

ITEM L

**Clermont Church, Clermont Terrace
BH2016 / 00156
Full Planning**

13 July 2016

BH2016/00156 Clermont Church, Clermont Terrace, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00156	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Clermont Church Clermont Terrace Brighton		
<u>Proposal:</u>	Change of use from church (D1) to 1no three bedroom flat, 3 no two bedroom flats and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations.		
<u>Officer:</u>	Stewart Glassar Tel 292153	<u>Valid Date:</u>	13/01/2016
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	20 July 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	RSP Architects, 1 Westbourne Grove Westbourne Gardens Hove BN3 5PJ		
<u>Applicant:</u>	Clermont Partnership, Mr R Raggio 146 Woodland Drive Hove		

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 relates to a church building located on the corner of Cumberland Road and Clermont Terrace. This prominent Church building is set slightly back from the road on raised ground bounded by a low flint wall which abuts the back edge of the pavement.

Clermont Church, originally a Congregationalist Chapel, was erected in 1877-8 and was designed by local architect J.G. Gibbins. The Church which is Gothic in style has flint walls with a pitched slate roof. The main frontage is set within the east facing gable end, with porch entrance reached by steps and large pointed-arch stone window above.

There is an octagonal turret to the southeast corner which is supported by buttresses. There are also prominent buttresses to the side elevations which are located between the arched windows.

The Church is no longer used for its original purpose and has more recently been in use as a venue for events (Class D1 use) although the frequency of events is limited.

Subsequent extensions to the rear of the church (Clermont Hall) are finished in brick with a combination of pitched and flat roofs. It is understood that the extension is currently used by Brighton Academy (Class D1 use) which has its own, separate pedestrian entrances. These extensions are not part of the application site.

The church has been included within the Local List of Heritage Assets as it was considered to be a good example of a late Victorian chapel and contributes to the character and appearance of the locality. The church is also within the Preston Park Conservation Area.

3 RELEVANT HISTORY

BH2015/01419 - Change of use from church (D1) to 4no two bedroom and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations. Refused 17 August 2015

96/0301/FP - Change of use from church hall to indoor children's playground and party centre. Between the hours of 1000 and 1800, 7 days a week – Refused 25/04/1996

C95/0013/CL - Certificate of lawfulness for proposed use of a church hall as a children's' play centre – Refused 09/01/1996

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from church (D1) to 6 No flats (C3) with associated alterations including installation of rooflights to North and South elevations.

The accommodation will comprise:

- 3 No. two bedroom flats
- 2 No. one bedroom flats
- 1 No. three bedroom flat

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:**

Twenty One (21) individual letters of representation have been received from the following addresses: **4, 21 & 27 Clermont Terrace; 4 Cumberland Lodge; 5, 8 (x2), 9 (x2), 12, 15, GFF 16, 13, 17, 18, 19, 20 & 22 (x3) Cumberland Road; 13 Lauriston Road; 4 Lynden Court** objecting to the application for the following reasons:

- Impact on additional traffic and increased demand for parking

- Submitted parking survey is inaccurate
- Two year car club membership will be ineffective
- Loss of community use
- Impact of rooflights and the development on the appearance of the building and wider area
- Overlooking/loss of privacy towards No. 27 Clermont Terrace
- General disturbance
- Density of development is too high
- Impact of the construction works
- Management of the proposed bin store

A representation from **7 Cumberland Lodge** supports the principle of the development but raises concerns with regard to the impact of car parking and having secured bin storage.

There has also been email correspondence with a relative acting on behalf of some residents living in Cumberland Road, which has raised queries and concerns regarding highways/parking, impact on heritage assets, loss of community facility.

Councillor Taylor has **OBJECTED** to the application. A copy of the letter is attached.

5.2 Conservation Advisory Group: Support

Recommended approval and welcome the improvements over the previous scheme.

Internal:

5.3 Environmental Health: Support

Approve with conditions in order to protect residents from potential noise issues.

5.4 Heritage: Support

On the basis of the amended drawings, recommend approval subject to standard condition preventing external visual clutter e.g. cables, wires, pipework aerials etc.

5.5 Sustainable Transport: Support

The applicant has addressed the previous transport reasons for and on this basis it is considered that refusal would no longer be warranted.

