

<b><u>No:</u></b>	<b>BH2011/03764</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>27-29 Pembroke Crescent, Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for removal of condition 8 of application BH2011/02434 (Conversion of existing rest home (C2) into 2no six bedroom dwellings incorporating demolition of existing rear extension, removal of roof terrace and external fire escape with associate alterations and erection of new single storey rear extension) which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith</b>	<b><u>Valid Date:</u></b>	<b>09/12/2011</b>
<b><u>Con Area:</u></b>	<b>Pembroke and Princes</b>	<b><u>Expiry Date:</u></b>	<b>03 February 2012</b>
<b><u>Listed Building Grade:</u></b>	<b>None</b>		
<b><u>Agent:</u></b>	<b>Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove</b>		
<b><u>Applicant:</u></b>	<b>Mr Jogi Vig, c/o Lewis &amp; Co Planning</b>		

## 1 RECOMMENDATION

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

1. Policy HO7 of the Brighton & Hove Local Plan states that planning permission will be granted for car-free housing in locations with good access to public transport and local services where there are complimentary on-street parking controls, and where it can be demonstrated that the proposed development would remain car-free in the long term. The site is located within a controlled parking zone (R) within a sustainable location close to the designated Hove Town Centre and public transport routes. The development as approved proposes no onsite parking provision. The applicants have failed to demonstrate that an exception to policy HO7 is reasonable given the location of the site and its position within a controlled parking zone. For this reason condition 8 is retained on the approved consent.

### Informatives:

1. This decision is based on the site plan, planning statement and supporting documents received on the 9<sup>th</sup> December 2011.

## 2 THE SITE

The application relates to a pair of three storey semi-detached buildings situated

on the north side of Pembroke Crescent, close to the junction with Pembroke Avenue. The property forms a rest home and is situated in a primarily residential area within the Pembroke and Princes Conservation Area.

### 3 RELEVANT HISTORY

**BH2011/02434:** Conversion of existing rest home (C2) into 2no. six bedroom dwellings incorporating demolition of existing rear extension, removal of roof terrace and external fire escape with associate alterations and erection of new single storey rear extension. Approved 29/11/2011.

**BH2009/03001:** Conversion of existing rest home (C2) into 2 x 6 bedroomed dwellings. Refused on Appeal 22/10/2010.

**BH2004/01685/FP-** Alterations to change use from rest home to form 9 self-contained flats. Approved 18/04/2005.

**3/89/201:** Extensions and alterations to Nursing Home. Approved 11/04/1990.

### 4 THE APPLICATION

Planning permission is sought for the removal of condition 8 of planning approval BH2011/02434 to allow future occupiers of the development to be eligible for parking permits. Condition 8 states:

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

**Reason:** *To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

This application is the subject of an appeal for non-determination.

### 5 CONSULTATIONS

**External:**

**Neighbours: One (1)** letter has been received from **Glentworth House Care Home 40-42 Pembroke Crescent** raising no objection to the loss of the ambulance bay fronting the site.

**Councillor Cox** supports the application. A copy of the email is attached.

**Sustainable Transport:** No comments.

### 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

The National Planning Policy Framework (NPPF)

National Planning Policy Framework

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
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
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

## 8 CONSIDERATIONS

The main consideration in the determination of this application relates to whether the development should remain car-free as per condition 8 attached to planning permission BH2011/02434, or whether sufficient evidence has been submitted to support the applicant's case that future occupiers of the development should be eligible for parking permits.

Condition 8 of planning permission BH2011/02434 sought to ensure that the development as approved would remain car-free in the long term. To this effect condition 8 states:

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

**Reason:** *To ensure that the development is car-free and to comply with*

*policy HO7 of the Brighton & Hove Local Plan.*

Policy HO7 of the Brighton & Hove Local Plan relates specifically to car-free housing. This policy states that planning permission will be granted for car-free housing in locations with good access to public transport and local services where there are complimentary on-street parking controls, and where it can be demonstrated that the proposed development would remain car-free in the long term. The sub-text states that car-free developments will be secured by making residents of the development ineligible for parking permits.

The site is located within a controlled parking zone (R) and the development as approved proposed no onsite parking provision. Given that the site was considered to be in a sustainable location close to the designated Hove Town Centre and public transport routes, condition 8 was attached to the permission to make the development car-free in accordance with policy HO7.

