

**LIST OF MAJOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2011/03765</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>19-27 Carlton Terrace, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of new 3no. storey block of 41 retirement apartments with communal facilities, car parking and landscaping works, erection of new 2no. storey block of 4no. affordable apartments with car parking and landscaping and associated works.</b>		
<b><u>Officer:</u></b>	Jason Hawkes	<b><u>Valid Date:</u></b>	16/02/2012
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	17 May 2012
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	The Planning Bureau Ltd, 26-32 Oxford Road, Bournemouth		
<b><u>Applicant:</u></b>	McCarthy and Stone Retirement Lifestyles Ltd & Vye's (Hove) Ltd, Emerald House, 30-38 High Road, Byfleet		

**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 scale of the main three-storey building, due to its bulk, extensive coverage of the site and limited open space would appear as an overdevelopment of the site and an over dominant feature in contrast to the character and context of the surrounding area. Additionally, the proposal results in a front elevation which is significantly further forward than the existing adjacent building line on Carlton Terrace. This coupled with the design of the front elevation with a second floor set back and three-storey appearance would make the front elevation dominate the street scene and is considered to represent inappropriate development which poorly relates to the character and appearance of the street scene. For these reasons the development is contrary to policies QD1, QD2, QD3, HO4 and HO6 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.
2. The proposed development by reason of its height, scale, excessive footprint, fenestration detailing and positioning would result in an unneighbourly development and lead to a significant overbearing effect, increased sense of enclosure, increased overlooking and perceived overlooking to neighbouring properties to the detriment of the living conditions of occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. The proposal includes 4 affordable housing units out of 45 units which equates to an 8.9% element of affordable housing. Policy HO2 of the

Brighton & Hove Local Plan requires a 40% element in schemes of 10 or more dwellings. The applicant has failed to provide a robust and comprehensive justification for a significantly low level of affordable housing. The scheme is therefore considered contrary to the above policy.

4. The applicant has failed to demonstrate that the impact of the development will be significantly mitigated in matters directly related to planning by means of planning obligations as outlined in policy QD28 of the Brighton & Hove Local Plan. These matters relate to the impact of the development in terms of policy TR1, that requires development proposals to provide for the demand for travel they create, policy HO6 that states new development will not be permitted unless the requirement of outdoor recreation space are suitably provided, policy QD6, which requires development to provide new public art in major development schemes and the requirement of the scheme to contribute towards local employment and training schemes. The scheme is therefore considered contrary to the above policies of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Statement of Community Involvement, Planning Statement, Embodied CO2 Estimator Sheet, Affordable Housing Statement, Energy / Sustainability Statement, Design, Access and Sustainability Statement, Refuse and Waste Minimisation & Management Plan, Utilities Statement, Sustainability Checklist, Drainage Survey, Traffic and Transport Consultation, Extended Phase 1 Habitat Survey, Site Investigation Report, Viability Assessment and Review, Validation Statement, Assessment of Potential Noise Impact, Biodiversity Checklist and drawing nos. 10-1769-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, MCS441/Drg01A, PP/2813/M&S/2010/A, B2452/12\_02, 03 & 04 received on the 9<sup>th</sup> December 2011 and 16<sup>th</sup> February 2012.

## **2 THE SITE**

The application relates to a site fronting Carlton Terrace, located between Portslade Station and Old Shoreham Road. The site is irregular in shape and approximately 0.36 hectares in size. The topography falls from north to south and from the east to west. A vacant single storey car workshop and associated car parking area is situated to the rear of the site, and the land fronting Carlton Terrace forms a car sales area.

The adjacent pair of Victorian semi-detached houses form ancillary offices for these uses. An access road runs across the site which also provides access to the Telephone Exchange to the rear and to a car park. The application site includes this car park to the rear of 28-29 Carlton Terrace. The land to the south of the site forms the car park to the Aldi store and buildings fronting Carlton Terrace are a mix of commercial/offices and residential. The site is within close proximity to Portslade Station and the main shopping area on Boundary Road / Station Road. Adjacent to the site to the east at 301 Old Shoreham Road is a piece of vacant land which is used for telecommunications equipment. The site is not within a conservation area.

### 3 RELEVANT HISTORY

**BH2010/03128:** 19-27 Carlton Terrace. Outline application for demolition of existing buildings and erection of 4no blocks of mixed flats/houses totalling 15no units. Approved 18<sup>th</sup> January 2012.

**BH2010/3124:** 19-24 Carlton Terrace. Outline application for erection of 4 x 3 bedroomed houses, including conversion of No.24 from ancillary office to existing car sales use, to residential. Approved 18<sup>th</sup> January 2012.

**BH2001/01102/FP:** 24 Carlton Terrace. Construction of single storey flat roofed extension to south of existing building. Approved 25<sup>th</sup> October 2010.

