

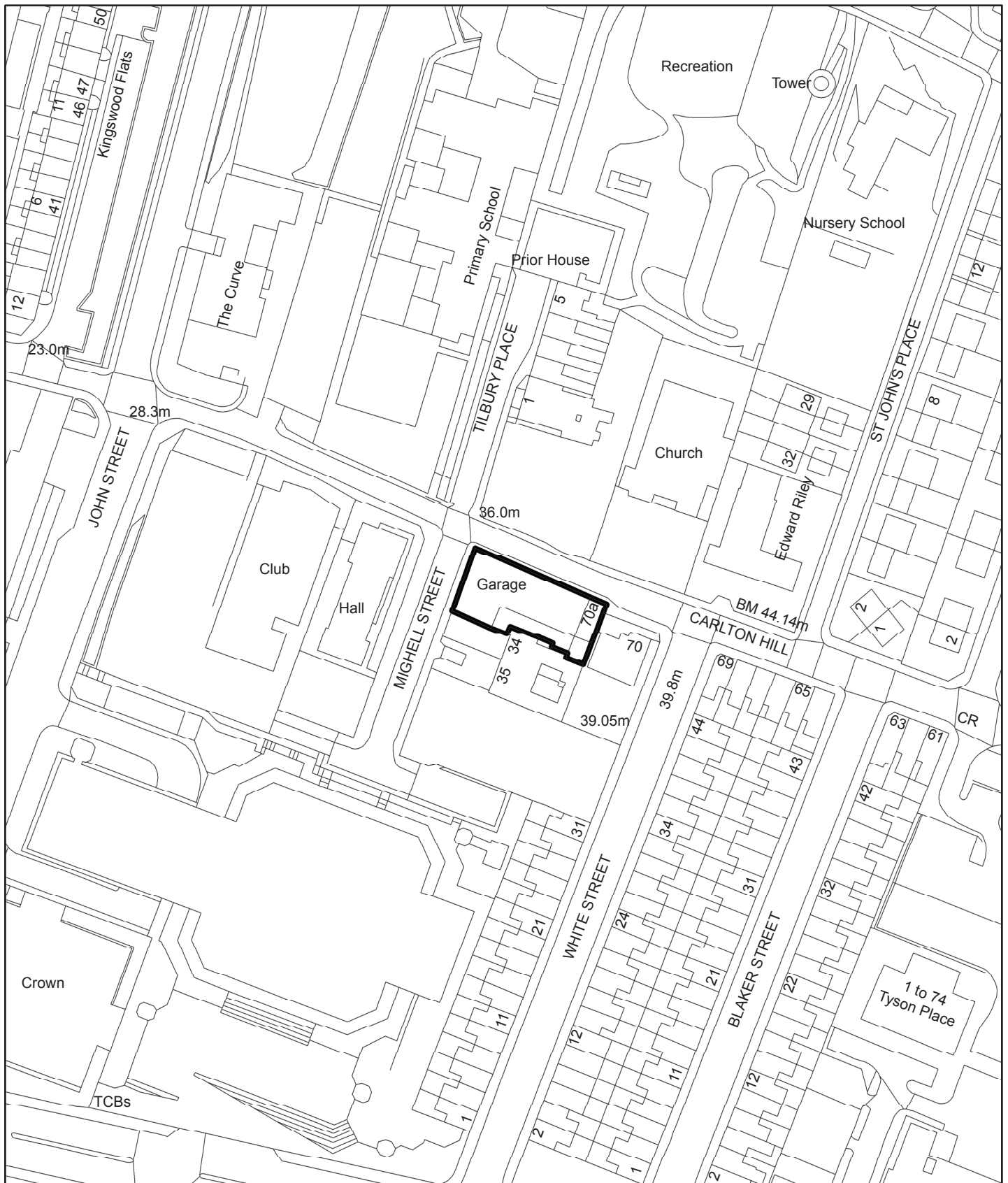
**PLANS LIST  
ITEM D**

**33 Mighell Street & 70a Carlton Hill, Brighton**

**BH2012/04086  
Full planning consent**

**15 MAY 2013**

# BH2012/04086 33 Mighell Street & 70a Carlton Hill, Brighton.



Scale: 1:1,250

<b>No:</b>	<b>BH2012/04086</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>33 Mighell Street and 70a Carlton Hill, Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.</b>		
<b>Officer:</b>	<b>Sue Dubberley Tel 293817</b>	<b>Valid Date:</b>	<b>24/12/2012</b>
<b>Con Area:</b>	<b>Carlton Hill</b>	<b>Expiry Date:</b>	<b>18/02/2013</b>
<b>Listed Building Grade:</b>	<b>N/A</b>		
<b>Agent:</b>	<b>Malcolm Lewis, Brgy Narra, San Manuel, Pangasinan, 2438</b>		
<b>Applicant:</b>	<b>Seinwood Investments Ltd, 51-53 Church Road, Hove</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves it is **MINDED TO GRANT** planning subject to the completion of a S106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the corner of Mighell Street and Carlton Hill. Carlton Hill is narrow and considerably steep and runs parallel with Edward Street. A high flint wall, in poor condition, partly bounds the site along the Carlton Hill elevation, although the wall extends below pavement level as ground levels of the site are considerably lower than the street. The site currently contains a vacant single storey building formerly in use as garage, car parking and a car wash. The site lies within the Carlton Hill Conservation Area in which high flint walls are noted as an important characteristic of the conservation area and the flint wall to this site forms a key grouping with the listed flint walls to number 1 Tilbury Place.
- 2.2 The area is characterised by a number of listed buildings of varying styles. Adjacent to the site and to the south is a Grade II listed flint faced building known as the Farmhouse which is subdivided into 2 dwellings; numbers 34 and 35 Mighell Street. No. 34 Mighell Street, closest to the proposal, is further subdivided into 2 flats and has windows to non-habitable rooms that face towards the site. To the west, on the other side of Mighell Street and just outside the conservation area, is the recently completed office block for American Express. To the immediate east at 70 Carlton Hill is a 2 storey late Victorian building, now in use as offices, which was originally the vicarage to the listed church opposite and whilst not a listed building, is considered to positively contribute to the conservation area and wider street scene.

