

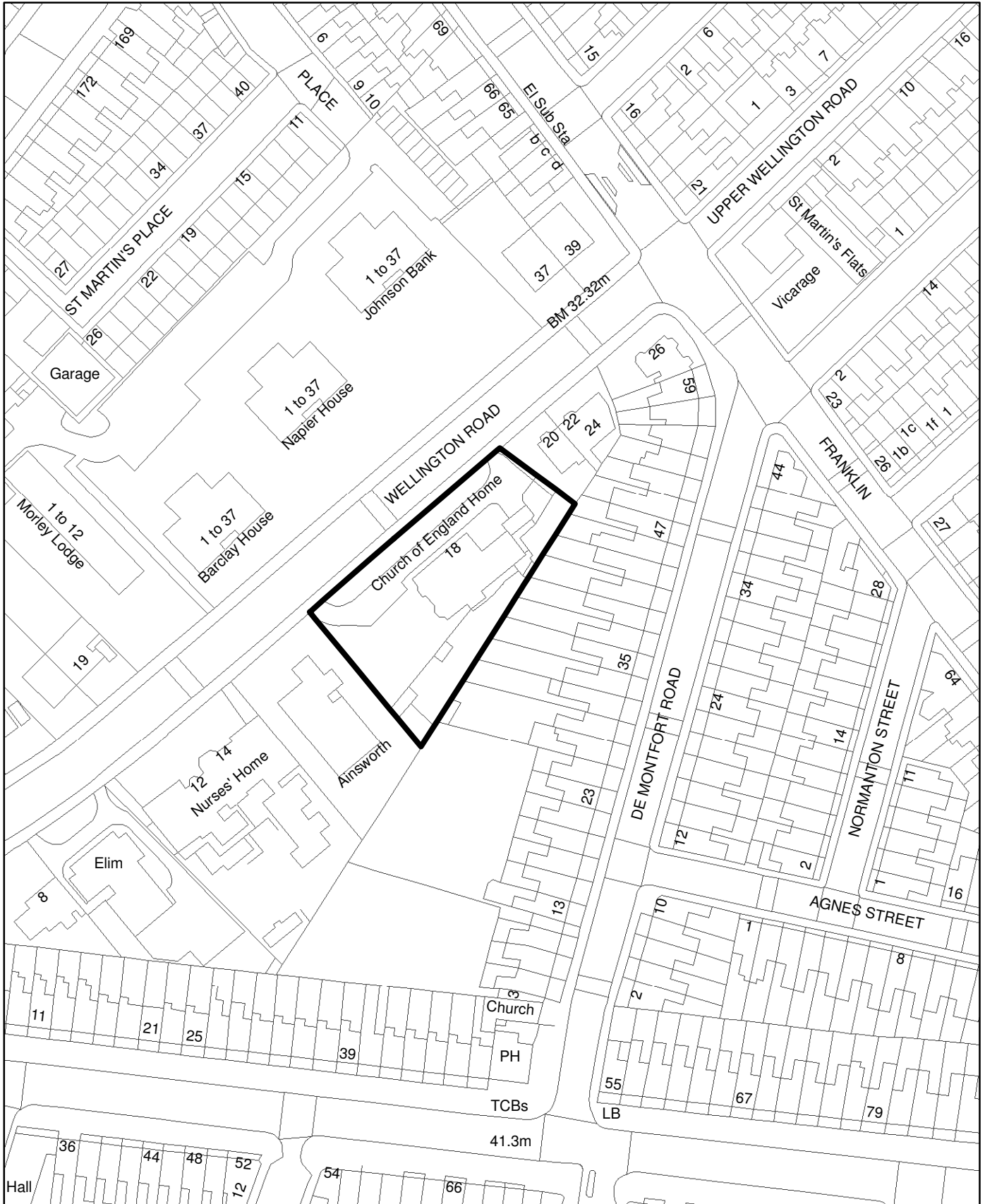
ITEM C

18 Wellington Road, Brighton

BH2013/01254
Full planning

11 DECEMBER 2013

BH2013/01254 18 Wellington Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

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<u>No:</u>	BH2013/01254	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Wellington Road Brighton		
<u>Proposal:</u>	Demolition of existing building and construction of two separate 3 storey high blocks comprising 31, one, two and three bedroom flats together with associated car parking, cycle parking amenity space and bin storage.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	03 June 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 September 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	The Baron Homes Corporation, Mrs N Blencowe, c/o Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		

This application was withdrawn from the agenda on the 28th August 2013 as the applicant submitted plans and drawings which arrived too late for officers to consider whether the application should be re-advertised or whether the submission amounted to a fresh application. The amendments have been advertised and the report has been updated appropriately.

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 **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The property to which the application relates is situated on the south-east side of Wellington Road at a point approximately 50m from the junction with Franklin Road. The building once contained a Church of England Children's Home. The site comprises 0.2 hectares of land.
- 2.2 The existing building is a large attractive detached Victorian Villa. The former extensions to the north of the main building have been demolished since approval of the 2008 application. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage linking the two access points.
- 2.3 The surroundings are residential and characterised by a mixture of contemporary and period properties. Opposite the application site is a housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a recent four storey development of 12 flats with 3 terraced houses behind, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the

road is a group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.

- 2.4 The property is not a statutorily listed building or within a designated Conservation Area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2011/03796 - Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 05/04/2012.

BH2011/02182 – Prior Notification for Demolition of 18 Wellington Road, Brighton. Approved 19/09/2011.

BH2011/01019 - Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03248 - Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 29/01/2009.

BH2008/00297 - Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

BH2006/00371 - Outline application for the construction of 15 flats. Means of access to be determined for the development site. Demolition of day care centre. Refused 18/05/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site to provide two separate blocks comprising a total of 31 one, two and three bedroom flats. Associated parking, cycle parking, amenity space and bin storage would also be provided.
- 4.2 Block A would be located on the north-eastern side of the site and would comprise 3 storeys and accommodation in the roof. This block would comprise a total of 6 three bedroom flats, 4 two bedroom flats and 7 one bedroom flats.
- 4.3 Block B would be located on the south-western side of the site and would comprise 3 storeys and accommodation in the roof. This block would contain a total of 6 two bedroom flats and 8 one bedroom flats.
- 4.4 6 off-street parking spaces, including 3 disabled bays, would be provided to the north-west of the proposed blocks.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twenty One (21) letters of representation have been received from 29A, 31, 33, 35, 37, 39, 41, 49, 51A De Montfort Road, 11B Gladstone Terrace, 14 Seville Street, 4 Upper Wellington Road, Flat 8 12-14, 19, 20, Flat 1 20, 22A, 36 Johnson Bank and 37 Wellington Road, Flat 1 Downsvieiw 26 Compton Road and Chris Dent (Consultant acting on behalf of De Montfort Road residents)**

objecting to the application for the following reasons:

- Inadequate off-street parking provision. The development will impact car ownership and parking in an already congested area. The Developers statement that there is “significant spare capacity on street to accommodate overspill” is simply not true. If Block B was not proposed there would be room for more parking to the rear,
- Wasteful resource of existing building. The loss of the original façade is very sad, the existing property is a building of interest. A sympathetic re-modelling of the existing building would be desirable. If Block B was not proposed the residents of Block A would have some outside space, there does not seem at present even space for clothes drying,
- The area is very densely populated, with the blocks of flats along Wellington Road and lately in the locality a lot of student HMOs with 5 or 6 people,
- The development provides no 3 bed family accommodation,
- Previous objections have focused on the overbearing scale and size of the development of the site as well as the plans for demolition of the current building. This recent application is again unreasonable in its size, proposed use and lack of consideration for neighbours, the local community and environment. The mass, density and impact on the local environment does not seem to be in sympathy with the Council’s ideologies and values for community planning, green spaces and protection of habitats and the interests of the city and its population,
- Loss of neighbouring amenity, particularly with respect to the overbearing and dominating effect of two larger buildings, taking into account distance from neighbouring boundaries, density, size, height, loss of light, increased noise and light pollution,
- Loss of light, skyline and sunlight and overshadowing to neighbouring properties,
- Approval BH2011/03796 is an extant permission for 25 self-contained flats for people with learning difficulties, so still a community facility. The new application is radically different and will have a seriously different effect on local amenities, traffic, comings and goings at all hours, as well as the safety and well being of the established local population. Therefore the previous planning permission should have no real influence or effect on the planning process for approval in this instance. Furthermore the extant plans are considered to be unreasonable in size and scale so the proposers comparison of the new application to the extant plans does not provide a satisfactory rationale,
- The garden around the existing building is a wildlife haven and should be kept as a garden. No bat, swift or nature assessments including the

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potential damage to the mature trees have been addressed. Will harm wildlife including bats and badgers,

- Residents searching for parking spaces in area will cause safety issues, especially as the roads are used by children and families walking to and from schools within the area and a local park,
- The proposed very large scale and size of both buildings (3 storeys plus roof accommodation) and the overall mass would result in overdevelopment. While the planning proposal states that both blocks will be 'largely set within the footprint and height parameters of the approved scheme', this does not take into account the negative impact of the significant increase in height and width of the building to replace the existing building and the impact of an entirely new building in this space,
- The current single building is two storeys high. The proposal is for two, three storey 'blocks'. The proposal states that the height will not be increased however it is hard to understand how this will not occur with an additional floor,
- Policies HO4 and QD27 are in contradiction,
- There are errors on the plans regarding the rooflights at 3rd floor in Block A and the representation of the lift/stair tower,
- Plans do not detail a lit fire escape location. It would be wholly unsatisfactory if fire escapes were to be located to the rear of the building with lights on throughout the night,
- Lack of private amenity space,
- Have serious concerns about the rear design of the building and whether it would be in keeping with the existing building,
- Direct overlooking and loss of privacy,
- Loss of outlook for future residents due to frosted glazing/reduces opening of windows and very poor natural lighting for basement flats at rear, go against BRE Standards of day lighting,
- Plans show much higher screening on boundary treatment to De Montfort Road neighbours so not a true reflection of the reality of how overbearing the structure would be to neighbouring properties,
- Demolition of the existing building, which is considered to be a heritage asset and the lack of care that has been taken to preserve a heritage building. The 'villa' is the last remaining detached Victorian villa in the area and deserves to be retained in its entirety along with the gardens and amenity space in order to enhance the lives of its future residents and the wider community. It is disappointing the existing building has been allowed to be left in a poor state. Analysis needs to be made, in accordance with PPS5 of the importance of the Heritage Asset and the practicalities of alternative schemes to refurbish the shell as the previous application proposed,
- Loss of community use/facility,
- Lack of information to allow full review of the application such as regarding tree root protection, bat and swift surveys. The trees are visible from a range of public viewpoints and contribute to the amenity of the area. They provide a landmark feature and their loss would undermine the character of the locality. It is necessary to ascertain whether the tree protection measures are adequate,

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- The number and design of the windows on the proposed plans are not in keeping with the style of other Victorian buildings in the area or the current 'villa' and look to be over represented (far too many windows),
- The previous consent was given to a building of very different use, with less comings and goings and far less demand on local infrastructure and amenities,
- All local residents would like the building and grounds to be in appropriate use. In fact most would agree that a residential use would be acceptable, but as long as the building and green space integrity is retained. A smaller refurbishment of the building and grounds would make a desirable conclusion to the ongoing dilemma, would add to the local and wider community and not provide a further strain on local infrastructure and amenities,
- Previous approval included conditions that the windows used obscured glazing and stipulated that balcony windows and doors could not open. These previous conditions imply that the distances and overlooking to De Montfort Road properties are not enough to provide reasonable privacy,
- Loss of green space,
- The cycle parking and waste storage areas are not adequate for visitor cycle parking and fortnightly waste collection. The location of the proposed bin store will cause harm to the amenities of neighbouring properties especially on hot days and if collections are delayed,
- The new 3 bed flats seem tiny and in appropriate,
- Can local schools support such large potential influx?
- The proposed lift tower height is not clear and the excavation to the rear does not match the front elevation plans. It is not clear what the intensions are in terms of supporting the wall at the rear of the property, if they intend to significantly dig out a basement level,
- The latest proposals do very little to change the problems raised by both local residents and Council Planning Officers,
- The Level may be fabulous but it is still too far for families with children,
- The extra cycle storage is comical and pretty well unusable due to access through the waste and recycling bin, and
- The minor changes to the front windows do not change the fact that there are too many, disproportionate in size and out of keeping with the true Victorian style. The dormer roofs should be pitched and not flat or are they just inappropriately sized?,

5.2 **53 De Montfort Road, Comment**. Pleased that the building will no longer lie empty and provide housing and the plans look stylish however is concerned about parking as the plans show 6 spaces, 3 of which are disabled parking. This seems inadequate for thirty apartments and is a concern as parking is already at a premium in the neighbourhood.

5.3 **27 Napier House, Wellington Road, supports** the application on the grounds that an earlier proposal to demolish the building was opposed on the ground that the existing building was of merit and a use for it should be found; several years have passed and in its abandoned state it has become an eyesore. There

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is a chronic housing shortage in Brighton and this proposal would help ease the situation, albeit only to a small degree and is urgently needed.

