

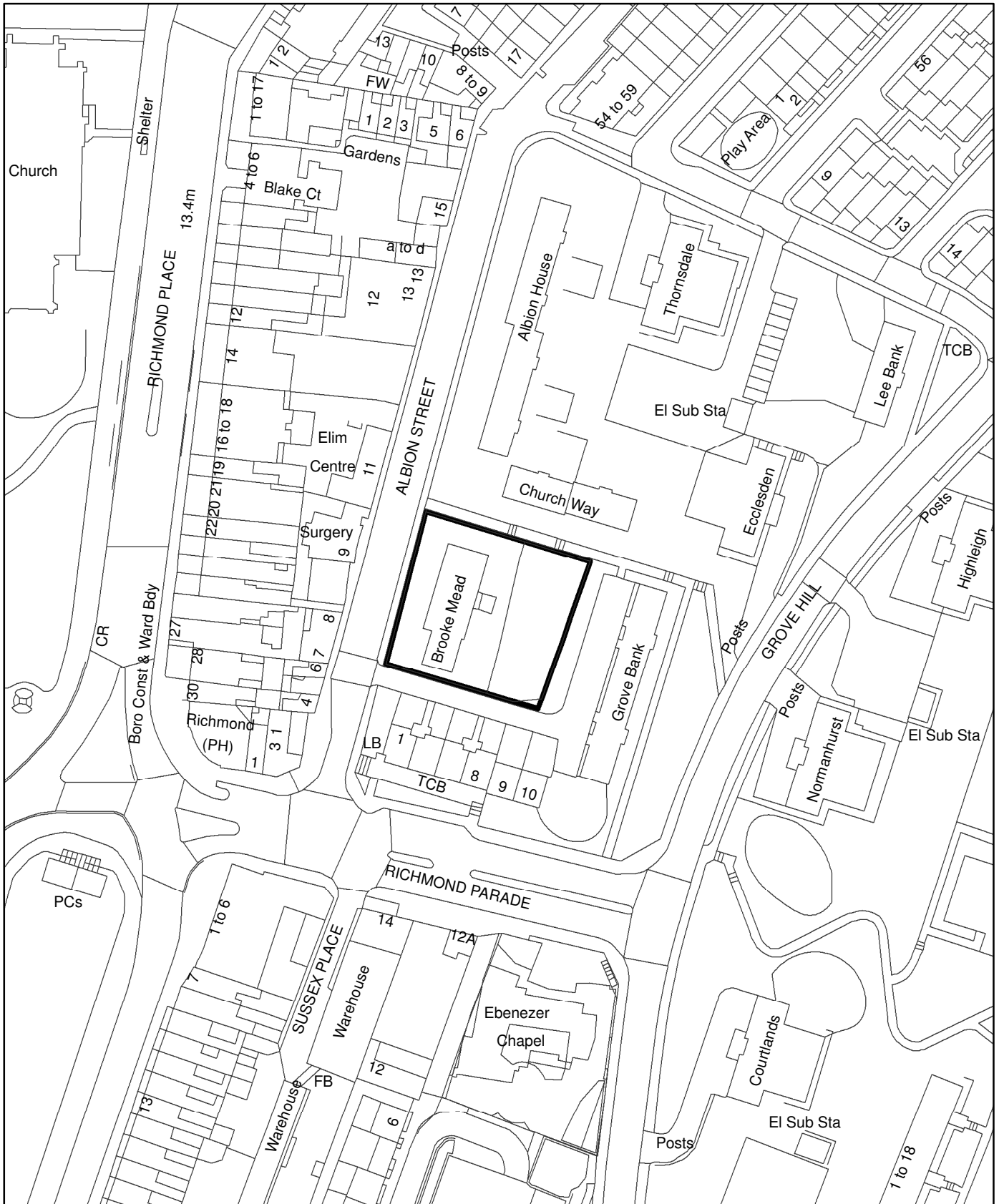
ITEM J

Brooke Mead, Albion Street, Brighton

**BH2013/02152
Council Development**

11 DECEMBER 2013

BH2013/02152 Brooke Mead, Albion Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02152	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Brooke Mead Albion Street Brighton		
<u>Proposal:</u>	Demolition of existing buildings and erection of a part 6no storey and part 5no storey building providing 45 Extra Care residential units, with associated communal spaces, landscaping works, cycle and scooter parking and community facilities.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	04 July 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 October 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lambert Smith Hampton, United Kingdom House, 180 Oxford Street London W1D 1NN		
<u>Applicant:</u>	Brighton & Hove City Council, Mrs Judi Wilson, Housing Strategy Directorate of Place, 4th Floor Bartholomew House, Bartholomew Square, Brighton BN1 1JP		

1 RECOMMENDATION

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site forms a parcel of land to the east side of Albion Street, Brighton comprising a vacant two storey residential block of 9 flats (Brooke Mead) and associated open space. The site has been vacant for 9 years and sits on land that rises to the east with a number of trees to the rear/east of the building.
- 2.2 Brooke Mead sits within the Albion Hill estate, a purpose built mix of three and four storey flat developments and taller 12 storey blocks set on rising land east of the Valley Gardens Conservation Area and Grade II* listed St Peters Church. A three storey block of twelve flats sits to the north of the site (Church Way) with a similar four storey block of twelve flats on higher ground to the east of the site (Grove Bank). A further three storey block of flats with retail and restaurant uses at ground floor level sits to the south of the site, with a mix of older two/three/four storey commercial and residential buildings to the west along Albion Street. The larger 12 storey blocks of flats sit on higher ground level to the east and northeast of the site.
- 2.3 The amenity space to the eastern half of the site is designated as public open space in the proposals map for the submission City Plan Part One. An Archaeologically Sensitive Area partially extends to the northern part of the site,

whilst the Valley Gardens Conservation Area is set to the west along with Grade II* St Peters Church. The site sits within a Controlled Parking Zone (zone C).