- 2.3 On the north side of Carlton Hill opposite the site is Carlton Hill Primary School and Tilbury Place containing a Grade II listed terrace. The Grade II listed Greek Orthodox church is also located immediately to the north east of the site which is also in a prominent position.

### 3 RELEVANT HISTORY

**BH2212/04087:** Demolition of existing garage and front wall (undetermined – a report on this application is also on this agenda).

**BH2012/01812:** Demolition of existing garage and flint wall and construction of new part five and part four storey building comprising office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works. Withdrawn.

**BH2012/01811:** Demolition of existing garage and front wall. Withdrawn.

**BH2011/03221:** Demolition of garage and flint wall and erection of part 5 storey and part 6 storey block of 5no. 1 bedroom flats and 18no 2 bedroom flats and associated works. Withdrawn.

**BH2011/03222:** Demolition of existing garage and front wall. Withdrawn.

**BH2009/03077:** Demolition of existing garage and flint wall. Construction of a flint facing building between 4 and 7 storeys to accommodate 87 student units and reinstatement of flint wall. Refused 22/3/10.

**BH2009/03078:** Demolition of existing garage and front wall. Refused 22/3/10.

**BH2007/01443:** Demolition of garage and erection of part 5, and part 6 storey building comprising 13 flats and new office space (withdrawn).

**BH2006/03567:** Demolition of garage and erection of flats and offices (withdrawn).

**BH2005/01606:** Change of use of garage to car park (withdrawn).

**BH2003/00109:** Demolition of existing building. Construction of 9 flats and 200sqm of B1 office space (withdrawn).

**BH2000/00603:** Demolition of existing garage and construction of 3 – 4 storey block of 15 flats with vehicular access to rear via front garden of 34 Mighell Street (refused). Reasons for refusal related to loss of employment floor space, overdevelopment of the site, out of character with adjacent listed building and parking spaces on 34 Mighell Street being detrimental to amenity of occupiers.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garage and flint wall, rebuilding of flint wall and construction of new part five and part four storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.

