

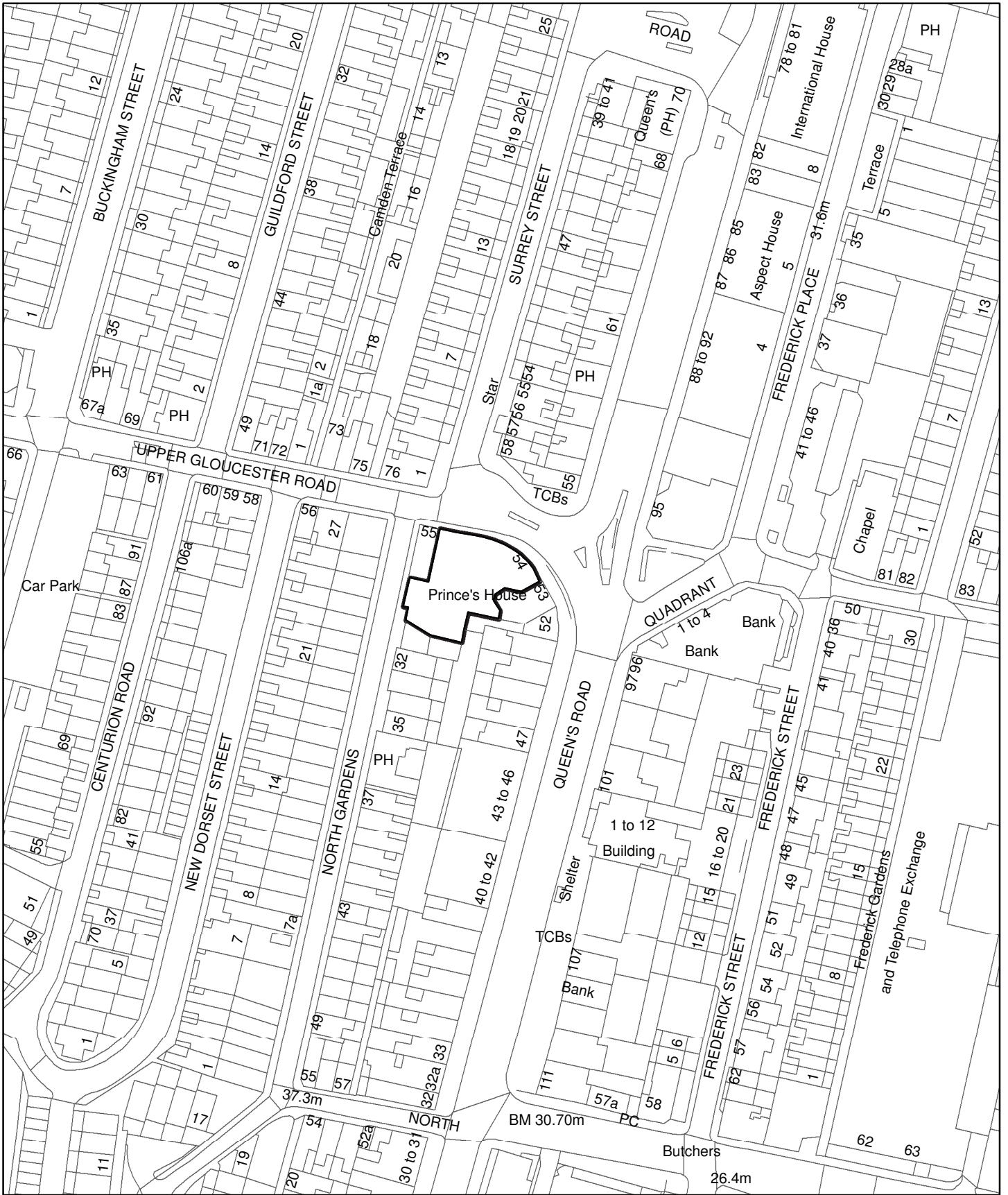
**PLANS LIST
ITEM A**

Princes House, 53 Queens Road, Brighton

**BH2012/03250
Full planning consent**

09 JANUARY 2013

BH2012/03250 Princes House, Queen's Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|--------------------------------------|
| <u>No:</u> | BH2012/03250 | <u>Ward:</u> | ST. PETER'S & NORTH LAINE |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Princes House 53 Queens Road Brighton | | |
| <u>Proposal:</u> | Change of use of ground and first floors from office space (B1) to language school (D1). | | |
| <u>Officer:</u> | Jonathan Puplett Tel: 292525 | <u>Valid Date:</u> | 31/10/2012 |
| <u>Con Area:</u> | West Hill | <u>Expiry Date:</u> | 30/01/2013 |
| <u>Listed Building Grade:</u> | Adjoins Grade II | | |
| <u>Agent:</u> | RHPC, Stratfield House, 265 High Street, Crowthorne, Berkshire | | |
| <u>Applicant:</u> | Hargreaves Management Ltd, Rustington House, Worthing Road, Rustington | | |

