

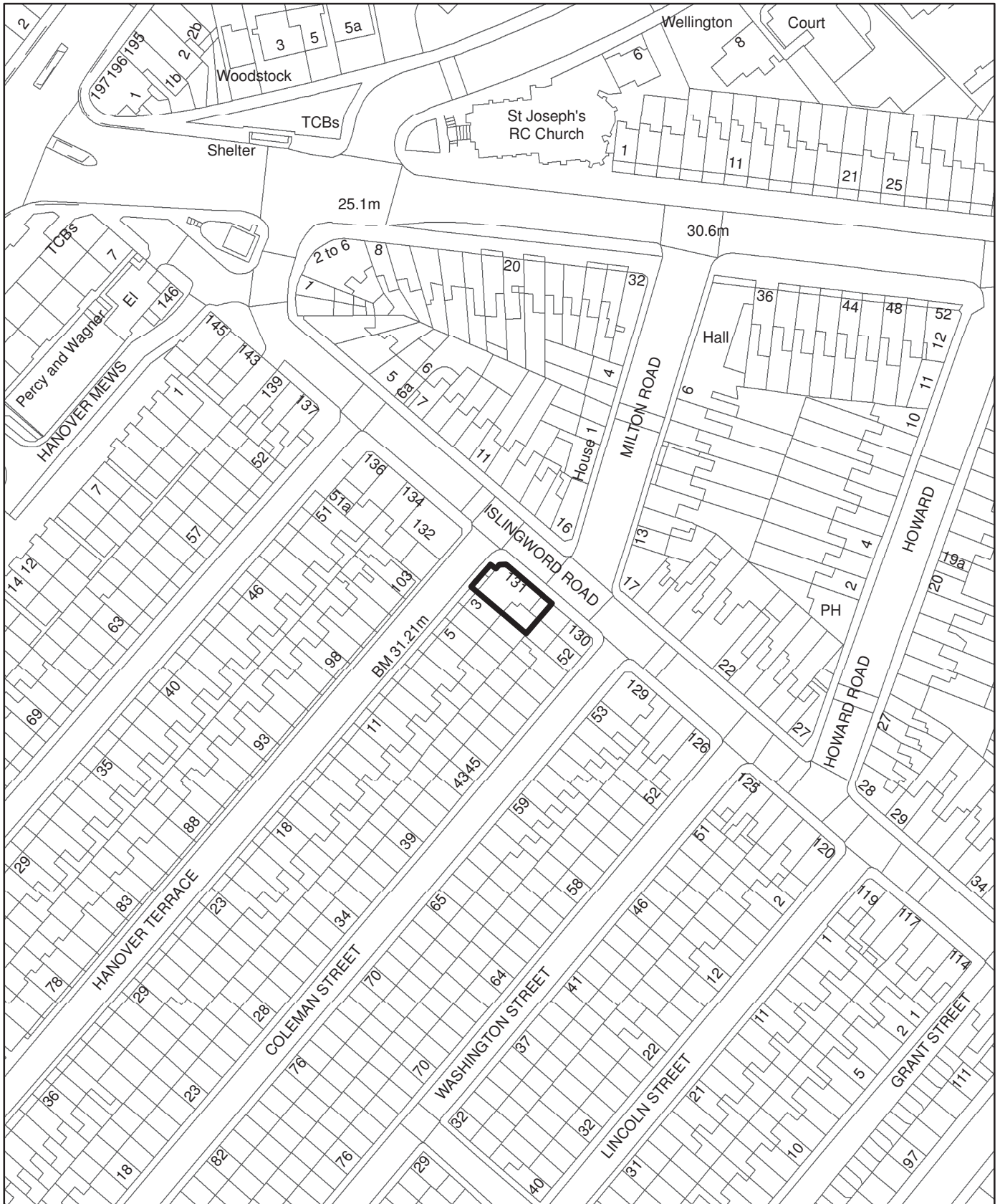
ITEM C

131 Islingword Road, Brighton

**BH2013/02995
Full Planning**

20 NOVEMBER 2013

BH2013/02995 131 Islingword Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02995	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	131 Islingword Road Brighton		
<u>Proposal:</u>	Conversion of existing public house (A4) to form 1no two bed and 1no three bed dwelling including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	05/09/2013
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	31/10/2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	ARCH-angels Architects Ltd, 128 Edward Street , Brighton BN2 0JL		
<u>Applicant:</u>	CIP (Hampstead) Ltd, Mr Lewis Davis, 51 New Cavenish Street, London W1G 9TG		

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 to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two storey building situated on the corner of Islingword Road and Hanover Terrace. The building is currently used as a public house, and the rear curtilage of the site is used as an outdoor yard area for patrons of the public house.
- 2.2 This application site lies on the edge of the Valley Gardens Conservation Area, which generally comprises the open spaces that run from the Old Steine to Park Crescent and the buildings that front onto those spaces, which are predominantly late 18th and 19th century. Hanover Terrace and Hanover Street were constructed at the same time as the grand houses of Hanover Crescent (1820s) as small scale terraced artisan housing to house the growing service workers. The lower end of Islingword Road was originally mixed commercial and residential uses but is now predominantly residential. This property is a typical corner public house of the period and has a typical and well preserved Victorian pub frontage.