- 4.2 The proposed development comprises of:

- Lower ground and part ground floor B1 office space (450sqm)
- Ground floor 1 x 3 bed unit
- First floor, 1 x 1 bed unit and 2 x 2 bed unit
- Second Floor 1 x 1 bed unit and 2 x 2 bed unit
- Third floor 2 x 2 bed unit

- 4.3 The development has a modern contemporary design with a flat roof and a mix of projecting and inset balconies the building which would steps up Carlton Hill respecting the steep gradient of the street. The new building would be set back from the street frontage behind the rebuilt flint boundary wall. The proposed materials are aluminium windows and brickwork with photovoltaic panels proposed on the flat roof. A lift would provide access to the upper floors

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **5 Stanley Street, 1, 10 St Johns Place, 21 The Curve, 64A, 67, Carlton Hill, 77, 105 Albion Hill, 8, 54 Toronto Terrace, Flat 1 (x2), flat 2, 34 Mighell Street, 31, 40 White Street, 62 Richmond Street,** objecting to the application for the following reasons:
- Not in keeping with the area, too tall and prominent and will overshadow the farmhouse in Mighell Street.
  - Poor design.
  - Lack of parking in the area and the building should remain as a public car park.
  - Already a substantial amount of residential development in the area.
  - Existing flint wall should not be demolished as it is a distinctive feature of the area.
  - Loss of the flint wall would be detrimental to the Carlton Hill Conservation Area.
  - Increase in traffic close to a primary school and centre for the deaf.
  - Increased parking pressure in the area.
  - Piecemeal development in the area should not be allowed.
  - Noise and disturbance during construction.
  - Residents have had to live with the construction of the Amex building for three years and the prospect of more building work is adding insult to injury.
  - City needs more affordable housing and not private flats.
  - Overdevelopment of a pleasant residential area.
  - Insufficient amenity space.
  - Loss of property value.
  - Concern that the flats maybe let out to students.
  - Overlooking overshadowing and loss of light to houses around it.
  - Not in keeping with the listed building next door.
  - Adding more flats to an area traditionally dominated by family housing.
  - Wall in front gives the appearance of a fortress should be an open landscaped frontage.
  - No parking provision and loss of a car park.
- 5.2 **CAG: Object:** Recommend refusal on the grounds that the massing of the building would have an unacceptable impact on the neighbouring historic farmhouse. Pitched roof is unsympathetic to the pitched roof of the historic farmhouse and roofscape should be improved and scaled down by a storey.

Stucco rather than brick would be more in keeping with the area. Concerned that the design of the wall would have a detrimental visual impact on the area, should be of the same quality as the original.

- 5.3 **The Environment Agency:** No comment.
- 5.4 **The Brighton Society:** Object: The proposed block of flats would completely dominate the adjacent listed Georgian farmhouse, making it look like toytown. The CAG have suggested a pitched roof which is a good idea providing the height is reduced by 2 storeys. The photograph of the proposed flint wall shows an appalling factory made blocks with flint set in concrete
- 5.5 **Head Teacher Carlton Hill Primary School:** Object:
- Would bring noise and general disruption from which the school suffered for nearly two years with the construction of the new AMEX building adjacent to the proposed development.
  - Increase in primary age children and the school is currently full and likely to remain so in the future.
  - Additional traffic adding to an already hazardous street.
  - Would like confirmation that residents of the development will not be entitled to a parking permit.
- 5.6 **Cllr Bowden:** Object: (see attached email).
- 5.7 **Cllr Powell:** Object: (see attached email)
- Internal:**
- 5.8 **Environmental Health:** Support: Approval, subject to conditions for potential land contamination and hours of opening for the office development.
- 5.9 **Heritage:** Support: This application has been subject to lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint boundary wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications.
- 5.10 **Planning Policy:** Support: The proposal increases the amount of employment floorspace, through the provision of B1 office space in line with the requirements of Policy EM2 of the Local Plan. It is a windfall site for housing, however the level of housing provision (9 units) falls before the threshold for affordable housing required by Policy HO2 and the proposal is therefore considered to comply with this policy. Regeneration of the existing dilapidated buildings on the site is in line with the aims of SPD04 and Policy DA5 of the emerging City Plan.
- 5.11 **Sustainable Transport:** Support: Recommended approval with conditions to protect the interests of the public using the roads and footways.
- 5.12 **Access Consultant:** The layouts are satisfactory.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings