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to the receipt of no further representations which raise new material planning considerations which have not already been considered within this report, and to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four-storey building with basement car park situated on the southern corner of the junction of Queen's Road and Upper Gloucester Road. The site forms part of the West Hill conservation Area and the building adjoins no. 52 Queen's Road which is a Grade II listed building. The ground and first floors of the building are currently vacant. The ground floor of the building has its own inset street entrance with a security shutter; the remainder of the building is accessed by a stepped communal entrance which leads to a communal stairway to the upper floors of the building and an internal entrance to the ground floor accommodation. The ground floor accommodation also has a fire escape door which opens on to North Gardens to the western side of the site. The basement car park of the building is accessed by a ramp from North Gardens; the vehicular entrance has a security shutter and the pedestrian access alongside has a door which requires an access card for entry.

3 RELEVANT HISTORY

BH2001/00474/FP: Installation of 3 No external ventilation louvres, 2 No external condensers and 1 No small opening, all to rear south elevation. Approved 30/03/2001.

90/0618/F: Elevational changes and addition of tank to roof. Approved 04/09/1190.

88/1045/F and 88/1046/CAC: Demolition of existing buildings and erection of a 3 and 4 storey office building (2722 sq. m.) including basement parking for 34 cars with access from North Gardens. Approved 12/05/1989.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the ground and first floor of the building from office (Use Class B1) to Language School (Use Class D1). No external changes to the building area proposed, and no details of internal alterations have been submitted.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter of representation has been received from no. **24 North Gardens** raising the following concerns:

- Anti-social behaviour takes place at the rear of no. 53 Queen's Road (on North Gardens) and within the recessed vehicular entrance. Litter is dropped in this location.

- 5.2 **Southern Water:** No objections.

- 5.3 **East Sussex Fire and Rescue Service:** No comment.

- 5.4 **Brighton & Hove Archaeological Society:** Recommend that the County Archaeologist be consulted.

- 5.5 **UK Power Networks:** No objections.

- 5.6 **Sussex Police Crime Prevention Officer:** Recommend security measures in relation to the car park access and internal access between the floors of the building.

- 5.7 **Environment Agency:** No comment.

Internal:

- 5.8 **Economic Development:** The application submission demonstrates that the ground and first floors of the property have been vacant and marketed for a considerable period. The proposed Language School would generate employment and it is proposed that substantial works to the property would be carried out to make it fit for purpose. No objections are raised.

- 5.9 **Planning Policy:** This application may not conflict with policy EM5 if the factors determining redundancy within policy EM5 are assessed as being met, as the application then meets the preferential uses of policy EM5. There are concerns regarding compliance with policy TR14.

- 5.10 **Sustainable Transport:** Recommend conditions to secure vehicular parking provision, disabled car parking provision, cycle parking, a travel plan, and the restriction of the permission to a Language School only as opposed to a general

D1 consent. It is advised that a contribution towards sustainable transport infrastructure in the vicinity of the site is required.

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 |
| TR7 | Safe development |
| 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 |
| SU9 | Pollution and nuisance |
| SU10 | Noise nuisance |
| QD27 | Protection of amenity |
| EM5 | Release of redundant office floorspace and conversions to other uses |

Supplementary Planning Guidance:

SPGBH4 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use from office (Use Class B1) to Language School (Use Class D1), impact upon neighbouring amenity and transport matters. The scheme does not include any external alterations, therefore the impact on the appearance of the building or surrounding area is not a material consideration in the determination of this proposal.

Principle of development:

8.2 The change of use to a Language School would result in the loss of 1022m² of office floor floorspace. Policy EM5 of the Brighton & Hove Local Plan states that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

8.3 Redundancy will be determined by considering the following factors:

- a. the length of time the premises have been vacant; together with
- b. the marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
- c. the prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
- e. links to public transport; and
- f. the quality of the building.

8.4 If following consideration of the above criteria, the offices and / or the sites are regarded as genuinely redundant, preference will be given to:

- alternative employment generating uses; followed by
- affordable housing.

8.5 In regard to criteria (a) and (b), the ground and first floors of the property have been vacant since August 2010, and have been actively marketed since May 2010. An explanation and evidence of the marketing strategy employed over the period from May 2010 to September 2012 has been submitted in support of the application.

