

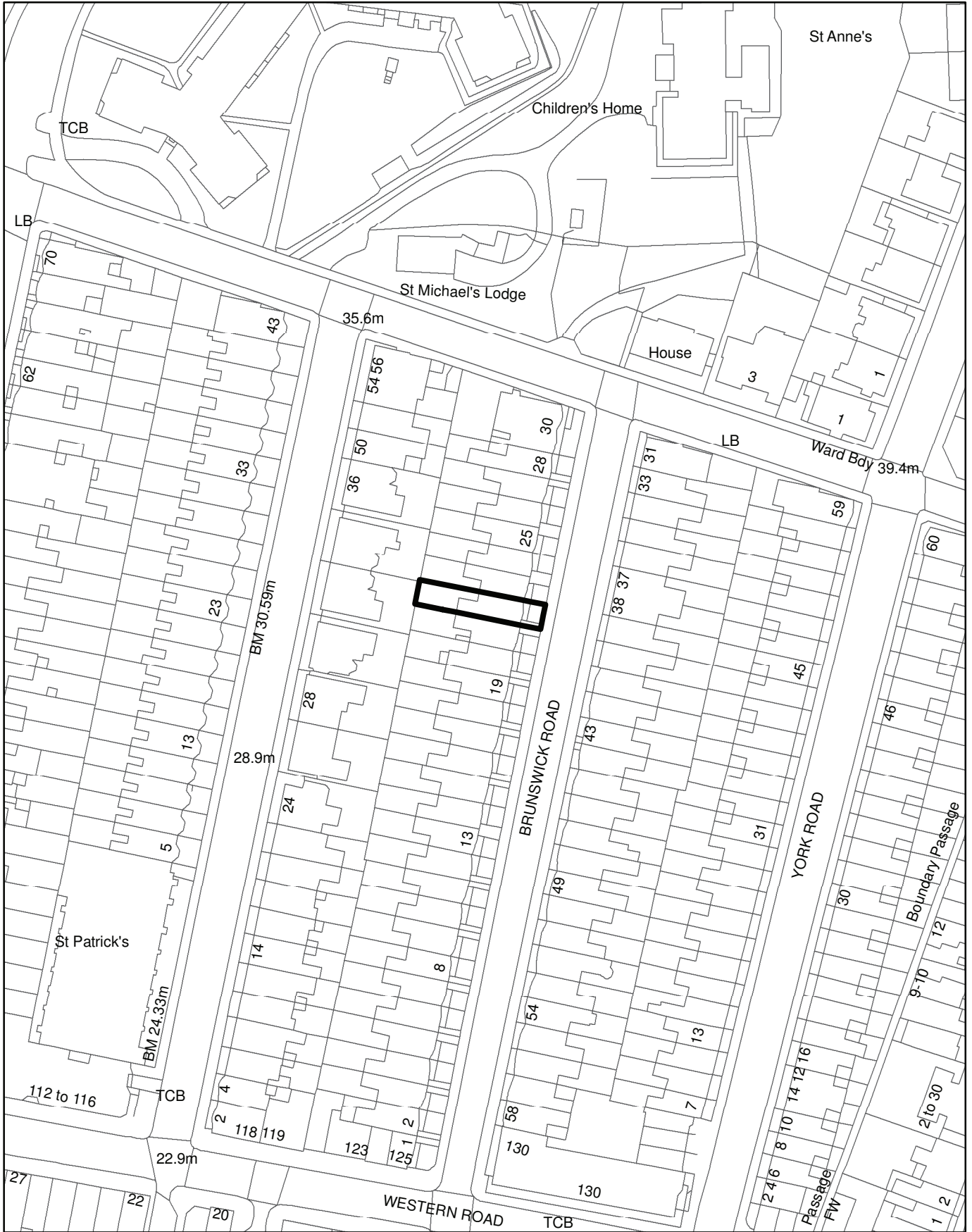
**PLANS LIST
ITEM I**

22 Brunswick Road, Hove

**BH2012/02422
Removal or variation of condition**

21 NOVEMBER 2012

BH2012/02422 22 Brunswick Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

(c) Crown Copyright. All rights reserved. Licence: 100020999, Brighton & Hove City Council. 2012.

<u>No:</u>	BH2012/02422	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	22 Brunswick Road, Hove		
<u>Proposal:</u>	Application for removal of condition 6 of application BH2011/03654 (Conversion of existing single dwelling to form 1no one bed flat and 1no four bed maisonette.) 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.		
<u>Officer:</u>	Adrian Smith Tel: 290478	<u>Valid Date:</u>	22/08/2012
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	17/10/2012
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mrs Rachel Cusk, 22 Brunswick Road, Hove		

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 four storey house within a Grade II listed mid-terrace building located on the west side of Brunswick Road, Hove, within the Brunswick Town Conservation Area. The surrounding properties to all sides are of a similar scale and form, and are currently in use as residential flats. The secondary retail frontage to the Regional Shopping Centre is located along Western Road to the south of the site.
- 2.2 The site is located within a Controlled Parking Zone (M). The streets in the surrounding area are heavily parked with few available spaces. There is currently a 12 month waiting list for permits in this area.