- 5.4 **22A Wellington Road**, comments that it is depressing that it has to start from scratch, the existing building could be renovated and made beautiful again.
- 5.5 **Safe Net**, objects on the grounds that the organisation has been in contact with Baron Homes since September 2010 regarding the sale of the property for a D1/community space use, namely to provide a Safety Centre delivering safety services for families and children and space for voluntary groups working with children and families plus use for income generating community events. The appearance and size of the new building is inappropriate, the existing building, a heritage asset of architectural and historic interest, is proposed to be completely demolished. The current proposal does not at all aim to restore or alter the existing building, or to attempt to keep in character with the existing. Adjoining residents will suffer overshadowing, overlooking and loss of privacy from the creation of 31 additional residential units. Safety Net proposes to use the existing main structure of the building. There will be an increase in noise and disturbance from an additional 31 residents/families and their cars, for which parking will primarily be on local surrounding streets.
- 5.6 **Councillor Bill Randall**, objects to the proposal. Letter Attached.
- 5.7 **Brighton & Hove Archaeological Society**: Are unaware of any archaeological implications.
- 5.8 **CAG**: Group welcomes the application subject to details on the design, particularly the materials to be used and the dormer windows scale being amended downwards.
- 5.9 **County Ecologist**: Comment The level of ecological surveys is not sufficient to inform appropriate mitigation, compensation and enhancement. There are no statutory nature conservation sites and three non-statutory Site of Nature Conservation Importance (SNCIs) within 1km of the proposed development. Given the location, scale and nature of the proposed development there are unlikely to be any significant impacts on any designed sites or protected habitats.
- 5.10 There are six trees on site that are protected by Tree Preservation Orders. These trees should be protected.
- 5.11 From local records and the survey information provided, the site has the potential to support bats, reptiles and breeding birds. In the case of bats and reptiles, further surveys are required to inform appropriate mitigation and/or compensation.
- 5.12 **East Sussex Fire and Rescue Service**: Following an assessment of the application have no comments to make but would recommend consideration of active fire safety measures.

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- 5.13 **Environment Agency:** Following an assessment of the application have no comments to make.
- 5.14 **Southern Water:** Comment Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development and can provide a water supply to the site (subject to formal applications by the applicant or developer) but there are no public surface water sewers in the area too serve the development.
- 5.15 **Sussex Police:** Comment Pleased to note that the Design and Access Statement submitted gave mention to the crime prevention measures to be incorporated into the design and layout in the form of Secured by Design principles. Would ask that where it is stated that 1.5m fencing will be employed to restrict access to the rear of the buildings, request that this is positioned from the eastern elevation of Block B to the boundary, between block A and B and the south western elevation of Block A to the boundary. The latter will provide a demarcation line discouraging free access to the refuse/recycling and cycle storage area. There will be a requirement for gates within the fencing.
- 5.16 The level of crime at this location is above average when compared with the rest of Sussex and as a result would ask that crime prevention measures are implemented. The cycle storage area should be enclosed to provide a higher degree of security and in a bid to reduce arson attacks on the euro bins and to stop them being used as climbing aids and battering rams, recommend they are located in a lockable enclosure.
- 5.17 **UK Power Networks:** Has no objections to the proposal.

Internal:

- 5.18 **Access Officer:**
(Original comments 25/06/2013) Comment The lifts need to have a clear car size of 1400mm deep by 1100mm wide. Also the lift car in Block A appears to be in the wrong orientation. Some doors do not have the required 300mm clear space at the leading edge on the pull side. The layouts with the WC between the bath and the basin do not work because there needs to be room for a 1500mm turning circle if the bath is removed. The WCs obstruct the doors in some bathroom layouts (mainly due to the door positions).
- 5.19 This is a development of 31 units so there should be 2 wheelchair accessible units. None of the units shown seem to be obviously designed with the appropriate features.
- 5.20 (Additional comments following receipt of amendments 01/10/2013) The revised layouts are much better in terms of Lifetimes Homes but some doors still do not have the required 300mm clear space at the leading edge on the pull side.
- 5.21 The proposed wheelchair accessible units are totally unsatisfactory as wheelchair accessible units both because of size and because of placement.

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- 5.22 **Arboriculturist:** No objection. The proposal would result in loss of trees which are not covered by the Tree Preservation Order and therefore there is no objection to their loss. A condition is recommended requiring the submission of an Arboricultural Method Statement.
- 5.23 **Economic Development:** Has no adverse economic development comments but requests a contribution through a S106 Agreement for the payment of £15,500 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 refurbishment of the building.
- 5.24 **Education:** Comment. In this instance would seek a contribution towards the cost of providing educational infrastructure for the school age pupils the development would generate. In this instance would seek £44,410.60 in respect of nursery, primary and secondary education.
- 5.25 Education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires, in addition the Council has a statutory duty to provide a school place for every child that wants one. A spreadsheet showing the number of school age pupils that a development of this nature is likely to generate is provided. The primary schools in the area have no or limited surplus capacity, anticipate this being the case for the foreseeable future. Development should not be allowed to erode away what little capacity there is left in the City, developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.
- 5.26 Note that all the proposed housing units are market housing and that there is no affordable housing proposed.
- 5.27 **Environmental Health:** Recommend approval subject to conditions regarding contaminated land, sound insulation of the party walls between the lifts and residential units and plant noise.
- 5.28 **Heritage:** Object Number 18 Wellington Road has been proposed for inclusion in the Council's Local List, which is currently under review, and should be treated as a non-designated heritage asset as referred to in paragraph of 135 of the NPPF. It will be assessed based upon the criteria for local listings that were agreed by the Economic Development and Culture Committee following public consultation.
- 5.29 This building was proposed for statutory listing in 2006 but English Heritage considered it to be too altered to merit listing. In their report however they described it as "locally distinctive building" with "local historical interest".
- 5.30 It is considered that 18 Wellington Road meets the criteria for inclusion on the Local List. It has clear townscape interest and architectural interest (as

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acknowledged by English Heritage) and also has historic interest due to its associations with notable past residents. Detached mid-Victorian villas in substantial grounds are comparatively rare in the local context, particularly in urban situations. It is also the most impressive of the surviving villas in Wellington Road. It therefore meets the criteria of rarity and representativeness.

- 5.31 The building merits every effort being made to retain it and to incorporate the original part into a new development. With regard to the current application, it is not considered that the proposal has had regard to the local heritage significance of the building and it has not been demonstrated that the retention and conversion of the original part of the building is not a viable option.
- 5.32 Permission should not be granted for its loss unless there are public benefits great enough to outweigh the harm arising from the complete loss of this heritage asset.
- 5.33 **Housing:**
(Original comments 25/06/2013) Objection In line with policy HO2 of the local plan and affordable housing brief this scheme should provide 40% affordable housing on the site which equates to 12 units. Would expect 10% (1) of the affordable housing units to be built to fully wheelchair accessible standards in line with Affordable Housing Brief.
- 5.34 Affordable housing brief reflects the very pressing need for affordable homes in a City. Currently have over 16,345 people on the Housing Register waiting for affordable rented housing and 726 people waiting for low cost home ownership.
- 5.35 (Additional comments 18/09/2013 following receipt of amendments) Pleased to note that in line with policy HO2 of the Local Plan and affordable housing brief this scheme provides 40% affordable housing on the site which equates to 12 units. Note that 2 of the units will be built to fully wheelchair accessible standards and would expect that at least 10% will be for affordable housing.
- 5.36 **Planning Policy:**
(Original comments 03/07/2013) Objection. It is considered that the current level of information submitted with the application does not demonstrate compliance with policy HO20. The extant planning permission for the site includes a drop-in community facility which is absent from this scheme. There is no affordable housing proposed, contrary to policy HO2 and submission policy CP20. Due to the existing open space designation in the Open Space Study 2009 and update of 2011 and policies QD20, HO6 and CP16, any residential use should look to provide its own generated demand for open space on site, where appropriate to that open space typology. The majority of the units have no provision of private amenity space for the residential units proposed, contrary to policy HO5.
- 5.37 (Amended comments 9/08/2013 following receipt of further information form agent) Objection. The current level of information submitted with the application does not yet demonstrate compliance with policy HO20. Policies HO6 and CP16 seek to ensure any residential use looks to provide its own generated demand for open space on site where appropriate to that open space typology

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and may require a reassessment of the built footprint or the overall number of residential units proposed. The scheme is therefore contrary to policies QD20, HO6 and CP16. It is also contrary to Local Plan policy HO5 in terms of provision of private amenity space. The provision of 40% affordable housing to comply with policy HO2 and CP20 is welcomed.