3 RELEVANT HISTORY

3.1 None relevant

4 THE APPLICATION

4.1 Planning permission is sought for the redevelopment of the site to accommodate a part five, part six storey building comprising 45 residential extra care units, associated staffing accommodation, and a 125sqm community centre. The extra care units would form a mix of 44 one-bedroom units and one two-bedroom unit, and would form 100% affordable rent housing. The application proposes areas of soft landscaping to the south and eastern sections of the site, along with enhancements to the landscaping of the wider area to the north and south of the site. No on-site parking is proposed for the development.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eight (8)** letters of representation has been received from **2 (x2), 6 (x2) & 12 (x2) Grove Bank; and 16 Ecclesden (x2)**, objecting to the proposed development on the following grounds:

- The site is in a low rise quarter surrounded by low rise buildings which will be dwarfed by the structure and will be out of place
- The proposal is totally out of proportion to the surrounding buildings
- The high rises nearby were designed with green space around them. The proposed block would be in very close proximity to the adjacent low rises without the green space surrounding it. It will look mammoth in scale and out of keeping with the environment
- The Church Way properties will be overwhelmed by the size and scale of the building
- Overshadowing, loss of daylight and sunlight, and loss of privacy to adjacent living room and bedroom windows
- Overlooking of balconies
- The existing impact of the balconies on Grove Bank should not be excluded in the assessment of impact as argued by the applicants
- During consultation residents were informed the building would be five storeys, not six
- The building would destroy an area of greenery which complements the protected green space along Valley Gardens. The space supports wildlife and provides respite for residents in an urban setting
- The proposal will remove all the healthy old trees and replace them with a narrow strip of lawn and some small trees
- There is already high crime/drug selling and use around the existing buildings and the further loss of natural light will increase crime levels further.

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- Noise and dirt/dust pollution from construction works
- 5.2 Councillors **Bowden** and **Powell** support the proposed development. Comments attached.
- 5.3 **Environment Agency:** No objection
- 5.4 **Archaeological Society:** No objection
- 5.5 **County Archaeologist:** No objection
The site is located within an Archaeological Notification Area. No objection is raised subject to a programme of archaeological works to record any archaeological deposits or features disturbed during construction works.
- 5.6 **Housing:** Support
The proposal will assist in delivering high quality affordable housing for local people in housing need. The scheme will provide a quality extra care housing scheme for older people and those living with dementia. The development will be owned by the City Council through the HRA account and be managed by a Care Provider.
- 5.7 Five of the units will be built to fully wheelchair accessible standards which is in line with the affordable housing brief. There are currently 331 people waiting for wheelchair accessible housing. Many of these disabled people are living in unsuitable homes that prevent them from living independent and dignified lives.
- 5.8 The affordable housing brief reflects the very pressing need for affordable homes in the City. There are currently over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership. The scheme will provide 45 units of affordable rent housing which equates to 100% affordable housing. Through the choice based lettings process existing residents in the City would be offered accommodation in an extra care scheme that would maintain their independence and provide support as required. In turn this would free up other units for people requiring affordable housing in the City.
- 5.8 **Southern Water:** No objection
- 5.9 **Sussex Police:** No objection
- 5.10 **County Ecologist:** No objection

Internal:

- 5.11 **Planning Policy:** No objection.
The provision of a significant number of affordable housing units providing 'extra care' for elderly residents is welcome and meets a specific housing need in the city, as detailed in the Older Peoples Housing Strategy 2010. The proposal results in the loss approximately 500 sqm of natural/semi-natural open space to the rear of the site. This loss is partially mitigated by improvements to nearby open space, secured through the development proposal, and by the provision of

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on-site amenity space and a green roof (to address biodiversity issues). In this instance, the need for affordable extra care housing units is considered to outweigh the loss of the open space provision.

- 5.12 All units within the redevelopment would be affordable housing, significantly exceeding the 40% requirement set out in policy CP20 of the City Plan and HO2 of the Local Plan. All units would have an 'affordable rented' tenure. The tenure mix and size of property is considered appropriate for affordable housing, particularly given the 'extra care' nature of the development.
- 5.13 **Environmental Health: Objection.**
Defra noise mapping indicates high levels of road traffic noise on Albion Street. Technical noise data is required to show that new residents will not be affected.
- 5.14 The proposed site appears to have been used for zinc and tin plate works between 1902 and 1938. Due to this it is reasonable to have a discovery condition for contaminated land, in case any material was deposited on the site of the proposed build.
- 5.15 **Air Quality: No objection**
- 5.16 **Economic Development: No objection**
No objection subject to the provision of an Employment and Training Strategy and a commitment to using 20% local employment.
- 5.17 **Heritage: Objection**
The redevelopment of the site is welcomed in principle. The footprint and layout of the building, the design approach to the elevations and the ground floor interest on Albion Street are all welcomed.
- 5.18 The building would be just over 19m above ground level at its highest point and therefore falls to be considered as a tall building. The site is not within or close to one of the tall building areas identified in SPGBH15 and City plan policy CP12, though it is acknowledged that there are existing tall tower blocks to the east of the site on the valley side.
- 5.19 The Valley Gardens Conservation Area Study and Enhancement Plan states that "it is essential to ensure that any new development immediately behind the frontage buildings does not intrude above the roofline of the frontage buildings when seen from within Valley Gardens" in order to "respect the historical primacy of the frontage buildings and to protect the sense of enclosure". It goes on to state that on such sites "buildings of more than 4 storeys in height should not normally be allowed unless it can be demonstrated that there would be no adverse impact on the appearance or character of that part of the conservation area or on views of important buildings". The Design and Access Statement has considered views from within Valley Gardens. Most notable is the view from St George's Place looking east over the roofline of the historic buildings of Richmond Place, which clearly demonstrates that the upper storey and a half of

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the new building would be visible above the historic roofline as a continuous horizontal slab.

- 5.20 From Grand Parade the western wing of the building appears unduly prominent and, in its relationship with the eastern wing and the surrounding development, it does not fit comfortably into the topography of the site. The south end elevation presents itself to the street but is somewhat bland and does not have the feel of a street elevation. The building would be taller than any other building in Albion Street and would not respond positively to the scale and secondary character of this street.
- 5.21 The submitted Heritage Statement has not given consideration to the setting of the listed buildings. However there is arguably little impact on the setting of the listed buildings on Grand Parade and the submitted viewpoint from Richmond Parade demonstrates that the existing view of St Peter's Church tower would remain largely unaffected. It is therefore considered that the setting of the listed buildings would be preserved.
- 5.22 However, it is considered that the setting of the Valley Gardens conservation area would not be preserved and that views from within the conservation would be harmed and that in this respect the proposal is contrary to the Valley Gardens Conservation Area Study and Enhancement Plan. The site is not within a tall building area and would be out of scale within its immediate context and unduly prominent in the street scene, especially given the massing of the building and its roofline. It would be contrary to policies QD2, QD4 and HE6 of the Local Plan.