3 RELEVANT HISTORY

BH2011/03654: Conversion of existing single dwelling to form 1no one bed flat and 1no four bed maisonette. Approved 31/01/2012 subject to the following condition:

6. *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.*

4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of condition 6 of the above consent to allow residents of the development to be eligible for parking permits.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Five (5) letters of support have been received from **Flat 3 17, First Floor Flat 21, 23, and 24 (2) Brunswick Road**, supporting the proposal on the following grounds:

- It is unreasonable and unfair to deny the occupants of a family home a parking permit
- The removal of eligibility for a parking permit would decrease the value of the property.

Internal:

5.2 Sustainable Transport: Objection.

The site in question benefits from being in close proximity to bus services along Western Road and is in close proximity to facilities and services within the centre of Brighton. Therefore the site is deemed to have good access to public transport and be in a sustainable location and therefore appropriate to be car free.

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

Supplementary Planning Guidance:

SPGBH4 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to property value are not material planning considerations. 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 BH2011/03654, 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 BH2011/03654 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 (M) and the development as approved provided no onsite parking provision for either dwelling. Given that the site was considered to be in a sustainable location close to the designated Regional Shopping 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
 - A four-bedroom maisonette is family accommodation and would logically generate demand for domestic parking
 - The existing house is currently eligible for permits, the increase in demand would therefore be for one permit only
 - 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.
- 8.6 Reference is made to three appeal decisions at 27-29 Pembroke Crescent, 14-16 York Place, and 6 & 7 Powis Villas, in which the Inspector considered that the developments in question should be eligible for parking permits. Whilst these appeals are duly noted, the circumstances of each site materially differ from the application site therefore limited regard can be had to their conclusions.
- 8.7 The circumstances of the development remain as per the permission, in that the site is located in a sustainable location close to public transport routes and retail and employment centres. Further, there is high parking demand in the area evidenced by few available parking bays. Given that the proposed conversion of the house to two flats would intensify the use of the site, it is considered that the site is suitable to be made car-free. Such a view is supported by the Sustainable Transport officer.
- 8.8 The applicants have referred to three decisions on car-free development that were allowed on appeal, however none are materially identical to this proposal, in that the nature of the development and the parking pressures in the area differ in each case. For instance, the decision at 27-29 Pembroke Crescent was in an area within an outer CPZ where parking pressure was low, as evidenced by numerous available spaces within the immediate street. At 6 & 7 Powis Villas, the Inspector gave greater weight to the benefits the proposal would have in the restoration of a listed building, whilst the decision at 14-16 York Place identified that the Council ultimately controls parking permits therefore a planning restriction was not necessary. It is pertinent to note the more recent decision at 12 St Georges Place (BH2011/03188) where the Inspector specifically identified and gave little weight to the York Place decision. Instead, the Inspector at St Georges Place placed weight on the sustainability of the location and the heavy parking pressure in the area. Given that the development would have added to parking pressure, the Inspector deemed the development appropriate to be made car-free. This conclusion is consistent with other appeal decisions relating to car-free development within the City, most notably at 12 Frederick Street, 102 Marine Parade, 6 York Avenue, 27 Western Road and 124 Church Road (amongst others).

PLANS LIST – 21 NOVEMBER 2012

- 8.9 In this instance, there is no material reason to depart from the above conclusion. Parking pressure is high in the area whilst the sub-division of the house to two residential units would intensify the use of the site and increase parking demand accordingly within a sustainable town centre location.
- 8.10 The applicants have stated that the remaining maisonette would form family accommodation logically requiring a parking permit. However, policy HO7 does not make such discriminations and does not provide for a definition of family and non-family accommodation. In any case, residents that may wish to use a car would remain able to park outside the CPZ (albeit a considerable walk) or could become members of communal 'car-club' providers that operate within the City. As such, residents would not be wholly prevented from using a car as and when necessary.
- 8.11 On this basis, and for the reason identified above, it is considered appropriate that the development remains car-free in accordance with the requirements of policy HO7.

9 CONCLUSION

- 9.1 The proposed development would intensify the use of the building within a sustainable location with high levels of parking pressure. Insufficient information has been submitted to demonstrate that the condition should be removed or varied to allow the residents of the development to be eligible for parking permits.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reason for Refusal:

1. The development as approved is within a sustainable town centre location with high levels of parking pressure, and would intensify the residential use of the building. Insufficient information has been submitted to demonstrate that the condition should be removed or varied to allow the residents of the development to be eligible for parking permits, contrary to policy HO7 of the Brighton & Hove Local Plan.

11.2 Informative:

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

Plan Type	Reference	Version	Date Received
Site plan	JP/2011/1	-	30/11/2011
Block plan	JP/2011/2	-	30/11/2011
Existing plans	JP/2011/2	-	30/11/2011
Proposed plans	JP/2011/2	-	30/11/2011