## PLANS LIST – 15 MAY 2013

SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
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
QD4	Design – strategic impact
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM2	Sites identified for high-tech and office uses
EM3	Retaining the best sites for industry
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:

SPD 08 Sustainable Building Design

SPD 04 Edward Street Quarter

SPD Nature Conservation and Development

### Brighton & Hove City Plan Part One (submission document)

CP3	Employment Land
CP7	Infrastructure and Developer contributions
CP8	Sustainable Buildings
CP12	Urban Design
CP14	Housing Density
CP10	Biodiversity
CP16	Open space

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to are principle of the use, design and conservation, transport, amenity and sustainability matters.

### **Principle**

8.2 In considering the principle of the proposal, the relevant Local Plan policies include EM2 and EM3 as well as Supplementary Planning Document 04 Edward Street Quarter (SPD04). The application site is part of the Edward



Street Quarter and is allocated for B1 office and high-tech employment use under policy EM2 of the Local Plan and is within the area covered by SPD04. However, the current permitted use of the site is use class B2 therefore policy EM3 is also applicable

- 8.3 The application site lies within the broader 'Amex House and adjacent land' site identified in Policy EM2 of the Local Plan. The policy states that planning permission will be granted for use classes B1 (a) and (b) on the site. The proposal includes 450m<sup>2</sup> of B1 office space, which represents an increase on the existing 407m<sup>2</sup> of employment floorspace, classified as B2 (garage for vehicle repairs). In addition the existing B2 use is not considered to be compatible with the residential properties which immediately adjoin the site and the proposal to replace the existing floorspace with B1 office space is considered to be more neighbourly than the existing use. The proposal therefore complies with policy and the application is acceptable in this respect.
- 8.4 SPD04 Edward Street Quarter seeks to 'facilitate employment-led redevelopment, which will retain the existing Amex House, residential properties on White Street and the listed building at 34/35 Mighell Street and improve what is presently considered to be an area of poor environmental quality.' SPD04 indicates that its primary purpose is to drive the economic regeneration of the site as a strategic employment site and that residential development on the site will be acceptable as part of a mixed-use employment-led scheme. The proposal is therefore in line with the aims of the SPD.
- 8.5 The use of the site for part residential use in this location is considered acceptable in principle where there are number of existing residential uses in the vicinity, for example 34 and 35 Mighell Street and the residential terraced housing in nearby White street.

**Design and impact on the Carlton Hill Conservation Area and adjoining listed building**

- 8.6 Previous proposals for this site which were either refused or withdrawn were considered unacceptable on design grounds for a number of reasons related to the scale and height of the development and its harmful impact on the setting of listed building and the appearance of the Carlton Hill conservation area. This application has been the subject of lengthy pre-application discussions and is considered to have resolved the previous major issues of concern. In particular the setting back of the building from Carlton Hill, with the flint wall rebuilt as a boundary wall, is considered to be a substantial improvement over previous applications. It is acknowledged that this is a difficult site to develop due to the change in ground levels, the existing flint wall and the potential impact on designated heritage assets.
- 8.7 The Heritage Officer now considers that subject to details the proposal as submitted would enhance the appearance of the conservation area. It is acknowledged that a result of its scale and height, the development would cause some harm to the setting of the listed farmhouse at 34/35 Mighell

Street. However, this harm would be outweighed by the public benefits of bringing a derelict site in the Carlton Hill Conservation Area site back into use.