The applicants wish to remove this condition to allow future residents to be eligible for parking permits. The case presented is based on the following information:

- Parking demand for the care home amounted to 6 vehicles according to SPG4 guidance. The approved two houses would require parking for 3 vehicles, a net reduction in demand at the site of 3 vehicles.
- There is currently no waiting list within zone R therefore the conversion of 27-29 Pembroke Crescent would not result in increased parking pressure in the area.
- The care home had two staff parking permits for zone R- these have now been rescinded.
- There is an ambulance bay directly outside the site which is no longer required. This could be converted to provide additional street parking for two vehicles.
- Recent appeal decisions (BH2009/01589 & BH2007/00700) in which the Inspector removed recommended conditions making the developments car free on the grounds that the CPZ effectively controls parking demand in the area. The applicants contend that the car-free condition is effectively 'unnecessary and or unreasonable' thereby failing to meet the tests of Circular 11/95.

Notwithstanding the above information, it is not considered in this instance that there is sufficient justification to make an exception to policy HO7 and remove the requirement for this development to be made car-free.

Saved policy HO7 is an aspirational policy that seeks to encourage a modal shift towards more sustainable transport modes. It is clear in its expectations that new residential units in sustainable locations and within controlled parking zones should be made ineligible for parking permits to encourage non-car based travel. The policy does not react to parking demand and capacity within the City's controlled parking zones, as this can vary over time. The policy is purely predicated towards encouraging non-car based transport choices within sustainable locations within the City. As stated, 27-29 Pembroke Crescent is located within a controlled parking zone a short distance from mainline bus

routes along New Church Road to the south, Sackville Road to the east, and Portland Road to the north. The Hove Town Centre and Portland Road Local Centre are a short distance to the north and east respectively, with Aldrington and Hove Stations a short walk beyond. In this respect the site is in close proximity to a range of sustainable transport choices and local retail and employment centres, and is considered to be in a sustainable location.

The applicant's arguments to justify the removal of the condition are based on demand and capacity circumstances, centring principally on the fact that the former care home had two staff parking permits, and that an ambulance bay fronting the site would be designated as additional parking bays for the area. The two staff permits have been rescinded. Following an initial consultation with Glentworth House care home, opposite the site, it appears likely that the ambulance bay is no longer required in the immediate area. However, the Traffic Regulation Order has not been amended to reflect this, and would require a further period of public consultation which may raise objections from the wider community. It is noted that the ambulance bay is 8m in length, sufficient to cater for one new parking bay only. It is also noted that statistically the net parking demand for the site would be reduced following the conversion of 27-29 Pembroke Crescent to two houses (SPGBH4 calculates that the care home would ordinarily require 6 parking bays, two houses would require 3). Notwithstanding these facts, the applicants have not been able to demonstrate that the site is not in a genuinely sustainable location. For this reason an exception to policy HO7 cannot be reasonably made. Although reference is made to appeal decisions incorporating car-free considerations, the two appeal decisions referred to are not relevant to this application, as each decision is made on its own merits based on the site location and the nature of the development proposed.

Other matters:

The applicant's contention that the car-free condition as applied fails to meet the tests of Circular 11/95 is not accepted by the Local Planning Authority. Policy HO7 specifically states the criteria under which such a condition will be applied and is set out within an adopted development plan document. It is considered such a policy to be fair, reasonable and necessary in order to reduce reliance on car use within sustainable locations within the City.

**9 CONCLUSION**

The site is located within a controlled parking zone (R) within a sustainable location close to the designated Hove Town Centre and public transport routes, whilst the development as approved proposes no onsite parking provision. The applicants have failed to demonstrate that an exception to policy HO7 is reasonable given the location of the site and its position within a controlled parking zone. For this reason it is recommended that condition 8 is retained on the approved consent.

**10 EQUALITIES IMPLICATIONS**

None identified.

# BH2012/03764 27 - 29 Pembroke Crescent, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



**Brighton & Hove  
City Council**

PLANS LIST – 25 APRIL 2012

COUNCILLOR REPRESENTATION

**From:** Graham Cox  
**Sent:** 12 January 2012 14:13  
**To:** Adrian Smith  
**Subject:** 27-29 Pembroke Crescent  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Mr Smith

I write with reference to the planning application concerning 27-29 Pembroke Crescent, Hove (Westbourne ward). I do not have the planning reference to hand but I think you are familiar with it.

The application is to remove the car free condition in the planning requirement.

I ask that if you are likely to refuse this request to remove the condition, that the application be determined by the planning committee.

My reason for this is that the former nursing home on this site had two adequate parking spaces which could be used.

Thank you

Graham Cox

Conservative Councillor for Westbourne Ward  
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07557082663  
graham.cox@brighton-hove.gov.uk