Update following amended plans

- 5.23 The supporting letter concludes that the proposal should not be regarded as a tall building. The council's Tall Buildings SPG defines a tall building as being 18m or taller and significantly taller than surrounding buildings. It advises that in order to establish whether a building is significantly taller the applicant should submit an assessment of the mean height of surrounding existing development within a 100m zone of the site. The SPG goes on to state that "the proposed development may be 'significantly taller' and yet not be the tallest building in the zone".
- 5.24 No such assessment has been submitted with this application and therefore it is not possible to say conclusively whether or not this proposal is a tall building for the purposes of the council's policy. The supporting letter focuses on the taller blocks to the east but there are many buildings lower than the proposal within the vicinity, notably the historic buildings to the west of the site and the prevailing low rise character of Albion Street itself. In the absence of such an assessment the proposal should therefore be regarded as a tall building and it is not considered that a tall building should be justified in this location outside an identified tall building area by reference to the existing (and inappropriate) tall building to the east.
- 5.25 The amended plans show a reduction in height of the north west corner of the building by three storeys. This reduction in height would relieve the block-like massing of the building and would improve its relationship with the buildings to the north of the site in Albion Street. It would also marginally reduce the visual

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impact of the building in the views from within the Valley Gardens conservation area looking east over the roofline of the historic buildings of Richmond Place. However this is not considered to be sufficient to overcome the concerns raised in the original Heritage team comments. The setting of the Valley Gardens conservation area would not be preserved and views from within the conservation would be harmed. Despite the amendments the proposal would remain out of scale within its immediate context and be unduly prominent in the street scene.

5.26 **Sustainability Officer:** No objection

The application proposes that the 45 residential dwellings achieve CfSH level 4 which meets the overarching standards expected for major residential development. The non residential is proposed at 'Very Good' standard with 46% in the Energy section and 55% in the Water section.

5.27 There are many positive sustainability aspects to the scheme, and overall there is a good response to sustainability issues raised in Policy SU2 and SPD08.

5.28 The positive aspects include: Code level 4 for all dwellings; passive solar design maximising access to natural light in particular; energy efficient design with fabric performance values in excess of national standards for glazing, airtightness and all thermal elements; significant renewable installations including a solar hot water array (87m²), solar photovoltaics (15kW 85m²) and air source heat pumps; heat is provided via a communal system to the dwellings based on an efficient gas condensing boilers; a green roof, 4 tree, and 148m² of shared garden are proposed; rainwater butts are proposed for garden irrigation.

5.29 The non-residential element of the proposal has a floor area of less than 235sqm, and is therefore required to meet the standards for a 'small-scale development' as set out in SPD08.

5.29 **Sustainable Transport:** No objection.

Recommend approval subject to the applicant entering into a S106 agreement to contribute towards sustainable transport provision and the inclusion of the necessary conditions on any permission granted.

5.30 No on-site car parking is proposed. This is acceptable. The particular nature of residents here is such that they will not travel independently or frequently. It is not intended that residents will seek residents parking permits and this should be formally confirmed by an appropriate TRO amendment. Sustainable modes provision locally is good and Albion Street is within the CPZ and these factors will encourage visitors and staff to make journeys by sustainable modes. It is therefore considered that the number of trips generated will be small and any displaced parking problems will be negligible.

5.31 The applicants propose to facilitate the provision of a loading bay outside the site in Albion Street. This would be used for parking for organised trips for residents, cars and minibuses to pick up and set down residents, service vehicles to load and unload goods, and ambulances. This is appropriate and can be included in a consolidation order by the Council. The applicants have carried out parking beat surveys around the application site and these demonstrate that the loss of

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existing parking required by the creation of the loading bay will not inconvenience local residents as spare capacity is available.

- 5.32 The applicants propose 4 Sheffield stands for cycle parking, which comfortably exceeds the minimum number required, and the layout submitted is appropriate. Mobility scooter parking is also proposed which is appropriate although not strictly required by the standards.
- 5.33 The applicants have not estimated the number of trip generations by using the TRICS database as is the usual practice because the database does not contain exact comparators for the proposed use. This is acceptable and as reported above the number of trip generations is expected to be small. As the applicants have demonstrated, provision for buses and bikes in the vicinity of the application site is good, but they have not specifically considered provision for pedestrians with mobility problems such as potential residents. Without a S106 transport contribution it is not clear that the proposal meets policy TR1. It is therefore considered that a contribution of £9,200 should be required specifically to address local shortcomings in this provision. This contribution is to be spent on the provision of dropped kerbs and tactile paving in the vicinity of the application site.
- 5.34 The applicants have submitted a framework travel plan which is acceptable. A detailed plan should be required for approval by condition prior to occupation.
- 5.35 Aspects of the acceptability of this proposal in transport terms rely heavily on the exact nature of the proposal. Any consent should therefore ensure that it will not be possible to substitute a different type of accommodation within the same use class which would have a significantly higher transport impact.
- 5.36 **Arboriculturalist:** No objection
- 5.37 **Access:** No objection

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.

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- 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
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
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
QD4	Design – strategic impact
QD6	Public art
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
HO12	Sheltered and managed housing for older people
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes

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HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

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
CP1	Housing delivery
CP12	Heritage
CP14	Housing density
CP16	Open space

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the proposed building and its impacts on the surrounding area and setting of the Valley Gardens Conservation Area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport and sustainability issues.

Principle of Development:

- 8.2 Policy HO12 of the Brighton & Hove Local Plan states that planning permission will be granted for the provision of sheltered and managed housing for older people that is located close to local amenities, and incorporates 40 percent affordable housing for developments of 10 or more units as required under local plan policy HO2. Policy HO3 requires residential developments to incorporate a mix of dwelling types and sizes that reflects the City's housing needs. Exceptions will only apply when a scheme is designed to meet the needs of people with special needs. Policy HO4 supports higher densities of residential development where the proposal represents high standards of design and architecture, includes a mix of dwelling types and sizes reflecting local need, and is well serviced by sustainable transport modes. Policy CP14 of the submission City Plan Part One identifies a minimum density for new development of 50 dwellings per hectare to ensure that the full, efficient and sustainable use of land is made.
- 8.3 With regard the proposed community facility, policies HO19 and HO21 require new community facilities to be provided in new residential development to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development.

