

**PLANS LIST  
ITEM I**

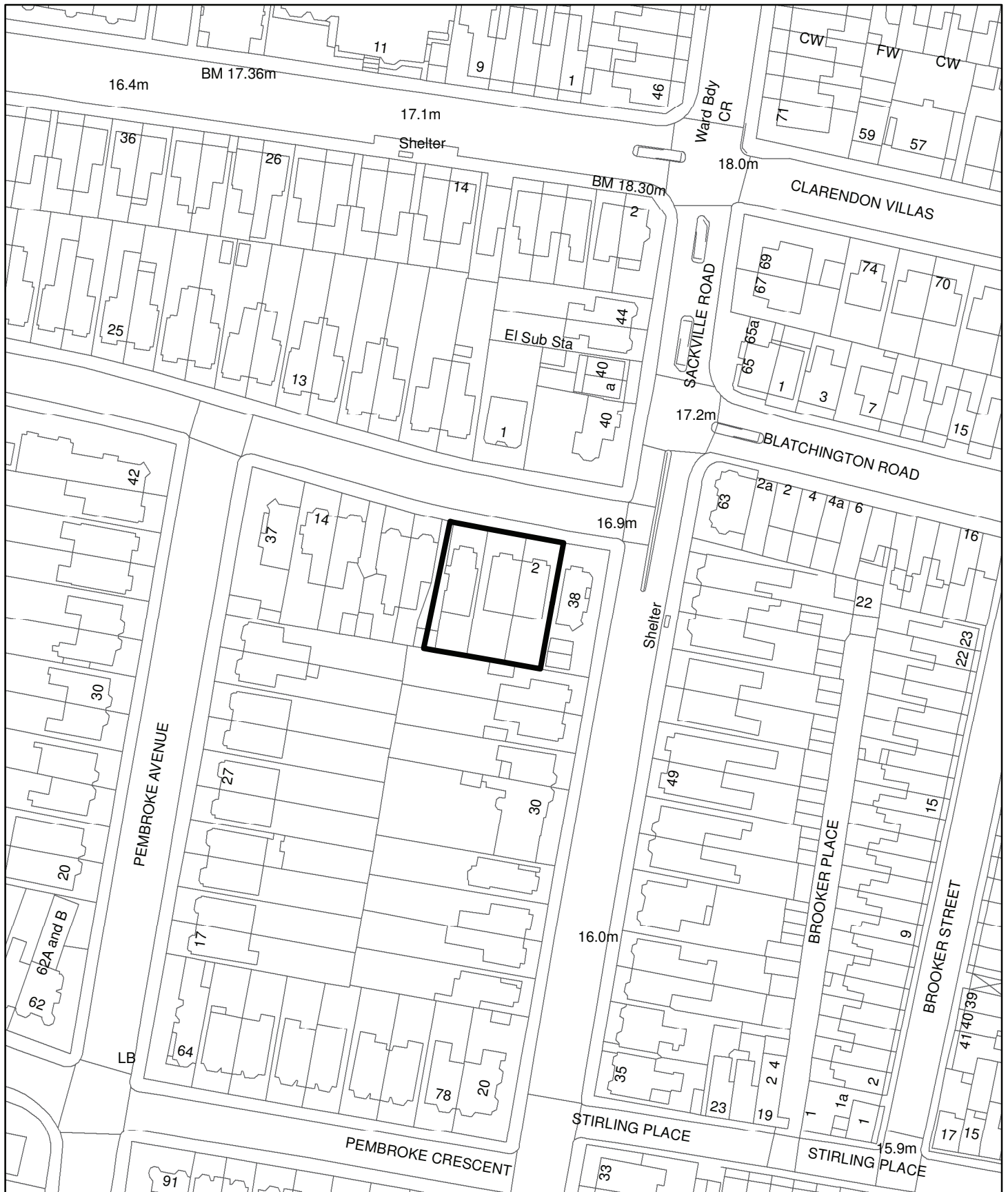
**2-6 Pembroke Crescent, Hove**

**BH2012/01794**

**Removal or variation of condition**

**08 AUGUST 2012**

# BH2012/01794 2 - 6 Pembroke Crescent, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/01794</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>2 - 6 Pembroke Crescent, Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for removal of condition 6 of application BH2012/00500, which states that the dwelling at No 2 Pembroke Crescent shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the house at No 2 Pembroke Crescent, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel: 290478</b>	<b><u>Valid Date:</u></b>	<b>22/06/2012</b>
<b><u>Con Area:</u></b>	<b>Pembroke and Princes</b>	<b><u>Expiry Date:</u></b>	<b>17 August 2012</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>N/A</b>		
<b><u>Applicant:</u></b>	<b>Mr Lloyd Thompsett, 2 Pembroke Crescent, Hove</b>		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a three storey former care home situated on the south side of Pembroke Crescent, close to the junction with Sackville Road, Hove. The care home is formed from a converted semi-detached pair of houses linked with a third detached house, and is situated in a primarily residential area within the Pembroke and Princes Conservation Area. Works are currently ongoing to convert the care home into three residential dwellings (see planning history below)

## 3 RELEVANT HISTORY

### 2-6 Pembroke Crescent:

**BH2012/00500:** Application for removal of Condition 5 of application BH2011/03851 (Conversion of existing care home to form 2no four bed semi-detached dwelling houses and 1no six bed dwelling house and associated works) which states that unless otherwise agreed in writing by the Local Planning Authority, the garage located adjacent to No.6 Pembroke Crescent shall be used solely for the parking of vehicles for the benefit of No.2 Pembroke Crescent. Condition varied to allocate garage to No.6 Pembroke Crescent 19/04/2012.