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

5.39 **Sustainability Officer:**

(Original comments 16/07/2013) **Objects.** Approval cannot at this stage be recommended as the standards recommended in SPD08 cannot be met; applicants are expected to provide sufficient justification for a reduced level in the basis of site restrictions, financial viability, technical limitations and added benefit arising from the development. No justification for a reduced Code Level 3 is provided. The applicant should be asked for further information to try to improve the predicted performance.

5.40 Amended comments 12/08/2013 following receipt of letter from agent)
Recommend conditions.

5.41 **Sustainable Transport Officer:**

(Original comments 25th July 2013) The transport aspects of the application are acceptable subject to the provision of S106 contributions of £25,950 for sustainable transport improvements and the attachment of conditions relating to disabled parking and cycle parking.

5.42 (Additional comments 17/10/2013 following receipt of amendments)

Disabled Parking - The number and lengths of bays is appropriate. The widening of the NW of the bays needs to be further widened from 1.2m to 1.8m in accordance with 'Inclusive Mobility'. Revised plans showing this should be required by condition.

5.43 **Cycle Parking** – The number is appropriate. However the nature of the proposed provision is not clear. The spacing of 0.4m approximately is severely inadequate for Sheffield Stands. The applicants need to clarify the nature of provisions and this should include assistance for users if the provision is non-standard and may cause difficulties for any user. Also the cycle parking needs to be sheltered. Revised plans should be required by condition showing these improvements.

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."

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- 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 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
TR7	Safe development
TR14	Cycle access and parking
TR15	Cycle Network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites

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QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
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
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE10	Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Developer Contributions – Interim Guidance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP16	Open Space
CP19	Housing Mix
CP20	Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations relating to the determination of the application are the principle of the development, acceptability of the demolition of the existing building, the loss of a pre-existing community use, the housing mix and quality, design, visual amenity, the impacts upon the amenities of neighbouring residents, impacts upon trees and biodiversity, transport issues and sustainability issues.

Principle of Development:

8.2 The site has been vacant for sometime. The last occupant was The Children’s Society which used the building as a day care centre (Use Class D1). As such policy HO20 is relevant. Policy HO20 states;

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“Planning permission will not be granted for development proposals, including change 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.

- 8.3 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.
- 8.4 Where an exception (a-d) applies, 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 Whilst it is acknowledged that the site is currently vacant, its previous use was Class D1 and thus any change of use away from this must be fully justified as set out in policy HO20. This application does not seek to re-provide the facilities or mitigate the loss.
- 8.6 Within the information submitted it is stated that the former occupiers, The Children’s Society, relocated to a Community Centre in Hangleton in 2004, which was better and larger accommodation.
- 8.7 Since submission of the application a letter from The Children’s Society has been submitted in which it is stated that the Wellington Road building “was not ‘fit for purpose’. It is also stated that cost of improving the access standards and improving other elements of the building, such as the heating system, was prohibitive.
- 8.8 The letter received from The Children’s Society confirms that the Society has relocated to another building, with improved facilities and accessibility for users, this new site is located approximately 5 miles from the application site and serves a different local community. Furthermore the Wellington Road site also provided opportunities for the local community to rent facilities, including a soft play room, a kitchen and the garden for either regular or one-off community activities (e.g. as a weekly toy library and facilities for children’s parties). Justification for the loss of these concurrent other facilities is therefore also required in order of the proposal to comply with policy HO20. It is noted that a list of other community facilities in the area is listed within the submitted Design and Access Statement however it is not stated what facilities are provided at these other sites. Overall it is considered that the applicant has failed to demonstrate that all the former community facilities (used on a regular and/or irregular basis) have been incorporated, replaced, relocated or accommodated

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elsewhere or that nearby facilities being improved to accommodate the loss of the Wellington Road site, as required by criterion a, b and c of policy HO20.

- 8.9 Baron Estates has submitted a letter which states that the site has been marketed since October 2007, offering the property to let or for sale for D1/community use.
- 8.10 The marketing strategy included the following;
- a marketing board fixed to the property,
 - marketing particulars prepared,
 - the sending of property details to clients registered on the Baron Estates database including clients who have requirements for D1/community space, and
 - display of the property details on 6 websites including Baron Estates and the City Council.
- 8.11 It is stated that any serious response to the marketing of the site has been unsuccessful and that the property does not appeal to D1 users for a number of reasons including that the building does not comply with the Disability Discrimination Act in respect of access, the building is in a quiet residential area too far away from Brighton's mainline station where the majority of occupiers wish to be and the lower ground floor has limited natural daylight. It is noted that an objection from Safety Net has been received in which it is stated that the organisation has been in contact with Baron Homes since September 2010 regarding the sale of the property for a D1 use however no further information regarding this contact has been submitted as part of the objection or information as to whether offers to buy the site from Baron have been made by the organisation. Baron Homes have confirmed that no offers were made.
- 8.12 No evidence of the documentation referred to in the above marketing strategy have been submitted as part of the application. Confirmation of dates and clear evidence of when and where actual advertisements were placed for alternative non-residential institution user/s nor an indication of purchase price have not been submitted, in addition Baron Estates does not appear to be listed as a contributor on the Council's commercial property database. Further details of when the property details appeared on the database would therefore be helpful.
- 8.13 It is acknowledged that application BH2008/03248, which was granted a time extension under application BH2011/03796, allowed the partial loss of the existing facilities however this approved scheme provided a drop-in centre for people with learning and physical disabilities thereby retaining an element of a community facility within the site.
- 8.14 The proposed development would result in the loss of a community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the community and quality of life of the neighbourhood. The proposal is therefore contrary to policy HO20.

Demolition of Existing Building

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- 8.15 The Heritage Team have identified the building as a 'non-designated heritage asset'. They have confirmed that the building is likely to be included in the Local List.
- 8.16 This proposal requires total demolition of the building. It is acknowledged that the Heritage opinion has emerged during the life of this application. In terms of harm as a result of the loss of the building, this is considered to be significant by the Heritage Team. Notwithstanding that view it is acknowledged that demolition should not be supported or encouraged. On that basis, a scheme which preserves the building would be the preferred approach of the Local Planning Authority. Refusal is not recommended on grounds of preservation of the building in this application but should form part of any future discussions about the use of the building. An informative is recommended which encourages exploratory discussion about what scheme might be viable to retain the building.