3 RELEVANT HISTORY

90/1171/F: Single storey rear extension to form new male and female toilets – granted 02/10/90

4 THE APPLICATION

- 4.1 Planning permission is sought for the conversion of the existing public house (A4) to form 1no two bed and 1no three bed dwellings including erection of new front garden wall, formation of light wells to front and rear elevations, alterations to fenestration and associated works.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Thirty (30) letters of representation have been received from **9, 29 & 37 Islingword Road, 6, 32, 78, 85 & 86 Hanover Terrace, 27 Hanover Street, 139 Elm Grove, 2 & 46 Hampden Road, 83 Southover Street, 8 Agnes Street, 54 & 91 Coleman Street, 1 & 9 Milton Road, 166 Upper Lewes Road, 19 Stanley Street, 22 Woodland Way, 57 Ewart Street, 17 Norman Road, 35 Carden Avenue, 6 Crown Close Palmeira Avenue, 12 Talbot Terrace Lewes, 2A City Road Norwich, 232 Burrage Road and 207 Massingberd Way (both London), and an unknown address, objecting to the application for the following reasons:**

- Would remove the social ad community benefits of the local pub;
- Too many public houses are being closed;
- Loss of employment;
- Loss of community facility is contrary to policy and there is case law to support this;
- The viability of the existing use should be fully assessed;
- Dwellings could be used as HMOs which the Council is trying to restrict;
- Poor proposed accommodation with insufficient amenity space and lack of light and privacy in basement level;
- Area is already over-populated;
- Would put pressure on parking situation;
- Noise and disturbance;
- Problems of fly-tipping, rubbish.

- 5.2 **Nine (9)** letters of representation have been received from **6, 9, 16, 20, 92, 96, 98, & 101 Hanover Terrace** with an identical format, and an individual letter from **73 Southover Street**, in support of the application.

Internal:

5.3 Environmental Health:

The historical maps have been viewed and in 1908 there was once a chemists and druggists at 131 Islingword Road, next door to the location of the proposed development. Such uses may have caused localised land contamination. Therefore, as a precaution, a contaminated land discovery strategy is recommended as an informative for this development just in case any previously unsuspected contamination is found during works.

5.4 Access: No objection

The clear width of the entrance doors should be 800mm. There should be 300mm clear space at the leading edge of all doors at entrance level. There should be an accessible WC at entrance level of both units.

5.6 Heritage:

The proposed change of use to residential and loss of the traditional corner commercial use is regrettable and would cause some minor harm to the character of the Conservation Area but it is noted that externally it is intended to retain the building largely as existing on the street frontages and therefore, in principle, the appearance of the Conservation Area would be largely preserved.

5.7 The main external alterations affecting the street scene would be the formation of two light wells on the Hanover Terrace frontage and the erection of a front boundary wall to serve the southern unit. These are to be covered light wells but it is not clear what material or finish it be used to form the covering and what the adjacent paved surface will be formed of. More detail is needed of this and could be secured by condition. The boundary wall should have a short pillar at each corner, with pillar caps, as can be seen elsewhere in Hanover Terrace.

5.8 It would also be a mitigating visual improvement if the existing high wall between the site and number 3 Hanover Terrace were to be reduced to the same height as the proposed front boundary wall. This wall was presumably raised in height in the past to form a privacy barrier to the pub forecourt but it should no longer be necessary.

5.9 Planning Policy:

The proposal would not be detrimental to the provision of community facilities in the area. Housing provision is an appropriate alternative use.

5.10 Policies HO20 of the Local Plan and SA6 of the City Plan seek the retention of community facilities; this includes public houses in accordance with the NPPF. The applicant has submitted a map showing 6 pubs within walking distance and 6 further pubs in the Hanover area; this shows that the area is adequately supplied with public houses. Given this local supply, the loss of this establishment – whilst regrettable in itself – would not be detrimental to the provision of community facilities in the area and would be in accordance with the aims of this policy.