**BH2011/03851:** Conversion of existing carehome to form 2no four bed semi detached dwelling houses and 1no six bed detached dwelling house and associated works. Approved 13/02/2012.

27-29 Pembroke Crescent:

**BH2012/01257:** Application for removal of condition 8 of application BH2011/02434 (Conversion of existing rest home (C2) into 2no six bedroom dwellings incorporating demolition of existing rear extension, removal of roof terrace and external fire escape with associate alterations and erection of new single storey rear extension) which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. Approved by Planning Committee 06/06/2012 for the following reason:

*Parking permits are available and there is no waiting list. The proposed development is for family homes where vehicles are likely to be used. The proposed use is likely to be less car intensive than the former use.*

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the removal of condition 6 of planning approval BH2012/00500 to allow future occupiers of the development to be eligible for parking permits. Condition 6 states:

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

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

#### **5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Neighbours:** None received.

- 5.2 **Councillor Cox:** Supports the application. A copy of the email is attached.

**Internal:**

- 5.3 **Sustainable Transport:** Objection. Recommend refusal as the proposal does not provide adequate justification for removing the necessary condition to ensure that the property remains car free for the long term.

- 5.4 HO7 Car free housing is an aspirational policy that seeks to encourage and promote the use of sustainable modes of transport by reducing the reliance on the car within highly sustainable locations of the city. It states that planning permission will be granted for car free housing in the following locations:

- Locations with good access to public transport and local services:

- Locations where there are complementary on-street parking controls; and
  - Where it can be demonstrated that the proposed development will remain genuinely car-free over the long term.
- 5.5 New residential units within these locations of the city should be made ineligible for parking permits through the HO7 policy, in order to encourage non-car based travel.
- 5.6 The site in question benefits from being in close proximity to bus services along New Church Road, Sackville Road and Portland Road. Both Aldrington and Hove railway stations are approximately a 12 minute walk or a walking distance of 0.6miles/960 metres. The site is deemed to have good access to public transport and be in a sustainable location, therefore it is appropriate to be made car free. To quantify these distances the Institute of Highways & Transportation (IHT) produced document “*Guidelines for Providing for Journeys on Foot*” states that for commuting and school purposes an acceptable walking distance is 1000m<sup>2</sup> while other uses is 800m<sup>2</sup>.
- 5.7 It is important to note that policy HO7 is not related to the control of on-street parking pressures in CPZs. The control of CPZ pressure is controlled through the issuing of CPZ permits outside of the planning process. Each CPZ has a maximum number of permits allowed and if at 100% capacity a waiting list will be in place. The purpose of the policy is purely to encourage sustainable forms of travel to and from new housing within sustainable locations in the city.
- 5.8 The applicant’s case to remove this condition is focussed upon the reduction in demand for car parking spaces due to the previous change of use from a care home to residential properties. As previously highlighted this is not a car parking demand issue and the control of CPZ parking pressures is managed outside of the planning process. The applicant also states that the condition fails to achieve the objective of ensuring car free development, making the condition ineffective in its aims. Therefore in the view of the Highway Authority the arguments presented do not justify the removal of condition 6 of planning permission BH2012/00500.

## **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:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton & Hove Local Plan 2005 (saved policies post 2004).

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 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
TR19	Parking standards
HO7	Car free housing
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relates to whether the development should remain car-free as per condition 6 attached to planning permission BH2012/00500, or whether sufficient evidence has been submitted to support the applicant's case that future occupiers of the development should be eligible for parking permits.
- 8.2 Condition 6 of planning permission BH2012/00500 sought to ensure that the development as approved would remain car-free in the long term. To this effect condition 6 states:  
*The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.*  
*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

#### **Planning Policy:**

- 8.3 Policy HO7 of the Brighton & Hove Local Plan relates specifically to car-free housing. This policy states that planning permission will be granted for car-free housing in locations with good access to public transport and local services where there are complimentary on-street parking controls, and where it can be demonstrated that the proposed development would remain car-free in the long



term. The sub-text states that car-free developments will be secured by making residents of the development ineligible for parking permits.