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- 8.4 The proposed redevelopment of the site with a building comprising 45 extra care units and a 125sqm community facility is considered to broadly comply with the above policies. The site is located in a sustainable central location in close proximity to bus and cycle routes and within easy walking distance of nearby shops and the city centre, in broad compliance with policy HO12, whilst the community facilities are primarily for the enjoyment of residents of the scheme as well as the wider community, thereby according with policies HO19 and HO21.
- 8.5 In terms of housing need and mix, the application identifies that population growth over the next 20 years is likely to be strongest in those 60 and over, with a 30% increase in people aged 85 and over. Specifically, it is estimated that by 2030 more than 2,000 persons over 85 will have some form of dementia (this represents a 27% increase on existing), of which 26% will be on low incomes. Further, there will be over 11,000 persons over 75 living alone. This demographic change is set out in the Council's Housing Strategy and Older Persons Housing Strategy.
- 8.6 The provision of extra care housing enables older people to remain living independently in a supported environment rather than move into care homes. The application identifies that the provision of extra care housing has the sequential benefits of freeing up family housing, makes more efficient and higher density use of land, and allows some occupants to retain their housing equity.
- 8.7 The Council's Housing team support the proposed development accordingly, identifying that the proposal will provide a quality extra care housing scheme for older people and those living with dementia, whilst also serving to provide an alternative to residential care enabling older people to remain living independently. The development would comprise 100% affordable housing set out as 44 one-bedroom flats and one two-bedroom flat. All of the flats would be available for affordable rent and would be available at up to 80% of the market rate (including services), in compliance with the definition of affordable housing set out in the NPPF. Conditions are attached to secure 40% affordable housing on the site, the maximum the Planning Authority is entitled to secure under policy HO2.
- 8.8 In terms of density, the development represents approximately 320 units per hectare compared to a density of approximately 123 units per hectare for the existing 165 residential units set within the Albion Hill, Albion Street, Richmond Parade and Grove Hill quadrant (the density is calculated in accordance with the guidance set out in policy CP14 of the submission City Plan Part One). Although a high density development, it should be noted that this figure is skewed by the provision of one-bedroom units for single occupancy within the development rather than the more diverse housing mix in the wider area. Given the specific form of housing proposed, it is not considered that the density proposed exceeds the carrying capacity of the site or sets a precedent for similar density market housing elsewhere in the area.

- 8.9 On this basis the general principle, housing mix and density of development proposed, including the provision of a 125sqm community facility to serve residents of the development and the wider community, is considered appropriate having regard policies QD3, HO2, HO3, HO4, HO12, HO19 & HO21 of the Brighton & Hove Local Plan and policy CP14 of the Submission City Plan Part One.

Design and Appearance:

- 8.10 The site is currently occupied by a vacant two storey building comprising 9 sheltered housing units and associated amenity areas. The proposed building would occupy the majority of the 38sqm by 37sqm (1,406sqm) site, being set close to or on the northern, western and southern site boundaries. The application is supported by an urban design appraisal detailing the historic development patterns of the area dating from the original dense regimented series of terraces that characterised the area through to their replacement with the current more spacious and less regimented 1950s/1960s high rise estate. The footprint of the building sits close to the Albion Street footway in a similar manner to the former terraces and buildings opposite, and as such would define a new building line for any future development along the street. The existing streetscape is considered to represent a poor quality townscape therefore it is not considered appropriate to require any new development to fully respond to the set back frontages and more spacious settings of the Albion Hill estate.
- 8.11 In terms of scale, the building would be six storeys in height (18.7m) on the Albion Street frontage, and five storeys in height on the Grove Bank frontage owing to the changing land levels through the site. As a development over 18m in height, the proposal constitutes a 'tall building' as defined in SPGBH15 'Tall buildings'. The site falls outside of the specific nodes and corridors for tall buildings as set out in the SPG. As required by the SPG, the applicants have submitted a tall buildings assessment within the Planning Supporting Statement to complement a broader design analysis contained within the Design & Access Statement. The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.12 In this instance the surrounding townscape comprises a mix of 3-4 storey buildings at between 9 and 12m in height, and three taller blocks of high rise flats at approximately 35m in height. Whilst the majority of the low rise developments in the area are of a broadly consistent scale, this scale is disrupted by the magnitude of the adjacent tower blocks. The proposed five-six storey building would have a maximum height of 18.7m above Albion Street, above the 18m threshold set out in SPGBH15, with the east/rear 15.2m above the car park level to Grove Bank. Sections through the site and surrounds detail that the proposed building would not directly correlate with the stepped rooflines through the site, but would be significantly taller on all sides than the immediate adjacent buildings. As such the proposed building would have a scale out of keeping with its immediate surrounds. However, given the scale of the high rise flats in close proximity to the north and east of the site, including their position

on higher ground, it is not considered that the development is 'significantly taller' than the surrounding development such that it would directly conflict with SPGBH15 guidance. Notwithstanding this judgement, the height of the building relative to those adjacent and the topography of the area is considered excessive and dominating in townscape terms, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

- 8.13 In terms of its general form and finish, the building would be 'C' shaped with a recessed top/sixth floor, a lower three storey north wing, and an open courtyard to the south side. It is considered that the building, notwithstanding the scale and massing issues identified, represents a well designed and articulated structure that would improve the design quality of the area. The main external elevations would be completed in buff brick to complement the brick finishes to surrounding buildings, both within the Albion Hill estate and along Richmond Place and Albion Street. In order to alleviate amenity harm to residents of Church Way, the upper three floors to the north side have been removed from the scheme, thereby shifting the mass of the building more to the central and southern parts of the site and reducing its bulk accordingly. The lower north side and ground floor to the building would be articulated in a darker brick to the upper floors, thereby bringing interest to the main Albion Street frontage and visually reducing the massing of the building. The community space is located on the southwest corner of the building fronting Albion Street, and will provide an active frontage visible through the Richmond Parade/Richmond Place junction.
- 8.14 The inner elevations to the building around the southern courtyard would comprise the access ways to each unit and be articulated with vertical louvres, coloured by floor to bring both visual interest to the building and to assist residents in identifying the floor on which they live. This corresponds with the overall design/layout approach for the development which has sought to meet HAPPI (Housing our Aging Population: Panel for Innovation) principles specifically directed towards its intended occupants.

Impact on Valley Gardens Conservation Area

- 8.15 In terms of its impact on the setting of the Valley Gardens Conservation Area, section drawings and verified views of the proposal show that the top floor of the building would be visible above the buildings along Richmond Place when viewed from the westernmost part of the Valley Gardens Conservation Area. The Valley Gardens Character Statement identifies the need to protect long views of key buildings and to ensure that new development immediately behind frontage buildings does not intrude above their roofline when viewed from within the conservation area. Heritage officers have objected to the development on the grounds that the height of the building would project above the roofline to Richmond Place and intrude on the setting of the Valley Gardens Conservation Area.
- 8.16 The top floor has been designed to have a recessive appearance, being formed of blue/black tiles to compliment the roofline to Richmond Place. Samples of all materials are recommended by condition to ensure a satisfactory appearance to the development. It is noted that the verified views show the top floor rising above the lowest rooflines to Richmond Place, and that this visibility would be

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from the westernmost public viewpoints within the conservation area. From the more central parts of Valley Gardens, the building would be disguised behind the roofline to Richmond Place. The section drawings and verified views indicate that the margin of projection above the varied roofline to Richmond Place would be both slight and set against the backdrop of the tower blocks on Albion Hill. As such it is not considered that the development would have a looming presence that would break the skyline and significantly harm views into and out of the Valley Gardens Conservation Area such that the proposal would materially conflict with policy HE6 of the Brighton & Hove Local Plan.