- 8.8 It is now considered that the footprint, scale, height and massing of the building are acceptable in the street scene. From Carlton Hill the parapet of the proposed building would be just above the eaves level of 70 Carlton Hill and would step down the hill so that, at its western end, the parapet would be approximately 1m higher than the corner of the new Amex offices immediately opposite, which is appropriate given the sloping site. The new building would appear appropriate in scale in the key view looking west down Carlton Hill. It would be well below the height of the listed Greek Orthodox Church on the opposite side of Carlton Hill and so would preserve the setting of the church. From Mighell Street the new building would be set just over 1m further away from the listed farmhouse than the new Amex data building. The front parapet line would be about 3.5m higher than that of the Amex data building and the full height would be about 2.5m above the ridge of the Amex data building, but this largely reflects the change in ground level due to the sloping site and is therefore considered acceptable.
- 8.9 Initially there was some concern that while the Heritage Officer believed that the western line of the building was appropriate in relation to the site context, this could not be confirmed because the footprint of the Amex data building was not shown on plan. Amended floor plans now show the Amex Data Building, which confirms that the proposed development would be set back from that building line and the proposed building line on Mighell Street can now therefore confirmed as acceptable.
- 8.10 The horizontality of the Carlton Hill elevation is successfully broken down vertically by three recessed sections that provide recessed balconies and, in one, the residential entrance area. It will be important that the windows themselves are recessed into fairly deep reveals and a condition requiring larger scale details of the windows forms part of the recommendation. The entrance to the residential accommodation has been given greater prominence and legibility, addressing concerns with the previous applications and is now acceptable. Following negotiations the Carlton Hill elevation has been amended and the revised elevations show glazed balcony balustrades in place of brick which has added more detail and reduced the amount of brickwork on this elevation. The elevation is now considered satisfactory.
- 8.11 The materials, red brick and flint, appropriately reflect the local context however the choice of brick will be very important and a condition requiring samples of materials therefore forms part of the recommendation. It is acknowledged that the existing high flint wall is in poor condition and has been subject to many poor quality repairs and that it could not simply be retained and repaired. On this basis there is no objection to the demolition and rebuilding of the wall. However it is important that the existing flints should be re-used and the wall should have a sloping rendered coping. Consideration should also be given to the retention of the lower part of the flint wall where it forms the retaining wall to the footway or it could perhaps be restored to form

an internal feature within the office space. To ensure the quality of the replacement flint wall conditions are recommended requiring the submission of a method statement for demolition and rebuilding of the flint wall, including extent of demolition and the proposed mortar mix; that existing flints must be re-used; that the flint wall must have a rendered coping; and for the construction of a sample panel of new flint wall on site for approval.

- 8.12 The south elevation, facing the farmhouse, is the most problematic due to the additional storey height arising from the change in ground level and the need to avoid overlooking of the flats in the farmhouse. It is broken up into vertical divisions by shallow set-backs, which helps to relieve its stark bulk in relation to the listed farm house and give it some shadow lines. The office fenestration is considered acceptable.
- 8.13 Following the amendments made to the application the design is now considered to have overcome previous concerns related to the scale and height of the development and its previous impact on the setting of listed building and the appearance of the Carlton Hill conservation area and this aspect of the application is considered to be acceptable.

**Impact on Amenity:**

- 8.14 The applicant has submitted a detailed Daylight and Sunlight Analysis assessing the impact of the proposal on the nearest residential properties likely to be affected by the development, 12 Tilbury Place and 34 and 35 Mighell Street. The report uses the Building Research Establishment (BRE) Guide to Daylight and Sunlight to assess loss of light. The BRE guidelines are intended to be used for adjoining residential properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight.
- 8.15 The assessment undertaken in respect of the impact on the development at 12 Tilbury Place, demonstrates in terms of loss of light, the proposal is considered to have a minimal impact on this property. The results show that the impact on sunlight will be small and is within the BRE guidelines.
- 8.16 The daylight and sunlight assessment asserts that the windows which serve habitable rooms in the ground floor flat of 34 Mighell Street face south therefore are largely unaffected by the development. The windows on the northern flank wall of 34 Mighell street which face onto the application site serve hallways of stairwells which are not habitable rooms and therefore have not been included in the assessment. The impact on principal windows on the front and rear of the building has been assessed and while there is a marginal impact on a window on the front elevation the averaged daylight factor is still over double the recommended minimum. The overall conclusion of the report is that there would be no material impact on the property and good levels of daylight will be retained.
- 8.17 The impact on the adjoining property 35 Mighell Street which lies further away from the development has been assessed as having no impact in relation to

sunlight and in regard to daylight the impacts are small and comply with BRE guidelines.

