

ITEM B

**Lansdowne Place Hotel, Lansdowne Place,
Hove**

**BH2014/00093
Full planning**

06 AUGUST 2014

BH2014/00093 Lansdowne Place Hotel, Lansdowne Place, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/00093	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lansdowne Place Hotel Lansdowne Place Hove		
<u>Proposal:</u>	Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 45no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	20 January 2014
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	21 April 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	GVA, 10 Stratton Street, London		
<u>Applicant:</u>	Lansdowne Investments Ltd (in Administration), C/O KPMG, 100 Temple Street, Bristol		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of revised drawings, a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a group of 6 unlisted terraced properties within the Brunswick Town Conservation Area. The properties date from the mid 19th century, having originally been within residential use.
- 2.2 The premises were last occupied as a hotel in approximately December 2012 and have since been vacant. The condition of the building has declined since the closure of the hotel.
- 2.3 The building is split from the long terrace flanking the east side of Lansdowne Place by mews streets to the north and south, and differs from the rest of the Lansdowne Place terraces with its more robust boundary treatment and the altered ground floors which have lost their individual street connections, instead gaining a grand central entrance to the hotel. The property compliments the adjacent listed terraces of Lansdowne Place and Brunswick Terrace with its range of bay fronts, stucco detailing and parapet roofscape.
- 2.4 As is typical in this area, the scale and architectural treatment of the grand frontage falls away at the rear, and the modest small scale mews buildings of Brunswick Street West and Dudley Mews are in contrast. The rear elevation of the hotel is typically plain and in parts disfigured by fire escapes.

3 RELEVANT HISTORY

BH2006/03207 - Conversion of existing hotel kitchens to 3 no. mews houses with lower ground floors. Approved 14/12/2006.

BH2005/02067/LB – Two new townhouses and two new maisonettes on Lansdowne Place. Approved 12/12/2005.

BH2004/03748/FP - Two new townhouses and two maisonettes on Lansdowne Place conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. Approved 01/08/2005.

4 THE APPLICATION

- 4.1 Planning permission is sought for part demolition, change of use and alteration and extensions, including creation of additional penthouse floor, to convert the existing hotel (C1) to 45 residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works.
- 4.2 The scheme has been revised during the course of the application to omit the proposed central rear wing extension and amend the additional storey. The application now comprises an additional storey to the main roof, the demolition of the kitchen and ballroom areas at the rear, the construction of 5 houses fronting a landscaped courtyard at the rear and other refurbishment works to the building to allow the residential conversion of the building.
- 4.3 The existing rear basement parking area, accessed from Brunswick Street West, would be retained.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from **2 (x2), 28, Flat 2 32, 33 (x2), 37a Brunswick Street West, Flat 8 29, 29 Brunswick Terrace, 1, 7 Dudley Mews, Flat 9 Riveria Court (13-15 Lansdowne Place), 2, Flat 6 11, 33 Lansdowne Place** objecting the application for the following reasons:
 - The building is already higher than those in the area and the additional storey is out of character of the harmonious architecture and conservation area.
 - The development would result in a loss of light and overshadowing.
 - The development would create overlooking and loss of privacy.
 - More flats in the areas would create greater parking displacement and pressure, the development is located within an over subscribed parking area where there is a long waiting list.
 - The apartments are under sized and squeezed in, leading to a poor standard of living accommodation.

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- There are too many flats being planned and the proposal is an over development of the site.
- The flats could be rented as party flats causing significant amenity loss.
- The extra traffic and travel demand will cause additional air pollution.
- The construction will cause additional dust, noise and disruption.
- The building could have toxic substances and these should be properly dealt with.
- The application fails to address the structural damage caused by the lack of maintenance from the hotel to 2 Brunswick Street West.
- There are deficiencies in the structural report.
- There is insufficient information with regards to construction methods, phasing and re-occupation.
- The local infrastructure is inadequate to deal with an additional high number of flats, citing street bins, waste storage, parking, doctor surgery places.

