearly material planning concerns in relation to the current proposal and are addressed below.

Following the late November Planning Committee, the agent stated that the rear garden area was only accessible from the ground floor retail unit and that there was no access to the garden from the first floor residential unit. However, the owners of the flat subsequently clarified that they do have access to the rear garden. The flat's kitchen is on the ground floor at the rear and has direct access into the garden. Officers also understand that the garden forms part of the lease of the first floor flat and that the shop has no right of access. The agent has confirmed that the shop does not benefit from access to the garden under the terms of its lease. Whilst this presents a challenge in terms of refuse storage and the installation of the flue, it is not considered that the lack of access rights to the rear garden necessarily raises significant planning concerns. Any planning consent would not override the rights of the owners of the garden under the terms of their lease.

A site visit has established that the existing takeaway at 7 The Broadway operates during the following hours;

- Sunday – 6pm – 11pm,
- Monday – 5pm – 11pm,
- Tuesday – Closed,
- Wednesday to Saturday – 5pm – 11pm.

These hours accord with condition 4 attached to application 80/956 which granted permission for the change of use from retail butcher and manufacture of small meat products and storage of ice cream to retail take away cooked foods including the manufacture of small meat products and storage of ice cream.

Principle of development

The application property forms part of the Whitehawk Road Local Centre as defined by the Local Plan proposals map. Policy SR6 therefore applies and states that:

The change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted, provided that all of the criteria, a) to e), are met:

- a. it would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre;
- b. it has been adequately demonstrated that a Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole;
- c. the proposed use would attract pedestrian activity (particularly in the daytime) which would make a positive contribution to the vitality and viability of the centre;
- d. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and
- e. the location and prominence of the proposed use would not lead to a significant break of more than 10 metres in the frontage.

Criterion (a)

At present, of the 25 units in the identified Local Centre, 18 are in A1 retail use, 2 are in use as café/sandwich shops (A3/A1), and 5 are in non-A1 use. The current percentage of non-A1 uses is therefore 20%, or 28% including the café/sandwich shops. Were the change of use to be approved, this figure would increase to 24%, or 32% including the café/sandwich shops. The proposed change of use would therefore comply with criteria (a).

Criterion (b)

The supporting text to Policy SR6 details that indicators to be taken account of affecting the economic viability of a unit are:

- the characteristics of the unit;
- its position in the centre;
- the pedestrian flow associated with the unit and the centre as a whole;
- the number of other vacancies in the centre; and
- the length of time that the unit has been actively marketed on competitive terms.

The specific unit is not in a poor location and its internal layout does not appear to be ill-suited to an A1 use. Pedestrian flow attracted to the unit would be of a similar nature to other units in the centre. The unit is currently vacant. It is part of a terrace of 8 units; all of the other units were occupied at the time of the site visit. However in the centre as a whole, 5 units are currently vacant (a vacancy rate of 20%). It is therefore acknowledged that vacancy rates in the centre are at a relatively high level.

Evidence has been submitted in the form of a letter from Parsons Son and Basley estate agents detailing the marketing strategy. It is advised that the

property was first vacated in April 2010 following a fire. Works to rectify the damage were not completed until January 2011. It is confirmed that marketing was instigated in January 2011 by way of the erection of an advertising board and preparation of marketing particulars and advertising. Evidence of the marketing particulars has been submitted with the application. The estate agent has advised that the rental was originally set at £9,500 with a reduction to £8,750 from 25th February 2011 as the original figure was not producing much interest. The only interest received during the marketing period was for potential A5 businesses.

The current use of the property falls under the A1 Use Class however the unit is vacant. It is therefore the case that the unit is at present making little contribution to the local centre as a whole. The property has been marketed for a period of time and little interest has been generated. The lack of interest has been explained by reason of the small size of the retail unit and the current A1 vacancy rate in the parade and the wider centre suggesting that retail units are not currently in high demand in this location. The size of the unit does appear to be smaller and with a less uniform layout compared to other units within the parade.

Taking into account all of the indicators detailed in SR6, the case made to demonstrate that an A1 retail use is no longer viable is considered adequate and in compliance with SR6.

Criterion (c)

It is proposed that the takeaway would be open between the hours of 12.00 to 24.00. Therefore it is considered that the proposed use would attract pedestrian activity, including potential daytime trade, and would make a positive contribution to the shopping centre, given the current vacant status of the unit.

Criterion (d)

Regard should be given to the amenities of nearby occupants. With regard to noise from the proposed extraction system, an acoustic report has been submitted. The report confirms that the extract system would result in noise levels below that of the Council's noise criteria. The flue has been designed to dissipate odours above eaves level. Subject to conditions, the Council's Environmental Health team have no concerns regarding the noise levels or the odour control equipment. However it is recommended that the hours of opening are restricted to between 12.00 and 24.00, and that no vehicular movements nor any loading or unloading of vehicles should take place on the site except between the hours of 07.00 and 19.00 on Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Criterion (e)

The proposed change of use would lead to a break in the retail frontage of approximately 7.5 metres, which is clearly not in excess of the 10 metre

maximum defined by SR6.

Visual Impact

The proposed flue would be at the rear of the building, projecting approximately one metre above eaves level. From adjoining gardens and the existing first floor terrace at the neighbouring flat to the north, the flue would form a relatively unsightly and unsympathetic alteration. However, it is not considered to be of an excessive size for a flue. It would be sited to the rear of the property and would not be visible from The Broadway. It would be visible from Marlow Road, but this would be at some distance and would not significantly impact upon the character and appearance of the street scene. The flue at the rear of No. 7, although further away, is also partially visible from Marlow Road and of similar design to the current proposal. Overall, the proposed flue is not considered visually harmful to an extent that would warrant refusal.

Traffic

The Council's Sustainable Transport team has no objections to the change of use as it is considered that there would be no significant change in the volume or character of the traffic generated by the site.

Other issues

There have been objections received regarding the disposal of waste created by the use of the unit as a takeaway. Given the clarification that the rear garden does not form part of the shop's lease, the agent states that refuse will be "stored internally and collected daily." The Council's Food Safety Team also states that a lobby is required between the toilet and food preparation area. These requirements present significant challenges to the applicant in terms of satisfactorily operating a takeaway. The unit is very small and the space for food preparation, refuse storage and the toilet is limited. However, an amended plan has been submitted showing refuse stored within an existing cupboard and also showing a lobby between the toilet and kitchen. Consequently, officers do not feel that a planning refusal could be justified on the basis of limited space.

With regard to litter, there is a public bin on the footpath in The Broadway.

Sussex Police have no objections to the proposal from a crime prevention viewpoint.

Matters relating to property prices are not material planning considerations.

9 CONCLUSION

Policy SR6 of the Brighton & Hove Local Plan states that change of use from retail in Local Centres will only be granted where the Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole. The unit has been marketed for a period of time and little interest has been lodged. There are currently a number of vacant units in the Local Centre.

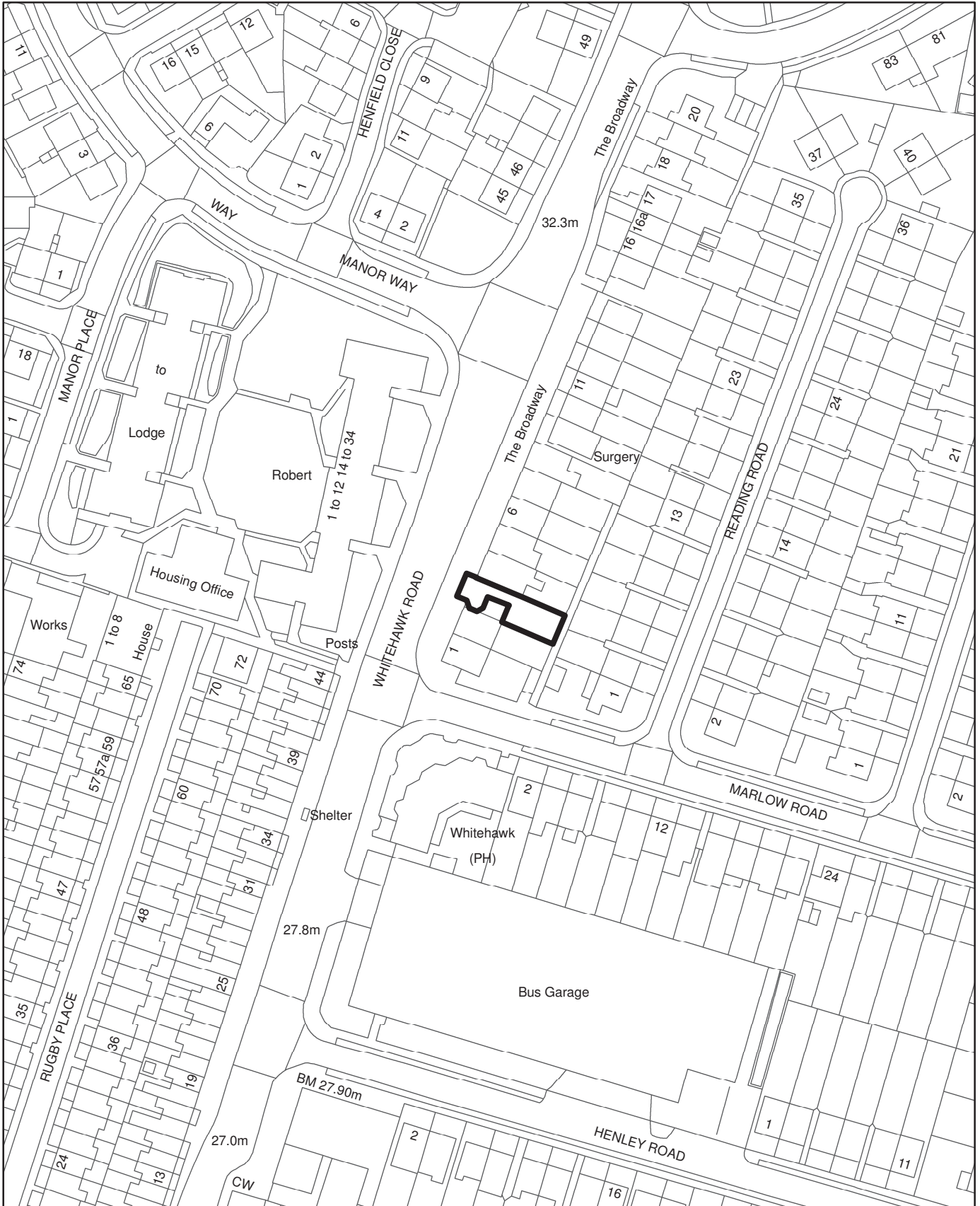
The proposal would not result in a significant break in the retail frontage of the centre.