- 8.4 The site is located within a controlled parking zone (R) and the development as approved provided no onsite parking provision for No. 2 Pembroke Crescent. Given that the site was considered to be in a sustainable location close to the designated Hove Town Centre and public transport routes, condition 6 was attached to the permission to make the development car-free in accordance with policy HO7.
- 8.5 The applicants wish to remove this condition to allow future residents to be eligible for parking permits. The case presented is based on the following information:
- The condition fails to achieve the objective of a car free development as, whilst not eligible for parking permits, the applicants would still be able to own and keep cars and seek alternative parking arrangements. This would seem to make the condition ineffective in its aims
  - There is no automatic entitlement to parking permits as these are issued at the discretion of Brighton & Hove City Council following any application being received.
  - There is currently no waiting list for permits within zone R
  - The parking requirements which would have existed when the property was being operated as a care home would have exceeded those expected by the new dwellings. No.6 now having two garages assigned.
  - A similar restriction imposed on 27-29 Pembroke Crescent has recently been removed under reference BH2012/01257.
- 8.6 Notwithstanding the above information, it is not considered in this instance that there is sufficient justification to make an exception to policy HO7 and remove the requirement for this development to be made car-free.
- 8.7 Saved policy HO7 is an aspirational policy that seeks to encourage a modal shift towards more sustainable transport modes. It is clear in its expectations that new residential units in sustainable locations and within controlled parking zones should be made ineligible for parking permits to encourage non-car based travel. The policy does not react to parking demand and capacity within the City's controlled parking zones, as this can vary over time. The policy is purely predicated towards encouraging non-car based transport choices within sustainable locations within the City. As stated, 2-6 Pembroke Crescent is located within a controlled parking zone a short distance from mainline bus routes along New Church Road to the south, Sackville Road to the east, and Portland Road to the north. The Hove Town Centre and Portland Road Local Centre are a short distance to the north and east respectively, with Aldrington and Hove Stations a short walk beyond. In this respect the site is in close proximity to a range of sustainable transport choices and local retail and employment centres, and is considered to be in a sustainable location.
- 8.8 The applicant's arguments to justify the removal of the condition are based largely on demand and practicality, centring principally on the fact that parking permits are available in the CPZ and are issued at the discretion of the Council,

and that parking demand for three houses would be less than for the care home. Reference is also made to a similar application at 27-29 Pembroke Crescent which was granted by the Planning Committee at the 6 June 2012 meeting. As stated above, policy HO7 is aspirational and does not react to demand or capacity within a CPZ (which can vary over time). The focus of the policy is on reducing reliance on cars in sustainable locations within the city. In this regard, although statistically the net parking demand for the site may likely be reduced following conversion (SPGBH4 calculates that the care home would ordinarily require 5 parking bays, three houses would require 4), such matters are effectively immaterial to the argument. The main arguments instead centre around whether the site is indeed within a sustainable location such that car-free development can reasonably be supported.

- 8.9 In this respect the applicants have not been able to demonstrate that the site is not in a genuinely sustainable location, therefore an exception to policy HO7 cannot be reasonably made
- 8.10 It is noted that reference has been made to a similar application to remove a car-free condition applied to the conversion of a care home to residential houses at 27-29 Pembroke Crescent (BH2012/01257). This application was granted by the Planning Committee against officer recommendation on 6 June 2012, on the basis that an exception to policy should be made in instances where the property in question forms a family dwelling. This interpretation is not prescribed within the adopted policy therefore officer advice remains that the development is in a sustainable location and required to be made car-free in line with policy HO7 of the Brighton & Hove Local Plan.

## **9 CONCLUSION**

- 9.1 The site is located within a controlled parking zone (R) within a sustainable location close to the designated Hove Town Centre and public transport routes, whilst the development as approved proposes no onsite parking provision. The applicants have failed to demonstrate that an exception to policy HO7 is reasonable given the location of the site and its position within a controlled parking zone. For this reason it is recommended that condition 6 is retained on the approved consent.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 REASON FOR REFUSAL / INFORMATIVES**

### **11.1 Reason for Refusal:**

1. Policy HO7 of the Brighton & Hove Local Plan states that planning permission will be granted for car-free housing in locations with good access to public transport and local services where there are complimentary on-street parking controls, and where it can be demonstrated that the proposed development would remain car-free in the long term. The site is located within a controlled parking zone (R) within a sustainable location



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close to the designated Hove Town Centre and public transport routes. The development as approved proposes no onsite parking provision. The applicants have failed to demonstrate that an exception to policy HO7 is reasonable given the location of the site and its position within a controlled parking zone. For this reason condition 6 is retained on the approved consent.

### 11.2 Informative:

1. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan			12/06/2012

**Adrian Smith**

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**From:** Graham Cox  
**Sent:** 03 July 2012 07:30  
**To:** Adrian Smith  
**Subject:** BH2012/01794 2-6 Pembroke Crescent

Adrian

Reference the application BH2012/01794 (details below), I am hoping that officers will approve this as it is virtually identical to the previous one for 27/29 Pembroke Crescent which was approved at Planning Committee by 11-1.

However if officers are intending to reject, I must request that the application is considered by the Planning Committee so that Councillors can vote on the matter.

Please can you keep me informed.

Many thanks

Graham

**Graham Cox**  
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