

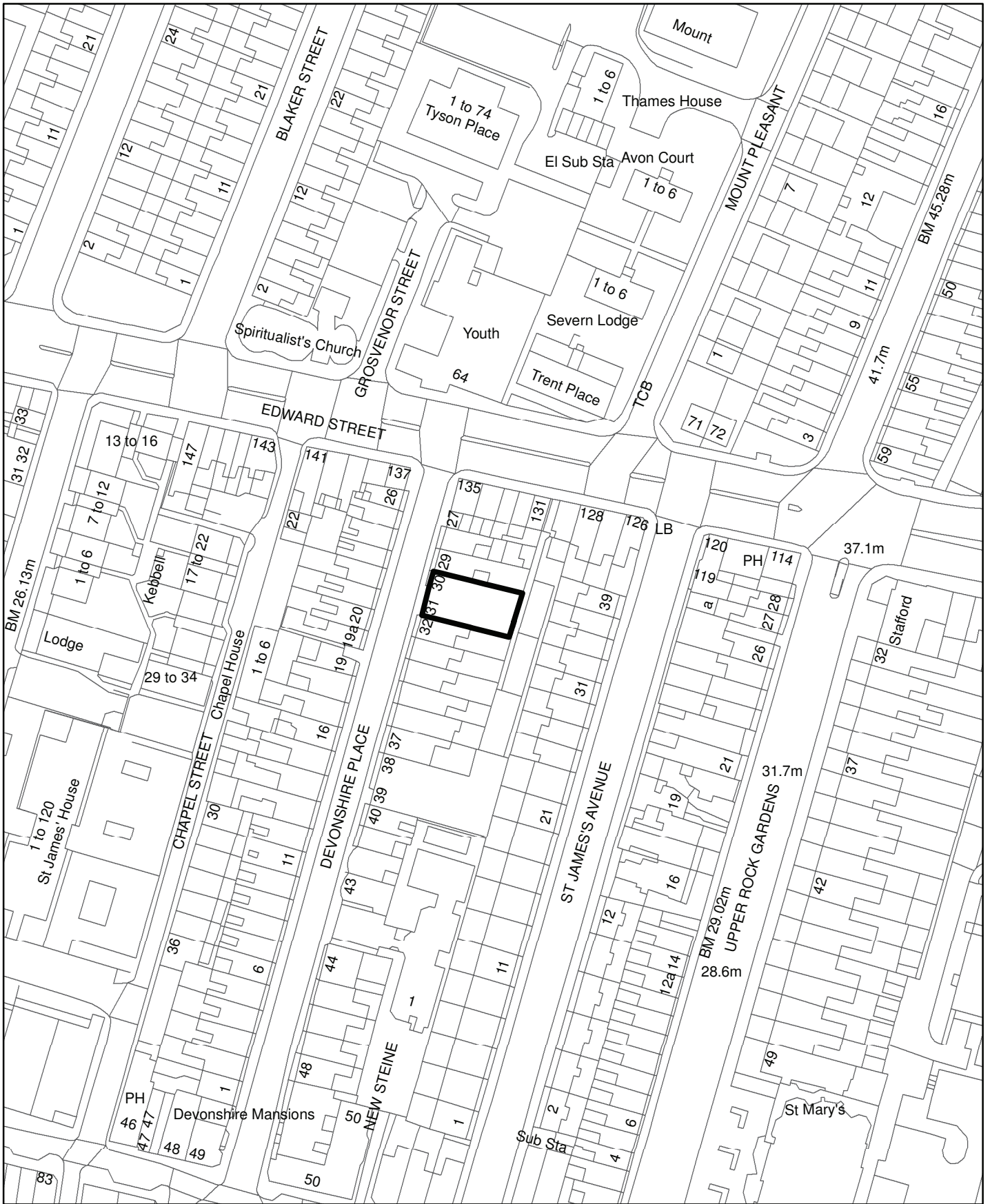
**PLANS LIST  
ITEM C**

**30-31 Devonshire Place, Brighton**

**BH2011/02468  
Full planning consent**

**29 AUGUST 2012**

# BH2011/02468 30 - 31 Devonshire Place, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2011/02468</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>30-31 Devonshire Place, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of four storey building comprising of offices at basement, ground and part first floors and 6no one bedroom flats at first, second and third floors.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher Tel: 292265	<b><u>Valid Date:</u></b>	08/09/2011
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	03/11/2011
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	ARCH-angels Architects Ltd, 128 Edward Street, Brighton		
<b><u>Applicant:</u></b>	Thirty Devonshire Place Ltd, Mr Tony Wells, 30-31 Devonshire Place, Brighton		