8.6 The marketing agent has advised that there has been no firm offer made on the property in this time, with interested parties citing the curved walls of the property which result in non-standard floorplates, the additional entrance to the ground floor accommodation, and the lack of full height glazing at ground floor level as issues of concern.

- 8.7 The Economic Development Officer supports the proposed change of use and considers that the office use has been appropriately marketed during the period of vacancy.
- 8.8 In regard to criteria (e) and (f) above, no case is made as the building meets modern standards and is of high quality, and is extremely well served by public transport being situated directly alongside bus routes, a short walk from Brighton Station and in immediate proximity to the amenities of the city centre.
- 8.9 Overall it is considered that the office use has been demonstrated as redundant due to the length of time the property has been marketed and remained vacant.
- 8.10 The proposed change of use, if enacted, would bring the vacant floor of the building back into use. The proposed use would generate employment and therefore complies with the preferred alternative uses set out in Policy EM5. The Planning Statement submitted details that 7 full-time administration staff and 5 full-time teachers, along with approximately 25 part-time staff would be employed. It is stated that the applicant runs a number of Language Schools outside of the City at present and is seeking to establish a school within Brighton & Hove.
- 8.11 It is considered that the proposed use is acceptable in the terms of Policy EM5 and is acceptable in principle; the existing office use has been demonstrated as redundant and the proposed use is in compliance with this policy.

Neighbouring amenity:

- 8.12 Policy QD27 of the Brighton & Hove Local Plan seeks to protect the amenity of neighbouring occupiers. Policies SU9 and SU10 seek to ensure that development does not cause undue pollution, nuisance or noise disturbance. The Planning Statement submitted in support of the application details that up to 200 students could be taught within the building at any one time, with maximum class sizes of 15 and ages from 16 upwards. The stated average age of existing students of the Language School elsewhere in the country is 23. It is stated that the school would operate year round with a 2 week break for Christmas, operating primarily between 08.00 and 18.00 Monday to Friday. Some classes may also be held at evenings and at weekends. The agent for the application has been offered the opportunity to clarify the likely hours of use at evenings and weekends, this information has not however been provided.
- 8.13 Whilst Queen's Road and the area in front of the building are busy pedestrian and vehicular routes, there are residential properties situated in close proximity to the application property such as no. 55 Queens Road and the properties to either side of North Gardens. Due to the number of students which it is proposed could be taught within the building at any one time, it is considered that groups of students arriving or departing, or congregating outside of the entrances to the building or in the vicinity of the building, represent a level of activity which could potentially cause significant noise and disturbance to neighbouring occupiers. Such noise and disturbance would be more likely to cause significant harm late at night or early in the morning when activity and noise levels would generally be lower notwithstanding the central location of the

property. Students congregating outside of the entrances to the building or in the vicinity of the building and smoking could also cause nuisance by way of smoke dispersion.

- 8.14 For these reasons, it is considered reasonable and necessary for the Local Planning Authority to restrict the hours of operation of the school to ensure that such late night disturbance does not result. In the absence of any information regarding the likely hours of operation of the school at evenings and weekends, the Local Planning Authority considers that the following hours would be appropriate in this case:
- 08.00 - 22.00 Mondays to Saturdays
 - 09.00 - 20.00 on Sundays, Bank or Public Holidays.
- 8.15 It is considered necessary to secure a management plan for the proposed use, to ensure that students are informed and educated in regard to minimising impact upon neighbouring residents. The ramped vehicular and pedestrian access to the property on North Gardens, and the fire escape doors to this side of the building, if used regularly for entrance/ egress by large numbers of students, have the potential to cause significant disturbance on what is a primarily residential street. The main two entrances to the front of the building provide adequate access and egress for staff and students, it is however acknowledged that the ramped access on north Gardens would be used by those accessing the basement car park of the property, and that this access and the fire escape door on North Gardens may be used in emergency circumstances. It is therefore recommended that the use of the North Gardens accesses be restricted by planning condition.
- 8.16 Subject to these recommended conditions, it is considered unlikely that the proposed use would cause significant harm to neighbouring amenity.

Transport:

- 8.17 Policy TR1 requires that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. At present the ground and first floor office accommodation of the property is allocated a total of 18 vehicular parking spaces in the basement of the property. A small number of cycle brackets are available for use within the basement, these brackets are not however of an acceptable standard due to their location and the level of security which they provide. A car parking plan has been submitted based upon which it appears that there are no car parking spaces of a size suitable for disabled parking provision. In regard to both cycle parking and disabled parking provision, it is recommended that details of appropriate measures and their implementation be secured by planning condition.
- 8.18 In regard to the overall transport impact of the proposed change of use, it has been calculated that the change would result in a significant net increase trip generation. The fact that up to 200 students may be taught within the building at any one time also indicates that the transport infrastructure within the vicinity of the site would face an additional burden in comparison to the current office use. The Sustainable Transport Officer has advised that a financial contribution

towards sustainable transport infrastructure of £11,000 is required to ensure compliance with policies TR1 and QD28. Such a contribution can be secured by a Section 106 legal agreement.