Proposed Residential Accommodation

- 8.17 The proposal would result in the provision of 31 flats, 6 of which would be 3 bedroom units, 10 would be 2 bedroom units and 15 would be 1 bedroom units. The proposed units would vary in floor space from between approximately 34.44m² (unit 2 of Block B) to approximately 82.98m² (unit 14 Block B).

Affordable Housing:

- 8.18 Affordable Housing policy H02 seeks to secure 40% affordable housing. In this case 31 new residential units are proposed. Since submission of the application confirmation has been received stating that 40% affordable housing would be provided. There are no further details provided than this.
- 8.19 The Local Planning Authority seeks to ensure that proposals for new residential development incorporate a mix of dwelling types (and tenures) and sizes that reflects and responds to Brighton & Hove's housing needs. Since submission of the application the proposal has been amended in order to incorporate a mix of one (x15), two (x10) and three (x6) bedroom units. There is no objection to this mix.

Lifetime Homes:

- 8.20 Policy HO13 of the Brighton & Hove Local Plan states that planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.21 Since submission of the application a number of amendments to the layout of the proposed units have been made in order to address concerns raised by the Council's Access Officer. However the Council's Access Officer has still identified a number of issues with the proposal which results in the internal layout of the development failing to comply with the Lifetime Homes Standards, namely some doors still do not have the required 300mm clear space at the leading edge on the pull side (Block A bathroom doors to units 1, 4, 5 (both first and second floor) and 9 (both first and second floor)). It is considered that these issues could be resolved via a condition if overall the proposal was considered acceptable.

8.22 Five percent of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard, and at least one of these units should be available for affordable housing. The proposal is for 31 units, since submission of the application it has been confirmed that units 5 and 6 in Block B would be wheelchair accessible units. It is noted that units at both first and second floor in Block B are labelled as units 5 and 6. Both units 6 include the provision of a shower room rather than a bath which would be more accessible for wheelchair users. The proposed wheelchair accessible units fail to comply with policy HO13 as only one lift would be provided within the block and the proposed units do not appear to be large enough to comply with and accommodate the required wheelchair accessible standards.

8.23 It is not considered that the issues regarding the wheelchair accessible units could be resolved via the attachment of a condition due to the small size of the potential units and as such the proposal is contrary to policy HO13 of the Brighton & Hove Local Plan.

Amenity Space:

8.24 Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account. It is noted that a number of the proposed units would comprise Juliet Balconies, which do not provide external private amenity space for occupiers of the associated units.

8.25 Since submission of the application the proposed external amenity areas, private and communal have been annotated on the plans submitted. It is stated that the proposed private amenity spaces would be accessible to the proposed ground floor flats via French doors, although it is not apparent from the plans submitted where the French door locations would be for each ground floor flat and the scope of each private amenity space for all the ground floor units. It is stated within the submitted Planning Statement that the ground floor flats would have use of private external areas immediately in front of the windows “in order to provide a defensible space to protect to residential amenity when the communal garden is being used”.

8.26 From the sectional drawings provided it would appear that a slope to the rear of property would render most of the rear section of the site unusable for the intended communal/private amenity spaces.

8.27 Overall it is considered that the applicant has failed to demonstrate that adequate communal and private amenity space for the occupiers of the proposed residential units would be provided as part of the proposal.

8.28 Open Space:

Since the 2008 application was approved the Open Space, Sport and Recreation Study 2008 (approved 30/07/2009) and subsequent 2011 study have been approved. Within these studies the site was audited as open space as part of the privately owned ‘park and garden’ around 18 Wellington Road and

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as a result policy QD20 is relevant to the application. Policy QD20 states that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

- 8.29 The open space within the site was included in the studies as it was recognised that significant pieces of open space within the curtilage of a building can provide a significant open space offer especially in areas that are densely built up/populated with limited open space opportunities, thus highlighting where it is important to have regard to landscape and open space provision should redevelopment proposals take place.
- 8.30 The 2011 study assessed the garden area within the site with potential to have this offer improved. Compared with other private open spaces the site scored relatively well. The study shows that in the Hanover and Elm Grove Ward, in which the site is located, there are significant deficiencies in all types of open space (except allotments) therefore demonstrating the need to carefully consider any proposals which seek the loss of existing open space.
- 8.31 The proposed development would occupy the majority of the site with 'left-over' space to the front, rear and sides of the buildings. These areas would not be accessible to any other sector of the public apart from the residents of the residential blocks. It is acknowledged that the proposal does have a similar footprint to the 2008 application, which was approved, which was for 25 self-contained units for people with learning/physical disabilities and a drop in centre. This earlier application and the subsequent extension of time application offered significant benefits to the community as it regenerated a vacant property, retained a D1 use and provided specialist housing in line with the identified housing needs at the time of the application. The determination of the previous application also predated the approval of the Open Space, Sport and Recreation Study 2009 and 2011.
- 8.32 In addition to the approval of the Open Space studies since the 2008 application, the emerging City Plan has been through consultation and the site has been clearly identified as open space in the Schedule of Changes to the Proposals Map/Policies Map, to which no objections have been raised.
- 8.33 The loss of the open space discussed above is compounded by the increase in demand generated by the proposed residential units for 'additional' open space, which generates a greater demand when compared to the previous approved scheme which had approval for the provision of 25 units.
- 8.34 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This policy requires the provision of suitable outdoor recreation space to be split between children's equipped play space, casual / informal play space and adult/youth outdoor sports facilities. Such sufficient provision is not proposed as part of the application. In recognition that development schemes

will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space would be £74,720. Such a contribution could be secured by legal agreement were approval to be recommended.

- 8.35 Whilst the Local Planning Authority gives weight to the housing provision the proposed development would create, this is considered to be outweighed by the harm outlined above in respect of the loss of the important open space provision.

Standard of Accommodation:

- 8.36 Both proposed blocks include lift shafts situated next to proposed bedrooms. In order to ensure that the amenity of future occupiers would not be significantly harmed by such arrangement an approval would be subject to condition relating to wall sound insulation. In addition no details of the proposed location of associated plant to operate the proposed lifts have been provided and therefore it would also be recommended that a condition regarding acceptable Rating Levels from such machinery be attached if overall the proposal was considered acceptable.
- 8.37 It would appear that some of the proposed rooflights would be inserted in order to provide natural light and ventilation to rooms within the third floor/roof level units which do not benefit from the provision of vertical windows. Whilst the provision of a rooflight is considered acceptable to ventilate and provide natural light in terms of a bathroom/kitchen it is not clear from the information submitted if the proposed rooflights would be positioned in order to provide outlook from bedrooms. Bedroom 2 in Unit 14 (Block B) and the bedroom in Unit 16 (Block A) would not benefit from a vertical window, only a rooflight. If the proposed rooflights are not positioned to provide some element of outlook it is considered that the proposal would result in a poor standard of accommodation harmful to the amenity of future occupiers.
- 8.38 No information has been submitted as part of the application to demonstrate that a sufficient amount of light and sunlight would be provided to the proposed kitchen areas of units 2, 3, 6 (first and second floor), 7 (first and second floor) and 8 (first and second floor) in Block A. Due to their deep floor plan arrangement poor levels of daylight/sunlight would result in a poor standard of accommodation harmful to the amenity of future occupiers.
- 8.39 It is stated within the submitted Design and Access Statement that the bedroom windows which would face east towards De Montford Road would have obscured glazing up to 1.7m from floor height with a clear pane above in order to avoid overlooking to the neighbouring properties, an issue which is discussed in more detail below. It is noted that such mitigation measures are not shown on the floor plans or elevational plans provided. The standard of accommodation proposed for future occupiers as a result of the inclusion of the obscured glazing to the lower parts of bedroom windows (in some cases all bedrooms of