It is unfortunate that inaccurate information and ownership details were submitted with the original application. The revised information now available highlights the constraints on available floorspace in which to operate a takeaway, but a satisfactory floor plan has been submitted. It is not considered that the amenity of neighbouring occupants would be significantly impacted by noise, odour or visually. It is therefore considered that a change of use to A5 (hot food takeaway) would be acceptable in this case.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01736 3 The Broadway, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------|
| <u>No:</u> | BH2011/03398 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Flat 4, 4 Montpelier Terrace, Brighton | | |
| <u>Proposal:</u> | Creation of additional storey to first floor flat to rear. | | |
| <u>Officer:</u> | Adrian Smith, tel: 290478 | <u>Valid Date:</u> | 16/11/2011 |
| <u>Con Area:</u> | Montpelier and Clifton Hill | <u>Expiry Date:</u> | 11 January 2012 |
| <u>Listed Building Grade:</u> | Grade II | | |
| <u>Agent:</u> | RSP Architects Ltd, 1 Westbourne Grove, Westbourne Gardens, Hove | | |
| <u>Applicant:</u> | R & R Developments, Mr R Raggio, 146 Woodland Drive, Hove | | |

1 RECOMMENDATION

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

1. Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. Notwithstanding the improved standard of residential accommodation that would result from this proposal, the proposed additional storey would result in significant harm to the amenities of the residential properties to the rear of Nos 3 & 4 Montpelier Terrace by virtue of enclosing their outlook and further reducing their existing poor levels of natural daylight. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the site plan, block plan, daylight and sunlight assessment and drawing no. 02 received on the 4th November 2011; the design and access statement and heritage statement received on the 16th November 2011; and drawing nos.01B & 04B received on the 11th January 2011.

2 THE SITE

The application relates to the rear of a mid-terrace Grade II listed building located on the north side of Montpelier Terrace, Brighton, within the Montpelier and Clifton Hill Conservation Area. The building is five storeys in height (including basement) with a three storey outrigger to the rear, the upper floor of which forms a studio flat.

3 RELEVANT HISTORY

BH2010/03652: Listed building consent for the creation of additional storey to first floor flat to rear. Withdrawn.

BH2010/03415: Creation of additional storey to first floor flat to rear. Withdrawn.

4 THE APPLICATION

Planning permission is sought for the erection of an additional storey to the rear outrigger to enable the studio flat to be enlarged into a one/two bedroom flat.

5 CONSULTATIONS

External:

Neighbours: Twenty-three (23) letters of representation have been received from **Garden Flat, 1 Montpelier Terrace; 3B Montpelier Terrace; Flats 1(2), 2, 3 & 4(2), 3 Montpelier Terrace; Flats 2, 3(2), 5, 6 & 7, 4 Montpelier Terrace; 4a Montpelier Terrace; Flat 1, 5 Montpelier Terrace; 5a Montpelier Terrace; 6a Montpelier Terrace; 10 Montpelier Terrace; 11 Montpelier Terrace; 18 Fernside Road, London (owner of Flat 3, 4 Montpelier Terrace); 5 Montpelier Villas; and GM Autocare, 88b Montpelier Road, objecting to the application for the following reasons:**

Loss of light and privacy:

- The additional storey with its much taller roof structure will significantly reduce the amount of natural daylight in the area at the rear of the building, including into most of the flats, the windows to some of which solely face to the rear. This will impact on residents quality of life
- The additional storey will significantly reduce the amount of reflected light down into the back courtyard area
- The increase in height of the additional storey and roof will have a negative effect on the outlook and privacy from existing flats in the building
- The 'Daylight and Sunlight Impact Assessment' only focuses on the effects to the basement flat and ground floor flat to 4 Montpelier Terrace, and does not assess the impacts on the flat below flat 4, or those to the adjacent building. It is impossible to believe that the additional storey would have no adverse effect on light to the rear of 3 Montpelier Terrace. This raises concerns over the credibility of the assessment
- Any scaffolding erected during construction works would impact on the privacy and light to the bedsit beneath flat 4.

Design and Heritage:

- The proposed design and roofline does not appear similar to the surrounding area or adjacent buildings and is not architecturally in keeping with the period of the building
- The application proposes to inappropriately extend a listed building
- The plans show the extended flat to be one-bedroom, yet the storage room would likely be marketed as a second bedroom
- The increase in height will be 30%, not the 'slight increase' described in the application.

Other matters:

- All 6 flats within the building use the main entrance to gain access-builders using this entrance also would create a huge inconvenience
- The building work will create noise and disturbance for residents in the

building

- Site access from the rear is difficult, and will require access across an existing business premises, impacting on access to the business, the safety of clients cars, and harming trade
- Reduction in property values
- Increased energy consumption to compensate for loss of light
- More people living in the Terrace will put pressure on parking, refuse collection and the buildings own internal infrastructure
- The applicants have undertaken no consultation with residents in the Terrace regarding this proposal

Fifteen (15) letters of representation have been received from **F4, 29 Vernon Terrace; Young Lee, 123 Dyke Road; Just Lets, 87 Church Road; F4, 5 Grandville Road; 17 Westway Gardens; 24 Hamilton Road; 33 St Leonards Gardens; 6a Medina Terrace; 10a The Drive; 193 Church Road; 106a New Church Road; 45 Portland Place; and three undisclosed addresses** supporting the application for the following reasons:

- Brighton & Hove needs more one-bedroom flats than bedsits
- One-bedroom flats are more sought after than studio flats
- There is unprecedented demand for one-bedroom apartments in central Brighton & Hove
- This development will help the housing shortage for young people and people on low incomes
- The proposal is in keeping with the building and area, and sympathetic to the listed building

Councillor Dawn Barnett supports the application. A copy of her email is attached.

Internal:

Design & Conservation: No objection.

In design terms, there is no objection in principle to an extension of this form and location.

The pitch of the roof reflects the existing roof pitch, apart from the hipped end facing the rear of the house, which is steeper. Nevertheless I feel that if the pitches were made shallower, it would reflect the pitches of the butterfly roof of the main part of the building and thus integrate better with the main building. This might also help with its impact on residential amenity.

The staircase landing window is retained which is welcomed. The design of the sash windows and internal doors is acceptable, although as drawn, they do appear to be slightly narrower than the windows below and they should be the same width. This needs to be checked. A larger scale set of elevational drawings at 1:50 scale should be produced as this will enable issues such as this to be clarified more easily.

However their sectional moulding profiles and that of the proposed internal

cornicing and skirting boards will need to be checked on site to see if they are appropriate to the building. 1:1 scale timber and cornice sectional moulding profiles are needed. Large scale details of the eaves of the pitched roof and the lead clad flat roof are needed (at 1:5 scale) but this can be dealt with by condition. The new and replacement rainwater goods and any waste pipes should be of cast iron and this should be controlled by a condition.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 5: Planning for the Historic Environment

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD14 Extensions and Alterations
- QD27 Protection of Amenity
- HE1 Listed buildings
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH1 Roof Alterations & Extensions

Supplementary Planning Documents:

- SPD09 Architectural Features

8 CONSIDERATIONS

Matters relating to property value and the logistics of the building operation are not material planning considerations. The main considerations in the determination of this application relate to the impact of the additional storey on the historic character and appearance of the Grade II listed building and the Montpelier and Clifton Hill Conservation Area, and its impacts on the amenities of adjacent occupiers.

Planning Policy:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be. Policy HE6 specifically relates to development within conservation areas, requiring (amongst others) a consistently high standard of design reflecting the scale and character of the area, and no harmful impact on the townscape and roofscape of the conservation area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted. Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric

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.

Design:

The building as existing is five storeys in height (including basement), with a three storey outrigger to the rear, partially set into higher ground level to the north of the site. The outrigger provides additional accommodation for the basement flat, with separate studio flats at ground and first floor levels. The other buildings in the terrace all have outriggers, however these vary in height and roof detail compared to the application site.

The additional storey would be built directly atop the existing outrigger, with a similar pitched roof above. Owing to the position of a stairwell window within the main building, the roof is to be truncated with a hip and short flat roof

section. Two new timber sash windows would be added to the east elevation, aligning with those below and facing over the interior courtyard to the basement flat to No.4. No windows would be located in the rear elevation, or in the west elevation overlooking the courtyard to No.3 Montpelier Terrace. This reflects the existing fenestration pattern within the building.

It is considered that the principle of extending the outrigger can be supported in this instance. The rear outriggers to the terrace vary considerably in height and form, with the adjacent outrigger to No 3 two storeys in height with a mono-pitch roof, and the outrigger to No 5 four storeys in height with a part parapet/part mono-pitch roof and a rear chimney stack. In this respect an additional floor to No.4 would not disrupt the rhythm of these already discordant set of outriggers. The Conservation officer has raised no concerns with the principle of extending in this manner, and accepts the design approach taken to manage the link between the roof of the extension and the stairwell window within the main section of the building. Conditions have been requested to provide further precise details of the size and detailing of the new timber windows, the new eaves treatment, and lead lined flat roof section. A further condition is requested to secure cast iron gutters and downpipes. Subject the approval of the matters reserved under these conditions, it is considered that the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset, or the character and appearance of the surrounding Montpelier and Clifton Hill Conservation Area. The proposal is considered to accord with policies QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

Impact on Amenity:

The main concern is with regard the impact of the additional storey on the amenities of the adjacent properties within the terrace, particularly those at basement, ground and first floor levels. It should be noted that the rear elevations to these properties all face due north with 8.3m deep outriggers to either side.