It is recommended that the car club membership, residential travel packs and contribution be secured as part of a S106 agreement or appropriate conditions. The S106 contribution of £3,000 will be allocated towards footway improvements in the vicinity of the site in order to provide pedestrian access to the development for users of all abilities in accordance with development plan policies.

5.6 Housing: No adverse comments

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.”

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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.

The National Planning Policy Framework (NPPF) is a material consideration.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

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.

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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing Density
CP20	Affordable Housing

Brighton & Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

HE10	Buildings of local interest
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Document:

SPD03 Construction and demolition waste

SPD08 Sustainable building design

8 CONSIDERATIONS & ASSESSMENT

8.1 In the determination of the application the main issues for consideration relate to the principle of residential use; the loss of a community facility; the impact of the works on a heritage asset and wider Conservation Area; the impacts of the proposed residential units on the amenity of both future occupiers and neighbours to the site; sustainability and transport infrastructure. Consideration must also be given to the impact upon the Council's housing supply figures and provision of affordable housing.

8.2 Principle of Use:

The application site is located within a predominantly residential area of Preston Park. The properties adjacent and opposite the site in Clermont Terrace and Cumberland Road are in residential use.

Although the proposal would create flats rather than houses which are the predominant form of accommodation in the immediate vicinity, City Plan policy CP14 supports the efficient use of land and where appropriate encourages increased densities provided the development is of a high standard and would not be out of keeping with the area. Therefore, in principle this site is appropriate for residential use and at a higher density than exists at present.

8.3 Community Use:

Local plan policy HO20 of the Local Plan seeks to prevent the loss of community (Class D1) facilities. Exceptions may apply when:

- a) the community use is incorporated, or replaced within a new development; or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.

The objective behind the policy is to protect community facilities. The building for which the change of use is sought was formerly a church (Class D1 use) and has more recently been available to hire as a venue for leisure/community users. It is clear however that the premises have not operated as a church for some time and the more recent activities can best be described as sporadic.

The application includes information indicating that the existing community use of the building is redundant. A letter from a local firm of commercial property agents sets out the site's limitations which include the lack of disabled access, no WC facilities (toilet facilities in Clermont Hall can only be used outside of term time), cost of heating and cost of maintenance and repair; the availability of better facilities at other sites. The property agent indicates that the property has been marketed since May 2015 both on their website and direct approaches to 113 'live' applicants interested in community/leisure properties and 203 'live' applicants looking for office accommodation, but has generated little interest in finding either new owners or occupiers. The property has recently (May 2016) appeared in The Argus as available to let. The agent indicates that the building has been marketed at a fair price/rent although there is limited comparative information/evidence submitted to demonstrate both this and that the level of market interest is not a result of the level of marketing.

The applicant has approached the Trust for Developing Communities, which is based in Hove but they have indicated that they have no interest in using the Church and have no information on local groups in the area. They provided the applicant with a list of community groups of which the six nearest were contacted. The applicant has indicated that only one response was received, from Dolphin House Clinic, which confirmed that they were not interested in the property.

The Church was sold to the applicant in 2006. At that point the congregation had dwindled to a very small number of parishioners and clearly there was no longer a demand for the church use. Since that time the applicant has sought to hire out the building for various community/leisure activities but this has been on a commercial basis and was not exclusively available for local community groups. However, this use has been somewhat sporadic and it is accepted that the existing building does have limitations (lack of toilet/kitchen facilities) which no doubt did and continue to limit its attractiveness for users generally. The building is also not particularly accessible for people with disabilities.

The applicant has referred to other community facilities in the vicinity and the lack of demand over recent years for Clermont Church. There is little evidence to indicate whether these other facilities are fully utilised or adequate to meet local needs.

Whilst the community facility was to some extent lost 10 years ago when the church was sold to the applicant, this application would consolidate the loss and preclude any opportunity for a replacement community use on site. Accordingly, there would potentially be some conflict with Policy HO20. The

marketing undertaken by the applicant does not demonstrate that there is no local need for some form of community use on the site, only that there is no likely prospect of this being provided commercially. No evidence has come forward from the consultees or objectors to indicate that there is a need for community space in the local area.

Taking all these circumstances into account, the weight which the Local Planning Authority can give to the conflict with Policy HO20 will be limited given the passage of time since the building was consistently used for community use; the unsuitability of the building to meet users' needs and the lack of forthcoming evidence to suggest that there is a need for this facility. Accordingly, the practical harm which would arise from any conflict with Policy HO20 would be limited.