**BH1998/2148/FP:** 19-24 Carlton Terrace and rear of 16 -18 Carlton Terrace. Change of use from redundant petrol station and ancillary parking area to hard landscaping area for display of cars for sale. Approved 28<sup>th</sup> January 1999.

### 4 THE APPLICATION

Planning permission is sought for the demolition of existing buildings and the erection of a new 3no. storey block of 41 retirement apartments with communal facilities, car parking and landscaping works. The scheme includes a new 2no. storey block of 4no. affordable apartments to the northern part of the site. The scheme comprises the following:

Main block of three-storeys:

*Ground floor:*

- 3 x 2 bedroom retirement flats
- 8 x 1 bedroom retirement flats
- Residents lounge
- Offices
- Buggy store
- Refuse store
- Landry room
- Communal amenity area and landscaped areas
- Front railings, piers and landscaped areas
- 14 car parking spaces

*First Floor:*

- 4 x 2 bedroom retirement flats
- 12 x 1 bedroom retirement flats

*Second floor:*

- 8 x 2 bedroom retirement flats
- 6 x 1 bedroom retirement flats

*Affordable housing block of two-storeys:*

- 4 x 1 bedroom units
- Communal amenity area
- 4 car parking spaces

A Community Consultation report has been submitted as part of the application outlining the consultation exercises that have taken place, and this

includes a newsletter to local residents and ward councillor consultation.

## 5 CONSULTATIONS

### External

**Neighbours: One (1)** email of representation have been received from **Flat 1, 9/10 Carlton Terrace** objecting to the application for the following reasons:

- Boundary Road is blocked with cars queuing due to the poorly timed traffic lights at the top of the road and the slow level crossing gates. Construction works and 45 more cars trying to negotiate a very small section of the road will add to the traffic congestion in the area.

**Hangleton & Knoll 50 Plus Steering Group:** Support the scheme as being suitable for the area and a much needed development.

**UK Power Networks:** No objections.

**East Sussex Fire and Rescue Service:** The plans do not indicate satisfactory access for fire appliances for fire fighting purposes. The applicant is referred to the British Standard Codes of Practice for guidance on sprinkler systems.

**Environment Agency:** No objection subject to conditions relating to land contamination.

**Southern Water:** There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. If approved, the applicant will have to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required.

**Sussex Police:** No objection.

### Internal:

**Access Advisor:** Objection. The scheme is inadequate as no wheelchair accessible units have been identified. 2 (5%) of the units should be wheelchair accessible. The scheme also requires amendments to fully meet Lifetime Homes requirements.

**Ecology:** No objection.

**Environmental Health:** No objection subject to conditions for further land quality assessment and further details on how the residents will be protected from road traffic noise.

**Economic Development:** No objection. A contribution is requested through a Section 106 agreement for the payment of **£22,500** towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

**Housing:** In line with the affordable housing brief, 40% of the units are

required to be affordable housing units. This would equate to 18 units and only 4 are being offered. Additionally, some of the affordable units should be 2 bedroom homes and at least 10% of the affordable units should wheelchair accessible.

**Planning Policy & Projects:** Redundancy can be accepted on the basis of the recent planning approvals. The proposed level of affordable housing of 9% in response to policy HO2 is unacceptably low. In accordance with policy HO6, new development will not be permitted unless the requirement of outdoor recreation space is suitably provided. Provision for recreation and open space is inadequate. This can be addressed through a contribution of **£64,990.95**. In accordance with policy QD6, an artistic public component should be included in the scheme to the value of **£19,600**.

**Sustainability:** There are shortcomings in the scheme which means that approval is not recommended without the submission of further information. This can be controlled by suitably worded conditions.

**Sustainable Transport:** Refusal is recommended as the proposal does not protect the interests of the public using the roads and footways. The application is unacceptable for the following reasons:

- Lack of disabled parking
- Lack of cycle parking
- Lack of pedestrian facilities within the site
- Doors for buggy store and refuse store should not open outwards

If recommended for approval, conditions are recommended which could address the above concerns. Additionally, a financial contribution of **£10,800** would be required to improve off-site walking facilities in the surrounding vicinity of the site.

## 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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## 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
SU3	Water resources and their quality
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

### The National Planning Policy Framework (NPPF)

## 8 CONSIDERATIONS

The main considerations of this application relate to the principle of the proposed development and impact on neighbouring amenity, standard of accommodation, the impact of the development in terms of design and scale on the surrounding landscape and the suitability of the layout. The related highway implications, ecology, landscape design, land contamination and



sustainability are also assessed.

**National Planning Policy Framework:**

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development.

The Framework identifies that there are three dimensions to achieving sustainable development- economic, social and environmental- which should be sought jointly and simultaneously through the planning system.

To support these three dimensions, the Framework identifies twelve core land use planning principles. These principles include (amongst others) a commitment to securing economic growth in order to create jobs and prosperity, promoting sustainable transport, delivering a wide choice of high quality homes, the desire to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to encourage the effective use of land by reusing land that has been previously developed.

