

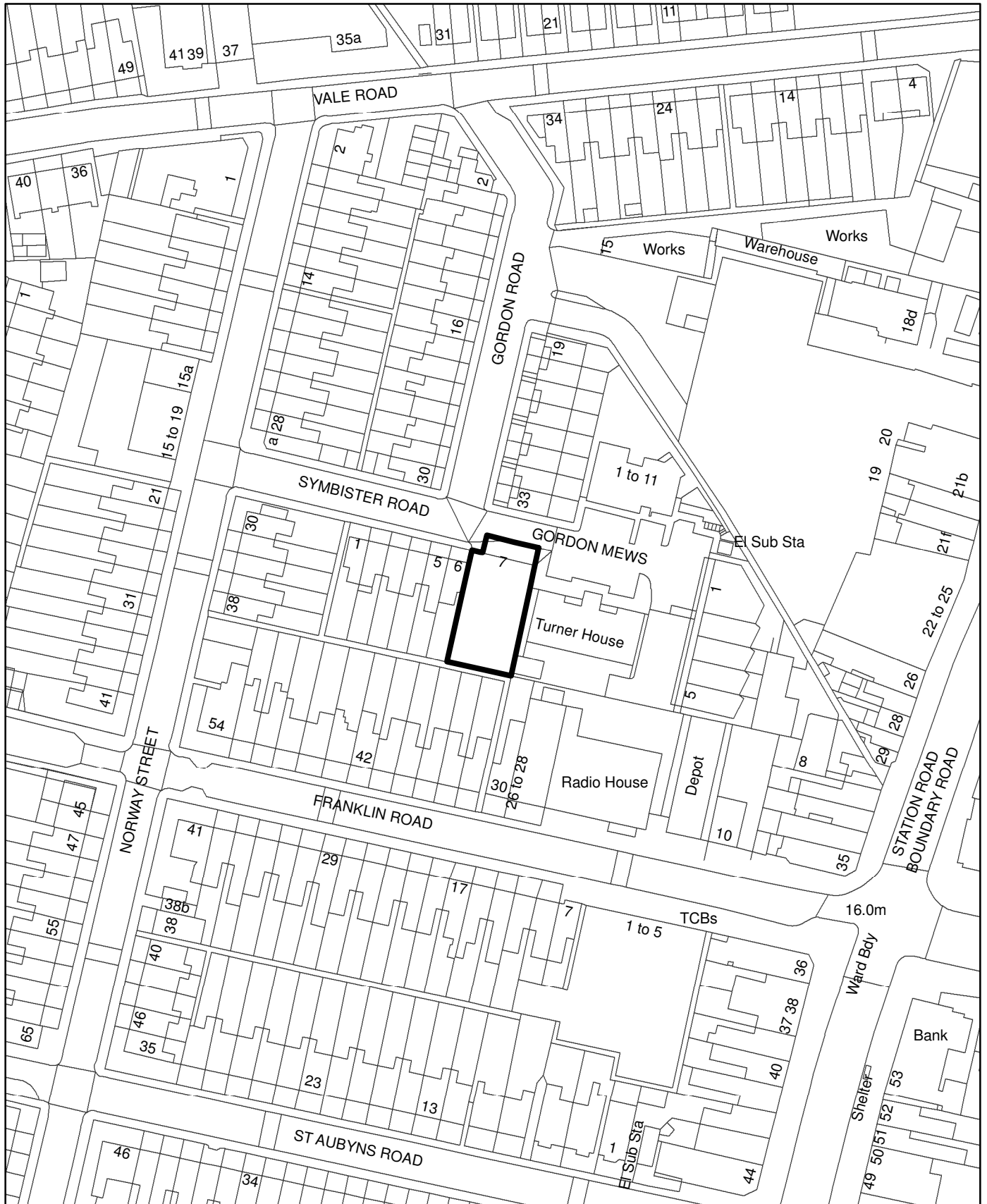
# **ITEM C**

**7 Symbister Road, Portslade**

**BH2014/01523**  
**Full planning**

**08 OCTOBER 2014**

# BH2014/01523 7 Symbister Road, Portslade



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/01523</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Symbister Road Portslade</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of a part three/part four storey building to form 9no flats incorporating communal garden to rear and 4no off street parking spaces to the front.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	12 May 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	07 July 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Crowther Associates Architects, Pelham House, 25 Pelham Square, Brighton, BN1 4ET		
<b><u>Applicant:</u></b>	Nova Developments (UK) Limited, R Mellett, 42 Brook Street, London, W1K 5DB		