Policy CP5 of the City Plan seeks to protect existing arts and performance venues and imposes a number of requirements on any changes of use. However, the objective of the policy is to maintain and enhance the cultural offer of the city to benefit residents and visitors. Given the history of the application site it cannot easily be described as an existing arts or performance venue which would be likely to be a Class D2 (Leisure and Assembly) use class rather than Class D1 (Non-residential Institution). It is therefore doubtful that the policy is particularly applicable to the current application/site. As with the considerations in relation to Policy HO20, the passage of time since the building was consistently used as any sort of venue, the unsuitability of the building to meet users' needs and the lack of forthcoming evidence to suggest that there is a need for this facility would all weigh against there being any practical harm arising from any perceived conflict with Policy CP5.

8.4 Appearance and Heritage:

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area.

The application site is within the Preston Park Conservation Area and is on the list of locally interesting buildings. It has been identified as a heritage asset which positively contributes to the character and appearance of the conservation area. Local Plan Policy HE10 specifically seeks to protect buildings of local interest.

The application seeks to largely retain the external appearance and fabric of the existing building but will need to make certain alterations and additions as part of its conversion. The main additions will be in the form of rooflights to enable the roofspace to be converted to living accommodation.

The previous application proposed five rooflights on each (north and south) slope together with the insertion of a new door and window in the south

elevation of the building which was to become the new, main entrance to the building. The rooflights were considered to result in the over cluttering of the roof slope and the new door and window were considered to be inappropriate additions to the building.

As a consequence the current application now proposes two rooflights on the southern roof slope and four rooflights on the northern slope. The additional window and door on the southern elevation have been omitted. The most prominent roof slope is the southern one which faces Cumberland Road. Of the two rooflights, one would largely be obscured by the building's existing turret and helps to minimising the overall impact. As a result these external alterations to the building are now considered to be acceptable in heritage terms.

The main window on the east (front) elevation is an intrinsic feature of the building and the previously proposed alterations to its detailing were considered likely to erode the overall appearance and architectural integrity of the Church. In particular, inserting opening lights into the window and a stone moulding across the transom line in order to help obscure the new internal floor slab were considered to be unacceptable. The current scheme now omits the opening windows and the first floor slab would be supported by a slender metal plate behind the window which would line up with the existing metal cross bars. This is now considered to be an appropriate solution.

The applicant's agent has now confirmed that existing grilles will be used for mechanical ventilation and there will only be one soil vent pipe (which allows smells and odours from the drainage system to vent). It will be located within the existing chimney stack on the building. Therefore, there will not be the clutter of domestic services which can sometimes be overlooked and adversely impact upon the appearance of a conversion of this nature. A condition specifically preventing the fixing of such paraphernalia or the penetration of external surfaces beyond those shown on the submitted drawings is recommended.

The National Planning Policy Framework states that Local Planning Authorities should take into account "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". Ensuring the long term future of the building would certainly be beneficial to the area as well as the building itself and by minimising the impact of the conversion works on the architectural integrity of the building, the proposal can now be considered to be consistent with the conservation of the building.

In view of the above it is considered that the works to the building would not significantly harm its appearance and accordingly the proposal would preserve the appearance of the conservation area. The reuse of the building for residential purposes would to some extent alter how the building interacts with the surrounding area as there will be an intensification of its use with a greater level of comings and goings and general activity. However, this activity will be in keeping with the wider uses and activities taking place in the area and thus the character of the conservation would be unharmed and so preserved. It is also accepted that bringing the building back into productive use would have a longer

term beneficial impact on the conservation area than seeing the building slowly decay.

The Conservation Area Advisory Group has similarly concluded that the scheme is acceptable in regard to its visual impact and in recommending approval noted that this application represented a significant improvement on the previous scheme.

Thus, it is considered that the proposal has been sufficiently amended from the previous scheme so as to preserve the character and appearance of the locally listed building and the wider conservation area. The application therefore accords with Policies HE6, HE10 and QD14 of the Brighton & Hove Local Plan.

8.5 Impact upon Amenities of Neighbouring Properties:

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.