## 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 it is **MINDED TO GRANT** planning permission subject to the completion of a s106 agreement and the Conditions and Informative set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The existing building (Nos.30 – 31) was formerly a workshop and appear to be in current use as Class B1 use. The building has three storeys with accommodation also within the basement. There are large bulky extensions to the rear, which appear unsightly.
- 2.2 The front elevation of the building is not characteristic of the design of the majority of the residential buildings within the street. The majority of the buildings within the street are three storeys in height with accommodation also in the basement. A number of buildings also have mansard roofs, however, the majority of these are small and set back considerably from the front. No.25, which is to the north west of the application is site is however four storeys in height.
- 2.3 A modern building, which is in use as design studios, is to the rear. This building is single storey and consists of white rendered walls with large glazed elements. A narrow footpath exists between the rear boundary of the application site and this adjacent building.

## 3 RELEVANT HISTORY

**BH2011/02469 (CAC):** Demolition of existing building. Not yet determined.

**BH2007/04603:** Demolition of existing building and construction of a four storey building plus basement to provide a two bedroom flat within basement, office

space at ground and first floors with 2 one bedroomed flats at first, second and third floors. Block up kitchen window in south wall of 29 Devonshire Place and installation of rooflight. Refused 09/06/2008. The first reason for refusal read:

*“The basement flat would receive limited natural light to windows on both the front and rear elevations. The flat would have a very poor standard of outlook to the front and rear. In addition the rear patio area would receive limited light and aspect and the quality of outdoor amenity space is therefore considered to be very poor quality. As such, the basement unit would create an unacceptable residential environment for its future residents and would reduce the scheme's efficiency in the use of energy resources. As such the proposal is contrary to policies SU2, QD27 and HO5 of the Brighton & Hove Local Plan.”*

**BH2007/03096:** Demolition of existing building and construction of a four storey building plus basement to provide a two-bed flat within basement, office space at ground and first floors, with 2 one-bed flats at first, second and third floors: Block up kitchen window in south wall of 29 Devonshire Place and installation of roof light. Resubmission and revised scheme following approval of BH2006/02837. Refused 13/11/2007. The first reason for refusal read:

*“The basement flat would receive limited natural light to windows on both the front and rear elevations and to the rear patio area, which would be to the detriment of the living conditions of future residents of the scheme and would reduce the scheme's efficiency in the use of resources. As such the proposal is contrary to policies SU2, QD27 and HO5 of the Brighton & Hove Local Plan.”*

**BH2007/02826:** Conservation Area Consent for demolition of existing buildings building to allow for redevelopment of site for office and residential use. Approved 12/11/2007.

**BH2007/00219:** Conservation Area Consent for demolition of existing buildings to allow for redevelopment of site for office and residential use. Approved 04/04/2007.

**BH2006/02837:** Alteration to ground floor to form office accommodation, with light well and first-floor office area. Change of use and extension of first and second floors to form 4 one-bedroom flats and construction of one additional storey to form 2 one-bedroom flats. Block up kitchen window in south wall of 29 Devonshire Place and installation of a roof light. Approved 08/01/2007.

**BH2006/03057:** Conservation Area Consent for part demolition of existing building and new ancillary out buildings. Refused 02/11/2006.

**BH2003/02840/FP:** Alterations to ground floor workshop to include formation of a courtyard. Formation of a 3 storey infill extension at rear. Change of use of first and second floor from offices to 4no 1 bedroomed flats. Erection of additional storey to create 1 no three bedroomed flat. (Amended scheme following refusal under ref: BH2002/01499/FP). Approved on 04/01/2005.

**BH2002/0284/FP:** An application similar to that above was refused on 09/10/2002.

**94/0985/FP:** Change of use from light industrial to 7 no. one bedroomed flats with 5 car parking spaces together with roof extension to provide additional floor. Refused on 12/07/1995.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of existing building and erection of four storey building (part single, part two and part 4 storey building, together

with basement level) comprising of offices at basement, ground and part first floors and 6no one bedroom flats at first, second and third floors.