- 8.17 Further verified views have been provided of the development when viewed through the Richmond Parade/Richmond Place junction within the Conservation Area. These views show the southern and western elevations to the building and clearly show its additional height and massing relative to the immediately adjacent buildings. The view through the junction from the conservation area is not considered significant given the existing range of building forms and finishes behind Richmond Place, therefore the proposed building would not have a harmful impact in this regard. These conclusions, however, do not over-ride the identified concerns over the height of the building relative to the adjacent buildings.
- 8.18 In terms of its impact on the setting of St Peters Church, elevated views of the church spire would remain either side of the building with the exception of a short section of Grove Bank adjacent to the Ebenezer Chapel development at the junction with Richmond Parade. It is not considered that the proposal would significantly harm long views of the conservation area or listed church.

Landscaping:

- 8.19 The site as existing has a number of mature and semi-mature trees within the gardens to the rear that provide a green setting for the site and surrounds. Lesser quality trees sit to the site frontage however they provide relief to the built up nature of the area. The proposal seeks to remove all trees from the site and shrink the garden space to a 7m deep section to the eastern boundary and a courtyard to the southern elevation. In order to compensate for the loss of all existing planting, new tree planting is proposed along the eastern boundary and within the southern courtyard, complemented by planters and a green roof to the northern second floor roof. The council's arboriculturalist has raised no objection to the loss of the existing trees, subject to the provision of a suitable landscaping plan and compensatory planting for the site.
- 8.20 In addition to these works, a landscape masterplan has been submitted detailing a strategy for the longer term improvement of the wider area. The masterplan includes new street trees, improved soft landscaping, seating areas, and outside play space within the Albion Street, Albion Hill, Grove Bank and Richmond Parade quadrant, all of which is under the ownership of the applicants. The application proposes new planting and soft landscaping immediately north of the site adjacent to the blocks of flats at Church Way and Albion House, along with a new multi-purpose play area. Further improvements are proposed as part of this submission fronting Richmond Parade, and these include expanded paved areas, improved and more discrete bin storage, and a

new cluster of trees. The remaining works detailed in the masterplan do not form part of this submission and are a longer term aspiration for the wider estate. The works that are included are considered to appropriately mitigate the loss of the existing vegetation and improve the quality of the surrounding public realm. The applicants have stated that they intend to consult local residents over the landscaping masterplan and that changes may be made as a result. Consequently a full landscaping plan is requested by condition to take into account this process whilst ensuring that the level of improvement is consistent with that currently proposed. Subject to this condition the proposal will accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.

Ecology/Nature Conservation:

- 8.21 A Habitat Survey has been submitted with the application. The survey concludes that the site is of little ecological value and the proposed development will not likely result in any impacts to designated or non-designated wildlife sites in the area. Bats were not found to be present in the existing building whilst the grassland to the rear was considered unlikely to contain reptiles due to its isolated position away from other habitats. The presence of mature trees on the site did though raise concern over the potential for nesting birds. The survey makes recommendations to improve the biodiversity of the site, including the installation of bat and bird boxes, a green roof, and native wildlife attracting planting in the landscape plans. The County Ecologist has raised no objection to the proposal, subject to the installation of biodiversity enhancement measures. These are secured by way of a landscaping condition and green roof condition, and in supporting informatives. Subject to the recommended conditions and informatives the proposal would accord with policies QD17 & QD18 of the Brighton & Hove Local Plan.

Open Space:

- 8.22 The site as existing comprises the vacant Brooke Mead building and ancillary garden space to the rear. The garden space has a number of mature and semi-mature trees and is part allocated as open space in the proposals map for the submission City Plan Part One. The site constitutes natural/semi-natural open space however its contribution is limited by virtue of being private space set in the midst of the block of flats on Church Way, Brooke Mead, Grove Bank and Richmond Parade. Policy officers have identified that there is an undersupply of natural/semi-natural and general open space within the ward. However, the size and position of the open space as such that it would not be capable of meeting the city's wider open space needs, whilst the Habitat Survey submitted with the application identifies that the majority of the site has little ecological value. As such it is not considered that the open space is of sufficiently high quality such that its retention in situ would outweigh the wider benefits of the scheme.
- 8.23 The proposal would result in the loss of the majority of this space, including all existing trees. New tree planting would be provided in narrow gardens on the eastern boundary of the site, to be accessible by residents of the development only. Further planting would be installed in the southern courtyard, whilst adjacent off-site landscaping improvements are included in the submission. These improvements include new tree planting to compensate for the loss of those on site and improve the general quality of the wider open space provision

in the area. On balance given the relatively low quality of the existing inaccessible open space it is considered that the replacement planting and off-site landscaping proposed will suitably mitigate the harm afforded by the loss of this green space. Accordingly it is not considered that the proposal will result in the loss of valuable open space contrary to the thrust of policy QD20 of the Brighton & Hove Local Plan and policy CP16 of the submission City Plan Part One.

- 8.24 The development would not provide the onsite outdoor recreational space as set out in policy HO6 therefore a contribution to improving local facilities is required to meet the needs of the development. Given the specific nature of the development, catering for older persons occupying units on a largely single occupancy basis, a contribution of £26,250 is considered appropriate.