The proposed residential units would result in comings and goings and some noise emanating from the building. Such noise and activity is considered to be in keeping with the residential character of the surrounding area and would not cause significant harm to neighbouring amenity. Any potential noise or disturbance from the proposed use is unlikely to be significantly greater than what could occur from any other residential use and therefore there does not appear any particular reason why a residential use and associated activity in this location would have adverse impacts upon the wider amenity.

Concern has also been raised with regard to the impact that the additional demand for parking could have on the amenity of existing residents as a result of the potential added inconvenience. The issue of highway safety is addressed elsewhere in this report but in addressing that issue the Highway Authority also seeks to promote alternative, sustainable modes of transport and reduce the reliance on private cars and thus the need for parking. The Highway Authority estimates that a maximum demand of 5 spaces could result from the development but that the impact on parking in the area would not be 'severe' in highway terms. Whilst any additional car parking demand would represent some form of inconvenience for existing residents but it is difficult to say at what point it would cause harm to amenity or whether it would in turn lead to some existing residents switching to alternative forms of transport and thus reducing any impact. Overall it is considered that the level of demand for on-street car parking which might arise from the development is unlikely to cause sufficient harm to the amenity of existing residents in the area to warrant refusal of the application.

The proposed rooflights included within the previous scheme were not considered to result in any significant overlooking. It is noted that the number of windows has now been reduced from five to four on the northern elevation, which faces towards No. 27 Clermont Terrace. Two of the windows serve kitchen areas and the remaining two serve bedrooms so the potential for

overlooking is slightly reduced. The existing roof has a relatively steep pitch of approximately 55° which would assist in restricting direct views towards the neighbour.

The windows on the southern elevation are now limited to two in number and front on to Cumberland Road. These proposed alterations are considered unlikely to cause an adverse impact on neighbouring amenity.

Overall the proposal would be in accordance with policy QD27.

8.6 Standard of Accommodation

The standard of accommodation proposed by the development is generally considered to be acceptable. All but one of the proposed bedrooms would be of sufficient size to meet the Nationally Described Space Standard minimum requirement for a double bedroom and the other bedroom (serving Flat 2) would be above the minimum size for a single bedroom. The amount of space given over to each flat is reasonable although the living/kitchen area for Flat 1 is probably the least generous given it is serving the three bedroom flat.

The proposed flats would provide natural light to all the habitable rooms. However, as with most conversions of this nature, existing windows do not necessarily lend themselves to modern residential layouts and in accepting the principle of a conversion there will normally need to be a balance between the re-use of the building and the standard of accommodation. Thus, the mezzanine levels serving Flats 5 and 6 would obtain some light from the rooflights serving the dining areas below but overall the mezzanine levels are likely to be less well lit than other rooms within the conversion.

The bathrooms within the development would not generally benefit from natural light or ventilation, however as they are not habitable rooms this would not warrant a reason for refusal in this instance.

As with the previous application, future occupiers would not have access to any garden space due to the constraints of the site. The site is in a central location near to numerous public amenity spaces and public transport routes. Although no private amenity space is proposed, taking into account the size of the proposed flats and the central location, this is considered acceptable in this instance.

The site is alongside a railway and acoustic information has been submitted by the applicant to establish what additional measures are required to protect future occupiers from noise from the railway. The Environmental Health Officer has confirmed that the flats can comply with the WHO/BS8233 internal noise criteria, provided the secondary glazing shown on the drawings is installed. As the internal noise standards can only be met for those rooms most exposed to noise with the windows shut the consultant's report has indicated that some rooms will need an alternative method of ventilation. The Environmental Health Officer has noted that one of the ventilation system identified in the application would be acceptable (an extract fan system for all flats) and that providing this information via condition would be acceptable. Concerns were expressed that the system

could involve the insertion of new vents but the applicant's agent has confirmed that existing grilles within the building can be utilised.

Overall, it is considered that the flats would provide a reasonable standard of accommodation and the application accords with Local Plan policies SU10 and QD27.

8.7 Transport Issues

City Plan Policy CP9 provides a sustainable transport context within which developments need to be assessed. Part of the wider policy objectives are ensuring that new developments address the travel demand arising from the proposal and that car parking standards are adhered to.

Brighton & Hove Local Plan policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in SPG note 4.