The applicants have supported the application with a daylight/sunlight assessment based on the Building Research establishment's guidance document '*Site Layout Planning for Daylight and Sunlight. A guide to good practice*'. This document represents the industry standard methodology for calculating the theoretical impact of development on daylight and sunlight levels. In response to this document, a resident within No.4 Montpelier Terrace has conducted his own, separate, daylight assessment of the proposal based on light meter surveys. Both survey reports are highly technical and have been conducted using differing methodologies that reach differing conclusions regarding the likely impact on daylight levels to the windows to the rear of No.4 Montpelier Terrace. A summary and interpretation of each document follows however Members are invited to view each document in its entirety if they so wish.

The Applicant's Assessment

The applicant's assessment has been undertaken by a professional Environmental Services company (EAS Ltd), and includes an assessment of the amount of daylight reaching the outside of the affected windows, the degree of internal natural light, and a sunlight assessment. As the rear of the Terrace is north facing, the sunlight assessment produced no evidence of harm. The daylight assessments focused on all basement level windows to No.4 and the rear facing ground floor window, as these were determined to be the most likely impacted by the additional storey. The assessment concludes that the percentage of daylight reaching these windows would not be reduced by more than 20% of the existing (the threshold identified in the BRE guidance as causing a noticeable reduction in daylight), therefore *'the proposed additional storey should not result in significantly adverse impacts on daylight or sunlight reaching the receptor windows within the lightwell' (para 4.1)*. The assessment however also concludes that the existing levels of daylight reaching the inside of the windows are below the minimum recommended for the room type as given in the British standard code of practice for daylighting BS8296: Part 2: 1992 (para 4.4). There is no reason to believe that these conclusions are not an accurate reflection of the methodology undertaken.

The Neighbour's Assessment

The resident of No.4 has undertaken a daylight assessment in consultation with building and engineering professionals, utilising light meters to identify the existing light levels at four key positions within the basement flat to No.4. These are then compared to readings taken at the same positions within the basement flat to No.5 adjacent. No.5 has the benefit of being of the same layout as No.4 (albeit with a longer rear courtyard), but with a four storey outrigger to the west side. This outrigger is of the scale of that proposed at No.4 therefore the argument is that the respective light meter readings would in effect create a pre and post development scenario. The light meter readings identify that light levels reaching the basement flat to No.4 will decrease by between 31% and 44%, from levels that are currently already below industry recommended minimums (The report identifies that the rear facing room to No.4 has internal daylight levels of 63 lux as existing, below the 150 lux recommended). The conclusion of the document is that a significant loss of daylight would occur to the basement flat at No.4 Montpelier Terrace. This survey appears robustly undertaken and sourced, and there is no reason to dispute its findings.

It is clear from both surveys that existing light levels to the rear of No.4 Montpelier Terrace are currently well below recommended minimum levels. Utilising the BRE guidance document the existing 'vertical sky component' (the measure of light reaching the surface of a window) at basement level is 5.5% and at ground floor level 7%, well below the 27% identified as providing good natural daylight levels. Furthermore, the 'daylight factor' (the measure of interior daylight) sits at 0.5 for the rear basement room, well below the 1.5 minimum recommended by BS8296. The applicant's report fully

acknowledges the poor degree of daylight that currently reaches these low levels (para 4.4).

The applicant's report also identifies that the proposed additional storey would further reduce light levels to all these lower rooms, but by low percentages that the report deems insignificant (between 9% and 14% in the case of the vertical sky component, and between 4% and 7% for internal daylighting). Notwithstanding this low percentage loss, it is considered that any development that makes the existing very poor natural light levels worse by any degree is unacceptable in principle at this site, and represents a further erosion of already limited natural daylight levels to these properties.

It is noted that the applicant's survey only considers the impact of the development on the basement and rear ground floor window to No.4 Montpelier Terrace. It does not consider the impact on the windows to the ground floor studio within the outrigger, the impact on any first floor windows, or the impact on any of the windows within the other adjacent properties within No.3 Montpelier Road. Although this represents a significant limitation to the survey, it is reasonable to assume that the impact on the rear windows within No.3 would be largely similar or less, given that No.3 has a lower outrigger to their west side and thereby improves lighting levels from the west. The lack of detail concerning the first floor window to No.4 is though more concerning, especially as this window sits directly adjacent to the additional floor. The reason for excluding it from the survey is unconvincing and it is considered that the impact on this window would likely be more apparent than for the lower windows. Utilising the BRE methodology to calculate the 'vertical sky component' at this first floor window, it is calculated that the existing level of light is 28.5%, falling to 21.5%. This represents a 25% reduction in light to below the 27% threshold identified as representing good natural light levels. The BRE guidance states that *'if the vertical sky component with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of daylight'*. The additional storey would result in both values being exceeded at this first floor window. Furthermore, it is noted that the proposed additional storey would break the 45 degree line when measured from the centre of the first floor window. The BRE guidance states that in such an instance *'the extension may well cause a significant reduction in skylight received by the window'*. Given the above information, it is considered that the impact on the rear first floor window in terms of loss of daylight would be significant, noticeable, and harmful.

The light survey produced by the neighbouring resident, although identifying a much larger loss of daylight to the basement flat at No.4, adds weight to the conclusion that the additional storey would have a profound impact on daylight reaching the windows to the rear of the building, making an already very poor situation incrementally worse at basement and ground floor level, and considerably worse at first floor level. There is no evidence to suggest that the impact of the development on the rear windows to No.3 would not be

similar. For these reasons it is considered that the proposed additional storey would have a significant enclosing effect resulting in the erosion of natural daylight to the flats to the rear of Nos 3 & 4 Montpelier Terrace, thereby harming the amenities of their residents contrary to policy QD27 of the Brighton & Hove Local Plan.

Other Considerations:

The additional storey would enable an existing 19.2sqm studio flat to be enlarged into a 38.4sqm one-bedroom flat. Representations have been made supporting the application on the basis that one-bedroom flats are highly sought after and that this development would significantly improve the standard of accommodation provided by this unit. Whilst the improvement in accommodation is acknowledged, there is no evidence to suggest that one-bedroom flats are more sought after than studio flats, which provide valuable accommodation for people on low incomes. In any case, the merits of improving the standard of accommodation are not considered to outweigh the amenity harm of the additional storey as identified above. Further representations have been made highlighting that reduced light levels to the building would increase energy consumption. This impact is acknowledged and is symptomatic of the amenity harm identified.

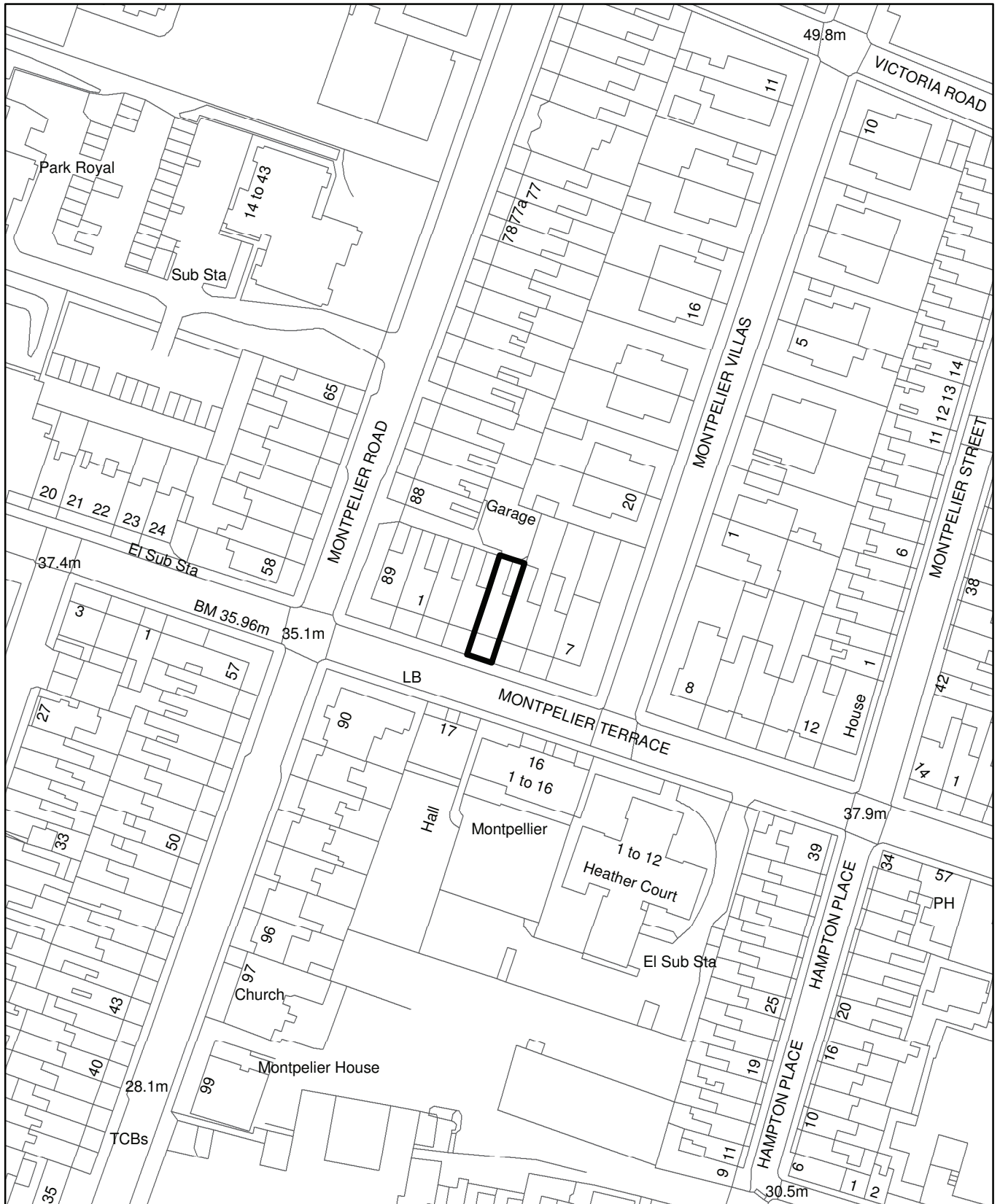
9 CONCLUSION

Notwithstanding the improved standard of residential accommodation that would result from this proposal, the additional storey, whilst acceptable in terms of its impact on the Grade II listed building, would result in significant harm to the existing poor levels of natural daylight that reach the residential properties to the rear of Nos 3 & 4 Montpelier Terrace. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03398 Flat 4, 4 Montpelier Terrace, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 01 FEBRUARY 2012

COUNCILLOR REPRESENTATION

From: noreply@brighton-hove.gov.uk
Sent: 10 December 2011 17:27
To: Planning Comments
Subject: Planning Application BH2011/03397 - comment

Planning Application - BH2011/03397

I support the Planning Application

Sender's details

Cllr Dawn Barnett
13 Greenleas
BN38AD

Comment

Pleased to support this application for extra living space without the need to use Greenfield land.