## 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 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 relates to a two-storey industrial building located on the south side of Symbister Road. The building is currently vacant and in need of repairs. It was last used for the manufacture, storage and sale of office furniture. It includes a garage roller shut door to the front adjacent to stairs leading to former office space at first floor level. The site includes off street parking spaces to the front. The main section of the building is brick built with a flat roof. The other half includes a lower a glazed pitched roof. With the exception of a front forecourt area, the two buildings cover the site.
- 2.2 The building is in between a row of traditional two-storey terraced houses at 1-6 Symbister Road and to a modern four-storey block of flats at Turner House. Turner House is part of a mixed scheme at Gordon Mews comprising B1 office space and apartment blocks and houses. Boundary Road shopping centre lies to the east.

## 3 RELEVANT HISTORY

**BH2007/01172:** Demolition of existing building and redevelopment to provide a part 2.5 storey building and part 4 storey building to form a business unit (class B1 use) and 9 x 1 bedroomed flats. An appeal was lodged against a failure to give notice within the prescribed period of a decision on an application for planning permission (ref: APP/Q1445/A/07/2061105). The application was recommended for refusal by the Local Planning Authority on the following grounds:

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- Insufficient evidence had been provided to demonstrate that the premises were genuinely redundant and that alternative employment uses had been fully considered, contrary to policy EM3.
- The proposal for 9 flats, all with 1 bedroom, was not considered an inappropriate mix of units, contrary to policy HO3.
- The design of the scheme was considered inappropriate as the lower section did not relate well to the adjoining terrace. The scheme was therefore considered contrary to policies QD1 and QD2.
- The proposal did not include adequate outside private amenity space for the proposed flats contrary to policy HO5.
- The scheme failed to demonstrate that the scheme would be built to Lifetime Homes standards contrary to policy HO13.

The appeal was dismissed on the 18<sup>th</sup> June 2008.

The Inspector dismissed the appeal on the following grounds:

- The scheme was deemed inconsistent with the adopted development plan with regard to the retention or reuse of employment land.
- Deficiencies arising from the lack of housing mix.
- Inadequate internal space and external communal amenity space.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing building and the construction of a part three and part four storey building to form 9 flats. The scheme includes four off-street parking spaces for the flats at the front of the proposed building.
- 4.2 The proposal would provide the following:
- 4 x one bedroom units
  - 3 x two bedroom units
  - 2 x three bedroom units
- 4.3 During the course of the application, the scheme has been amended as follows:
- Additional marketing information was submitted to accord with the requirement of the Senior Economic Development Officer.
  - Minor amendments were received to accord with the requirements of the Council's Access Officer in respect of Lifetime Homes.
  - The plans as originally submitted referred to the adjacent block as 'Besson House'. This was amended correctly to 'Turner House'.
  - The scheme originally included second and third floor rear facing balconies. Amended plans were submitted removing the proposed balconies and replacing them with windows. A 1.8m screen was also added to the side of the first floor balcony.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Fifteen (15)** representations have been received from **Lower Flat 34 (x2), 36 (x2), 38 & 40 Franklin Road, 25, 28 & 30 Norway Street, 6 & 16 Turner House, Gordon Close, 14 Gordon Road** and **1, 2 & 5 Symbister Road** objecting the application for the following reasons:

- The proposal would lead to overlooking of the houses to the rear at Franklin Road resulting in a loss of privacy. There are already balconies on adjacent flats which result in overlooking. This scheme also includes balconies and will result in overlooking of living areas which are not currently affected. The proposal would also lead to a loss of light and outlook to the properties to the rear due to its north facing aspect.
- The flats would be similar to the adjacent flats and would have a drab and depressing appearance. There is also a lack of space between buildings.
- Concern is raised over the lack of consultation undertaken.
- The scheme is not appropriate for the area which is already overcrowded with cars making it difficult to park. Only 4 spaces are provided for 9 flats. Parking will get worse with the development of the old Infinity Food sites nearby and other sites. The area is already becoming congested due to building projects underway for new houses. This is an overdevelopment of the area.
- Local schools are oversubscribed and the local doctors surgery is already overwhelmed making it difficult to get an appointment. There are not enough local facilities to support this kind of development. How will the infrastructure be able to cope? Further development of this area could have implications for water supply and drainage.

### Internal:

5.2 **Access Advisor:** No objection.

5.3 **Economic Development Team:** No objection.

5.4 **Environmental Health:** No objection subject to the following

- A desktop study and site investigation report in respect of land contamination to be submitted to the Local Planning Authority for approval prior to commencement of works.
- A Construction and Environmental Management Plan to be secured via a Section 106 agreement.

5.5 **Housing:** No comment.

5.6 **Sustainable Transport:** No objection subject to the following:

- The applicant is expected to make a financial contribution of £3,600 to help finance off-site highway improvement schemes in the area and provide a residential travel information pack which shall include information and timetables for public transport, walking and cycling routes, city car club information and 2 years membership to the City Car Club.
- The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the development as a whole have been submitted to and approved in writing by the Local Planning Authority. These

facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

- Prior to commencement of the development, details of a scheme of works to link the existing footway on Symbister Road into the proposed forecourt area in front of the development site, as detailed in drawing number (08) 003 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking

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TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
CP3	Employment Land

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the industrial unit, the design and appearance of the proposed development, impact on residential amenity, standard of accommodation, transport and highway concerns, land contamination and sustainability.
- 8.2 This application follows a previous application for the demolition of the existing building & redevelopment to provide a part 2.5 storey building & part 4 storey building to form a business unit (class B1 use) and 9 x 1 bedroomed flats (ref: BH2007/01172).
- 8.3 This application was dismissed at appeal 18<sup>th</sup> June 2008. This decision is a material consideration in the determination of this application. The applicant has addressed the reasons for the dismissal of the previous appeal as outlined below.

### **Planning Policy:**

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- 8.4 Policy EM3 of the Brighton & Hove Local Plan states that land in industrial uses will not be released for other uses unless the site has been assessed and found unsuitable for modern employment needs. Sites will be assessed to determine whether they are suitable for modern industrial purposes.
- 8.5 Sites will be assessed to determine whether they are suitable for modern industrial purposes. Reference will be made to the:
- a. location of the site;
  - b. quality of buildings;
  - c. site layout;
  - d. accessibility;
  - e. proximity to trunk routes;
  - f. other uses in the neighbourhood;
  - g. cost of demolition or refurbishment set against its future value for employment uses; and
  - h. length of time the site has been vacant and the efforts made to market the site in ways to attract different types of employment uses.
- 8.6 After assessment, sites that are genuinely redundant and do not have potential for industrial re-development will be released for re-use. Preference will be given to alternative industrial or business uses, followed by uses that meet the council's key priorities such as affordable housing.
- 8.7 In assessing the previous application for the demolition of the commercial premises, the Inspector stated that 'the site has an established industrial use, probably B8 in nature. However, the premises are old and rather outdated for modern business purposes. In places they are somewhat dilapidated and there is also evidence of water penetration and other problems.'
- 8.8 The Inspector agreed with the applicant's assessment that the building is ill suited to attract a new occupier without a very significant and, perhaps improbable, injection of investment. The appeal application proposed the retention of 166 square metres of ground floor employment space together with nine small one bedroom apartments. This resulted in a significant reduction in the existing employment floor space. The Inspector stated that applicant had not fully addressed the requirements of policy EM3 by providing substantive information or a conclusive financial assessment which addressed the potential development of the site for a more modern form of employment redevelopment.
- 8.9 The scheme was therefore dismissed at appeal partly on the grounds that the proposal was seen as inconsistent with policy EM3.
- 8.10 The current proposal is for the demolition of the existing building and the development of the site for 9 flats. The current scheme does not propose the re-provision of any employment uses on site. To comply with the requirements of policy EM3 and to address the Inspectors comments on the lack of evidence, the current scheme includes a comprehensive report on the loss of the existing commercial premises.