The NPPF encourages Local Authorities to proactively drive and support sustainable development to deliver homes, business and industrial units, infrastructure and thriving places that the country needs.

As outlined below, the scheme is deemed contrary to the NPPF as it does not promote sustainable development in terms of delivering good design, promote sustainable transport, deliver an acceptable mix of housing with an adequate level of affordable housing or mitigate the impact of the development on the surrounding area through appropriate measures or contributions.

**Background:**

Recently, outline planning permissions were granted for two schemes on the site. The first was for 19-27 Carlton Terrace, which granted outline consent for 4 blocks to create a total of 15 units (**BH2010/03128**). The second was for 19-24 Carlton Terrace and granted outline consent for 4 houses and the conversion of no. 24 from ancillary office to existing car sales use, to residential. (**BH2010/03124**). Only the principle was granted at outline stage.

This application is for 41 retirement flats in a three-storey block and a separate 2-storey block to form 4 affordable units. McCarthy & Stone provide sheltered accommodation for older people who require housing which provides them with security and the ability to manage independently. They provide two forms of specialised accommodation:

- (i) Category II Accommodation.
- (ii) Assisted living.

The proposal at 19-27 Carlton Terrace falls with Category II which is designed for the more independent older person with one or two bedroom apartments around a central core of communal facilities. All floors are accessed by a lift and the development is supervised by a house manager.

The occupation of the apartments is controlled through the lease which is subject to conditions. One of the conditions to be satisfied is that in the case of a couple, one of the occupants has to be over the age of 60 and the other is over the age of 55.

McCarthy & Stone have identified this site as an opportunity to provide special needs housing for elderly within the Brighton & Hove area. McCarthy & Stone acknowledge that Brighton & Hove has a lower population over the age of 65 when compared to the rest of the South East. They however state that there is growing older population in Brighton & Hove and that this scheme will help provide suitable options for older people who wish to downsize and to remain in the city.

Policy HO15 of the Brighton & Hove Local Plan states that planning permission will be granted for the provision of residential accommodation for people with special needs, included supported housing. This scheme is for independent living with the advantage of communal facilities and does not fall within this category. The Local Plan does not include any specific policies that relate to this type of housing. However, due to the nature of the housing which is for market self contained residential one and two bedroom flats, the scheme is assessed against the relevant housing policies and supplementary planning guidance, taking into account the NPPF.

**Financial Viability and Affordable Housing:**

Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing. In assessing the appropriate level and type of provision, consideration will be given to the following:

- i. local need in respect of the mix of the dwelling types and sizes,
- ii. the accessibility of the site to local services and facilities and public transport;
- iii. the particular cost associated with the development of the site;
- iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
- v. the need to achieve a successful housing development.

The scheme provides 45 residential units and only 4 are provided for affordable housing. This equates to 8.9%. This is well below the recommended 40% outlined in policy HO2. To achieve 40% affordable housing, the scheme would have to provide 18 units out of the 45 proposed.

The previous scheme for 15 units (BH2010/03128) secured 26.6% affordable housing. This level was deemed acceptable based on the financial viability assessment and justification submitted with that application. The Council's Planning Policy Section has stated that the low level of 8.9% of affordable housing for the current scheme for 45 units is unacceptable and that it would be reasonable to assume that the significantly increased density over the recent approval would also allow a higher level of affordable housing to be provided rather than less.



The applicant's Affordable Housing Statement is considered weak and focuses heavily on viability arguments. The acceptability of the affordable element of the scheme to a Registered Social Landlord also needs to be demonstrated by the applicant as this is not clear in the submission. The Council's Housing Commission have stated that there is pressing need for affordable housing in the city with over 12,000 people on the Housing Register waiting for affordable rented housing. The Housing Team have also commented that some of the affordable units should also be 2 bedroom homes. Additionally, to secure the creation of mixed and integrated communities, the affordable housing should not be visually distinguishable from the market housing on the site in terms of build, quality, materials, details and levels of amenity space.

The applicants have stated that the modelling carried out as set out in an accompanying Viability Assessment and Review Report 2011 concludes that, due to the interplay of gross development value, development costs and the market value of the site, 4 shared equity affordable housing units of accommodation can be provided. The Viability Assessment states that the scheme does not include any planning gain packages through Section 106 agreements.

The Viability Assessment submitted raises concerns due to the methodology used and there are also doubts over some of the figures used in the calculations. For example, the methodology includes the market value of the site (£600,000) as development cost and states there would be a deficit at the completion of the scheme of £21,955.

The calculation to work out the residual land value should include all development costs, including Section 106 contributions and the cost of providing affordable housing. The end result, having removed all costs from the development value, is the price the land is worth. If the developer has purchased the site at market value, this is not a material planning consideration.