5.2 **Cllr Ollie Sykes:**

Objects to the application. A copy of his comments are attached.

5.3 **Lansdowne Area Residents Association:**

Supports the application on grounds that the site risks becoming an eyesore and deteriorating and whilst it is not listed it has been suggested for the Local List. Also raise concerns with regards to design detailing, limited parking, lighting impact, lack of recycling facilities, appropriate soundproofing, construction pollution and management.

5.4 **The Friends of Palmeira and Adelaide Residents Association:**

Support plans to improve the site of this old hotel and the aim to provide further homes, but object on grounds that there are too many smaller units proposed, the penthouse will change the outline of the properties in the road and insufficient parking, increased parking pressure in the area which will not be compensated by cycle parking.

5.5 **Friends of Brunswick Square and Terrace:**

Object on grounds of overdevelopment in terms of the number and standard on the units proposed, inadequate parking, pressure on parking provision in the area. Support the retention of the external building and its future repair and renovation.

Hove Civic Society:

5.6 Supports the application as the building makes an important contribution to the city housing needs and will help restore an important building badly in need of repair.

5.7 There are however reservations about the proposal which HCS would like to see being addressed regarding the exact shape and materials of the penthouses. A slate finished mansard at approx 70 degrees with lead clad dormer type projections for glazed elements and access to the roof terrace would diminish its actual size slightly and reduce the visual impact from vantage points. Slate and lead would be correct materials for the building. The colour

would be important because it enables the curve of the bayed parapet elevation to still read clearly from below. A relatively small adjustment such as this would contribute more positively to the townscape.

Environment Agency:

- 5.8 The planning application is located on a Principal Aquifer. However as this is not land where contamination is suspected this proposal falls outside our current working arrangements. Have no comments to make on the proposal as submitted.

Sussex Police:

- 5.9 The NPPF demonstrates the Government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This area is above the average level of crime for Sussex, it is therefore essential that all appropriate measures to create a safe and secure environment are considered.

East Sussex Fire and Rescue Service:

- 5.10 When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS9251 & BS EN 12845.

Southern Water:

- 5.11 The existing property lies over a public water distribution main. If the works carried out will alter the existing foundation line or depth it will be necessary for the applicant to contact Southern Water.

- No excavation, mounding or new tree planting should be carried out within 3m of the public water main without the consent of Southern Water.
- No new soakaways should be located within 5m of a water main.
- All existing infrastructure, including protective coating and cathodic protection should be protected during construction.

- 5.12 Should any new sewer be found during construction works, an investigation of the sewer will be required to ascertain the number of properties served and potential means of access before any further works commence on site.

- 5.13 In order to protect public water supply apparatus, request that if granted, a condition is attached to the planning permission to require measure to protect the public water supply.

- 5.14 Any new connections to the public sewer will require a formal application. On the basis of a planning approval request that an informative be added to any consent to advise the applicant of this.

- 5.15 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. Request that this should be

taken into account if the application is given planning approval and an informative added to advise the applicant of this.

County Ecologist:

- 5.16 The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act (NERC) and NPPF.
- 5.17 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 5.18 The site comprises existing buildings and hardstanding, with trees subject to a Tree Protection Order, within an urban setting and there is minimal existing biodiversity interest.
- 5.19 The trees should be protected in accordance with BS5837:2012 *Trees in relation to design, demolition and construction*.
- 5.20 As the proposed development involves the demolition of buildings, there is a chance that bats and/or nesting birds could be impacted. However, from the information available, the risk is considered to be low. If any sign of protected species is discovered during demolition, works should stop and advice should be sought from a suitably qualified and experienced ecologist. (Reason: (i) All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species; (ii) Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.)
- 5.21 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and the NPPF. The proposal to establish 73m² of green wall and 135m² of green roof (sedum with raised beds) is welcomed and should be supported. Details of the green wall and roof, including species to be used, should be provided.
- 5.22 The proposal to provide six bird boxes is welcomed and should be supported. It is recommended that these should include swift boxes.
- 5.23 The landscaping scheme should use species of benefit to wildlife. Advice on species can be found in the Council's SPD 11, Annex 7 *Notes on Habitat Creation and Enhancement*. Where possible, native species of local provenance should be used.