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|--------------------------------------|---|----------------------------|-----------------|
| <u>No:</u> | BH2011/03397 | <u>Ward:</u> | REGENCY |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | Flat 4, 4 Montpelier Terrace, Brighton | | |
| <u>Proposal:</u> | Creation of additional storey to first floor flat to rear. | | |
| <u>Officer:</u> | Adrian Smith, tel: 290478 | <u>Valid Date:</u> | 16/11/2011 |
| <u>Con Area:</u> | Montpelier & Clifton Hill | <u>Expiry Date:</u> | 11 January 2012 |
| <u>Listed Building Grade:</u> | | | |
| <u>Agent:</u> | RSP Architects Ltd, 1 Westbourne Grove, Westbourne Gardens, Hove | | |
| <u>Applicant:</u> | R & R Developments, Mr R Raggio, 146 Woodland Drive, Hove | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.05 Listed Building Consent
2. The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. The rainwater goods and waste pipes hereby approved shall be completed in cast iron and thereafter retained as such.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

4. No works shall take place until full details of the proposed eaves to the pitched roof and the flat roof parapet treatment, including 1:5 scale sample elevations, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No works shall take place until full 1:1 scale details of the proposed timber and cornice sectional moulding profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the site plan, block plan and drawing no. 02 received on the 4th November 2011; the design and access statement and heritage statement received on the 16th November 2011; and drawing nos.01B & 04B received on the 11th January 2011.
2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject the recommended conditions, the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset, in accordance with development plan policies.

2 THE SITE

The application relates to the rear of a mid-terrace Grade II listed building located on the north side of Montpelier Terrace, Brighton, within the Montpelier and Clifton Hill Conservation Area. The building is five storeys in height (including basement) with a three storey outrigger to the rear, the upper floor of which forms a studio flat.

3 RELEVANT HISTORY

BH2010/03415: Creation of additional storey to first floor flat to rear. Withdrawn.

BH2010/03652: Listed building consent for the creation of additional storey to first floor flat to rear. Withdrawn.

4 THE APPLICATION

Listed Building Consent is sought for the erection of an additional storey to the rear outrigger to enable the studio flat to be enlarged into a one/two bedroom flat.

5 CONSULTATIONS

External:

Neighbours: Nineteen (19) letters of representation have been received from **Garden Flat, 1 Montpelier Terrace; 3B Montpelier Terrace; Flats 1(2), 2, 3 & 4, 3 Montpelier Terrace; Flats 2, 3(2), 5, 6 & 7, 4 Montpelier Terrace; 4a Montpelier Terrace; 5a Montpelier Terrace; 6a Montpelier Terrace; 10 Montpelier Terrace; 11 Montpelier Terrace; and 5 Montpelier Villas, objecting** to the application for the following reasons:

Design and Heritage:

- The proposed design and roofline does not appear similar to the

surrounding area or adjacent buildings and is not architecturally in keeping with the period of the building

- The application proposes to inappropriately extend a listed building
- The increase in height will be 30%, not the 'slight increase' described in the application.

Five (5) letters of representation have been received from 24 Hamilton Road; 33 St Leonards Gardens; 6a Medina Terrace; 10a The Drive; 193 Church Road, supporting the application for the following reasons:

- The proposal is in keeping with the building and area, and sympathetic to the listed building

Internal:

Design & Conservation: No objection.

In design terms, there is no objection in principle to an extension of this form and location.

The pitch of the roof reflects the existing roof pitch, apart from the hipped end facing the rear of the house, which is steeper. Nevertheless I feel that if the pitches were made shallower, it would reflect the pitches of the butterfly roof of the main part of the building and thus integrate better with the main building. This might also help with its impact on residential amenity.

The staircase landing window is retained which is welcomed. The design of the sash windows and internal doors is acceptable, although as drawn, they do appear to be slightly narrower than the windows below and they should be the same width. This needs to be checked. A larger scale set of elevational drawings at 1:50 scale should be produced as this will enable issues such as this to be clarified more easily.

However their sectional moulding profiles and that of the proposed internal corncicing and skirting boards will need to be checked on site to see if they are appropriate to the building. 1:1 scale timber and cornice sectional moulding profiles are needed. Large scale details of the eaves of the pitched roof and the lead clad flat roof are needed (at 1:5 scale) but this can be dealt with by condition. The new and replacement rainwater goods and any waste pipes should be of cast iron and this should be controlled by a condition.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006);

Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

8 CONSIDERATIONS

The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

The building as existing is five storeys in height (including basement), with a three storey outrigger to the rear, partially set into higher ground level to the north of the site. The outrigger provides additional accommodation for the basement flat, with separate studio flats at ground and first floor levels. The other buildings in the terrace all have outriggers, however these vary in height and roof detail compared to the application site.

The additional storey would be built directly atop the existing outrigger, with a similar pitched roof above. Owing to the position of a stairwell window within the main building, the roof is to be truncated with a hip and short flat roof section. Two new timber sash windows would be added to the east elevation, aligning with those below and facing over the interior courtyard to the basement flat to No.4. No windows would be located in the rear elevation, or in the west elevation overlooking the courtyard to No.3 Montpelier Terrace. This reflects the existing fenestration pattern within the building.

It is considered that the principle of extending the outrigger can be supported in this instance. The rear outriggers to the terrace vary considerably in height and form, with the adjacent outrigger to No 3 two storeys in height with a mono-pitch roof, and the outrigger to No 5 four storeys in height with a part parapet/part mono-pitch roof and a rear chimney stack. In this respect an

additional floor to No.4 would not disrupt the rhythm of these already discordant set of outriggers. The Conservation officer has raised no concerns with the principle of extending in this manner, and accepts the design approach taken to manage the link between the roof of the extension and the stairwell window within the main section of the building. Conditions have been requested to provide further precise details of the size and detailing of the new timber windows, the new eaves treatment, and lead lined flat roof section. A further condition is requested to secure cast iron gutters and downpipes. Internally, drawings of the new windows, doors, skirting and coving have been supplied. As Flat 4 is currently gutted, 1:1 scale details of the timber and cornice sectional moulding profiles have been requested as there are no comparative mouldings within the unit to replicate.