- 8.18 There is no evidence to suggest the findings of the report are incorrect and therefore this aspect of the scheme is considered acceptable.
- 8.19 In terms of potential overlooking the new building would be set 2.5m way from the flank wall of 34 Mighell Street which reflects the gap between the listed buildings and the existing American Express building on the southern side. The footprint of the new building is smaller than the existing garage on the site. As stated above there are no habitable windows on the side flank wall of 34 Mighell Street and while there maybe some oblique view towards the front of the 34 Mighell Street this would be considered acceptable in this high density city centre location and would not be so harmful as to warrant refusal of permission on these grounds.

Standard of accommodation

- 8.20 The proposed internal layout of the flats is considered to be acceptable and would provide satisfactory accommodation.
- 8.21 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. It is acknowledged that the size and configuration of the site lends itself to limited opportunities for provision of private amenity space. However, the proposal is considered to comply with Policy HO5 as all dwellings have outdoor space, predominantly in the form of usable balconies, with the larger unit on the ground floor having a small private garden.
- 8.22 Policy HO13 requires all of the residential units to be Lifetime Home compliant and the plans indicate that all the residential units would all be built to Lifetime Homes standards. A condition to ensure Lifetime Homes standards are met are therefore recommended.

**Sustainable Transport:**

- 8.23 Due to site constraints the proposal offers no off-street parking. SPD04 encourages sustainable transport modes and advocates minimal parking provision whilst policy TR1 seeks to promote sustainable modes of transport.
- 8.24 The Traffic Engineer considers that the change of use from a car wash to office and residential use will significantly increase the number of pedestrians using the footway network; the increase in employees alone at the site due to the change in commercial use is likely to increase pedestrian movement to and from the site by ten fold from under 4 to 40. The Traffic Engineer therefore has recommended that a financial contribution of £10,500 is made to improve the pedestrian facilities , public transport links providing dropped kerbs and tactile paving at locations east and west of the site along the Kingswood Road to Carlton Hill corridor .

Cycle Parking

- 8.25 The Traffic Engineer has commented that while there are 24 cycle parking spaces detailed in the proposals they appear to be inadequately spaced and therefore a condition is recommended requesting further details of the cycle parking.
- 8.26 The proposal does not include any car parking space for blue badge holders. The City Council's Parking standards (SPG4) requires developers to provide 5 spaces for this proposal (when considering the 450m<sup>2</sup> B2 floorspace only). It is however acknowledged that there is existing disabled parking in the vicinity of the site in Tilbury Place, John Street and White Street. Blue badge holders can also access the site by parking on double yellow lines for up to 3 hours on Mighell Street and Carlton Hill (adjacent and east of the site). In view of this the Traffic Engineer considers that it would be unreasonable to object to this proposal on the absence of on-site disabled parking due to the existing provision available in the area.
- 8.27 The proposed development is close to local services and public transport and is within a controlled parking zone; therefore, to accord with the City Council's Local Plan policy HO7 conditions are recommended to prohibit residents from being eligible for parking permits and requiring the development to be genuinely car-free.

Approval In Principle (AIP)/Structural Issues

- 8.28 The Traffic Engineer has commented that it would appear that a retaining wall is required to support the highway along Carlton Hill. It is requested that a drawing with appropriate cross-sections is provided to confirm the height of the wall and condition 2 is attached. The wall could be over 5.0m high and therefore an Approval in Principle (AIP) could be required and an informative is therefore attached.
- 8.29 There are cellars that extend northwards under the highway along Carton Hill from No 70a. The cellars are not shown on the plans but are mentioned in the environmental review submitted with the application. There is no indication as to whether they are retained and whether access can be retained to inspect the supporting highway structures and if the cellars are to be abandoned they should be backfilled as part of the scheme. This is to ensure there is adequate support provided to the adopted highway. The applicant is however uncertain at this stage as to whether or not they would be retained or backfilled therefore for an appropriate condition requiring further details forms part of the recommendation.