5.11 Policy HO20 attaches a priority for former community facilities to be used as residential and mixed-use schemes. The proposal for residential units is therefore in accordance with this policy.

Policy HO3 seeks to ensure that proposals for residential conversions incorporate a mix of dwelling types and sizes that reflects Brighton & Hove's housing needs. The most recent Housing Requirements Study (Oct 2012) indicates that there is a particular need for 2 and 3 bedroom homes in the city. This conversion would make a small but welcome contribution to the housing needs of the city, set out in policy CP1 of the City Plan.

5.12 Sustainable Transport:

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

5.13 Pedestrian & Mobility Impaired Access: Access is via Hanover Terrace and Islingword Road and is acceptable.

- 5.14 Cycle Parking: The applicant proposes a cycle parking space in the garden of each of the house that is shared with refuse storage and amenity space. Access to all of these is unclear especially when a cycle is parked in the indicated areas. It is also unclear how cycles are to be secured and if the length/ dimensions are adequate. The Highway Authority therefore requests that the applicant submits a drawing to the Planning Authority for approval that details dimensions of the space and access to the proposed cycle parking / refuse and amenity spaces. Ideally this should be submitted prior to determination, but if this cannot be the case the condition below should be attached. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.15 Disabled Parking: Parking standards SPG4 require applicants to provide 1 disabled parking space for developments that are 10 dwellings or more therefore the proposed level (nil) of disabled parking spaces is acceptable.
- 5.16 Car Parking: The applicant proposes no parking on site. If additional parking is generated by the proposed development this would occur on the highway. It is forecast that parking associated with this size of development is unlikely to be significant enough to warrant a recommendation for refusal. Therefore the Highway Authority does not wish to object on these grounds.
- 5.17 Trip generation/Highway Impact: The change of use from a public house to 2 dwellings is unlikely to generate additional trips to the site and in the vicinity.

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) is a material consideration.
- 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
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of conversion, the impacts of the works on the character and appearance of the property and the Conservation Area, the standard of

accommodation to be provided, its impact on the amenities of adjacent occupiers, and sustainability and transport issues.

Principle of conversion

- 8.2 A proposal involving the loss of a public house use, which is defined as a community use by the NPPF, must be considered having regard to policy HO20 of the Brighton & Hove Local Plan which states that:
- 8.3 *'Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.'*
- 8.4 *Exceptions may apply when:*
- a. the community use is incorporated, or replaced within a new development; or*
 - b. the community use is relocated to a location which improves its accessibility to its users; or*
 - c. existing nearby facilities are to be improved to accommodate the loss; or*
 - d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*
- Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.'*
- 8.5 A public house can serve an important community function and the loss of such a facility could be to the detriment of the community as a whole. In the case of the application site, the public house is one of many in the locality (the applicant has identified 6 other public houses within walking distance of the application site) and the locality is also well connected to the community facilities of the wider city. Therefore it is considered in this particular case that the loss of the public house whilst regrettable in isolation, would not be contrary to the objectives of policy HO20, City Plan Policy SA6 or the objectives set out in the NPPF in this case.
- 8.6 As a replacement use, the proposed residential use is considered to be in compliance with the preferred alternative uses set out in policy HO20. The proposed residential units would contribute to meeting the housing needs of the city and would be in keeping with the prevailing residential character of the immediate area surrounding the site. The principle of the proposed development is considered to be acceptable; detailed considerations relating to the proposed use are addressed below.

Design and Appearance

- 8.7 The application property is a typical corner public house of the period and has a typical and well preserved Victorian pub frontage. Although external alterations are proposed, it is intended to retain the building largely as existing on the street frontages and therefore, in principle, the alterations would not significantly detract from the appearance of the Conservation Area.

- 8.8 In terms of the street scene, the proposal includes the formation of two additional light wells on the Hanover Terrace frontage which are to be covered. It is not clear from the drawings what material or finish would be used for the covering and what the adjacent paved surface will be formed of. A condition is recommended to secure additional details.
- 8.9 The proposed erection of a low lying boundary wall on the eastern boundary should have a short pillar at each corner, with pillar caps, to match elsewhere in Hanover Terrace. This could be conditioned for further details.
- 8.10 The Heritage Officer has highlighted that a mitigating visual improvement would be if the existing high wall between the site and number 3 Hanover Terrace were to be reduced to the same height as the proposed front boundary wall. However this does not form part of the proposal and so cannot be conditioned.