- 4.2 The proposal seeks consent for a mixed use scheme with Class B1a (office) floorspace across the basement and part ground and part (rear) first floor levels, together with 6no. 1 bedroom flats across the first, second and third floor levels.
- 4.3 The proposed building would measure approximately 10.6m wide (retaining the terrace within the street), x 22.0m deep at ground floor level (being the whole of the plot size), 10.6m wide x 11.1m deep at first floor level with a further rear first floor element measuring 5.3m wide x 8.1m deep, with the second and third floors being a mirror of the main part of the first floor, being 10.6m wide x 11.1m deep.
- 4.4 The overall height of the proposed building would be a maximum of 12.7m, with the lower part being 11.6m (due to the pavement sloping down to the south. The stand alone rear first floor element would measure 5.8m from ground level to eaves height and 5.9m to ridge height (having a mono-pitched roof profile).
- 4.5 Amended plans have been received following negotiation with the applicant which relate to the external appearance to the front elevation, and screening to the rear.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Three (3)** letters of objection have been received from the occupiers of **nos. 22, 33 and 42 Devonshire Place** together with a joint letter of objection signed by **6 people** the occupiers of **nos. 19, 36 (x3 signatories), 42 and 43 Devonshire Place** on the following grounds:
  - Impact on the character and appearance of the street;
  - The proposed mixed use would be better as 100% residential;
  - Loss of parking;
  - Overlooking and loss of privacy;
  - Impact on existing guest house business;
  - Street is too narrow for construction traffic; and
  - Noise and disruption during construction.
- 5.2 **One (1)** letter of objection has been received on the amended plans from the occupier of **33 Devonshire Place** on the following grounds:
  - Overlooking despite amended plans; and
  - Noise and disturbance from the rear first floor office.
- 5.3 **Conservation Advisory Group: Object.** The Group welcomed the opportunity of redevelopment of this site but felt this was a missed opportunity and a poor design. The Group were unhappy with the front elevation and felt that proposal lacked the vertical proportions of floor to ceiling heights that are characteristic of the area and was inadequate in terms of space standards. The Juliet balconies were inappropriate to the character of the area although a continuous balcony at first floor level would be appropriate. The Group recommended this application be

refused and requested it be determined by the Planning Committee if Officers are minded to grant.

- 5.4 On amended plans - Object. The Group objected to this application and felt the design of the front façade was not of sufficient quality or suitable for the area and its window heights do not reflect the vertical hierarchy of buildings in the street. The Group recommended refusal and requested it be determined by the Planning Committee if Officers are minded to grant.

**Internal:**

- 5.5 **Heritage Team:** The existing building on this site is not a positive element within the street scene and its re-development is acceptable in principle, however it is not considered that the proposed replacement building sufficiently responds to its context:
- Although the parapet height is consistent with its neighbours it is a four storey building in a street comprised entirely of 3 storey buildings, it is a very flat front elevation which serves to exacerbate the low ratio of window openings within the front elevation, in contrast to the rest of the street.
  - Its only 3 dimensional relief is the Juliette balconies on all levels, which is alien to this street where balconies are restricted to first floor levels.
  - It is understood that revisions to the design are expected and further comments will be made when they are received.
- 5.6 On amended plans: The revised scheme is an improvement on the previous scheme in a number of ways; the projecting bays give the 3 dimensional relief characteristic of all other buildings in the street, the ratio of window openings to masonry is also closer to the typical arrangement in the street, and the removal of the balconies from the upper floors is also welcome.
- 5.7 On the negative side, the property is still 4 storeys, and the proposed glazed tiles are not within the existing palette of materials in this street. This building is going to be a unique one in the terrace and on that basis subtle new materials can work, but colour will be important. The colour of the render would also need to be within the existing range in the street, but this is easily dealt with.
- 5.8 Queries arise over the details for the area railings (reducing in height to approximately 500mm on the south side), and the cornice/ coping/ downpipes shown on the revised plans.
- 5.9 **Sustainable Transport:** Recommended approval with conditions to protect the interests of the public using the roads and footways.
- 5.10 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17<sup>th</sup> February 2011 the Applicant is expected to make a financial contribution of £2700 to help finance off-site highway improvement schemes within the local vicinity of the application.
- 5.11 Brighton & Hove's development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in

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September 2000. These standards set out the maximum level of car parking for various use classes.