CAG:

- 5.24 The Group recommend refusal of the application and feel it is inappropriate to add an additional floor to a building which is already the tallest in the area and adjacent to a Grade I Listed Estate. If the application is granted, the Group would

like to see a condition added that the penthouses be painted grey, rather than white, to reduce their visual impact. As the building is not covered by an Article 4 direction it is recommended further condition that shade BS10B15 paint is used on the front, rear and side elevations in line with other buildings along Lansdowne Place.

Internal:

Education Capital Strategy:

- 5.27 If this application were to proceed a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate would be sought. In this instance a contribution of £60,563 in respect of primary and secondary and sixth form education is required.
- 5.28 It is understood that in the current financial climate that there may be financial sacrifices to be made when negotiating S106 Agreements and that some 'nice to have' items may suffer as a result. However education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires. In addition the council has a statutory duty to provide a school place for every child that wants one.
- 5.29 The closest primary school to the development is Davigdor Infant School and Somerhill Junior School neither of which have any surplus capacity. The next closest primary schools are St Mary Magdalene RC Primary School, St Andrews CE Primary School, West Hove Infant School, Connaught Road Annexe and Middle Street Primary. None of these schools have any surplus capacity either and we anticipate this being the case for the foreseeable future.
- 5.30 Consequently it is entirely appropriate to request a sum of money for nursery primary and secondary education in respect of this development. It is expected by the DfE that the LEA should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,033 primary places available and currently there are 2,022 children on roll. This means that there is no surplus in this part of the city whatsoever. A development of 45 residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice, believe that developers should ensure that their developments are sustainable in the broadest sense of the word and this has to include funding the education infrastructure that their development demands.

Heritage:

Comment 13/05/2014

- 5.31 The proposals for the roof accommodation have been amended to form a staggered alignment, and also removing the strong horizontal feature formed by the projecting element of flat roof. This is in response to concerns over the effect of this proposal on the undulating skyline formed by the historic canted parapets repeated along the length of Lansdowne Place and Brunswick Terrace.
- 5.32 This amendment reduces the dominance of the proposal slightly when viewed from the north, although the forward-most parts of the roof accommodation have not been moved back as hoped, and this is disappointing and as a result the

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amendments are less effective in reducing the visual dominance of this part of the scheme in views from the south and west.

- 5.33 The proposed materials are not entirely clear; the elevation and plan do not correspond accurately thereby making it difficult to interpret the elevation. Also the impact of the balustrade is unclear; the position is not shown on the plan, and the detailed design is not specified. As the forward-most element of the roof alterations this will have a significant impact on the appearance of the scheme and needs further consideration with more detail.
- 5.34 Concern remains over the impact of the roof extension and it is considered that the proposed structure should be moved back as requested previously. The amended proposal makes an insufficient improvement and it is still considered that the roof extension would be too dominant in the street scene and have an adverse impact on the heritage assets as set out in the original comments.
- 5.35 The existing central rear projection is dominated and disfigured by the fire escape, and the loss of this feature is welcome. The amended scheme deletes the proposal for an extended central projecting wing, therefore all objections to detailing of this element of the scheme are withdrawn.
- 5.36 The forward-most part of the roof extension should be pushed back to reduce its impact.