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- 8.11 Since the appeal decision in 2008, the premises have remained vacant and the condition of the building has deteriorated further. The water penetration referred to in the appeal decision has continued resulting in further damage to the interior of the building. It is clear that the renovation of the building would require considerable investment. As stated by the Inspector in the previous appeal, a significant injection of investment into renovating the premises is unlikely given its state of repair. Additionally, the physical constraints of the site would hinder its re-use as an employment site. This includes the limited space and access available for a new build employment use.
- 8.12 In accordance with policy EM3, the scheme outlines alternative commercial uses for the site which have been considered. This includes the use of the premises for a motor business, Class B uses, retail use, Class D1 (non-residential institution), Class D2 (assembly and leisure) and Class C1 (hotels and hostels). The report addresses each of the above uses individually and states why each use would be inappropriate for this location. The main reasons why the uses would be inappropriate are as follows:
- The site is in a predominately high density residential area and would have poor vehicular access, especially for large commercial vehicles.
  - Due to the limited size of the site, any commercial use would require high site coverage with limited off site provision for car parking or forecourts.
  - Any loading or unloading could not be easily achieved and would block local traffic.
- 8.13 A separate marketing report has also been submitted with the application. The report is from Warwick Baker Estate Agent and states that the premises have been marketed since 2006. The report states that the applicant was flexible on the terms and would have accepted a letting in part or in whole. The applicant was also amenable to both short and long term lets. The marketing included an advert placed within the commercial section of the Evening Argus, a 'to let' board on the building and placing the site on the company website. The marketing resulted in a few viewings but no offers were made.
- 8.14 The Council's Economic Development Officer originally commented that whilst detailed information has been submitted regarding the loss of the commercial space, insufficient evidence had been provided regarding the marketing of the unit. The Economic Development Officer was however aware that the site had been marketed by a local agent from Shoreham-by-Sea for a sustained period of time.
- 8.15 Additional information was subsequently submitted from the applicant regarding the marketing of the site. The Economic Development Officer has commented that the additional details submitted are acceptable and confirms that the space was marketed at a very reasonable value circa £6.50 per square foot. This takes into account the location and condition of the commercial space and that at the time of marketing the agent was also offering splitting the unit into smaller space to open up a wider potential market. The Economic Development Officer also acknowledges that the location and condition of the premises are not best suited for a modern day business use.

- 8.16 Having regard to the submitted details, evidence and the comments from the Economic Development Officer, the loss of the existing commercial premises has been justified and the potential for other commercial and industrial uses has been fully explored. The scheme is therefore deemed in accordance with policy EM3.

**Provision of Housing:**

- 8.17 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position.
- 8.18 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

**Design:**

- 8.19 Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context.
- 8.20 Policy HO4 states that to make full and effective use of the land available, residential development will be permitted at higher density than those typically found in the locality where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.21 The previous appeal for the development of the site was for part three and part four storey building. In the appeal, the Inspector considered that the existing buildings are visually unattractive and deteriorating and represent a negative component within the street scene. The proposed building considered in the appeal would be set back to respect the general building line which would be a great improvement. In addition, the building would have a varied roofline producing a transition between the flanking buildings, setting the lower part adjacent to the terraced housing to avoid over dominance. The roof detailing on the larger part of the building would also pick up on the design influence of the modern building to the east. This detailing respects the scale of adjoining buildings and results in a 'pleasing variation that would enhance the visual qualities of this part of the road.'
- 8.22 The current scheme again proposes a part three / part four development which matches the scale and form of the previous application which the Inspector found visually acceptable. The scheme differs to the previous scheme in respect of its detailing. The current scheme includes balconies to the front and

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is proposed mainly in facing buff brick. This would match the buff brick on the adjacent terrace of houses at 1-6 Symbister Road. The facing elevation also includes white render and timber cladding detailing. Windows and doors are proposed in grey aluminium frames. Zinc cladding is proposed for the angled roof and a single ply membrane for the flat roof. Four off-street car parking spaces are proposed to the front of the property.