- 5.12 The scheme is located within the cities controlled parking zone (CPZ) area Y. Currently there is a waiting list within this area for a residential parking permit. The proposal does not include any car parking on site.
- 5.13 Parking standards within the CPZ allow for a maximum provision of 1 standard car parking space per dwelling plus 1 car parking space per 5 dwellings for visitors on site. This means that the proposal could provide up to a maximum of 7 car parking spaces on site to serve the residential.
- 5.14 It is anticipated that this residential part of the application would have a parking demand of potentially 3 vehicles. This is based on the analysis of Census data with an average dwelling owning 0.5 vehicles within the Queen's Park Ward.
- 5.15 SPG4 states that B1 office can provide up to a maximum 1 car parking space on site per 30m<sup>2</sup> of reduced floorspace area. The proposal includes 310m<sup>2</sup> of B1 floorspace which would allow for up to 10 spaces on site. As the office element is to reduce from 375m<sup>2</sup> to 310 m<sup>2</sup> as part of the proposal, we would anticipate a reduction in the demand for car parking on the local highway from the office element of this development.
- 5.16 Given the reduction in anticipated car parking demand from the office facility and the potential increase in demand from the dwellings for 3 additional vehicles on the Local Highway, I would not consider that this application would create a material impact on the demand for car parking on the local highway that would support a reason for refusal.
- 5.17 Unlike car parking cycle parking standards are set as a minimum, for this type of development the cycle parking requirement is calculated on a basis of 1 space per dwelling plus one space per 3 dwellings for visitors and 1 space per 200m<sup>2</sup> of office. The development would require additional cycle parking spaces for 10 bicycles.
- 5.18 The type of cycle parking proposed to serve the additional dwelling is not considered to be convenient or practical. Cycle parking should be secure, convenient, well lit, and wherever practical, sheltered cycle parking should be located close to the main entrance of the premises to comply with TR14 and SPG4.
- 5.19 The applicant proposes to provide upright wall mounted cycle parking for the proposal. Upright wall mounted cycle parking is not practical or convenient as it requires the cyclist to be able to physically lift the bicycle. This is obviously not ideal for the less physically able.
- 5.20 The applicant should design an appropriate secure cycle parking area in accordance with Local Plan Policies TR14 and SPG4 or provide information proving the suitability of the proposed storage type. This information should be

provided to the Local Planning Authority for written approval before commencement of the development.

- 5.21 **Environmental Health:** Having read the application, I note that I made comments back on 12 November 2007 regarding a similar application to the Case Officer. Principally, that the site was known to be potentially contaminated land via its past uses as a printing works. Further examination of historic mapping suggests a print works in the early 50's moving to a depot use. I also note a metal plating factory immediately adjacent which is also identified as potentially contaminated land and has been prioritised accordingly for inspection under the auspices of the contaminated land regime. Given that the build proposes a demolition and rebuild with basement uses, potential contamination issues are especially relevant.
- 5.22 I also note that the Design and Access Statement also acknowledges on page 4, a light electrical engineering workshop for some years which has been extended to the rear ground floor. Again with a workshop use identified, I would expect that the applicant submit details relating to potentially contaminated land. At the very minimum I would expect to see a robust desk top study. Given the site uses and the expectations of potentially contaminated land to be addressed, it is appropriate that I have copied this memo also to the Environment Agency for their information, as they may also wish to make comments.
- 5.23 I would also comment that on brief inspection of the plans, I note the intention to have residential accommodation above offices. For this reason I would expect to see some kind of commitment to sound insulation above and beyond the requirements of part E for Building Control and the passage of sound. In particular, I note the western elevation at first floor level has a bedroom immediately above a residential bin store which might warrant further consideration in terms of protection from noise.
- 5.24 For the reasons suggested above, I consider that there is insufficient information on which to determine comments on the application.
- 5.25 **Economic Development:** Supports the application on the following grounds;
- It replaces a visually poor building with a more modern style development whilst retaining the majority of the employment space that exists in the current building.
  - The applicant provides 310m<sup>2</sup> (3,337ft<sup>2</sup>) of B1 office space compared with 375m<sup>2</sup> (4,036ft<sup>2</sup>) that currently exists which is a slight reduction however the quality of the space in a new build will be significantly higher than currently exists and it is stated that the owner of the building will be using the office space to accommodate his business which is welcomed and supported.
  - The applicant states that the office space has the ability to provide accommodation for up to 35 people. Based on the offPAT employment densities for general office space of 4.9 jobs per 1,000ft<sup>2</sup> this equates to 16.5 jobs.