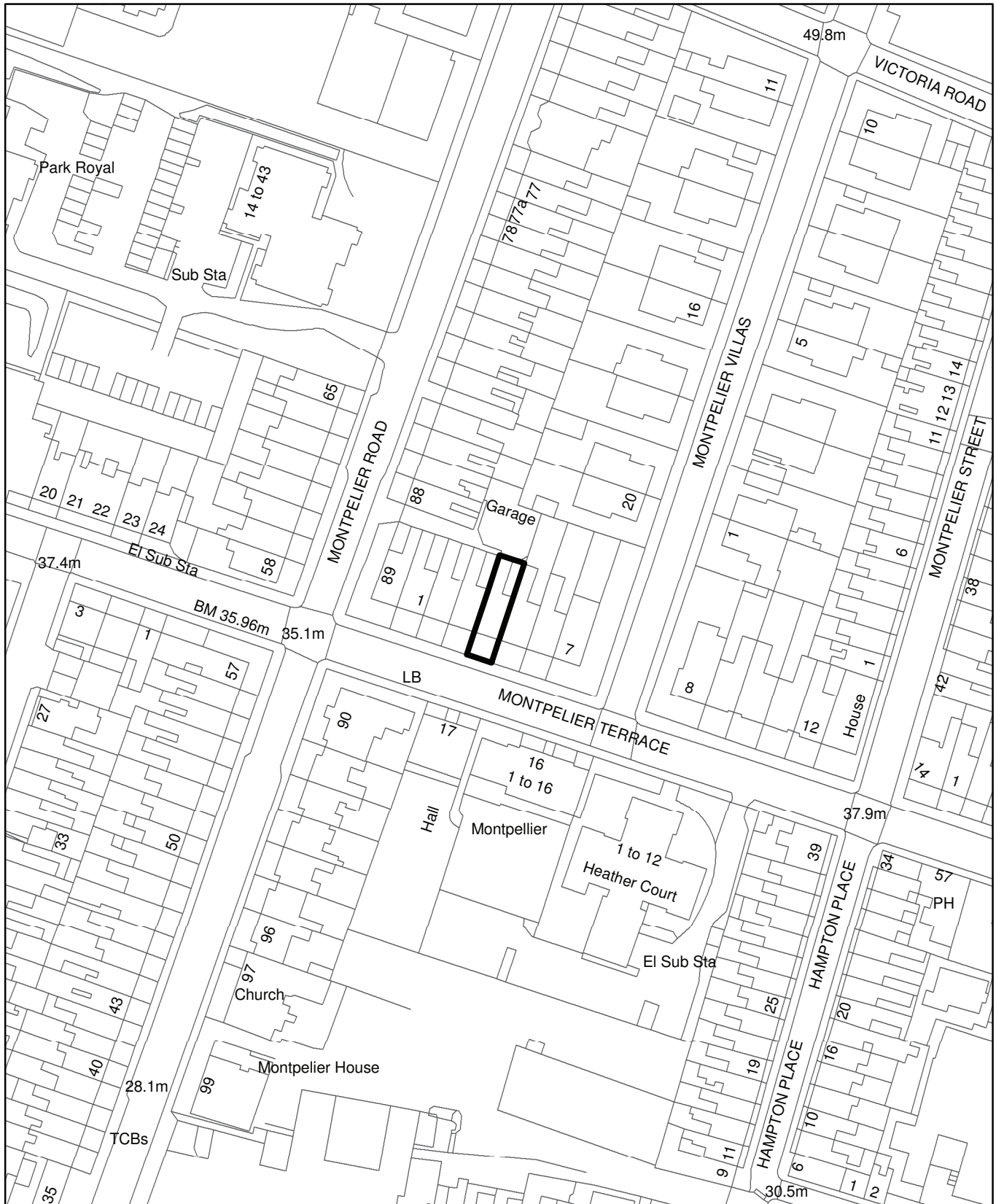
9 CONCLUSION

Subject the approval of the matters reserved under these conditions, it is considered that the proposed additional storey would not be harmful to the historic character and appearance of this Grade II listed heritage asset. The proposal is considered to accord with policy HE1 of the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/03397 Flat 4, 4 Montpelier Terrace, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2011/02361 | <u>Ward:</u> | QUEEN'S PARK |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 12 Charles Street, Brighton | | |
| <u>Proposal:</u> | Change of use from single dwelling house to house of multiple occupancy. | | |
| <u>Officer:</u> | Anthony Foster, tel: 294495 | <u>Valid Date:</u> | 16/08/2011 |
| <u>Con Area:</u> | East Cliff | <u>Expiry Date:</u> | 11 October 2011 |
| <u>Listed Building Grade:</u> | II | | |
| <u>Agent:</u> | N/A | | |
| <u>Applicant:</u> | Mr Paul Samouel, Oaklea House, Meath Green Lane, Horley | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Regulatory Conditions:

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings Site Location Plan and "Letter from Brighton Housing Trust dated 20 July 2011" received 8 August 2011, Design and Access Statement received 30 November 2011, supporting information "Location: 12 Charles Street Brighton BN2 1TG" received 19 December 2011, Existing Floor Plan and Proposed Floor Plan received 17 January 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.

Pre-Occupation Conditions:

- 3) Prior to the commencement of the use of the site as a HMO a Site Management Plan is to be submitted to and approved in writing by the Local Planning Authority. The Management Plan should address issues including anti-social behaviour, soundproofing, amenities, repair, fire precautions and safety of the residents. The Management Plan should also contain details of the contact entered into by the Registered Social Landlord and details of the general management of the site. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposed use would not result in the net loss of residential accommodation and subject to the proposed conditions there would be no significant harm to neighbouring amenity or impact on traffic.

2 THE SITE

The application site relates to a 4 storey plus basement end of terrace property located on the east side of Charles Street. The property is a Grade II Listed Building located within the East Cliff Conservation Area and whilst it is currently vacant, its last lawful use was as a single dwelling. It forms part of a terrace of four early 19th century town houses typical of this Conservation Area, and is located close to the sea front and Marine Parade.

Charles Street is made up of a number of 4 storey buildings predominantly in residential use, however there are a number of guest houses located on the street. Opposite the site to the west is a car park which is accessed from Manchester Street.

Historically the property has been used as a boarding house. This is reflected in the layout of the property including the provision of partitioned bathrooms. The majority of the rooms, excluding those at ground floor level, which are to be converted to bedrooms have existing sinks which is again indicative of the previous use of the building. However the lawful use of the property since 1993 would appear to be as a single residential dwelling. This has been confirmed by the Local Authority's Council Tax Department.

3 RELEVANT HISTORY

BH2011/02362: Interior alterations and associated works in connection with the change of use from single dwelling house to a house in multiple occupation. Under consideration.

4 THE APPLICATION

Planning permission is sought for the change of use from a private dwelling house (C3) to a house in multiple occupation (Sui Generis). Interior alterations and repairs to the fabric of the building are also proposed. The internal works have been commenced but have not been completed.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **3, 8, 9, 11,**

13, 14 Charles Street objecting for the following reasons:

- Impact of the proposal upon the character of the listed building as the layout is not suitable for a HMO.
- Intensification of a property of this type is unsuitable.
- The area has too many HMOs in the vicinity a further increase in density would lead to aggravated issues of people living too close to each other.
- Not a suitable use for this street as it is mainly a residential street.
- Increased noise and disturbance and antisocial behaviour resulting from the use and cumulative impact of other HMOs within the vicinity.
- It represents a poor standard of accommodation.
- Increased traffic resulting from intensified use.

Letters of representation have been received from **117, 118 St James's Street, 153 Edwards Street** and **3-5 Manchester Street** supporting the application for the following reasons:

- There is demand for high quality bedsits in the area.
- The existing building has been restored.

Charles Street Residents Association object for the following reasons:

- Unacceptable increase in population density.
- That the use as a HMO will unacceptably alter the character of the Listed Building.
- The layout does not meet minimum HMO standards.

Internal:

Design & Conservation:

Initial Comment 6 September 2011

Statement of Significance

This is a grade II listed building in the East Cliff Conservation Area. It is part of a group of similar listed early 19th century houses and makes a positive contribution to the high townscape quality of this street.

No images of the interior have been included in the application therefore prior to the site visit it is not possible to gauge the degree of historic interest retained internally.

Relevant Design and Conservation Policies and Documents

PPS5 and practice note, HE1, SPG BH11, East Cliff Conservation Area Study and Enhancement Plan.

The Proposal and Potential Impacts

Insufficient detail has been provided on elements of this proposal, for example the proposed fire door for the kitchen and the new doors for the bathrooms are not fully specified; these features will have a significant impact on the interior and will need further consideration.

Details of the kitchen door which is proposed to be moved to the 3rd floor are

required to ensure that it is suitable.

Also details of the fire protection and sprinkler systems are required; confirmation that the cabling and pipework will be concealed without the loss of historic fabric is required.

The wall to be raised is not identified on the plan.

The concealment of the ground floor room dividers is not generally considered acceptable and if the change of use is dependent on this the new use may be considered inappropriate.

Further Comment received 17 October 2011

From the photographs it seems that many of the internal doors are original; it is important that any new doors are carefully detailed to match them exactly; this information is still missing from the application and some of your photos appear to show modern fire doors that are not close matches

Further Comments received 28 October 2011

It is not considered that the new fire door is an accurate match for an original door, but it is acceptable in this case where it replaces a non-original door as stated.

Planning Policy

The proposal complies with policy HO8 (retaining housing) as it does not represent a loss of residential accommodation as an HMO is a form of residential accommodation.

There is no policy in the Local Plan that addresses proposals for new HMOs. However, policy HO14 provides guidance on the standards expected from existing, and therefore proposed, HMO accommodation. To ensure that the new accommodation is well managed and will not result in loss of amenities to adjoining residents it is suggested a condition should be attached to the consent requiring compliance with the submitted Management Plan.

Private Sector Housing:

Private Sector Housing have been monitoring the renovation works to this property because the owner, Paul Samouel, has applied for an HMO licence.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999);

East Sussex and Brighton & Hove Waste Local Plan (February 2006);
Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR2 | Public transport accessibility and parking |
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU13 | Minimisation and re-use of construction industry waste |
| SU15 | Infrastructure |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| HO3 | Dwelling type and size |
| HO4 | Dwelling densities |
| HO5 | Provision of private amenity space in residential development |
| HO8 | Retaining Housing |
| HO13 | Accessible housing and lifetimes home |
| HO14 | Houses in multiple occupation (HMOs) |
| HE1 | Listed buildings |
| HE6 | Development within or affecting the setting of conservation areas |

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of a change of use to a HMO, the impact on traffic and amenity of adjoining properties and the impact of the external changes on the character of the Listed Building.

Principle of a change of use to HMO

As the lawful use of the property is as a single family dwelling house consideration must be given to the Local Plan Policy HO8 seeks to prevent the loss of residential accommodation and policy HO14 seeks to prevent the loss of existing HMOs or non-self contained accommodation.

Policy HO8 states that permission will not be permitted for proposals involving a net loss of units of residential accommodation. In this particular case

although it is recognised that a HMO falls outside of the planning definition of a single dwelling house it is considered that the residential use would remain.

It is therefore considered that the change of use to a HMO would not compromise the aims of policy HO8 which seeks to resist the loss of residential accommodation. The application is therefore considered to be in accordance with Local Plan Policy HO8 aspect of the application is considered acceptable.

Whilst the applicant has proposed that the HMO is affordable housing, it should be noted that HMOs do not fall within the definition of affordable housing as defined in PPS3.

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. Policy HO14 supports this approach with specific regard to HMOs.

A number of the objections received relate to the potential impact upon neighbouring amenity resulting from the proposed change of use. These objections include increased noise and disturbance, and antisocial behaviour and crime. The property is located in a residential street which and is sandwiched between two main roads St James's Street and Marine Parade which are located within the parameter of the late night economy of the city centre, as such experience increased levels of footfall, noise, litter and the potential for acts of anti-social behaviour.

The application has been accompanied by a letter from Brighton Housing Trust confirming that they intend to lease the property from the applicant once work has been completed and the requisite permissions are in place. With the units being made available for young people and people who are socially or economically disadvantaged.