The applicant has submitted a Transport Report which is an updated report following the previous refusal. Although the Highway Authority has identified some inconsistencies in the submitted data, their overall conclusion is that these do not alter their conclusion that the scheme would not have a significant impact on the surrounding transportation network.

However, the Highway Authority considers that the development will give rise to a need to upgrade the pedestrian network in the immediate vicinity of the site and that a contribution of £3,000 towards dropped kerbs and tactile paving at the Clermont Terrace/Cumberland Road and Cumberland Road/Cumberland Drive junctions is required. This will ensure that the development is in accordance with Policy TR7 of the Local Plan and Policy CP9 of the City Plan Part One.

The development does not provide any on-site parking. The Transport Report submitted with the application has included a parking survey which concluded that the development would not have an adverse impact upon the surrounding area. A subsequent survey, undertaken by local residents, was submitted which called into question some of the findings and conclusions of the Transport Report. The Highway Authority has reviewed both submissions and concluded that the Transport Report's survey was undertaken in line with the Lambeth Parking Survey Methodology, which is widely used and is the approach applied by the Highway Authority. In addition, the Highway Authority has undertaken visits at various times of the day and evening to fully understand the parking stress in the local area. The overall conclusion is that the level of impact is not 'severe', which would be the benchmark under the NPPF required to refuse the application.

Nevertheless, in order to meet the requirements of Policy TR4 of the Local Plan and Policy CP9 of the City Plan Part One, the development will generate a requirement for a Travel Plan, in order to promote sustainable transport. The Highway Authority has indicated that the scheme should include, but not be

limited to, a 2 year car club membership per household. The applicant has indicated that this would be acceptable.

The proposal includes cycle parking in the basement for the required 8 spaces as set out in SPGBH4 for this type of proposal. The basement, which would also accommodate the refuse bins, would be locked and would therefore provide secure covered storage.

Subject to the requirements for a Travel Plan, off-site works and the implementation of cycle storage the Highway Authority has not raised an objection to the application.

8.8 Sustainability:

Brighton & Hove City Plan Policy CP8 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. Conversions do, inherently involve the re-use of materials and the application indicates that the flats will incorporate water efficient measures and the re-use of rainwater. However, the building is not suitable for measures such as solar panels.

8.9 Housing Supply and Affordable Housing:

City Plan Policy CP20 requires a contribution towards affordable housing in respect of all schemes of 5 residential units or more. The housing provision target set in the recently adopted Brighton & Hove City Plan Part One (BHCPP1) is for 13,200 new dwellings to be provided up to 2030. This represents 44% of the city's objectively assessed housing need which was assessed to be 30,120 dwellings. The City Plan Inspector accepted this provision given that the city is highly constrained in terms of opportunities for further growth and expansion. Given this local circumstance it is imperative that opportunities to secure much needed affordable housing are maximised.

The application proposes the creation of six new flats. It is acknowledged that this will be a helpful contribution towards meeting the housing supply requirements for the City and weighs in favour of the application.

With regard to affordable housing the Council acknowledges that current national policy attaches significant weight to both the contents of the 2014 Written Ministerial Statement and the updated NPPG guidance which indicates that sites below 10 residential units should not be required to make a contribution towards affordable housing. However, it is clear from the May 2016 Court of Appeal decision (*R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government*) that Local Planning Authorities have a discretion to consider how much weight to give to lower thresholds justified by local circumstances as compared with national policy.

In Brighton & Hove a substantial proportion of the housing delivered in recent years has been through small scale development of 10 units or less; in the

period 2010 to 2015, schemes of less than 10 residential units delivered 53% of all new housing units in Brighton & Hove. This theme is projected to continue in forthcoming years and therefore it is essential to the successful delivery of the Council's affordable housing strategy as set out in the BHCCP1 that schemes of 5 units or more do contribute to the delivery of affordable housing.

On balance therefore, it is considered that the current application should make a contribution towards affordable housing. The Council's guidance indicates that the scheme should contribute £164,500. The applicant has agreed to this level of contribution.

9 CONCLUSION

9.1 The site is within a sustainable location which in principle is suitable for residential use. The proposed conversion works are not considered to harm the appearance of the building itself and will preserve the character and appearance of the wider conservation area. The proposal will also make a contribution towards the overall supply of housing for the City and to the provision of affordable housing. The impact of the conversion on existing neighbours, proposed residents and the parking provision within the area have all been considered to be acceptable in this instance.