- Although these figures are different, the offPAT employment density figures are used in economic development terms to provide a consistent approach to employment densities when considering commercial applications.

## **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
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements

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QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD5	Design – street frontages
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of affordable housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

### Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

### Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
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### Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application are the principle of the development, impact on street scene and wider area, amenity issues, transport issues, contaminated land and sustainability issues.

### **Principle of Development**

- 8.2 The building is currently in Class B1/B8 use, and as such policy EM3 is of relevance. This confirms that land in industrial use or allocated of such uses will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.3 Sites will be assessed to determine whether they are suitable for modern industrial purposes. Reference will be made to the:
- Location of the site;
  - Quality of the buildings;
  - Site layout;
  - Accessibility;
  - Proximity to trunk routes;
  - Other uses in the neighbourhood;

- g. Cost of demolition or refurbishment set against its future value for employment needs; 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.
- 8.4 After assessment, sites that are genuinely redundant and do not have potential for industrial redevelopment will be released for re-use.
- 8.5 Preference will be given to alternative industrial or business uses, followed by uses that meet the Council's priorities as set out in the Local Plan; that is, live work units or affordable housing. Any alternative use should not unacceptably prejudice the amenity or viability of other business uses in the vicinity.
- 8.6 The application proposes to include 310sqm of Class B1a employment generating (office) floorspace across the ground, part first and basement levels of the proposed building. This would replace the existing employment generating floorspace on the site which comprises approximately 375sqm.
- 8.7 As such, there would be minimal net loss of employment generating floorspace and due to the increase in quality of the proposed floorspace this is sufficient to offset the loss of 65sqm and therefore the proposal is considered comply with policy EM3 in accordance with the comments from Economic Development.
- 8.8 As the employment floorspace is being approximately re-provided, any additional development on the site can be considered as a windfall, providing that it complies with all other development plan policies, which are considered in detail below.
- Impact on street scene and wider area**
- 8.9 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.10 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:
- Height, scale, bulk and design of existing buildings;
  - Topography and impact on skyline;
  - Natural and developed background or framework against which the development will be set;
  - Natural and built landmarks;
  - Layout of street and spaces;
  - Linkages with surrounding areas;
  - Patterns of movement within the neighbourhood; and
  - Natural landscaping.
- 8.11 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

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- 8.12 The proposed building is to be 4 storeys in height, with a basement level. The building has been designed to have a modern appearance with accents of the predominately Victorian buildings surrounding it within the street scene. Specifically, the proposal includes a render finish with glazed tile detailing between the windows and a first floor balcony to follow the design of the properties to the south.
- 8.13 The building continues the proportions of the existing building on the site although increases its height by one level, and follows the ridge height of the adjoining building to the north. The adjoining buildings to the north and south are three storeys over a basement level, whereas the proposed building would be four storeys over a basement. Whilst this is not ideal, previous approvals on the site allowed for such a situation, and as such it would be unreasonable to object on these grounds now. In addition, the levels at ground first and second floors follow that of the existing building, which has a lower floor to ceiling height than the neighbouring properties.
- 8.14 The front elevation has been the subject of alterations during the course of this application. Specifically, the building has been redesigned to appear as two buildings, rather than a double fronted one, to assist with its integration with the remainder of the street scene. Also, the projecting bays have been altered in their proportions (height and width) to appear more in keeping with the adjoining bay windows, and the side windows have been lengthened, again to assist with the integration with the street.
- 8.15 The proposal seeks to introduce a glazed tile feature on the front elevation to enliven the front elevation. Whilst additional detailing is welcomed, a condition is recommended relating to samples of external materials being submitted to ensure that this would be of an acceptable finish and colour.
- 8.16 A first floor balcony is also proposed, which follows the style and design as that of the buildings to the south. This is considered to be acceptable also.
- 8.17 The proposal also includes a first floor projection to the rear of the property. This is to accommodate additional office space, and is basic in its design, being rendered with large bi folding doors in the south elevation, and a mono-pitched roof design.
- 8.18 The location of this to the rear ensures that it would not cause any undue harm to the character or appearance of the wider area, and its simple design approach ensures that it is viewed as subsidiary to the remainder of the proposed building.
- 8.19 A condition is required that the applicant provides large scale details of the proposed cornice, coping and downpipes, and the submitted plans are unclear in this regard to ensure a successful impact on the street scene and wider area.
- 8.20 As such the design approach is considered to be acceptable without causing any harm to the street scene or the wider East Cliff Conservation Area.