Standard of Accommodation:

- 8.25 All residential units have secure independent access separate from the main ground floor community space. The entrance hall is serviced by a staff office and reception, with the staff bedsit directly adjacent. The proposed one-bedroom flats would each have internal floor area of between 52sqm, with the top floor flats having a smaller floor area of 49sqm but with larger balconies to compensate. All residential units would have access to either a private balcony or patio area as well as the ground floor communal facilities and garden areas. All rooms to each one-bedroom flat are of a suitable size and layout with good access to natural light and ventilation, and broadly meet the standards for affordable housing as set out in the council's Affordable Housing Brief.
- 8.26 The two-bedroom flat is located at ground floor level in the northwest corner of the site. The flat is of a good size at 75sqm however its main outlook is directly onto the Albion Street footway with its secondary outlook and rear patio both north facing and directly fronting the accessway to a rear communal bin store. Consequently it is not considered to represent an ideal standard of accommodation, with residents likely to be disturbed by passers by and persons accessing the bin store. However, given the positive overall benefits of the scheme the lack of optimal accommodation provided by the ground floor unit is not considered so harmful as to be unacceptable.
- 8.27 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The policy requires that 10% wheelchair accessible housing is provided on affordable housing schemes. The Planning Statement submitted with the application states that 6 (13%) of the units are fully wheelchair accessible. These units comprise five one-bedroom flats at first floor level with direct level access to decked amenity space and the communal lawns to the east side of the site, and the two bedroom unit at ground floor level. The Design and Access Statement includes a Lifetime Homes Compliance checklist to confirm that all 16 standards have been incorporated into the design, to the satisfaction of the Access officer. The Statement also details that the development has been designed to meet HAPPI standards which is welcomed. A condition is recommended to ensure that the development is built out to Lifetime Homes standards as indicated.

Impact on Amenity:

- 8.28 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.
- 8.29 The site is set in close proximity to a number of residential properties within Church Way, Grove Bank, and the upper floors to Richmond Parade and Albion Street. The closest properties are those on Church Way at a separation of approximately 9.5m, with those on Grove Bank at approximately 17.5m and those on Albion Street at approximately 13m. Given the height of the proposed building relative to those adjacent, the main amenity impact will be through loss of light and outlook, as well as from direct overlooking.
- 8.30 The Design & Access statement details that the proposed building has evolved during the course of pre-application discussion and post-submission feedback to reduce its impact on the neighbouring properties. The main alteration has been the reduction in scale of the northern wing to the building, which has been reduced from 5-6 storeys to three storeys in height to better reflect the scale of Church Way and improve levels of daylight and outlook to the twelve flats within the block. The removal of this additional height has served to reduce the sense of enclosure and preserve a suitable outlook to Church Way, albeit retaining a close proximity of 9.5m between elevations. The replacement of a low density two storey building with a 5-6 storey development will inevitably lead to a greater presence, however in context the separation of the building from the other adjacent buildings by between 13 and 17.5m is considered sufficient to avoid an overwhelming and harmful sense of enclosure for existing residents.
- 8.31 To address the daylight impacts of the proposal, the applicants have undertaken a detailed daylight/sunlight assessment in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The assessment identifies 156 windows facing the site set within 36 residential flats and other non-residential units. The 156 windows include non-habitable rooms such as bathrooms, and non-domestic windows serving offices, stores etc. Of particular importance are the primary habitable windows facing the site that would potentially be affected by significantly reduced daylight, sunlight and outlook.
- 8.32 In total, the assessment calculates that none of the 36 residential flats would have one or more windows that fail the BRE tests, with six of these on Church Way to the north of the site. Within Church Way, eleven south facing windows to six flats within the western half of the block would fail the guidance, which assesses the degree of loss of daylight as a proportion of the existing. The BRE guidance sets a threshold of 20% loss of daylight before any loss is considered likely to be noticeable and/or potentially significant. In the case of the windows on Church Way, these are currently south facing with existing high levels of natural light. All but three of the eleven affected windows would lose between 20% and 30% of their existing light, with the remaining three ground floor

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windows losing between 31% and 38% of their light. It is noted that the remaining light levels to all windows exceed 50% of the maximum available (ie that from an unobstructed south facing window) therefore, whilst statistically failing the BRE guidance test, it is not considered in practice that any loss of light would be so significant or harmful as to merit the refusal of permission. All windows would retain at least 50% of the maximum daylight available, whilst the sunlight assessment details that for at least half the year direct sunlight to all windows would be unaffected. As such the flats on Church Way, which are dual aspect north-south, would not become so gloomy and oppressed by low levels of natural light or sunlight such that it would compromise their standard of accommodation to a harmful degree.

- 8.33 The assessment details that the top floor residential windows to three flats on Albion Street would also fail the guidance, however as top floor flats they would retain a good outlook with some sky views. With regard the other flats on Grove Bank and Richmond Parade, the assessment calculates that none will fail the BRE tests. It is noted that a number of west facing flats on Grove Bank have balconies that already significantly reduce light to the windows directly below, however given the separation of the development (approximately 17.5m), it is not considered that their existing outlook would be so compromised as to warrant the refusal of permission.
- 8.34 In terms of overlooking, the intensification of built form and number of units on the site will inevitably lead to greater overlooking potential. All elevations to the building would contain principal windows and balconies that would face either the front or rear elevations of existing properties. The separation of the building from Albion Street, Richmond Parade and Grove Bank by between 13m and 17.5m across public highways, access roads and parking areas is not excessively close in a town centre location such as this therefore a refusal on overlooking grounds would not be merited.
- 8.35 To the north, Church Way is set in close proximity at a separation of 9.5m, with four flats on the first and second floor of the proposed building having windows directly facing Church Way. These windows serve bedrooms and kitchen/living rooms that have a dual aspect. On balance it is not considered that the presence of facing windows at such a close proximity is so unusual or harmful in a town centre location, particularly as the rooms they serve have a dual aspect. The balconies proposed to flats 1.11 and 2.11 are recessed into the northern elevation and offset from Church Way. As such any overlooking would be restricted to angled views. The plans include corner balconies to flats 2.06, 2.10, 3.09 & 4.09 that would afford elevated views into windows on Church Way and windows and gardens to Richmond Parade. A condition is attached to seek details of screening of these balconies, to be secured prior to occupation. This would ensure that any overlooking impact from use of the balconies is suitably mitigated given the distance between the sites.
- 8.36 It is noted that a flat green roof is proposed above the northern wing. A condition is attached to ensure that access to this roof is for maintenance purposes only, as any communal activity would result in significant overlooking of properties opposite and be unacceptable.

8.37 Subject to this condition the proposed development would not significantly impact on the amenities of adjacent occupiers beyond that common to high density town centre locations such as this, in accordance with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

8.38 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents. A Transport Assessment has been submitted with the application alongside a Framework Travel Plan.

8.39 The site as existing has no dedicated off-street parking. Parking in the area is predominantly on-street and supplemented by small compounds serving individual residential blocks, including Grove Bank to the east of the site. The Grove Bank parking compound is accessed from Albion Street via a driveway running along the southern boundary of the site. This accessway would be retained. The on-street parking is restricted for permit holders only (Controlled Parking Zone C) and pay-and-display users.