Standard of accommodation

- 8.11 Policy HO13 requires residential units to be lifetime home compliant. When dealing with conversion of existing properties it is recognised that the existing building form of the property may restrict full compliance with the policy but compliance should be sought wherever possible. This enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. Applicants are expected to demonstrate that, wherever practical, the Lifetime Homes criteria have been incorporated into the design. The proposed units appear to meet many of the Lifetime Homes criteria. It should be noted that both units would have accommodation at basement and first floor level.
- 8.12 The size of the residential units is considered acceptable. The units would have good size rooms, and so would not form cramped accommodation. Currently, the basement has lightwell windows that provide light and ventilation. New covered lightwells are proposed to improve the light and ventilation in the basement area. The accommodation at this level would not benefit from additional windows providing outlook at the front. However, given that accommodation is provided at ground and first floor levels which is considered appropriate, it is not considered a refusal on this basis could be sustained.
- 8.13 Policy HO5 requires the provision of private useable amenity space in new residential development. The scheme includes rear garden space of a suitable size for each unit and is deemed to comply with the policy.

Impact on Neighbouring Amenity

- 8.14 The proposed residential units would result in comings and goings and some noise emanating from the building. Such noise and activity would be in keeping with the residential character of the surrounding area and would not cause harm to neighbouring amenity. Any potential noise or disturbance from the proposed use would not be significantly greater than what could occur from the existing public house use.
- 8.15 The proposed lightwells, replacement door and new garden wall would not result in any significant impact on the amenity of neighbouring properties.

Sustainable Transport

- 8.16 The Transport Officer has commented in detail upon the application. In regard to transport impact, having considered the likely trip generation associated with the existing public house use, it has been determined that the proposed use is unlikely to result in a significantly increased level of trip generation. A contribution towards sustainable transport infrastructure in the vicinity of the site is therefore not sought in this case.
- 8.17 No on-site car parking is proposed; this is in compliance with local plan policy and guidance which sets out maximum parking standards rather than minimum. There is no parking restriction on this street. It is considered that the proposal would not significantly increase parking demand, generate additional travel demand over the existing use, or materially impact on existing highway conditions compared to the existing use.
- 8.18 In regard to cycle storage, the proposed cycle parking is in the rear yard for Unit 2, and on the east elevation behind the proposed low lying front wall for Unit 1. The proposed cycle storage for Unit 1 is not ideal as it would be visible from the street; however given that there is no external access to the rear yard of Unit 1, it is considered that this is the most appropriate position. It is not clear that these spaces could be easily accessed and what they would consist of; therefore it is recommended that further details be secured by planning condition.

Sustainability

- 8.19 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Furthermore, for a development of this scale SPD08 (Sustainable Building Design) recommends the proposal incorporates a sustainability checklist, an EST Home Energy Report and reduction in water consumption, and minimisation of surface water run-off. A sustainability checklist has been submitted stating that the proposal would include internal floor and roof insulation, and a boiler upgrade. Further information could be conditioned.
- 8.20 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. This is proposed to be stored in the rear yard for Unit 2 and on the east elevation behind the proposed low lying front wall for Unit 1. This can be conditioned.

Environmental Health

- 8.21 According to the Environmental Health Team, there was once a chemists and druggists at 131 Islingword Road. Such uses may have caused localised land contamination. Therefore, as a precaution, a contaminated land discovery strategy is recommended as an informative in case any previously unsuspected contamination is found during works.

9 CONCLUSION

- 9.1 The principle of the proposed development is considered acceptable in this case. The proposed external alterations would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, and potential land contamination would be successfully addressed. Approval is therefore recommended.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Existing site plan	E01		03 September 2013
Existing plans	E02		30 August 2013
Existing elevations	E03		30 August 2013
Proposed site plan	P01		30 August 2013
Proposed plans	P02	A	01 October 2013
Proposed elevations	P03		03 September 2013
Existing pubs	P04		10 October 2013

- 3) The reinstated entrance door to the northern unit (Unit 2) hereby permitted shall exactly match the design and detailing of the existing doors.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 4) 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 to households and to comply with policy TL013 of the Brighton & Hove Local Plan.

- 5) No development shall take place until full details of the two additional light wells have been submitted to and approved in writing by the Local Planning Authority, including the material and finish for the covering and what the adjacent paved surface will be formed of. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 6) No development shall take place until full details, including a 1:20 drawing, of the boundary wall hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The boundary wall shall have a short pillar at each corner with pillar caps, to match exactly the street scene. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.
- 7) Notwithstanding the submitted details, 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 Plan.
- 8) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include an EST Home Energy Report, and how the development would reduce water consumption and minimise surface water run-off. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 9) 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.

11.4 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 principle of the proposed development is considered acceptable in this case. The proposed external alterations would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, and potential land contamination would be successfully addressed.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for: a method statement to identify, risk assess and address the unidentified contaminants.
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