**Amenity Issues**

For Neighbours

- 8.21 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.22 There are a number of neighbouring residential properties surrounding the site, a block a flats to the north, no. 29, and properties which all appear to have been converted into flats to the south, nos. 32, 33, 34 Devonshire Place. The building to the north, no. 29 is a U shaped building with a small central courtyard which abuts the party wall with the site, approximately halfway into the site.
- 8.23 The existing ground floor of the building is a full site coverage, which is proposed to be retained as part of this application. As such the impact here will remain unchanged on the adjoining properties, in terms of loss of light and overbearing impact. Therefore there are no concerns to the proposed ground floor.
- 8.24 At first floor level of the proposed building projects up to the adjoining lightwell with no. 29, and as such there are not considered to be any issues surrounding loss of light or overbearing impact to the north. To the south, where the site adjoins no. 32, it is proposed to project 1.25m from the rear elevation. This minimal projection and combined with the fact the proposed building is to the north of this it is not considered that there would be any undue loss of light or overbearing impact issues. The second and third floors mirror this situation, and thus there are no concerns in relation to these elements either.
- 8.25 Also proposed is a rear first floor element. This is to be located on the north and east boundaries of the site. It would directly adjoin the building to the north (no. 29) due to its U shape, and there are no windows in this elevation that would be compromised. As such there are no issues on the impact to no. 29. The proposed extension is set 5.5m from the southern boundary (with no. 32) and as such there would be no overbearing impact or loss of light issues arising.
- 8.26 However, there is the potential for loss of privacy to the adjoining occupiers by virtue of the proposed rear balconies and terraces.
- 8.27 The proposal incorporates a number of rear terraces at first floor level (effectively on the roof of the ground floor). These are 2 no. private roof terraces associated with the two first floor residential units, and a terrace associated with the rear first floor office.
- 8.28 All of these terraces include obscure glazed privacy screens, of varying heights dependant on the proximity to the boundary or other units within the scheme. Where the proposed terraces adjoin the site boundary, a 1.8m high obscure glazed screen is proposed, and to the proposed office terrace, a 1.1m high balustrade is proposed. This is considered to be acceptable due to the set back

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within the site of the terrace of 4m, thus ensuring no undue loss of privacy or overlooking to the gardens to the south would be possible.

- 8.29 The second and third floor flats also incorporate rear balconies. These have 1.8m high obscure glazed screens to each side elevation, again, ensuring no undue loss of privacy or overlooking would occur to the neighbouring properties.
- 8.30 As such, it is not considered that there would be any undue impact on the amenities of the neighbouring properties by virtue of the proposed development.

### For Future Residents

- 8.31 Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with Lifetime Homes standards.
- 8.32 The submitted plans demonstrate compliance with lifetime home standards, including future provision for bathrooms, although it is noted there is no lift access to the residential units meaning occupancy would be likely by ambulant disabled only.
- 8.33 As such it is considered that the scheme has been demonstrated as lifetime homes compliant and a condition is recommended to that effect.
- 8.34 In general, the units appear to be of sufficient size, with each room adequate for its function. All rooms except bathrooms appear to have sufficient access to natural light and outlook and thus this element is acceptable.
- 8.35 Policy HO5 requires the provision of private usable amenity space in new residential development.
- 8.36 Each of the residential units have access to a terrace or balcony, and given the fact the units are proposed as 1 bedroom flats, this level of provision is satisfactory to comply with HO5.
- 8.37 The scheme is for a mixed use development, with commercial floorspace across the ground floor. As such a condition is recommended to ensure adequate sound insulation between the two uses, over and above that required by Building Regulations to ensure that there would be no harmful impact on amenity.
- 8.38 The proposed development includes a large cycle store on the ground floor, with direct access to the street. Whilst no layout has been provided, it is considered that this is of sufficient size for the required number of spaces, and a condition is recommended to ensure satisfactory compliance with policy.
- 8.39 The site is located within an area where refuse collection is via on-street communal bins, and therefore no refuse storage is required. Recycling storage can be provided within each unit, and details of this are required by condition.