a unit) is considered to be poor and unacceptable. Such mitigation measures were intended as part of approved application BH2008/03248 but were subsequently altered as a result of concerns raised by Officers.

Design and Visual Amenity Impacts:

- 8.40 Since submission of the application a number of discrepancies between the drawings submitted have been addressed in respect of proposed rooflights and dormer windows and the proposed lift shaft is now clearly identified on the submitted drawings.
- 8.41 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design. QD4 seeks to preserve or enhance strategic views, the setting of landmark buildings and views in and out of conservation areas. Whilst QD5 seeks to ensure new developments present an interesting and attractive street frontage particularly at ground floor.
- 8.43 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.44 The application site lies within the Hartington Character Area of the Hanover and Elm Grove Neighbourhood, as defined in the Urban Characterisation Study. The Hartington Character Area is described as ‘a high density Victorian residential area following the contours of the steep valley side. Terraced houses with front gardens, regular frontages and uniform building height in mixed private tenure (ownership and rental). A strong sense of place’, and that ‘Hanover and Elm Grove neighbourhood may be classified as an urban pre-1914 residential inner suburb whose original street pattern and character has been eroded and includes a post 1945 housing estate. Mainly small terraced housing arranged over a clearly defined grid pattern in narrow streets, low rise but high density. Significant area of planned public housing including major high rise blocks in weak urban realm’.
- 8.45 Wellington Road is characterised by a mixture of development styles, predominantly formed from flatted development both more modern purpose built and converted period properties.
- 8.46 The scale of the buildings proposed are considered to be appropriate, paying some respect to other properties in the street, including the existing building.
- 8.47 Both of the proposed blocks would comprise a projecting central section containing the main entrances on the front elevation with a related portico and ‘false’ windows above, which aims to provide a central feature to the buildings. However it is not considered that these elements are articulated strongly enough given the overall scale and size of the buildings proposed.

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- 8.48 SPD12 was adopted on the 20th June 2013 and came into effect from the 5th August 2013. It is not considered that the proposed central rear dormer window on Block A accords with the detailed guidance provided in SPD12 due to its proposed size and design, which includes excessive areas of supporting structure to the side and below the windows.
- 8.50 The three proposed dormer windows within the front roofslopes of Block A would align with windows on the elevation below however the proposed two outer dormer windows would not. These outer dormer windows would dominate the related pitched roof which is considered to be of harm to the visual amenity and appearance of the building.
- 8.51 Since submission of the application the central windows at second floor level within the front elevation of both blocks have been amended to allow for diminishing window proportions from the ground floor to the roof, which is a classical design feature of a villa style development.
- 8.52 Both blocks would comprise flat roof sections towards the centre of the buildings. It is noted that the approved 2008 also comprised flat roof sections however the amount proposed in the current proposal is greater in respect of Block A, the larger of the two buildings. The intension to provide additional accommodation in the roofspace of the current development results in a contrived flat roof form which fails to reflect the period design of the development, resulting in a poorly designed pastiche development.
- 8.53 Amended drawings clearly show the provision of a lift shaft for both the proposed residential blocks. Both shafts would project approximately 1.1m above the related flat roofs of the buildings. The lift shaft relating to Block B would be located towards the eastern side of the flat roof whereas the shaft relating to Block A would be located towards the centre of the related flat roof. Despite the proposed projection of the lift shaft above the related roof it is not considered that the shaft relating to Block B would be highly visible from within the Wellington Road street scene due its positioning towards the rear of the building however it is considered that the siting and projection of the shaft relating to Block A would be visible within the street scene and harmful to the visual amenities of the Wellington Road street scene and the wider area.

Amenity:

- 8.54 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.55 It is noted that the use would result in the development being in continuous use where previously for some time the site has only been occupied during working hours. However it is not considered that the occupation of the residential accommodation would result in demonstrable harm though noise disturbance.
- 8.56 Overlooking/Loss of Privacy

The site is one of the larger plots within this location, with the existing building centrally located within the plot. The rear gardens of the properties which front onto De Montford Road to the east of the site abut the eastern boundary of the plot. The development between Wellington Road and De Montford Road is more tightly squeezed to the northern end owing to the alignment of the roads. As such the rear gardens of the properties which abut the north end of the site have shorter gardens than those at the southern end, the shortest of which at number 45 is approximately 8m between the rear boundary and the rear projection.

- 8.57 The rear elevation of Block A would be sited a minimum of approximately 1.2m from the shared boundary with the eastern neighbouring properties. To prevent overlooking and loss of privacy to the De Montford Road neighbouring properties the applicant intends to provide fixed obscured glazing to the bottom section of the windows within the rear elevations of the blocks, allowing for light and ventilation however restricting outlook to the sky only. Although such measures would mitigate impacts upon the amenities of neighbouring properties from overlooking and loss of privacy, for the reasons set out above it is considered this is unacceptable due to the adverse impacts it would have upon the amenities of future occupiers of the development.
- 8.58 Application BH2010/03994 granted planning permission for the redevelopment of the site located to the south of the applicant site by way of the demolition of the existing building and the construction of a new four storey block of 12 flats and 3 terraced houses to the rear. The neighbouring flat development includes the provision of north facing balcony areas. A distance of only approximately 5.4m (measurement taken from the Proposed Site Plan) would be located between the two neighbouring elevations. It is noted that the eastern most parts of these balcony areas are located behind louvers.
- 8.59 Since submission of the application the proposal has been amended to mitigate over-looking and loss of privacy to the southern neighbouring property by way of the omission of a window to the living room areas of units at ground, first and second floor levels, in the south facing elevation of Block B and the addition to an annotation to the plans to state that the retained south facing windows at first and second floor levels would be non-opening and comprise opaque glazing. As a result of these amendments it is considered that the proposal would not have a significant adverse impact upon the amenities of the southern neighbouring property with regards to over-looking and loss of privacy. If overall the proposal was considered acceptable it would be recommended that a condition is attached to an approval to ensure the inclusion of the non-openable and opaque windows.
- 8.60 Sunlight/Daylight/Over-shadowing
The submitted comparison drawings show that the footprint of the proposed development would be similar to that approved in the 2008 application whilst the height would be the same. It is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties with regards to loss of sunlight/daylight or overshadowing.