8.40 The site is located in a sustainable location close to public transport routes, local and regional shopping centres, and the seafront. The development has been designed to be car-free, with no onsite parking provided for residents. The nature of the development and its intended users (with varying levels of care need) is such that residents would be unlikely to travel frequently or own a car. The location of bus routes along Richmond Place and the presence of car club bays on Richmond Parade would allow more mobile residents to travel where necessary, therefore pressure on street parking is unlikely to be significant. Notwithstanding this, a condition is recommended to ensure that the development remains car-free in the long term with residents being ineligible for parking permits, in accordance with policy HO7.

8.41 The application proposes the replacement of two permit bays fronting the site on Albion Street with a loading/unloading bay for the development. This bay would be used for deliveries, would allow the pick up and drop off of residents, and the parking of ambulances. A parking survey has been carried out that demonstrates that the loss of two permit bays would not have a discernable impact on parking pressure in the area. A condition is recommended to secure the implementation of the loading bay prior to the occupation of the development.

8.42 Sufficient cycle parking is included in a dedicated storage area within the northern section of the building, alongside mobility scooter parking for residents.

8.43 In terms of trip generation, the applicants have not been able to use the TRICS database as is the usual practice because the database does not contain exact comparators for extra care units in central locations with no on-site parking provision. The Sustainable Transport Officer has not raised concern in this instance as the number of trips generated by the proposed use is expected to

be small, with the majority being by visitors to the site. The applicants have demonstrated that sustainable transport provision in the area is generally good in terms of public transport routes, cycle routes and car club bays, but have not specifically considered provision for pedestrians with mobility problems. In order to fully meet the requirements of policy TR1 it is considered that a contribution of £9,200 should be sought specifically to improve the provision of dropped kerbs and tactile paving in the vicinity of the application site, including its links to sustainable transport routes along the Richmond Place/Grand Parade corridor. This sum is reflective of the areas for dropped kerb and tactile paving improvements that have been identified in the vicinity of the site.

- 8.44 Subject to the recommended conditions and a contribution of £9,200 towards the provision of improved dropped kerbs and tactile paving in the vicinity of the application site, the development would accord with policies TR1, TR2, TR4, TR7, TR8, TR14 & HO7 of the Brighton & Hove Local Plan.

Sustainability:

- 8.45 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. For major new-build residential schemes SPD08 requires proposals to meet level 4 of the Code for Sustainable Homes and achieve zero net annual CO2 from energy use. The new-build non-residential element is required to demonstrate a reduction in energy and water use.
- 8.46 The application is supported by a Sustainability Checklist, an Energy Report, and an Energy Strategy Report. The Sustainability Checklist and Planning Statement detail that all residential units will achieve level 4 of the Code for Sustainable Homes. This is confirmed in a pre-assessment report included in the Energy Strategy Report. The specific measures incorporated into the proposal to achieve this standard include:
- passive solar design maximising access to natural light;
 - an energy efficient design with the fabric performance values in excess of national standards for glazing, airtightness and all thermal elements;
 - significant renewable installations including 21 solar panels and 53 photovoltaic panels, and air source heat pumps;
 - heat to the dwellings provided via a communal system based on efficient gas condensing boilers;
 - a green roof, 4 trees, and 148m² of shared garden;
 - rainwater butts for garden irrigation.
- 8.47 The non-residential element of the proposal has a floor area of less than 235sqm and is required to demonstrate a reduction in energy and water use only. The application proposes to meet BREEAM 'very good', achieving 46% in the Energy section and 55% in the Water section. This is sufficient to exceed the standard recommended in SPD08. The sustainability officer is satisfied with the measures proposed, which are secured by condition.
- 8.49 Refuse and recycling facilities appropriate to the scale of the development are proposed in a compound within the northern section of the building. For these

reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards required by Policy SU2 and SPD08.

Other Considerations:

- 8.50 The northern part of the site is located within an Archaeological Notification Area. The County Archaeologist has raised no objection to the proposed development subject to a condition requiring a programme of archaeological works to be undertaken prior to development commencing. This is secured by condition in accordance with policy HE12 of the Brighton & Hove Local Plan.
- 8.51 The Environmental Health officer has identified that the site appears to have historically been used for zinc and tin plate works. A condition is attached to advise the applicants of their responsibilities in the event contaminated land is uncovered during development works.
- 8.52 The site is located close to Grand Parade which has heavy car use resulting in high noise levels and air pollution. The Environmental Health officer has raised concern that noise levels along Richmond Place and Grand Parade can reach over 75db during the day and up to 69db at night, with noise along Albion Street estimated at up to 59db at night. Albion Street is a largely residential street set back from Richmond Parade and buffered by two rows of 3-4 storey buildings. It has considerably fewer traffic flows than Richmond Place therefore a refusal on noise grounds cannot be sustained. In this instance it is considered appropriate to require a scheme by condition to ensure that occupants of the development are suitably protected from road traffic noise, particularly at night.
- 8.53 The site falls within a designated Air Quality Management Area. However, given the limited number of vehicle trips likely to be generated by the proposed use and the car free nature of the development, it is not considered that the development would appreciably contribute towards a harmful impact on existing air quality in the area. The Air Quality officer has raised no objection accordingly.
- 8.54 The Economic Development officer has raised no objection to the proposed development, subject to the provision of an Employment and Training Strategy and a commitment to using 20% local labour during construction. This is secured via the s106 agreement.

9 CONCLUSION

- 9.1 The principle of this development is acceptable and welcome, the benefits of the development in providing affordable housing for vulnerable older persons is given significant weight. The harm identified by the proposed height of this development is considered to have a moderate adverse impact in terms of visual amenity. The proposed building is considered to be well designed and would not otherwise impose on the setting of the adjacent Valley Gardens Conservation Area or Grade II* listed St Peters Church to a significant or harmful degree. As such its impact on the surrounding townscape and amenities of adjacent occupiers is not assessed as being significant. The

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development would offset the loss of the existing trees and open space by contributing to improvements to open space provision in the wider area and providing off-site landscaping improvements. The development would not have a significant highways impact on the surrounding area.