**Transport**

- 8.40 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.41 Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.
- 8.42 Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.43 The scheme does not provide any off-street parking spaces and is located on a narrow road within an area of high parking stress.
- 8.44 Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones. No vehicular parking spaces are proposed. As the site is located within a Controlled Parking Zone, a condition to ensure the development is car free is proposed.
- 8.45 Policy TR19 requires development to meet the parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards' and policy TR14 requires compliance with cycle parking standards. As stated above, subject to condition, satisfactory cycle parking provision is proposed.
- 8.46 The comments from the Sustainable Transport Team are noted, in that a s106 contribution of £2,700.00 would be required to mitigate against the impact of the development. This forms part of this proposal.

**Contaminated Land**

- 8.47 Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.
- 8.48 The site has a history of commercial uses upon the site, and the basement and ground floor levels will remain in commercial use. It is only the upper floors that would be utilised for residential uses.

- 8.49 The comments from the Environmental Health Team are noted, in that there could be contamination from the previous print works and workshop on the ground floor, and as such would expect to see a Desk Top Contamination Study supporting the application.
- 8.50 However, the previously refused application (BH2007/04603) did not include such a study, and was not refused on the grounds of inadequate contamination information. As such it would be unreasonable to request such information at this stage.
- 8.51 The relevant information can be covered by condition (which forms part of this recommendation), in which the full scope of contamination reports can be requested prior to development commencing, ensuring that there would be no undue harm.
- 8.52 As such there are no undue contaminated land issues arising from the proposal which could not be addressed by condition.

### **Sustainability**

- 8.53 Any new residential building upon the site would need to conform to the requirements of SPD08. This means that a fully completed Sustainability Checklist is required, and the residential element of the building must meet Level 3 of the Code for Sustainable Homes as a minimum and the commercial floorspace meet 50% in the energy and water sections of BREEAM within overall 'Very Good'.
- 8.54 In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.55 Conditions are recommended to secure the relevant levels as set out in SPD08 are achieved.

## **9 CONCLUSION**

- 9.1 The proposal would not result in any significant loss of employment generating floorspace across the City, and would provide for additional housing stock without causing any undue harm to the character or appearance of the street scene, or the wider East Cliff Conservation Area. The proposal would cause no undue harm to residential amenity or harm impact to the local highway network and would provide acceptable standards of accommodation. As such, the proposal is considered to be in accordance with Local Plan Policies.

## **10 EQUALITIES**

- 10.1 The proposal would be required to meet current building regulation standards, the residential units are lifetime homes compliant and would have a level entry.



**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 A Section 106 obligation to secure the following;

- A contribution of £2,700.00 towards Sustainable Transport Strategy prior to commencement of the development.

11.2 Regulatory Conditions:

1. BH01.01 Full Planning.
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 floorplans and elevations	E01	-	19.08.11
Proposed floorplans	P01	A	12.04.12
Proposed Elevations	P02	A	12.04.12

3. 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.

4. Access to the part of the first floor flat roof in the south eastern corner of the development hereby approved annotated as “Maintenance only” on drawing no. P01a 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.

5. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

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

6. Unless otherwise agreed in writing by the Local Planning Authority, 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.

7. The Class B1a use hereby permitted shall not be occupied except between the hours of 08.00 and 22.30 on Mondays to Fridays and 09.00 and 20.00 on Saturdays, Sundays and Bank or other Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

8. 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 HE6 of the Brighton & Hove Local Plan.

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

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

10. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 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.

11. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development 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.
12. 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. The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.
14. No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
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 desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) 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,
  - (c) 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.

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- (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) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been 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) (c).

**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 works shall take place until full details including 1:1 scale profiles of the proposed cornices, coping and downpipes have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of the street scene and conservation area and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan

### 11.4 Pre-Occupation Conditions:

17. 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 has been submitted to, and approved in writing by, the Local Planning Authority.

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

18. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

11.5 Informatives:

1. 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 Brighton & Hove Local 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 proposal would not result in any significant loss of employment generating floorspace across the City, and would provide for additional housing stock without causing any undue harm to the character or appearance of the street scene, or the wider East Cliff Conservation Area. The proposal would cause no undue harm to residential amenity or harm impact to the local highway network and would provide acceptable standards of accommodation. As such, the proposal is considered to be in accordance with Local Plan Policies.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. 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.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)). Details about BREEAM can also be found 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)).
5. The applicant is advised that the scheme required to be submitted by Condition 13 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
6. The applicant is advised that the above condition on land contamination has been imposed because 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.

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7. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).