There is also concern over some of the figures used in the calculation of the residual land value. For example, the finance arrangement fee of £50,000 seems high. This along with a number of other figures given is not backed up with evidence from an independent source. Additionally, the scheme states that developer's profits will be 20%. Given the current financial climate, this also seems high and that there is scope for this to be reduced.

It is therefore felt that low level of affordable housing (9%) has not been justified. The scheme is therefore contrary to policy HO2 of the Brighton & Hove Local Plan.

**Loss of Industrial Use:**

Policies EM3, EM5 and EM6 of the Brighton & Hove Local Plan relate to the loss of land in industrial uses. The policies state that land in industrial use (Class B1, B2 and B8) will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.

The industrial land at 19-27 Carlton Terrace was partly occupied by “Vyes” and formed a car paint shop / workshop with a gross floorspace of 1,125m<sup>2</sup> and associated car parking, until it closed in November 2008. The buildings comprise four interconnecting workshops of varying ages and an ancillary office with a converted semi-detached house. In the previous scheme, the applicants considered the buildings to have outlived their useful life, that the redundant nature of the buildings and limitations of the site had been demonstrated by the poor vehicular access and turning, the low eaves height to the workshops, poor thermal and sound insulation, height restrictions on access way to the lower yard, domestic style offices with no open plan flexibility, and low grade amenities. As part of the previous applications, marketing reports were submitted which demonstrated that the industrial premises were no longer viable. On this basis there was no objection to the loss of employment floorspace on the previous scheme. Similarly on this scheme, the Economic Development officer has commented that the loss of employment floorspace is acceptable.

It should be noted that the site is partly used for a car showroom which will be lost if the permission is granted. Car showrooms fall under a *sui generis* use and are not protected by the EM policies in the Local Plan.

No marketing has been submitted with the current application to demonstrate that the loss of the industrial use is acceptable. Given the extensive marketing undertaken in the previous schemes, which were recently granted consent, it is felt that the principle of the loss of the offices has been established and remains relevant. Furthermore the use of the site for residential purposes is considered acceptable.

The Economic Development Officer has commented that the current scheme is acceptable subject to the applicant entering into a legal agreement to secure a contribution of £22,500 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase. The main purpose of the financial contribution is that it provides towards the programme with a range of support measures that directly assists local residents in respect of accessing work and training in construction.

As outlined above, the applicant has stated that due to the financial viability of the scheme, no Section 106 contributions can be offered as part of this scheme. The lack of a contribution towards the Local Employment Scheme forms the third reason for refusal.

**Design:**

Policies QD1, QD2 and QD3 state that all new developments should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area. Development should emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

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Policy HO4 also states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings.

The previous approval (BH2010/03128) was for outline consent for 15 units. Indicative plans indicated the development comprising four blocks which were 2 and 3 storey in height. However, the scale and design was not secured at outline stage. This proposal involved the demolition of a pair of two storey Victorian properties, originally dwelling houses, which now form ancillary offices. The second outline consent granted permission for three pairs of semi-detached houses fronting onto Carlton Terrace (BH2010/03124). The two consents included indicative designs of the houses. The actual designs and appearance of the proposed houses were not included in the outline consents and were required by condition to be approved in reserved matters applications.

The current scheme is for a much larger scheme in terms of bulk and scale when compared to the outline consents. The proposal can be divided into two distinct sections. To the south of the site a three-storey structure is proposed for 41 retirement flats with communal facilities, parking, landscaping and an outside amenity space. This building is three-storeys high and can be described as an inverted 'J' shape. This provides a frontage to Carlton Terrace with a central wing aligned to the access drive. The element of the proposed building facing Carlton Terrace includes a top floor set back from the main frontage which allows a balcony area. The southern and northern properties include dormer extensions onto the balcony areas. The front elevation is divided into four blocks which respect the plot width of the adjacent properties on the street. The blocks are linked by stair cores in glazed curtain walling. The rest of the building is proposed in a combination of red brick and render with the set back floor proposed with cladding with UPVC windows and doors. The scheme includes steel railings with brick pillars to the front elevation.

It is felt that the plot width and roof height of the Carlton Terrace elevation is acceptable and in line with the rest of the street. There are, however, concerns that the front elevation is inappropriate partly due to the inclusion of a set back balcony area. This set back reduces the size of the roofs and gives the buildings a three-storey appearance with a higher eaves height than the adjacent buildings. The set back at second floor level is not seen in any other adjacent buildings on the street which are mainly traditional two-storey Victorian houses with gabled and pitched roofs.

The scheme also proposes a building line which comes forward of the building line of the adjacent buildings to the immediate north and south. The proposed front elevation is 2.1m further forward than the front building line of no.18 Carlton Terrace. No.18 is within close proximity (2.2m) to the south elevation of the front building. Due to this close proximity, it is felt that the difference in the building line will be particularly obvious and will make the front elevation stand proud of the rest of the Carlton Terrace. This along with

the elongated appearance and set back at second floor level results in a front elevation which has an inappropriate visual impact in the context of the rest of the street scene.