**Sustainability:**

- 8.30 A sustainability check list has been submitted which states will be used to achieve CSH Code Level 4. A sedum roof is proposed. The checklist confirms that the commercial element will undergo a BREEAM assessment and BREEAM 'Very Good' rating will be sought. This aspect of the scheme can be secured by appropriate conditions.

- 8.31 Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

**Other Considerations:**

- 8.32 There is likely to be some land contamination related to previous and historic uses. Environmental Health has considered the Environmental Review submitted with the application and has raised no objection subject to conditions for potential land contamination and restrictions on the hours of opening for the office development and deliveries.
- 8.33 It is noted that while the Environmental Health Officer has also commented that the application site has extremely close and occupied residential properties, known for the complaints received during the construction of the new American Express office and data building. For this reason it is recommend the use of a Construction Environment Management Plan (CEMP) to be achieved through the section 106 process. However while it is noted that the Amex development has caused issues for local residents it is considered that the application is not large enough to justify a CEMP.

**9 CONCLUSION**

- 9.1 The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area, the Clifton Hill Conservation Area or the setting of the adjoining listed buildings, subject to conditions and Section 106 obligations. The development will not have a significantly detrimental impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

**10 EQUALITIES**

- 10.1 The residential units would be built to Lifetime Homes standards. The Access Officer considers the layouts to be satisfactory.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Planning Obligation:**

**Section 106 to secure:**

- A contribution of £10,500 to improve the pedestrian facilities , public transport link providing dropped kerbs and tactile paving at locations east and west of the site along the Kingswood Road to Carlton Hill corridor

**11.2 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.

PLANS LIST – 15 MAY 2013

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location plan	No number		24/12/12
Block plan	1201/01		24/12/12
Existing site plan	1201/02		24/12/12
Existing elevations	1201/03		24/12/12
Existing elevations	1201/04		24/12/12
Lower ground floor	1201/05	A	10/02/13
Ground floor plan	1201/06	A	10/02/13
First floor plan	1201/07	A	10/02/13
Second floor plan	1201/08	A	10/02/13
Third floor plan	1201/09	A	10/02/13
Proposed elevations	1201/10	B	27/02/13
Proposed elevations	1201/11		24/12/12
Contextual elevations	1201/12	A	10/02/13
Contextual elevations	1201/13		24/12/12
Proposed elevations street view	1201/14	B	27/02/13
Entrance details	1201/05	A	27/02/13

3. The office uses (B1) located at the lower ground floor and ground floor shall not be in use for hours other than 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays.

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

4. Deliveries shall not be made to or from the office premises between the hours of 08:00 hours to 18:00 hours Monday to Friday and 09:00 hours to 17:00 hours Saturdays.

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

5. Unless otherwise agreed in writing, 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 needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6. The existing flints from the flint wall to be demolished shall be re-used within the new flint wall which shall have a rendered coping.

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

7. No pipework, meter boxes, flues or aerials shall be fixed to any elevation fronting a highway.

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

11.3 Pre-Commencement Conditions:

8. 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 4 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 4 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.

9. 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

10. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants 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 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

11. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as



set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
  - a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

12. No development shall commence until full details of the retaining boundary wall structure, including cross section, depth of footings, retained height, thickness of wall and construction materials, have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure the stability of the adjacent pavement and to comply with Policy TR7 of the Brighton & Hove Local Plan.

13. Prior to the commencement of the development, details of the treatment of the existing cellars in front of the development including any scheme of works to backfill the cellars shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the commencement of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interest of highway safety and to comply with policies, TR7 and TR8 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not begin 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.

15. 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 HE6 of the Brighton & Hove Local Plan.