Brighton Housing Trust is an established Registered Social Landlord with experience of managing such properties. To ensure effective management of the site and to allay neighbour concerns regarding noise and disturbance it is considered that a suitably worded condition detailing the management of the site should be approved by the Local Planning Authority. The Management Plan should cover such issues as anti-social behaviour, general management of the site, soundproofing, amenities, repair, fire precautions and safety of the residents.

The property is a large four storey plus basement property which in its current layout has 5 bedrooms and the proposed layout would have 9 bedrooms. It is considered that the existing use as a single dwelling has the capacity to

house a large family and the potential increase in noise from the change to an HMO would not be significant enough to justify refusal on these grounds. As previously stated it is considered that a suitably worded condition requiring the submission of Management Plan would minimise the potential risk for noise and disturbance.

Some objections received also relate to the proposal not meeting current HMO standards. Private Sector housing have confirmed that a HMO license has been issued for the property which confirms that it meets the relevant Housing Acts and Legislation.

Traffic

The impact on traffic is not considered to be a concern in this case as the use would remain in a form of residential use which is unlikely to result in a significant increase in traffic. The property is also in an area of restricted parking.

Proposed Internal Alterations

The proposed internal alterations are currently being considered Listed Building application reference BH2011/03362. The Conservation Officer in considering the Listed Building application generally had no objections to the scheme. The alterations are therefore considered acceptable and in keeping with the character of the Listed Building.

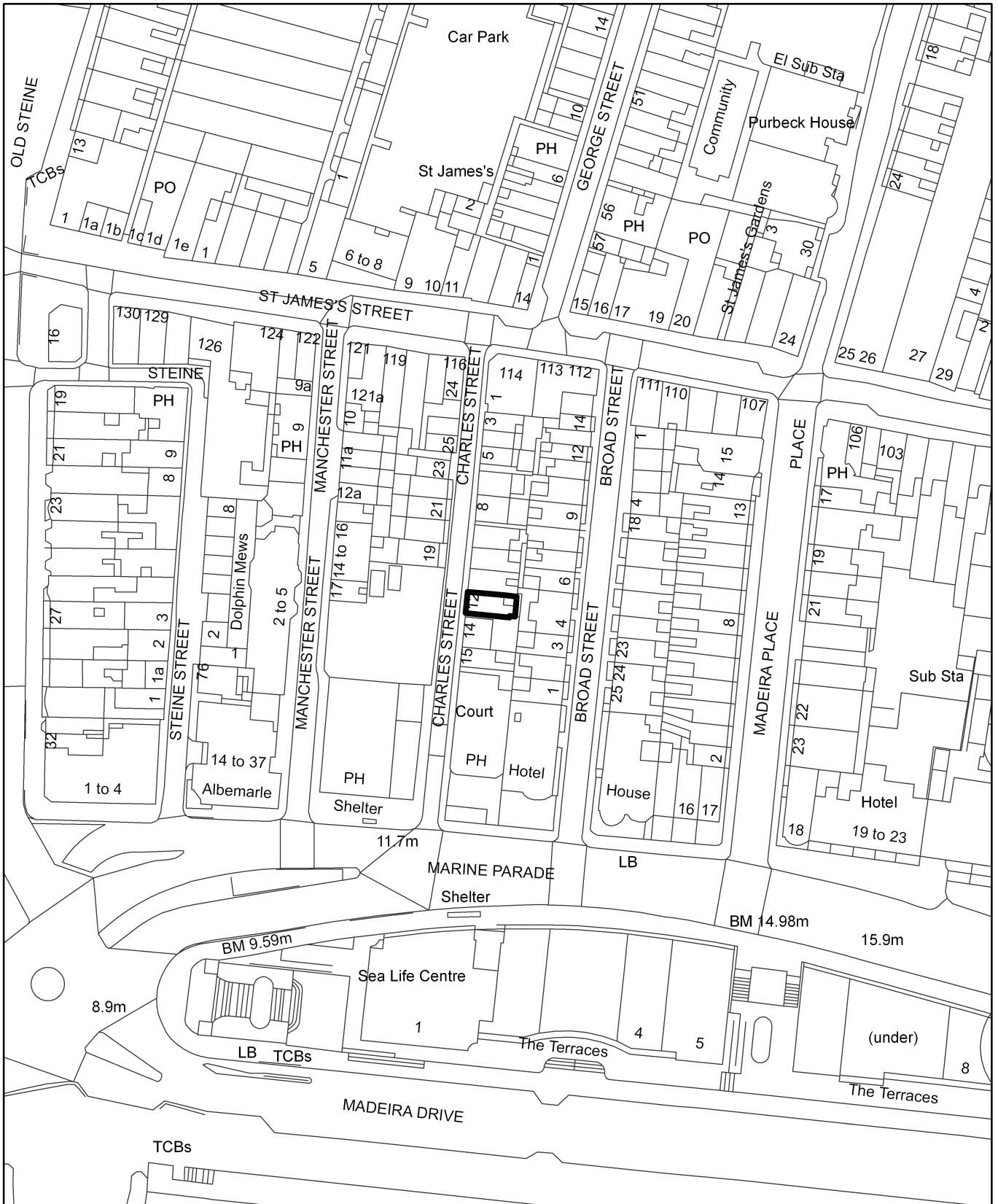
9 CONCLUSION

The proposed use would not result in the net loss of residential accommodation and subject to the proposed conditions there would be no significant harm to neighbouring amenity or impact on traffic.

10 EQUALITIES IMPLICATIONS

The property would need to meet lifetime homes standards where practicable.

BH2011/02361 12 Charles Street, Brighton.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2011/02362 | <u>Ward:</u> | QUEEN'S PARK |
| <u>App Type:</u> | Listed Building Consent | | |
| <u>Address:</u> | 12 Charles Street, Brighton | | |
| <u>Proposal:</u> | Interior alterations and associated works in connection with the change of use from single dwelling house to a house in multiple occupation (part-retrospective). | | |
| <u>Officer:</u> | Anthony Foster, tel: 294495 | <u>Valid Date:</u> | 16/08/2011 |
| <u>Con Area:</u> | East Cliff | <u>Expiry Date:</u> | 11 October 2011 |
| <u>Listed Building Grade:</u> | II | | |
| <u>Agent:</u> | N/A | | |
| <u>Applicant:</u> | Mr Paul Samouel, Oaklea House, Meath Green Lane, Horley | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** Listed Building Consent, subject to the following conditions and informatives:

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

1. This decision is based on Site Location Plan and "Letter from Brighton Housing Trust dated 20 July 2011" received 8 August 2011, floor plans received on 16 August 2011 and Design and Access Statement received 30 November 2011, supporting information "Location: 12 Charles Street Brighton BN2 1TG" received 19 December 2011, Existing Floor Plan and Proposed Floor Plan received 17 January 2012.
2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The development preserves the historic character and appearance of this grade II listed building. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application site relates to a 4 storey plus basement end of terrace property located on the east side of Charles Street. The property is a Grade II Listed Building located within the East Cliff Conservation Area and whilst it is currently vacant, its last lawful use was as a single dwelling. It forms part of a terrace of four early 19th century town houses typical of this Conservation Area, and is located close to the sea front and Marine Parade.

Charles Street is made up of a number of 4 storey buildings predominantly in residential use, however there are a number of guest houses located on the street. Opposite the site to the west is a car park which is accessed from Manchester Street.

Historically the property has been used as a boarding house. This is reflected in the layout of the property including the provision of partitioned bathrooms. The majority of the rooms, excluding those at ground floor level, which are to be converted to bedrooms have existing sinks which is again indicative of the previous use of the building. However the lawful use of the property since 1993 would appear to be as a single residential dwelling. This has been confirmed by the Local Authority's Council Tax Department.

3 RELEVANT HISTORY

BH2011/02361: Change of use from single dwelling house to House of Multiple Occupancy – under consideration.

4 THE APPLICATION

Listed Building Consent is sought for internal alterations to the existing property and associated works in connection with the change of use from single dwelling house to a house in multiple occupation.

The applicant has commenced works to the property and these works include the repair of the existing windows on all levels as and where required, works in relation to fire protection and the installation of emergency lighting, the partitioning of the folding doors at ground floor level to the room to the rear, the reinstatement of a wall which had previously been removed at third floor level and replacement of internal doors as required. These internal works have been commenced but have not been fully completed.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **3, 8, 9, 11, 13, 14 Charles Street** objecting for the following reasons:

- Impact of the proposal upon the character of the listed building as the layout is not suitable for a HMO.
- Intensification of a property of this type is unsuitable.
- The area has too many HMOs in the vicinity a further increase in density would lead to aggravated issues of people living too close to each other.

- Not a suitable use for this street as it is mainly a residential street.
- Increased noise and disturbance and antisocial behaviour resulting from the use and cumulative impact of other HMOs within the vicinity.
- It represents a poor standard of accommodation.
- Increased traffic resulting from intensified use.

Letters of representation have been received from **117, 118 St James's Street, 153 Edwards Street** and **3-5 Manchester Street** supporting the application for the following reasons:

- There is demand for high quality bedsits in the area.
- The existing building has been restored.

Charles Street Residents Association object for the following reasons:

- Unacceptable increase in population density.
- That the use as a HMO will unacceptably alter the character of the Listed Building.
- The layout does not meet minimum HMO standards.

Internal:

Design & Conservation:

Initial Comment 6 September 2011

Statement of Significance

This is a grade II listed building in the East Cliff Conservation Area. It is part of a group of similar listed early 19th century houses and makes a positive contribution to the high townscape quality of this street.

No images of the interior have been included in the application therefore prior to the site visit it is not possible to gauge the degree of historic interest retained internally.

Relevant Design and Conservation Policies and Documents

PPS5 and practice note, HE1, SPG BH11, East Cliff Conservation Area Study and Enhancement Plan.

The Proposal and Potential Impacts

Insufficient detail has been provided on elements of this proposal, for example the proposed fire door for the kitchen and the new doors for the bathrooms are not fully specified; these features will have a significant impact on the interior and will need further consideration.