It is also felt that the plot coverage and overall scale of the proposal is out of character with the area and an overdevelopment of the site. The 'J' shape of the development results in a three-storey block along the eastern elevation as well as full coverage of the site with a three-storey building from east to west. The western elevation proposed will dominate the boundary with a bank of windows. Also, the shape of the development results in the appearance of a large and dominant structure when viewed from the south and north. The southern elevation will be viewed from the Aldi car park and the north elevation goes along the access road and will be partly visible from the street. The proposal results in a much larger building when compared to the existing structures on site. It is felt that the use of a three-storey building across the whole site is unacceptable to such a scale proposed which results in an over dominant building and over development of the site.

The affordable housing block proposed is a much smaller two-storey to the northern section of the site set behind the gardens of 28-31 Carlton Terrace and 305 & 307 Old Shoreham Road. This block matches the materials and design of the larger block and the block includes a communal garden area and 4 car parking spaces. Due to the scale and position of the affordable block no objection is raised to its design or visual impact.

In conclusion, it is considered that the overall scale and coverage of the larger block serving the market housing will be out of context with the surrounding area and that this part of the proposal will appear as an inappropriate and incongruous development.

Whilst some aspects of the front elevation respect the scale and character of the area, there also concerns that the front elevation with its set back roof gives the building a top heavy appearance and that the building line proposed is too far forward, which will make the development stand out as visually inappropriate in the street scene. It is therefore considered that the scheme is contrary to the above guidance as well as local plan policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

**Impact on Amenity:**

Policy QD27 states that planning permission for any development 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.

Having regard to the orientation and position of the proposed development, the scheme is likely to have most impact on the neighbouring properties to the south, no. 18 Carlton Terrace and no. 28 Carlton Terrace to the north. No. 18 Carlton Terrace appears to be in residential use, which is confirmed by council tax records. The amenity space at the rear appears to be tarmac and used in connection with a commercial unit to the south of no. 18 Carlton

Terrace. Windows are located in the west facing elevation of no. 18 Carlton Terrace. Given the increased depth of the development to the north and the overall footprint of the development, together with the increased height, there is concern raised regarding the increased bulk of the proposed development for the occupiers of no. 18 Carlton Terrace. The resulting increase in bulk at the rear is considered unneighbourly leading to a significant overbearing effect and increased sense of enclosure and likely to result in a detrimental impact on amenity. Fenestration is proposed in the east facing elevation, which faces onto no. 18 Carlton Terrace. Whilst a separation distance of approximately 24 metres would separate the proposed development and the rear elevation of no. 18 Carlton Terrace, given the increased height and fenestration detailing concerns are raised in respect of increased overlooking and perceived overlooking.

Turning to no. 28 Carlton Terrace, there are some side windows facing south, with additional windows facing west onto the proposed affordable block. This property appears to be in commercial use and is separated from the development by the retained access road. The development is not considered to result in a detrimental impact on the occupiers of no. 28 Carlton Terrace.

Since the site extends further south to the rear than the element fronting onto Carlton Terrace, part of the site shares a boundary with the Aldi car park. However, given its use, the development is not likely to have a detrimental impact on the car park.

To the rear of the site, there is a single storey commercial building which is unlikely to be affected by the increased scale and bulk of the proposed development. Residential properties are located to the south west of the application site, known as Links Close. Links Close is formed of two-storey blocks of flats which are set at a lower ground level than the application site. Whilst the proposed development is positioned in close proximity to the western boundary, given the fact that Links Close is bounded by extensive trees and the orientation of the development, no significant impact on amenity is considered likely to result.

Turning to the properties on the opposite side of the application site, the properties comprise of two-storey dwelling houses and a parade of shops, some with first floor flats. The front elevation of the proposal includes balconies, which will allow views across the road. Due to the distance between the balconies and the properties opposite, approximately 27 metres, the balconies and front windows of the flats will not result in any significant loss of privacy and is no different to similar front to front separation distances in the area.

In relation to the two-storey block of affordable housing, this is set to the north of the main block and is also considered acceptable in terms of its impact on the amenity of adjacent properties due to its distance away from the nearest residential properties. It is adjacent to a piece of vacant land to the west used for a telecommunications installation. This block is also adjacent to the rear



gardens of 28-31 Carlton Terrace and 305-307 Old Shoreham Road. The block will not affect these gardens or the houses / buildings they serve. The gardens of 305 & 307 Old Shoreham Road are set at a higher ground level than the application site and the gardens of the Carlton Terrace properties are set a significant distance from the affordable housing block, separated by an access road and parking area for the block.

**Environmental Health:**

Environmental Health has commented that they have no objection to the scheme subject to conditions. The applicant has submitted a Site Investigation Report and an Assessment of Potential Noise Impact. The Site Investigation Report identifies the site as being potentially contaminated due to its former uses and correctly acknowledges that further works are necessary to suitably characterise the site. On this basis, if recommended for approval, a condition would be recommended requiring the submission of an additional site investigation report documenting the ground conditions of the site and a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants.