Sustainable Transport:

- 8.61 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.62 Car parking and Traffic Impact:
The site is not located within one of the City's Controlled Parking Zones and therefore free on-street parking is provided along Wellington Road. 6 parallel off-street parking spaces would be provided to the west of the new buildings. SP4 sets our maximum standards in respect of car parking provision and therefore the level proposed is considered acceptable provided that adequate provision is made for sustainable modes and displaced parking would not arise.
- 8.63 As part of the application a Transport Technical Note has been submitted in which the local sustainable modes provision are reviewed but only in general terms. The Council's Transport Officer states that beneficial improvements to the provision can be identified and that the applicant should contribute towards the work to help compensate for the parking 'shortfall' and encourage the use of sustainable modes to help meet policy TR1. An amount of £25,950 would be required, if overall the proposal was considered acceptable, towards improving the westbound bus stop at the bottom of Elm Grove, to pay for 2 years car club membership on behalf of the first occupiers of the development should they wish to join and improve the standards of footways between the application site and local bus stops and other facilities, such as providing dropped kerb facilities.
- 8.64 The applicant has carried out parking beat surveys utilising an agreed method known as the Lambeth Parking Method. However some of the assumptions made in the application of this chosen method could be varied, for example car ownership for the proposed development has been estimated from a very small area using census data and the survey analyses does not seem to have allowed for the unavailability to general parkers of reserved bays such as doctor's and disabled parking spaces. The Council's Transport Officer has reassessed the survey data and considers that some displaced parking could arise as a result of the proposal. Consultation in recent years in the Hanover area have indicated that there is not majority support for the introduction of a Controlled Parking Zone in the area and therefore in these circumstances, the Transport Officer considered that a small degree of displaced parking does not warrant a reason for refusal of the application.
- 8.65 In order to accord with SPG4 at least 3 disabled parking bays are required. Since submission of the application amendments have been made to the scheme to convert 3 of the original 6 proposed off-street parking bays to disabled parking bays. Whilst the Council's Transport Officer stated that the number and lengths of the proposed disabled bays are acceptable, the widening of the north-west bays need to be further widened from 1.2m to 1.8m. This issue could be dealt with via a condition if overall the proposal was considered acceptable.

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8.66 Cycle Parking:

In order to accord with SPG4 the proposed development should provide a minimum of 41 secure, sheltered cycle parking spaces. The recently submitted amended plans show the provision of 30 cycle storage facilities for the proposed residents to the north-east of Building A whilst a further 10 spaces for visitors would be located between the two buildings.

8.67 The proposed number of cycle parking spaces is considered acceptable however the nature of the proposed facilities is unclear from the information submitted, for example are the proposed facilities to be covered. The spacing of the facilities shown is stated to be inadequate by the Council's Transport Officer. Further information/revised plans to address these issues could be requested via a condition if overall the proposal was considered acceptable.

Sustainability:

8.68 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

8.69 Previously development land is defined in Annex 2 of the National Planning Policy Framework. In regards to this definition it is considered that the site comprises both previously developed land/brownfield, upon which Block A would be constructed, and Greenfield land, upon which part of Block B would be constructed.

8.70 The development is expected to meet standards set out in the Council's SPD08 on Sustainable Building Design. In this instance the required standards are Code for Sustainable Homes Level 4 for the Brownfield elements and Code for Sustainable Homes Level 5 for the Greenfield elements.

8.71 In instances when the standards recommended in SPD08 cannot be met, applicant are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.

8.72 A Sustainability Checklist was originally submitted in which it is stated that the proposal would achieve Code for Sustainable Homes Level 3 which is below the expected standard; however a subsequent letter from the agent has been received in which it is confirmed that level 4 of Code for Sustainable Homes would be achieved. This commitment is welcomed in respect of Block A however insufficient justification has been provided in respect of a reduction in code level with regards to Block B. Any approval should be subject to the requirement that the whole development achieve a high score of code level 4 overall, namely a minimum of a score of at least 76 points overall, to compensate for the reduction in code level of block B and lack of information to justify this reduction.

8.73 It is noted that a number of the proposed bathrooms would not be provided with natural light or ventilation which would result in the reliance on mechanical

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means of ventilation and artificial lighting and subsequently an excessive draw on energy.

- 8.74 The intention to utilise some photovoltaic panels to generate electricity and a commitment to undertake a post-occupancy evaluation of energy performance is noted.

8.75 Waste Management

Under legislation introduced on the 6th April 2008, in the form of Site Waste Management Plans Regulations 2008, the proposed development is of a scale which would require a Site Waste Management Plan; therefore it is not deemed necessary to secure any details of waste minimisation measures under this application for planning permission.

8.76 Refuse Storage

Plans submitted as part of the application show the provision of refuse and recycling facilities to the north of Block A. A condition could be attached to the application if overall considered acceptable to ensure the provision of such facilities prior to occupation of the development.

Landscaping and Ecology:

- 8.77 Six trees within the site, which are covered by Tree Preservation Order (TPO) (No. 5) 2008 would be retained as part of the proposal.

- 8.78 The trees which would require removal as part of the proposal were not considered for a TPO in 2008 (at the time of the 2008 application) and therefore the Council's Arboriculturist does not object to their loss in respect of the current application.

- 8.79 As part of the application an Arboricultural report has been submitted, which was written in respect of the 2008 application, under the old 2005 British Standard. Whilst the Council's Arboriculturist considers that this report is adequate at this stage of the application it is recommended that if the application is overall considered acceptable the Arboricultural Report should be amended/up-dated, especially given that the footprint of the proposed development is different to that of the development approved previously and will encroach onto the Root Protection Area of one of the retained trees.

- 8.80 If approval is granted a condition should be attached requiring an Arboricultural Method Statement to be submitted which includes details of how all retained trees on site would be protected to BS5837 (2012) as well as details of how any tarmac will be lifted and replaced as part of the development and an amended Arboricultural Report.

- 8.81 Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. Such features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated.

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- 8.83 The existing building and the mature sycamore in the north-west corner of the site have been identified as having medium potential to support bats, whilst the existing building and the gardens have the potential to support breeding birds. In addition the site offers potential foraging and basking habitat for reptiles as well as numerous opportunities for refuges and/or hibernacula. There are also numerous records of common reptiles.
- 8.84 The Desktop Biodiversity Report and Phase 1 Habitat Survey submitted as part of the application has been viewed by the County Ecologist and is not considered to inform appropriate mitigation, compensation and enhancement measures. In the case of bats and reptiles further surveys are required to inform of appropriate mitigation and/or compensation. The County Ecologist does not consider that this issue could be dealt with post decision and therefore does not recommend that conditions are attached to the application if overall considered acceptable. Overall it is considered that the applicant has failed to demonstrate compliance with policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

Other Considerations:

8.85 Infrastructure

Southern Water has confirmed that water supplies and foul sewage disposal service could be provided to the development however there are no public service water sewers in the area to serve the proposal. Alternative means of draining surface water from the development would therefore be required. Should the planning application be approved a formal application to Southern Water, for the connection to the public sewer and for the connection and on-site mains, would be required.