16. No works shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority.
- 1:20 scale details of all boundary walls and gates.
  - 1:20 scale details of the refuse store doors and cycle store doors.
  - 1:20 scale details of the front entrance canopy.
  - 1:20 scale sample section through window openings to confirm depth of reveals.
  - Details of downpipes.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

17. No development shall take place until a method statement for demolition and rebuilding of the flint wall, including extent of demolition and the proposed mortar mix has 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:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

18. No development shall take place until a sample panel of new flint wall has been constructed on site 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:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

#### 11.4 Pre-Occupation Conditions:

19. 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.

20. 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 4 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.

21. 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 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.

#### 11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, 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 will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area, the Clifton Hill Conservation Area or the setting of the adjoining listed buildings, subject to conditions and Section 106. The development will not have a significantly detrimental impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.
3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

## PLANS LIST – 15 MAY 2013

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.

4. The applicant is advised that the scheme required to be submitted by Condition 14 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
5. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. Please contact the Council's Highway Engineering & Projects Team for further information. Specifically Bo Furdas (Senior Project Engineer), Tel: 01273 292 237, Email: [bo.furdas@brighton-hove.gov.uk](mailto:bo.furdas@brighton-hove.gov.uk)



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

From: Stephanie Powell  
Sent: 19 February 2013 19:37  
To: Planning Applications; Geoffrey Bowden; Ben Duncan; Planning Comments  
Cc: Sue Dubberley  
Subject: BH2012/04086 QP

[http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application\\_number=BH2012%2F04086](http://www.brighton-hove.gov.uk/index.cfm?request=c1199915&action=showDetail&application_number=BH2012%2F04086)

Dear Planning Team,

Please note my objection to the above Planning app, which has been presented in my ward.

I have just spoken with my two ward colleagues, who are equally against this. I expect you will need their separate objections in writing to you (in fact, I've just seen Cllr Bowden's email).

As a collective voice, we are against this app for a number of reasons:

1. This area geographically, has suffered much in the way of noise nuisance and disruption over the past couple of years, due to the erection of the new AMEX building right next door. It is unfair to put residents and those using the area for school, etc through the same misery and disruption all over again. Whilst such disruption may not a planning consideration when assessing the merits of a scheme, continual noise (as has been experienced in this area) should be.

2. The building of office space combined with housing is just not suitable in this tiny area. It is better suited to stay as is for now. If the Edward St plans go ahead, then office/housing space will be offered just around the corner from this spot.

3. Sue Dubberley, Senior Planning Officer has, I'm told, received 19 objections to this application from local residents. They are mainly concerned with the increased pressure on parking, which if allowed through, would present to this area. I totally agree with them.

4. Residents also object (as I do), to the design of the new building.

This very small vicinity of the city is busy. It has its share of residents, plus a primary school, the Sussex Deaf Association, the Greek Orthodox church (and local Greek community who visit this area regularly), and the well used (and very much needed in these economically harsh times) BUCFP - just over the road in Tilbury Place. This area already has/continues to experience, a disrupted/noisy time due to the AMEX build. Allowing this app through NOW will add to that misery.

In short, this Planning app is badly timed, and in my view, should not be considered.

Regards,

Cllr Stephanie Powell  
Green Councillor for Queens Park Ward



PLANS LIST – 15 MAY 2013

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**From:** geoffrey.bowden@brighton-hove.gov.uk  
**Sent:** 19 February 2013 18:41  
**To:** Planning Comments  
**Subject:** Planning Application BH2012/04086 - comment

## **Planning Application - BH2012/04086**

I object to the Planning Application

### **Sender's details**

Cllr Geoffrey Bowden  
King's House, Grand Avenue, Hove  
BN3 2LS  
01273 291988  
geoffrey.bowden@brighton-hove.gov.uk

### **Comment**

As a ward councillor I am concerned that this application constitutes over development of the site. I am particularly concerned that there is no travel plan accompanying the application and that the combination of workspace and residential units will add to local traffic and place further pressure for on street parking in the controlled parking zone area. For these reasons I am objecting to this application.