- 8.23 As with the previous scheme, the proposal sets back the building to meet the general building line and again proposes a suitable transition between the two-storey houses and the modern four-storey block of flats at Turner House. The materials proposed would also be sympathetic for the area and the proposal would match the modern design of the Gordon Mews development. The off-street parking spaces to the front of the building are also appropriate for this location as there several examples of similar off-street parking on adjacent houses and apartment blocks.
- 8.24 The current proposal would also leave space at the rear for a communal garden and would result in much less coverage of the site when compared to the existing building.
- 8.25 Overall, taking into account the previous appeal decision and the detailing of the current proposal, the scheme is deemed appropriate in respect of its design and the building would form a sympathetic and appropriate addition in the street scene.

### **Standard of accommodation:**

- 8.26 Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme proposes flats over four floors which would have adequate light and outlook to habitable rooms. The proposal provides a mix of suitably sized units and would provide a suitable standard of accommodation.
- 8.27 Policy HO5 requires the provision of private amenity space in new residential development where appropriate to the scale and character of the development. With the front proposed balconies and the first floor terrace to the rear, each flat to the upper floors would include a balcony. A terrace is also provided for one of the ground floor flats. These balconies and the terraces would provide private outside amenity areas for the flats. The scheme also includes a large communal rear garden which would be used an outside amenity area. The scheme would therefore be in accordance with policy HO5.
- 8.28 Policy HO13 responds to the objectives of securing housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. As the scheme is for new build residential, the scheme would be expected to fully meet Lifetime Homes standards.
- 8.29 The Access Officer originally commented that some minor amendments were required in order to fully comply with Lifetime Homes. The applicant has submitted additional details and confirmation that the scheme would fully meet

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the Lifetime Homes requirements. The Access Officer has subsequently confirmed that the additional details have addressed his concerns and that the scheme is acceptable.

- 8.30 Policy HO3 requires new residential development to incorporate a mix of dwellings types and sizes. The proposal includes an appropriate mix of one, two and three bedroom flats and is in accordance with the policy.
- 8.31 The previous appeal was partly refused on the grounds of deficiencies arising from the lack of housing mix, inadequate internal space and external communal amenity space. As outlined above, the current scheme has addressed these concerns and would provide a suitable standard of accommodation.

### **Impact on Amenity:**

- 8.32 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.33 The existing building is approximately 6.5m high located on the south side of Symbister Road. It is located between a row of terraced houses to the west at 1-6 Symbister Road and a four-storey block of flats at Turner House. To the rear, the building fronts a small twitten separating the building from the rear gardens of two-storey houses at Franklin Road.
- 8.34 In respect of the block of flats at Turner House, there would be a gap of 1.9m between the proposed building and Turner House. The scheme would result in an increase from a two-storey building to a four storey building adjacent Turner House. The proposed building would be no higher than Turner House which is also four storeys tall. Turner House does include some small windows to the facing side elevation which would be affected by the proposed building. These windows are secondary and do not serve habitable rooms. The main windows for the flats at Turner House face to the front and rear and, given the position of the proposed building, these windows and balconies would not be significantly affected by the proposed development.
- 8.35 The new build would include side windows which could potentially overlook the existing side windows at Turner House. A condition is therefore recommended that the proposed side windows are obscure glazed and fixed shut to a height of 1.7m above the finished floor level of the rooms they would serve.
- 8.36 To the rear, the proposal includes a first floor terrace adjacent to east elevation. This terrace would be adjacent to an existing balcony at first floor level at Turner House. The proposal includes a screen wall which would stop any overlooking between the two balconies.
- 8.37 As stated, the proposed block of flats would be built adjoining 6 Symbister Road, a two storey house. The new build would align with the front of the adjacent dwelling so that the scheme would not affect the front windows of no.6. To the rear, the proposal would result in a three-storey addition which would

affect the lightwell area and rear facing windows at no.6. However, the existing building already impacts on these windows and the lightwell area. When compared to the existing building, the new build would be a significant improvement for the amenity of the occupiers of no.6. The existing building completely infills the site to the rear with a large two-storey block going right up to the rear boundary. This building is an imposing addition which significantly impacts on no.6 Symbister Road.