8.86 Contaminated Land

The site is not listed as being on potentially contaminated land, however it is located to the north-east of an ex hospital (Ainsworth House) and also land that was once a nursery, both of which are potentially contaminated land. A recent development on the site to the south-west required a full contaminated land condition to be complied with and therefore if the proposal was overall considered acceptable it would be recommended that the approval is subject to a discovery informative for contaminated land.

Planning Obligations:

8.87 Public Art

Local Plan policy QD6 states that the provision of public art will be sought from major development schemes although the type of public art and level of contribution will vary depending on the nature of the development proposal, the characteristics of the site and its surroundings.

- 8.88 No acknowledgment of policy QD6 has been made within the application however an 'artistic component schedule' can be included as part of a S106 agreement, including a contribution of £18,800 towards the provision of public art, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with policy QD6.

8.89 Education

A contribution of £44,410.60 towards the provision of education infrastructure in the City has been requested. This is in recognition that there is limited capacity for additional pupils at existing primary facilities in close proximity to the site and further afield.

8.90 It is considered entirely appropriate to request a sum of money for nursery, primary and secondary education in respect of the development as it is expected by the Department of Education that the Council should maintain between 5% and 10% surplus places to allow for parental preference. Taking a number of primary schools in the area into account there are a total of 2,235 primary places available and currently there are 2,160 children on roll. This gives an overall surplus of just 9.6%. A development of the scale proposed would eat into this surplus capacity leaving parents with no choice whatsoever. The Council's Education Officer believes that a development of the scale proposed should not be allowed to erode what little capacity there is left in the City and developers should ensure that their developments are sustainable in the broadest sense of the word and this has to include funding the education infrastructure that their development demands.

8.91 Local Employment Scheme

Should the application be approved, the Developer Contributions Interim Technical Guidance provides the supporting information to request a contribution through a S106 agreement to the Local Employment Scheme. In this instance a financial contribution of £15,500 would be sought (based on £500 per residential unit).

8.92 An Employment and Training Strategy would also be required, with the developer committing to using an agreed percentage of local labour. It would be requested that in respect of the proposed development 20% local employment is utilised during the construction phase.

9 CONCLUSION

9.1 The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood.

9.2 The building is considered to be a non-designated heritage asset, as such demolition is not supported. Refusal on these grounds is not recommended but future discussions are.

9.3 It is considered elements of the design of the proposed new buildings would be of detriment to the visual amenities of the Wellington Road street scene and the wider area.

9.4 The applicant has failed to demonstrate that the development would adequately address issues of sustainability, lifetime homes, nature conservation and loss of

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open space. Furthermore the proposal would not provide an acceptable standard of accommodation to all future occupiers.

- 9.5 Whilst it is noted that The Local Plan, the City Plan and the National Planning Policy Framework identify housing as a priority it is not considered that the provision of housing on site should outweigh compliance with other policies. Overall it is therefore considered that the scheme is unacceptable and contrary to policy. Refusal of planning permission for the reasons identified in Section 11 below is therefore recommended.

10 EQUALITIES

- 10.1 The development does not accord to Lifetime Homes standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

- 1) The applicant has failed to justify the loss of the community facility, which in the absence of sufficient evidence to demonstrate the contrary, is considered to have the potential to make a vital contribution to the well-being of the local community and quality of life of the neighbourhood. The proposal is therefore considered in conflict with Policy HO20 of the Brighton & Hove Local Plan.
- 2) The proposed development by virtue of the design and size of the proposed central dormer window on Block A, the siting of the front outer dormer windows on Block A, the poorly-articulated main entrances, the protrusion of the lift shaft above the roof of Block A and its siting and the provision of large areas of untraditional flat roof form would result in a development which would be of detriment to the visual amenities of the Wellington Road street scene and the wider area. As such the proposal is contrary to policies QD1, QD2, QD4 and QD5 of the Brighton & Hove Local Plan.
- 3) The applicant has failed to justify the loss of the existing open space, which in the absence of sufficient evidence to the contrary is considered to have the potential to make a contribution to the well-being of the community. In addition insufficient information has been provided to demonstrate that an adequate level and quality of usable communal amenity space and usable private amenity space would be provided to meet the needs of and provide adequate living conditions for future occupiers. As such the proposal is contrary to policies HO5 and QD20 of the Brighton & Hove Local Plan and policy CP16 of the Brighton & Hove City Plan Part One.
- 4) The applicant has failed to demonstrate that a proportion of the proposed residential units would be built to a wheelchair accessible standard. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.
- 5) Obscured glazing would be provided to the lower half of east facing bedroom windows which would prevent outlook from habitable rooms. In addition the applicant has failed to demonstrate that adequate outlook would be achievable from bedrooms within the roofspace of the blocks. As

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such the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

- 6) The applicant has failed to demonstrate that sufficient protection would be afforded to the existing nature conservation features on the site and that suitable enhancement and compensatory measures would be provided. The development is therefore contrary to policies QD17 and QD18 of the Brighton & Hove Local Plan and SPD11 Nature Conservation and Development.

11.2 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) The applicant is encouraged to commence discussions with the Local Planning Authority in order to identify whether there are alternatives to demolition which would preserve the building.
- 3) This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
OS & Block Plan & Topographical Survey	0769-P-100	-	12 th September 2013
Existing Floor Plans	0769-P-101	-	12 th September 2013
Existing Elevations & Site Photographs	0769-P-102	-	12 th September 2013
Proposed Site Plan	0769-P-103	Rev. C	12 th September 2013
Proposed Ground & First Floor Plans	0769-P-104	Rev. D	12 th September 2013
Proposed Second & Third Floor Plans	0769-P-105	Rev. D	12 th September 2013
Proposed Elevations Sheet 1 of 2	0769-P-106	Rev. D	12 th September 2013
Proposed Elevations Sheet 2 of 2	0769-P-107	Rev. D	12 th September 2013
Proposed Section A-A	0769-P-108	Rev. C	12 th September 2013
Proposed Section B-B	0769-P-109	Rev. B	12 th September 2013
Comparison Drawing 1	0769-P-112	Rev. B	23rd September 2013
Comparison Drawing 2	0769-P-113	Rev. B	12 th September 2013
Comparison Drawing 3	0769-P-114	Rev. B	12 th September

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			2013
Comparison Drawing 4	0769-P-115	Rev. B	12 th September 2013
Proposed Roof Plan	0769-P-116	-	12 th September 2013

29 June 2013

I object to the Planning Application BH2013/01254.

I am opposed to the demolition of a building of some quality to make way for new flats. I believe the proposals are an over-development of the site and will add further pressure to the limited car parking, which is already over-subscribed. The original plans for the building and the site by Baron Homes was for supported housing, which is in short supply in the city. I believe the site should be used for this purpose by the conversion and restoration of a building that has been allowed to deteriorate.

Councillor Bill Randall