The noise assessment submitted considers the impact of the road adjacent to the proposed flats and the potential noise impact of this busy road. The assessment indicates that this is a marginal site in terms of its suitability for housing. However, given that residential properties adjoin the site and are in close proximity, including flats recently constructed above the Aldi store to the south, all of which would experience similar levels of noise, it is considered that with appropriate conditions the site would make a welcomed contribution to the housing stock.

Environmental Health officers have advised that the consultants have suggested a scheme to allow the build to proceed. Essentially this involves the acoustic requirements for all habitable rooms facing Carlton Terrace. Additionally, all habitable rooms to the rear may be based on thermal performance glazing. The accompanying report states that normal trickle ventilation on window frames is not appropriate in this location with a need for either passive wall ventilators or a whole house ventilation system. The Environmental Health officer broadly agrees with the noise impact assessment. This can be dealt with by condition in the event planning permission is recommended.

**Standard of accommodation:**

Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. Each house includes appropriate sized rooms with adequate light and outlook to habitable rooms and will provide a suitable standard of accommodation. Additionally, the retirement flats (excluding the affordable housing units) benefit from the use of communal facilities including a resident's lounge and laundry room.

New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with



disabilities without major structural alterations. The Council's Access Advisor has commented that the scheme requires amendments in order to fully comply with Lifetime Homes standards. These alterations include checking the gradient of ramps, handrails for ramps and internal alterations to bathrooms and doors. These amendments are relatively minor and, if recommended for approval, could be secured by condition.

The Access Advisor has also commented that 5% of the total number of units should be wheelchair accessible as built. This equates to 2 fully wheelchair accessible units. No wheelchair accessible units have been identified in the scheme. Such a unit would be expected to include its own dedicated parking space, its own electric mobility scooter storage space and charge point and a bathroom with a level entry shower. It is felt that the 2 units could also be achieved through minor alterations which can be required by condition. A refusal based on the lack of wheelchair accessible units can therefore not be supported.

Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes an outside communal garden adjacent the southern elevation for the 41 market retirement flats. The scheme also includes a number of private balconies for the flats. The 4 affordable housing units also have access to a communal amenity area adjacent the northern boundary. The applicant has stated that the communal areas proposed would meet the amenity needs of the elderly occupants. The communal areas and balconies are deemed satisfactory and in accordance with the policy.

**Provision of outside recreation space:**

Policy HO6 states that new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided. Where it is not practical or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable. The Policy Section has commented that the scheme has failed to address wider recreation and open space facilities in accordance with the policy. The approved ready reckoner associated with draft SPGBH9 calculates a contribution of £64,990.95 to meet the additional requirements for recreation arising from the proposed development. This has been calculated on the basis of the number of bedrooms (54) in the development assuming an occupancy rate of one person per bedroom and discounting provision for children's play space.

If the proposal is providing accommodation for immobile elderly / those in need of extra nursing care then this will need to be taken into account and the open space requirements amended. However, the age requirements for retirement accommodation are for anyone over 55, in the case of a couple, one of the occupants has to be over the age of 60 and the other is over the age of 55. In addition to this it is likely retired people will have more time for leisure activity including visiting a park and garden, playing tennis/bowls etc, taking on an allotment, taking an interest in natural / semi natural

environments, etc.

In order to avoid delay and to enable developers to have a clear and transparent method for calculating the open space requirements it is common practice to use open space standards. The open space requirements seek to be as fair as possible by reflecting the size of each unit. In this particular case the bed spaces were inputted as bedsits because this excludes a requirement to provide children's equipped play space (even though it is likely a demand could be generated when grandchildren are entertained by residents).

On this basis, it is felt that the contribution for outside recreation space is justified and necessary to make the development acceptable in planning terms. The applicant has stated that no contributions are available for this scheme. Without the contribution, the scheme fails to address the requirements of policy HO6 and QD28 and is recommended for refusal on this basis.

In accordance with policy SU2, the scheme includes a large integral refuse store to the north east corner.

**Sustainable Transport:**

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

The scheme includes 14 car parking spaces for the market retirement flats (including 2 undercroft spaces) located on the north side of the three-storey block. The affordable housing unit also have 4 car parking spaces adjacent the affordable flats. All the car parking spaces are accessed via the existing access road from Boundary Road which is to be retained.

The Transport Team have commented that the scheme is unacceptable on a number of issues. Firstly, as this is a scheme for older residents, it is important that the scheme includes disabled parking spaces. This is also in accordance with policies TR1, TR18, TR19 and Supplementary Planning Guidance Note 4. The scheme should include a minimum of 5 disabled spaces. This could be achieved through amendments to the proposed 14 car parking spaces which could be secured by condition. Due to the size of disabled car parking spaces, this will result in an overall reduction in the total number of car parking. The Transport Team has commented that the reduction of the overall number of car parking spaces is acceptable given the importance of providing disabled car parking spaces.