Details of the kitchen door which is proposed to be moved to the 3rd floor are required to ensure that it is suitable.

Also details of the fire protection and sprinkler systems are required; confirmation that the cabling and pipework will be concealed without the loss of historic fabric is required.

The wall to be raised is not identified on the plan.

The concealment of the ground floor room dividers is not generally considered acceptable and if the change of use is dependent on this the new use may be considered inappropriate.

Further Comment received 17 October 2011

From the photographs it seems that many of the internal doors are original; it is important that any new doors are carefully detailed to match them exactly; this information is still missing from the application and some of your photos appear to show modern fire doors that are not close matches

Further Comments received 28 October 2011

It is not considered that the new fire door is an accurate match for an original door, but it is acceptable in this case where it replaces a non-original door as stated.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 PLANNING POLICIES

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

8 CONSIDERATIONS

The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building

- or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

The works which have already been completed include the replacement of the kitchen door to meet Fire Safety Standards at basement level, the provision of fire alarms which sit flush to the ceiling of each of the rooms, replacement doors at second floor level, the reuse of the old kitchen door at third floor level and the re-instatement on part of a wall which was previously removed also at third floor level. The applicant proposes the retention of the existing folding doors at ground floor level which are to remain visible to the ground floor front room and be hidden behind a partition to the room to the rear, thus ensuring that the original doors are retained.

The Conservation Officer originally expressed concern over the proposed internal works. The applicant has provided a revised Design and Access statement which fully details the proposed internal works and repairs which are to be carried out. The Conservation Officer now has no objections to the scheme. It is therefore considered that the proposed works are in keeping with the character of the existing Listed Building in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.

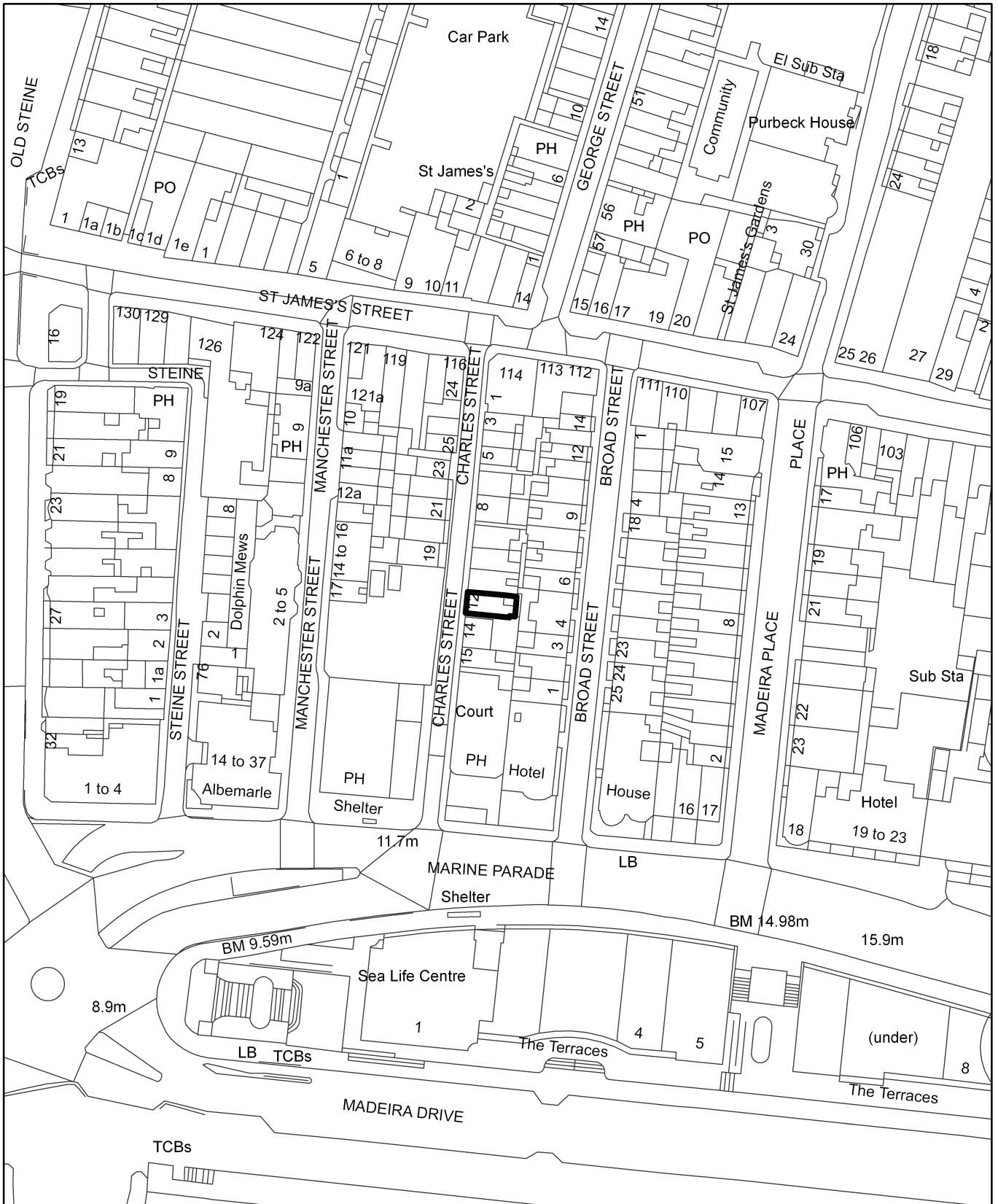
9 CONCLUSION

The development preserves the historic character and appearance of this grade II listed building. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02362 12 Charles Street, Brighton.



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|--------------------------------------|
| <u>No:</u> | BH2011/02675 | <u>Ward:</u> | ST. PETER'S & NORTH LAINE |
| <u>App Type:</u> | Extension to Time Limit Full Planning | | |
| <u>Address:</u> | Buckingham Lodge, Buckingham Place, Brighton | | |
| <u>Proposal:</u> | Application to extend time limit for implementation of previous approval BH2008/00319 for construction of one additional storey to form 6no 1 bedroom flats and conversion of 2no existing garages into a bin/cycle storage area. | | |
| <u>Officer:</u> | Sue Dubberley, tel: 293817 | <u>Valid Date:</u> | 08/09/2011 |
| <u>Con Area:</u> | West Hill | <u>Expiry Date:</u> | 03 November 2011 |
| <u>Listed Building Grade:</u> | | | |
| <u>Agent:</u> | Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove | | |
| <u>Applicant:</u> | Mr Colin Brace, c/o Lewis & Co Planning | | |

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and is **MINDED TO GRANT** Planning Consent, subject to section 106 Agreement and to the following conditions and informatives:

S106

- A contribution of £3,000 towards the Sustainable Transport Strategy prior to the commencement of development to provide two accessible bus stops in the area.

Regulatory Conditions:

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.BRG 100-0 received on 8 September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 3) The external architectural detailing of the development; including windows, doors, balustrades, Juliet balconies, down pipes, brick patterns, copings, canopies and fascias, shall match the existing building in all respects, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory finish to the development and to

enhance the character and appearance of the area, in accordance with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

- 4) 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.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

- 6) 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.

Pre-Commencement Conditions:

- 7) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) Prior to the commencement of the development, a scheme for suitable tree planting shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out in strict accordance with the approved details prior to the first occupation of the residential units and shall thereafter be retained to the satisfaction of the

Local Planning Authority.

Reason: To preserve and enhance the setting of the adjacent listed buildings and the development and to accord with policies QD15, HE3 and QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 10) Prior to first occupation of the development the sustainability measures set out in the Supporting Statement submitted with this application including the proposed solar powered water heating panels, low flow aerated taps, water efficient toilets, condensing gas fire boilers and AA rated white goods shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies SU2 and SU16 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 16 - Energy efficiency and renewable energy.

Informatives:

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

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

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The principle of the development has been accepted under planning permission BH2008/00319FP; the site has not significantly changed since permission was granted in 2008. There have been some changes in local planning policy guidance relating to sustainability and transport since approval was granted in 2008 however this does not affect the acceptability of the scheme. The development remains acceptable in principle.

2. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City

Council website (www.brighton-hove.gov.uk).

2 THE SITE

The application site relates to a three storey block of flats on the south side of Buckingham Place; close to the junction with Compton Avenue. The block comprises 19 flats, which have front facing balcony inlets upon the front elevation at ground and first floor level, with inlet balconies upon the second floor at the rear. The front of the building is accessed via a central curved glazed atrium entrance, whilst the front elevation is broken up via a set of consistently spaced brick piers and down pipes.

Buckingham Lodge is a wide block of flats with an emphasis upon horizontality, which runs contrary to the verticality of the West Hill area. The block was built in the 1960's and is located upon the site of the former All Saints Church which was demolished sometime before. There remains a flint wall around parts of the boundary and is still in evidence upon the front of the property.

The site is located within the West Hill Conservation area. Adjacent to the eastern part of the site are two grade II listed buildings, forming a pair of semi detached early Victorian villas. The buildings date from circa 1845 and are two storeys over basement with a traditional roof formation.

3 RELEVANT HISTORY

Buckingham Lodge

BH2008/00319: Construction of one additional storey to form 6 no.1 bedroom flats and conversion 2 no. existing garages into a bin/cycle storage area - approved 28/10/2008.

BH2005/05694: Construction of one additional storey to form 4No. 2-bedroom flats and 2No. 1-bedroom flats. (Resubmission of withdrawn application BH2004/02972) – refused – appeal dismissed 10/01/2006.

BH2004/02972/FP: Construction of one additional storey to form 4 no. two bedroom flats and 2 no. three bedroom flats. (Resubmission of previously withdrawn application BH2004/00713/FP) – withdrawn 19/11/2004.

BH2004/00713/FP: Construction of two additional storeys to form 8 two-bedroom flats and 1 three- bedroom flat. (Re-submission following refusal of BH2003/03112/FP – withdrawn 07/04/2004.