In contrast, the application would potentially be contrary to Policy HO20 and could be seen to consolidate the loss of any church/community use and prevent the opportunity for any replacement community use. However, the practical harm which would arise from any conflict with Policy HO20 or Policy CP5 would be limited and in this particular instance outweighed by the benefits of providing additional housing for the City.

10 EQUALITIES

10.1 Given the nature and age of the building the entrance necessitates negotiating some stairs which cannot be removed or easily replaced with a ramped access. This will make it harder for those with some disabilities to access the building.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

- Affordable Housing Contribution of £164,5000
- Travel Plan scheme to include, but not be limited to, a 2 year car club membership per household
- £3,000 towards dropped kerbs and tactile paving at the Clermont Terrace/Cumberland Road and Cumberland Road/Cumberland Drive junctions

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
Proposed Elevations	1460/06	C	07/03/16
Proposed Plans, Ground & First Floor	1460/04	C	13/01/16
Proposed Plans, Second & Mezzanins & Section AA	1460/05	C	13/01/16

- 3) Prior to the commencement of development, a scheme for the ventilation of the flats hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the specifications to ensure that the internal noise levels will achieve BS8233:2014 (or any subsequent British Standard revoking and re-enacting that British Standard with or without modification). The approved scheme shall be fully implemented prior to occupation of any of the flats and shall be retained thereafter.

Reason: In order to protect future occupiers from noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) Notwithstanding the submitted plans, existing fixed Victorian glazing shall not be made openable and the internal window details/secondary glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall thereafter be fully installed prior to occupation of any flat and thereafter be fully retained.

Reason: In order to protect future occupiers from noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 5) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 6) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 7) Prior to first occupation of the development hereby permitted, details of the secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 8) The development hereby 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.

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 site is within a sustainable location suitable for residential use. The works are not considered to harm the appearance of the building and will preserve the character and appearance of the conservation area. The proposal will also make a contribution towards the overall supply of housing for the City and to the provision of affordable housing. The impact of the conversion on existing neighbours, proposed residents and the parking provision within the area have all been considered to be acceptable in this instance. The practical harm which would arise from any conflict with Policy HO20 or Policy CP5 would be limited and in this particular instance outweighed by the benefits of providing additional housing for the City.

COUNCILLOR REPRESENTATION

From: Nicholas Taylor
Sent: 04 March 2016 4:23 PM
To: Jeanette Walsh
Cc: Paul Vidler; Nicola Hurley
Subject: BN2016/00156
Importance: High

Dear Jeanette, Paul and Nicola,

Please find attached my objections to the above planning application.

Enjoy your weekend.

Best wishes,

Nick

Cllr. Nick Taylor
Conservative Councillor for Withdean
Member of Audit and Standards Committee
Member of Children, Young People and Skills Committee
Outside Bodies:
Education Trusts Committee

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COUNCILLOR REPRESENTATION



Ms J Walsh
Planning and Building Control
Applications Manager
Brighton and Hove City Council
Kings House
Grand Avenue
Hove
BN3 2LS

Councillor Nick Taylor

Brighton & Hove City Council
c/o King's House
Grand Avenue
Hove BN3 2LS

4th March 2016

Dear Ms Walsh,

RE: Objection to Planning Application BH2016/00156

I wish to object to the above named planning application in Withdean ward.

I am very concerned that the plans to convert the Clermont Church into residential flats will add to the overcrowding which already exists in Preston Village. The area is already a site of parking stress and if this application is approved, this will only exacerbate the problem.

Preston Village is also a conservation area and I would therefore be grateful if considerations for the heritage of the village would be considered when deciding on this application.

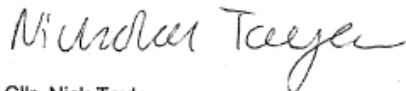
This application is already causing residents concern for the reasons above.

I would therefore be most grateful that if the officer recommendation is minded to agree to the planning application under delegated powers, I request that this matter is taken to the Planning Committee and my objections added to the committee papers for their consideration.

With thanks to your consideration and I look forward to hearing the outcome in due course.

I have copied in my fellow ward Councillors for their information.

Yours sincerely,



Cllr. Nick Taylor

cc. Cllr. Ann Norman
Cllr. Ken Norman