The Transport Team has also commented that the scheme requires a suitable amount of cycle parking. If approved, this could also be achieved through condition as there is some space within the development for either integral cycle parking or a separate cycle store.

The Highway Authority has also raised concern about the lack of pedestrian facilities such as dropped kerbs and footways. They also state that the buggy

store and refuse store should have internal opening. The lack of footways and adequate pedestrian access can be adequately addressed by appropriately worded conditions. If deemed appropriate, a condition could also be imposed requiring the doors of the buggy store and refuse store to be internally opening. As the above can be addressed by suitably worded conditions, a refusal on the above concerns is not deemed warranted.

In terms of trip generation, the Highway Authority agrees with the applicant's prediction that the existing car show room will generate a greater amount of vehicular trips, however also predicts that there will be a significant difference in the amount of walking, bus use and cycling generated by the proposed housing site to the existing site use as a car show room. This means that there will be an increase in non-vehicular trips due to this proposal and that the trip generation created by the proposal is comparatively acceptable. The Highway Authority are also satisfied that the number of car parking spaces proposed (notwithstanding the inclusion of disabled spaces) is acceptable and that there appears no significant circumstances in the surrounding area that would exacerbated by this proposal.

The Highway Authority has stated that this application requires a contribution of £10,800 to improve off-site walking facilities in the surrounding vicinity of the site. These include the reinstatement of the surrounding footway and removal of 'keep clear' white lines on the carriageway. There are two redundant crossovers along the eastern edge of the proposed site to allow additional access to the car showroom. If these remain the crossover will cause undue difficulty to users of the footway and could cause obstruction if used for illegal parking. The contribution will go towards reinstating the footway. The Highway Authority has also stated that the contribution will go towards to installing dropped kerbs with tactile paving to improve pedestrian safety to be installed at Gladys Road, Dorothy Road, Margery Road and Florence Road junctions with Hallyburton Road.

On this basis, it is felt that the contribution for sustainability improvements in the area is justified and necessary to make the development acceptable in planning terms. Without the contribution, the scheme fails to address the requirements of policies TR1 and QD28 and is recommended for refusal on this basis.

**Sustainability & Biodiversity:**

Whilst the proposals address local sustainability policies well in some aspects, there are shortcomings in the overall scheme and the Council's Sustainability Officer recommends that further information and clarification is submitted by the applicant which can be secured by conditions.

Currently the applicant has committed to assessing the residential aspect of the scheme only under a certified national assessment scheme (the Code for Sustainable Homes to level 4), and not the shared communal areas. This meets the minimum recommended standard expected for residential development under SPD08 but leaves the remaining floor area not meeting minimum standards.

The methodology suitable for assessing the scheme as a whole is likely to be BREEAM 'Multi Residential' or a combination of this and the Code for Sustainable Homes. In this case BREEAM 'excellent' would be expected, with a score of 60% in the energy and water sections and Code level 4.

SPD08 recommends that all development be assessed for sustainability standards. There are 3 possible options therefore.

- 1) The residential aspects could be assessed (as the applicant has indicated) to Code for Sustainable Homes to level 4, and the shared areas could be assessed under a relevant BREEAM scheme to 'excellent' standard, with 60% score in energy & water section.
- 2) The entire development could be assessed under BREEAM Multi Residential to 'excellent' standard, with 60% score in energy & water section.
- 3) The applicant could propose an alternative assessment tool for the whole scheme if there is an equivalent alternative nationally recognised and certified standard to an equivalent standard, and where this is approved by the Local Planning Authority.

If the application is approved without further information submitted, it is recommended that a condition be attached which requires that all the development be assessed and certified, and this is undertaken under the Code for Sustainable Homes to level 4, or under BREEAM Multi Residential to an 'excellent' standard with 60% scored in the energy and water sections or under or under a Combination of BREEAM and Code.

In terms of biodiversity, the Council's Ecologist has commented that as the site is predominately buildings and hardstanding, the loss of the site raises no biodiversity concerns. There may be nesting birds within the vacant buildings or within the vines growing within the site. If recommended for approval, the applicant would be advised of the importance of avoiding disturbance to nesting birds during the construction works.

**Provision of Public Art:**

Policy QD6 states that the planning authority will seek the provision of new public art in major development schemes. The provision of public art will be secured via a legal agreement and the use of conditions.

The Policy Section has commented that it is disappointing that the applicant does not recognise the relevance of policy QD6 to this application.

The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 3,920 sq m) is multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. The level also takes into account the prominence of the site location, and that the application includes the provision of affordable housing. It is suggested that the public art element for this application is to

the value of £19,600.