BH2003/03112/FP: Construction of three additional storeys to form 4 two-bedroom flats, 4 four-bedroom flats and one three-bedroom penthouse. – refused 01/12/2003

Rear of Buckingham Lodge

BH2011/02308: Application for Approval of Details Reserved by Conditions 4, 5, 8, 10 and 11 of application BH2008/00319. Current application.

BH2008/00319: Construction of one additional storey to form 6 no.1 bedroom flats and conversion 2 no. existing garages into a bin/cycle storage area - approved 28/10/2008.

BH2007/00078: Construction of a terrace of 3 three-bedroom, three-storey

mews houses – approved 22/05/2007

BH2006/00360: Construction of a terrace of 3 two-bedroom two-storey mews houses – approved 25/04/2006.

BH2005/05963: Demolition of 10 derelict garage units – approved 13/01/2006.

BH2005/05961: Construction of 3 two-bedroom houses, 1 two-bedroom flat and 1 one-bedroom special needs ground floor flat (Resubmission of refused planning application BH2005/02367/FP) – refused 13/01/2006.

BH2005/02367/FP: Construction of 3 no. two bed houses, 1 no. two bed flat and 1 no. level access ground floor flat (special needs) – refused 26/09/2005

4 THE APPLICATION

Planning permission is sought to extend the time limit for implementation of previous approval BH2008/00319 for construction of one additional storey to form 6no 1 bedroom flats and conversion of 2no existing garages into a bin/cycle storage area.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **Flat 2, Buckingham Lodge (x2), Flat 9, 28 Buckingham Place, 41A basement flat, Buckingham Place, 6 Compton Avenue** objecting to the application for the following reasons:

- Additional storey would be too high and out of keeping with the character of the area.
- Development would cause harm to the adjacent listed buildings and conservation area.
- Have been some recent problems with drainage, concerned that additional flats will aggravate the problem.
- Noise and disturbance during construction.
- Loss of light.
- Increased pressure on parking in the area.

Internal:

Heritage Team: No objections.

Sustainable Transport: No objections.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006);

Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| TR19 | Parking standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU13 | Minimisation and re-use of construction industry waste |
| SU16 | Production of renewable energy |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD3 | Design – efficient and effective use of sites |
| QD4 | Design – Strategic impact |
| QD5 | Design – Street frontages |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD27 | Protection of amenity |
| QD28 | Planning obligations |
| HO3 | Housing type and design |
| HO4 | Dwelling densities |
| HO5 | Provision of private amenity space in residential development |
| HO7 | Car free housing |
| HO13 | Accessible housing and lifetime homes |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within of affecting the setting of conservation areas |

Supplementary Planning Guidance and documents:

| | |
|---------|--|
| SPGBH1 | Roof alterations and extensions |
| SPGBH4 | Parking standards |
| SPGBH13 | Listed buildings – general advice |
| SPGBH16 | Energy efficiency & renewable energy |
| SPGBH21 | Brighton & Hove Sustainability Checklist |
| SPD03 | Construction and demolition waste |

Conservation area character statements

| | |
|-----------|------|
| West Hill | CACS |
|-----------|------|

Planning Policy Guidance

| | |
|-------|-----------|
| PPG13 | Transport |
|-------|-----------|

Planning Policy Statements

| | |
|------|---------------------------------------|
| PPS1 | Delivering sustainable development |
| PPS3 | Housing |
| PPS5 | Planning for the Historic Environment |

PPG13 Transport

8 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The extant consent expired on 28 October 2011. This application was submitted prior to that date. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

There has been no development on the site since the original application was approved. Therefore issues relating to the impact of the development upon the character and appearance of the West Hill conservation area and surrounding area, the impact upon the setting of the adjacent pair of Grade II listed early Victorian villas, the residential amenity of adjacent occupiers, traffic and waste minimisation remain identical to the previous application

There has been no change in local or national policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

Sustainability

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08). Although this was adopted on 5 June 2008 the application was submitted in January 2008 and officer's report does not refer to the SPD and was not a material consideration when the original consent was approved. The extension to the time scale for this consent must therefore be assessed under adopted guidance. The SPD08 defines development of this kind as a medium scale development and would require the residential units to meet a minimum rating of Level 3 of the Code for Sustainable Homes (CSH) and a condition is recommended to ensure that Level 3 is met.

Transport

There has been a change in approach regarding transport contributions since the previous approval. Condition 2 of the previous approval required details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development. In order to satisfy this condition an informative was added to the earlier approval stating that this could be addressed by the applicant entering into a S106 agreement to contribute £5,000 towards improved sustainable transport in the area which included £2,000 to amend the traffic order and prevent future residents from applying for residents permits. The council no longer secures contributions and agreement to enter a s106 Agreement by condition and is no longer seeking a contribution towards the amendment of the Controlled Parking Zone (CPZ) where we seek to secure car free housing. Therefore the S106 contribution is reduced from £5,000 to £3,000.

Conditions

Planning Approval BH2008/00319FP was approved with 11 conditions attached, most of which are repeated here with the addition of the standard conditions to ensure the required sustainability levels are met, in this case Level 3 of the Code for Sustainable Homes.

Other Issues

Since the submission of the application the applicant has stated that work has commenced on site. However, while it may be the case that a material start has taken place, there is no official confirmation at the time of writing this report.

The objections received are noted however the issues of the scale of the development, impact on traffic and amenity were considered when the 2008 application was approval and there have been no change in local or national policy that would affect these issues in the present day and it is considered that for these reasons the development remains acceptable on these issues.

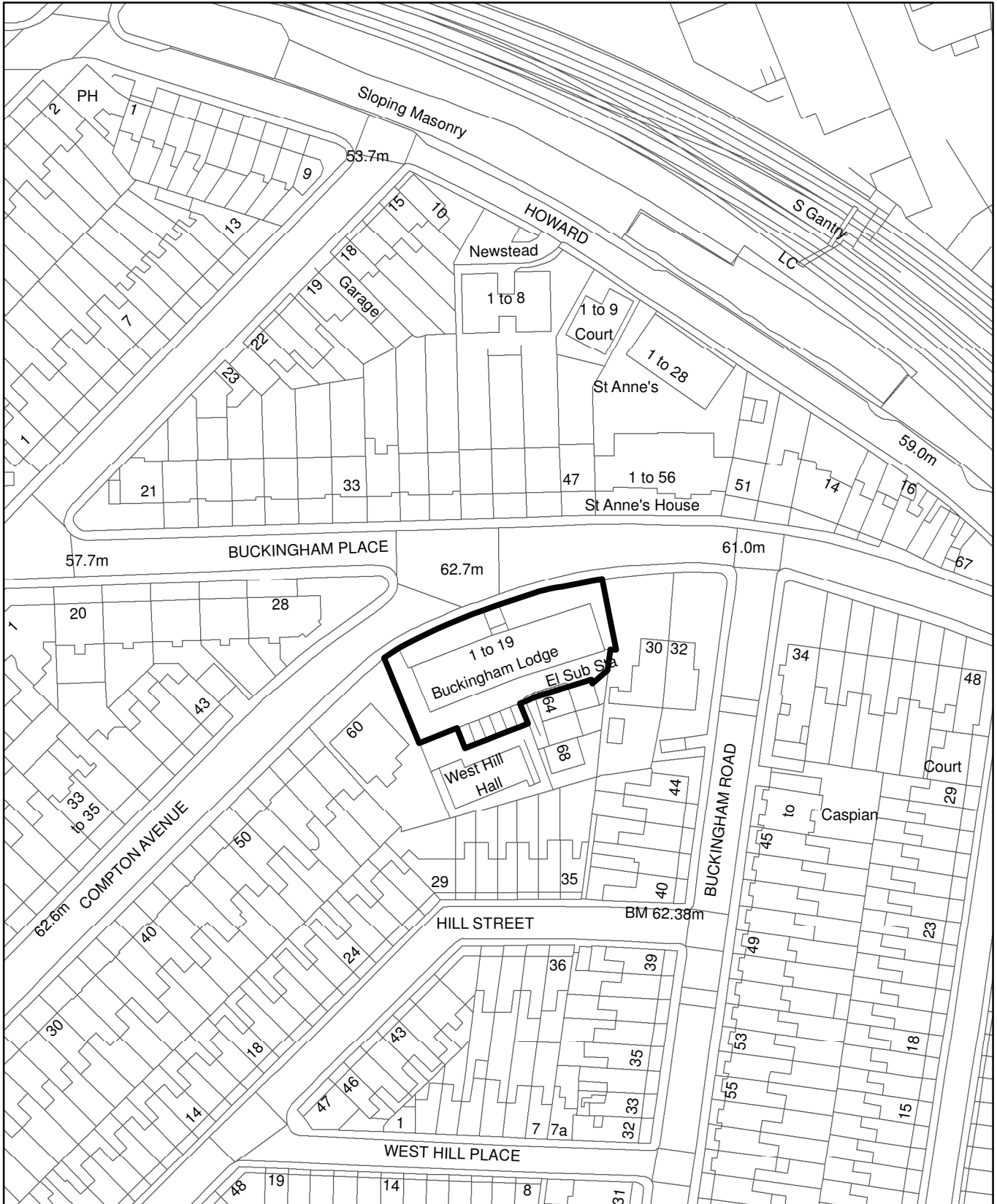
9 CONCLUSION

The principle of the development has been accepted under planning permission BH2008/00319FP; the site has not significantly changed since permission was granted in 2008. There have been some changes in planning policy guidance relating to sustainability and transport since approval was granted in 2008 however this does not affect the acceptability of the scheme. The development remains acceptable in principle.

10 EQUALITIES IMPLICATIONS

The development will be required to meet Part M of the Building Regulations and a condition is imposed to ensure that the development where reasonable meets Lifetime Homes standards.

BH2011/02675 Buckingham Lodge, Buckingham Place, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