10 EQUALITIES

10.1 The development has been designed to meet Lifetime Homes Standards with 5 of the units being fully wheelchair accessible.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £9,200 towards improving sustainable highway infrastructure in the vicinity of the site.
- Contribution of £26,250 towards open space contribution in the area.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 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
Site location plan	-	-	11/11/2013
Proposed block plans	1694/P/010	P10	08/11/2013
	1694/P/011	P12	25/11/2013
Existing plans	1694/P/050	P7	26/06/2013
Existing elevations	1694/P/060	P7	26/06/2013
	1694/P/061	P7	26/06/2013
	1694/P/062	P7	26/06/2013
	1694/P/063	P7	26/06/2013
Proposed floor plans	1694/P/100	P10	08/11/2013
	1694/P/101	P11	14/11/2013
	1694/P/102	P12	25/11/2013
	1694/P/103	P12	25/11/2013
	1694/P/104	P12	25/11/2013
	1694/P/105	P12	25/11/2013
	1694/P/106	P10	08/11/2013
	1694/P/110	P12	25/11/2013
Proposed elevations	1694/P/300	P10	08/11/2013
	1694/P/301	P10	08/11/2013
	1694/P/302	P12	25/11/2013

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	1694/P/303	P11	14/11/2013
Proposed sections	1694/P/200	P12	25/11/2013
	1694/P/201	P10	08/11/2013
Proposed context elevations	1694/P/020	P12	25/11/2013
	1694/P/030	P10	08/11/2013
Proposed detailed section elevations	1694/P/310	P7	26/06/2013
	1694/P/311	P7	26/06/2013
	1694/P/312	P7	26/06/2013
Proposed typical flat layout	1694/P/400	P4	26/06/2013
Off-site landscaping plan	1373-01	A	11/11/2013

- 3) Other than the dedicated walkways, balconies and roof terraces detailed on drawings nos 1694/P/103 rev P12 & 1694/P/105 rev P12 received on 25 November 2013, and drawing no 1694/P/106 rev P10 received on 8 November 2013, access to the flat roofs of the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 5) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

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- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policies HO2 & HO3 of the Brighton & Hove Local Plan.

- 7) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 2005 or any amendment thereto, the community facilities as detailed on drawing no.1694/P/100 rev P10 received on 08 November 2013 shall be retained solely for such use at all times

Reason: To allow the Local Planning Authority to control any subsequent change of use of the premises in the interests of retaining the community facilities within the scheme, to accord with policy HO20 of the Brighton & Hove Local Plan.

- 8) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 2005 or any amendment thereto, the residential units hereby permitted shall be retained as extra care units at all times and shall not be used for any other use.

Reason: The development is deemed acceptable on the basis of the mix and type of housing proposed and its limited highways impact therefore the Local Planning Authority would wish to retain control over any subsequent change of use of these premises to comply with policies TR1, HO2, HO3 and QD27 of the Brighton & Hove Local Plan.

- 9) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11.3 Pre-Commencement Conditions

- 10) No development shall commence until details of screening to the balconies to flats 2.06, 2.10, 3.09 & 4.09 have been submitted to and approved in writing by the Local Planning Authority. The screens shall be erected prior

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to the first occupation of the development and shall thereafter be retained at all times.

Reason: In order to protect adjoining properties from overlooking and loss of privacy and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 12) No development shall commence until a scheme for the protection of residents from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.
A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 14) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
- 15) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction

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works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

- 16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping that has regard to annex 7 of SPD11 'Nature Conservation and Development'. The scheme shall include the areas of off-site landscaping detailed on drawing no. 1373-01 rev A received on 11 November 2013 and include details of all hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, and the provision of bird boxes.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 & QD17 of the Brighton & Hove Local Plan and SPD11 'Nature Conservation and Development'.

- 17) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

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

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

- 19) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been

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submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

- 20) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 21) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions

- 22) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 23) The community facilities hereby permitted shall not be occupied until the sustainability measures detailed within the Energy Strategy Report received on 26 June 2013 relating to energy and water consumption have been fully implemented, and such measures shall thereafter be retained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy and water 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.

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- 24) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

- 25) The development hereby permitted shall not be occupied until the loading bay fronting Albion Street as detailed on drawing no. 1694/P/111 rev P10 received on 8 November 2013 has been fully implemented and made available for use. The loading bay shall be retained as such thereafter.

Reason: In order to ensure the safe operation of the development in accordance with policy TR7 of the Brighton & Hove Local Plan.

- 26) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. A minimum of six units shall be built to wheelchair standards to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 27) Within 6 months of occupation of the development hereby approved, the applicant or developer shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (carers, staff, visitors, residents & suppliers).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

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- (ii) for the following reasons:-
The benefits of the proposed development in providing 45 units of affordable rent extra care housing for vulnerable older persons attract significant weight and are considered to outweigh the immediate harm afforded by the height of the building. The proposed building is considered well designed and would not otherwise impose on the setting of the adjacent Valley Gardens Conservation Area or Grade II* listed St Peters Church to a significant or harmful degree. As such its impact on the surrounding townscape and amenities of adjacent occupiers is not assessed as being significant. The development would offset the loss of the existing trees and open space by contributing to improvements to open space provision in the wider area and providing off-site landscaping improvements. The development would not have a significant highways impact on the surrounding area.
3. The applicant is advised that the scheme required to be submitted by Condition 18 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
 4. The applicant is advised that the implementation of the loading bay secured under condition 25 requires an amendment to the Traffic Regulation Order. Such amendments are arranged via the Council's Parking Strategy team who can be contacted at lines.signs@brighton-hove.gov.uk or 01273 292181.
 5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
 6. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
 7. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk

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8. The applicant is advised that the development plot is located in an Air Quality Management Area and solid fuel burning on a commercial scale (>45 Kw) is not likely to be approved.



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COUNCILLOR REPRESENTATION

From: Stephanie Powell
Sent: 11 November 2013 18:13
Subject: BH2013/02152

Dear Adrian,

The consultation with local residents into this proposal has been very thorough indeed. Much work has gone into modifying the plans over a number of months with local residents' comments in mind.

The proposed build in the Tarner area is ideal, being very centrally located. It will do much to help start the regeneration of the area, as well as to provide much-needed extra care housing in the city.

Therefore, please convey my wholehearted support of this application to the committee.

Regards,

Cllr Stephanie Powell
Green Party Councillor for Queens Park Ward
Brighton & Hove City Council

Chair, Licensing Committee
Disability Champion
Shared LGBT Champion role with Cllr Mike Jones
Member, Children & Young People's Committee
Member, East Sussex Fire Authority



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COUNCILLOR REPRESENTATION

From: Geoffrey Bowden
Sent: 12 November 2013 01:15
Subject: RE: BH2013/02152 - protect

I think that you may add the wholehearted support of all three ward councillors for this important development.

Best wishes and thanks to the whole team who has worked so hard on this scheme.

Geoffrey

Geoffrey Bowden
Green Party Councillor for Queen's Park
Chair Economic Development & Culture Committee
Email: geoffrey.bowden@brighton-hove.gcsx.gov.uk
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