The provision of public art can create and enhance local distinctiveness and helps develop a desirable place to live. Some public art schemes also provide important opportunities to involve the local community and will offer work to local artists. On this basis, it is felt that the contribution for public art provision is justified and necessary to make the development acceptable in planning terms. Without the contribution, the scheme fails to address the requirements of policies QD6 and QD28 and is recommended for refusal on this basis.

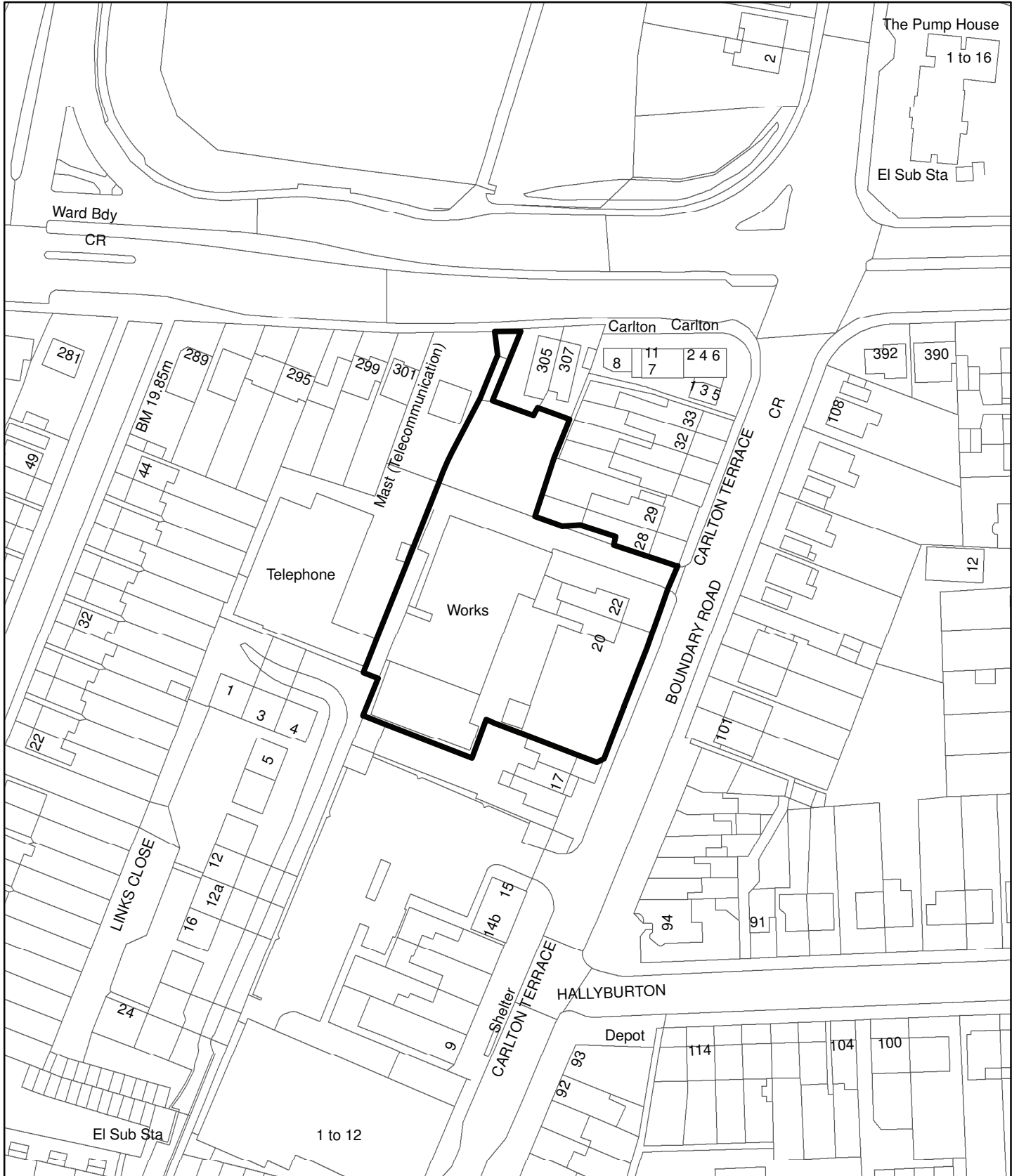
**9 CONCLUSION**

The loss of the industrial use is deemed appropriate and the use of the site for residential purposes acceptable in principle. However, the proposal for 45 retirement flats is deemed contrary to the Local Plan and NPPF as it does not propose good design representing an inappropriate form of development out of context with its surroundings, promote sustainable transport, provide a suitable mix of housing with an adequate provision of affordable housing or propose suitable measures to mitigate the impact of the proposal on the surrounding area.

**10 EQUALITIES IMPLICATIONS**

The new units are required to comply with Part M of the Building Regulations and the Council's Lifetime Homes policy.

# BH2011/03765 19-27 Carlton Terrace, Portslade.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**