- 8.38 The proposed building would free up the rear of the site for a new communal garden. The new build would project 3.7m back from the rear of no.6 Symbister Road. This compares to the existing building which projects 16m along this boundary. The demolished building would be replaced by a 1.6m high wall. The removal of this bulk of building will result in a significant increase in light and outlook for the residents of no.6 and would greatly improve their amenity. The impact on the amenity of no.6 Symbister Road is therefore considered acceptable.
- 8.39 Turning to the impact on the properties to the rear, the proposal would result in a four-storey building which would be clearly visible from the rear gardens and windows of the adjacent houses on Franklin Road. There would be a distance of 24m between the facing rear elevation of 32 Franklin Road (the nearest Franklin Road property) and the proposed rear wall of the block of flats. This is a considered an acceptable distance. Given this distance, the proposal would not significantly affect the amenity of the houses to the rear in respect of loss of light, outlook or an increased sense of enclosure.
- 8.40 The proposal would result in the introduction of windows and balconies to the rear elevation which would result in some overlooking of the Franklin Road properties. The distance between the dwellings on Franklin Road and the rear elevation of the proposed building is sufficient so that the new windows would not result in an unneighbourly form of development. The proposed relationship between the properties is comparable to mutual overlooking experienced in tight urban locations as experienced in the area.
- 8.41 The scheme originally included balconies for second and third floor flats. These balconies were seen as unneighbourly. Amended plans were subsequently submitted which replaced the balconies with windows to match the rest of the rear elevation.
- 8.42 Overall, the scheme is deemed appropriate in respect of its impact on the amenity of adjacent properties and is deemed in accordance with policy QD27.

**Sustainable Transport:**

- 8.43 In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling. Scheme should include cycle parking for units which are secure and covered.
- 8.44 The Transport Manager has commented that the maximum car parking standard for a residential unit outside a Controlled Parking Zone is 1 space per

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dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and 5 spaces for visitors. The applicant is proposing four on-site car parking spaces to the front of the property. Therefore this level of car parking is deemed to be in line with Supplementary Planning Guidance Note 4 on Parking Standards (SPG04).

- 8.45 Based on the 2011 car ownership census data this development is forecast to have on average 8 vehicles associated with the residential element. In order to assist in mitigating the potential overspill from the development the Highway Authority would look for the applicant to supply a Residential Travel Information Pack to every first resident which shall include the provision of 2 years membership to City Car club. There are existing car club bays on Worchester Villas and Hallyburton Road, in close proximity to the site. The provision of the Residential Travel Information Pack and 2 years membership for each residential unit to City Car Club is to be secured via a S106 agreement. The addition of the information pack will help alleviate the impact on parking in the area.
- 8.46 The Transport Manager has also commented that the proposals for 9 residential units would increase the total person trips associated with the development. In order to mitigate the potential increase in trips the Highway Authority would look for a contribution of £3600 to be secured via S106. This contribution would go towards sustainable transport improvements in the surrounding area.
- 8.47 In respect of cycle parking, SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 9 flats the minimum parking standard is 9 cycle parking spaces for residents and 3 for visitors (12 in total).
- 8.48 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands.
- 8.49 The applicant is providing a cycle store for 9 bikes for the residential units in the communal rear garden. The exact nature of the stands is not apparent from the submitted ground floor plan. A condition is therefore recommended requiring the submission of amended details of cycle parking for the approval of the local planning authority prior to commencement of development.
- 8.50 The pedestrian access to the residential units is provided directly from Symbister Road. This section of Symbister Road from its junction with Gordon Road is a private road which is not maintained by the Council. The applicant is providing a footway around the 4 car parking spaces to the front of the property. This footway provides a suitable form of access to the building for pedestrians.
- 8.51 Overall, the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 to mitigate the potential overspill car parking

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(Travel Pack Information and City Car Club membership) and provides a contribution of £3600 to mitigate the forecast increase in trips to and from the site.