Other considerations:

- 8.19 The Crime Prevention Officer has recommended security measures relating to the access to the basement car park and access into each floor of the building. It was noted on site that such measures are already in place (security shutter to the vehicular entrance and an access card entry system throughout the building); this has been confirmed in writing by the agent for the application.
- 8.20 The Brighton & Hove Archaeological Society have recommended that the County Archaeologist be consulted. The proposed scheme does not however involve any penetrative works; such consultation is therefore not required.
- 8.21 A neighbouring resident has raised concerns regarding anti-social behaviour which takes place / has taken place in the past in the vicinity of the vehicular access to the application property on North Gardens. These matters, which appear to relate to public nuisance rather than any activities associated with the current use of the application property, are not considered to have a significant impact upon the recommendation which has been formed. Measures are proposed to restrict any impact upon neighbouring amenity which the proposed use may cause, as detailed above.

9 CONCLUSION

- 9.1 The proposed change of use is considered to be acceptable in this location. The existing office accommodation has been demonstrated redundant and the proposed Language School use would generate employment and contribute to the wider economy of the city. Subject to compliance with the conditions detailed above the proposed development would satisfactory address transport considerations and no significant harm to neighbouring amenity would result.

10 EQUALITIES

- 10.1 No changes to the entrances of the premises are proposed. The inset entrance to the front of the building provides level access and a clearance width suitable for wheelchair users. There is a lift within the building. A condition is recommended to ensure that disabled car parking facilities would be provided within the basement of the property.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106

A Section 106 obligation to secure the following;

- A contribution of £11,000 towards Sustainable Transport Strategy prior to commencement of the development.

PLANS LIST – 09 JANUARY 2013

11.2 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 |
|------------------------|-----------|---------|---------------|
| Location Plan | LOC 1 | | 10/10/2012 |
| Basement Plan | GN B1 | | 02/11/2012 |
| Ground Floor Plan | GN 01 | A | 31/10/2012 |
| First Floor Plan | GN 02 | A | 31/10/2012 |
| Second Floor Plan | GN 03 | | 02/11/2012 |
| Third Floor Plan | GN 04 | | 02/11/2012 |
| Marketing Report | GFD/ | | 10/10/2012 |
| Basement Car Park Plan | | | 14/11/2012 |

- 3) The D1 use hereby approved shall be for a Language School only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: The Local Planning Authority would wish to retain control over the use of the premises in order to protect the amenities of the area in accordance with policy QD27 in the Brighton & Hove Local Plan.
- 4) The use hereby permitted shall not be open except between the hours of 08.00 and 22.00 on Mondays to Saturdays and 09.00 and 20.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) The ramped access to the application property on North Gardens shall only be used to access / egress from the basement car park or for emergency purposes and shall not be used as a regular access / egress route by students of the Language School. The fire escape door from the ground floor accommodation to North Gardens shall be for emergency purposes only and shall not be used as a regular access / egress route by students of the Language School.
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:

- 6) Prior to the commencement of the use hereby approved a site management plan is to be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of students for classes, congregation of students directly outside the building, the use of the access to the site on North Gardens which shall only be for access the basement car park or

for emergency purposes and shall not be used as a regular access / egress route by students of the language school, sound limiters for audio equipment, parking areas and general measures to ensure that the amenity of the neighbouring occupiers is not compromised. The management plan shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 7) Prior to the commencement of the use hereby approved the developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:-

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel
- (iii) Increase awareness of and improve road safety and personal security
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses
- (v) Identify targets focussed on reductions in the level of business and commuter car use
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate.
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets
- (viii) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

- 8) 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 policies TR1 and TR14 of the Brighton & Hove Local Plan.

- 9) The development hereby permitted shall not be commenced until details of disabled car parking provision for the staff and students of, and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This provision 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 a sufficient provision of disabled car parking provision and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan.

11.4 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 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 proposed change of use is considered to be acceptable in this location. The existing office accommodation has been demonstrated redundant and the proposed language school use would generate employment and contribute to the wider economy of the city. Subject to compliance with the conditions detailed above the proposed development would satisfactory address transport considerations and no significant harm to neighbouring amenity would result.
2. In accordance with the National Planning Policy Framework 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.