### **Land Contamination:**

- 8.52 Policy SU11 of the Brighton & Hove Local Plan states that proposals for the development of known or suspected polluted land will ensure that the application is accompanied by a site / building assessment and details for the treatment, containment and / or removal of the source of contamination.
- 8.53 Given the industrial nature of the site, the site is a classically brown field development. This application is for residential accommodation including communal gardens. Therefore, as is suitable due to the nature of the site, a Desk Study Report has been submitted with this application. This was undertaken by Geo-Environmental, dated March 2014, Ref: GE9877-DSRv1JK270314. It recommends further works are required including ground gas assessment.
- 8.54 The Environmental Health Officer has commented that the Desk Study is generally satisfactory except for a couple of points that must be included in future work on this site. Clarification is also required on specific contamination issues. Therefore, the full phased contaminated land condition is recommended for this application. These reports are to be submitted to the Local Planning Authority for approval in writing prior to commencement of works. Compliance with this condition will ensure the safety of the land for future occupiers in respect of land contamination.

### **Sustainability:**

- 8.55 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Check list. This is in accordance with SPD08 on Sustainable Building Design. In accordance with the SPD, a condition is recommended that no development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve a Code for Sustainable Homes rating of "Level 3".
- 8.56 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted a suitable waste minimisation statement and is in accordance with the policy and SPD.

## **9 CONCLUSION**

- 9.1 The development makes efficient and effective use of land within the built up area and enhances the character and appearance of the site and wider area. The development would not have a significant impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for

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occupiers of adjoining properties; and would not create a harmful demand for travel. The loss of the existing commercial premises has also been justified.

### 10 EQUALITIES

10.1 The new house would be required to fully comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

### 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Section 106 agreement to secure:

- A Residential Travel Information Pack to every first resident which shall include the provision of 2 years membership to City Car club.
- A Construction Environmental Management Plan.
- Contribution of £3,600 towards improving sustainable highway infrastructure in the area.

and subject to the following Conditions and Informatives:

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing Location and Site Plan	(08)001	A	1 <sup>st</sup> August 2014
Existing Elevations	(08) 002		9 <sup>th</sup> May 2014
Proposed Floor Plans	(08) 003	A	1 <sup>st</sup> August 2014
Roof Plan and Face to Face Distances	(08) 004	A	1 <sup>st</sup> August 2014
Proposed Elevations	(08) 005	A	1 <sup>st</sup> August 2014

- 3) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 4) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.



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- 5) Access to the flat roof over the building hereby approved shall be for maintenance or emergency purposes only and the flat roof 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.
  - 6) The side facing windows in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  - 7) The screen for the approved rear first floor terrace, as indicated on drawing no.(08)005A, shall be installed before the terrace is brought into use. The screen shall be retained as such thereafter.  
**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.
  - 8) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
  - 9) 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.
- 11.3 Pre-Commencement Conditions:
- 10) 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.
  - 11) No development shall take place until details of a scheme of works to link the existing footway on Symbister Road into the proposed forecourt area in front of the development site, as detailed in drawing number (08)003A shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.  
**Reason:** To ensure a satisfactory pedestrian access in accordance with policy TR7 of the Brighton & Hove Local Plan.

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- 12) Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 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 3 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 the existing and proposed land levels of the proposed building in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 15) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:  
(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,  
(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.  
(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been

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implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

**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.

- 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, which shall include hard surfacing, boundary treatments (including new 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.

**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.

### 11.4 Pre-Occupation Conditions:

- 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 approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

- 19) 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 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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**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.

Informatives:

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

The development makes efficient and effective use of land within the built up area and enhances the character and appearance of the site and wider area. The development would not have a significant impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for occupiers of adjoining properties; and would not create a harmful demand for travel. The loss of the existing commercial premises has also been justified.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR

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11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.