Comment 02/03/2014

- 5.37 *Statement of Significance:* This property is in the Brunswick Town Conservation Area. It dates from the mid 19th century, having originally been a group of 6 terraced townhouses.
- 5.38 It is split from the long terrace flanking the East side of Lansdowne Place by mews streets to the north and south, and differs from the rest of the Lansdowne Place terraces with its more robust boundary treatment and the altered ground floors which have lost their individual street connections, instead gaining a grand central entrance to the hotel. This property compliments the adjacent listed terraces of Lansdowne Place and Brunswick Terrace with its range of bay fronts, stucco detailing and parapet roof scape.
- 5.39 Above ground floor the original terrace can still be understood, and the roof scape, although visible only from elevated positions, fully identifies the origins as individual houses.
- 5.40 As is typical in this area the scale and architectural treatment of the grand frontage falls away at the rear, and the modest small scale mews buildings of Brunswick Street West and Dudley Mews are in contrast. The rear elevation of the hotel is typically plain and in parts disfigured by fire escapes.
- 5.41 The brick wall bounding the rear of the building to the north is unusual in its materials and detailing, however makes a positive impact on the conservation area

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- 5.42 *Relevant Design and Conservation Policies and Documents:* NPPF, English Heritage Practice Guide for PPS5, HE3, HE6, QD1, QD2, QD4, SPD 12.
- 5.43 *The Proposal and Potential Impacts:* The two main elements of this scheme that will impact on the conservation area and adjacent listed buildings are the penthouse extension and the reconstruction of the central rear projection.

Proposals for the roof

- 5.44 It is considered that the proposed penthouse roof form is alien to the general roofscape of the area and would have a detrimental impact on what is currently an undulating skyline formed by the canted parapets – a feature repeated the length of Lansdowne Place and Brunswick Terrace. The proposed roofline is broken only briefly at the bay intervals, leaving the long horizontal feature to be the dominant element of the block when viewed from Alice Street, Lansdowne Place, Brunswick Street West and the seafront.

National Policy

- 5.45 It is considered that this element would cause substantial harm to the significance of the building, adjacent listed buildings and the conservation area generally, and as such would be in contradiction to the requirements of the NPPF, which also states that in consideration of proposals for development attention should be given to: *sustaining and enhancing the significance of heritage assets, making a positive contribution to local character and distinctiveness, and supporting proposals for assets that better reveal their significance.*

Local policy

- 5.46 HE6 of the Local Plan states: *Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance reflecting the scale and character or appearance of the area,building lines and building forms and should show ...no harmful impact on the townscape and roofscape of the conservation area.*
- 5.47 In SPD 12 it states: *Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the street scene, including its topography. Additional storeys should respect the design and materials of the host building.*
- 5.48 It is not considered that the proposed roof form would conform to these requirements and cannot therefore be supported.

Proposals for the rear

- 5.49 The existing central rear projection is dominated and disfigured by the fire escape, and the loss of this feature is welcome, however the proposed form for the redevelopment of this structure will have a significantly greater impact than existing, due to its increased height and projection, also its stepped nature, which is un-softened by sloping roof forms in the way that the existing building is.
- 5.50 The proposed north elevation of this block has a large area of plain, unrelieved façade that will be visible above Dudley Mews and also from higher up Brunswick Street West and it is considered that this would not make a positive contribution

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to the streetscape, added to which the windows on the eastern elevation of this block appear over-sized in relation to the rest of the rear elevation, and it is considered that this would add another discordant element to the overall appearance of the site.

- 5.51 *Mitigations and Conditions:* It is considered that alterations to make the central rear projection acceptable may be possible, however it is difficult to see how the roof extension could become acceptable without being significantly scaled down and re-designed.

Housing: Comment

- 5.52 Housing Strategy is committed to maximising the provision of affordable housing in the City. Therefore welcome this scheme as it will assist in achieving the Council's aim of achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need.

- 5.53 The developer is offering 40% of the units for affordable housing and would expect that at least 10% should be built to fully wheelchair accessible standards in line with our affordable housing brief. These units should be owned and managed by one of the Registered Providers of affordable housing.

- 5.54 The affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership.

Tenure Mix

- 5.55 The tenure mix of the affordable housing units is generally agreed through negotiation on a site by site basis and a phase by phase basis informed by housing needs assessment and site/ neighbourhood characteristics.

- 5.56 Generally across the city the required tenure split for affordable housing will be 55% rented / 45% intermediate housing.

- 5.57 In respect of this particular development the tenure mix can be varied to favour shared ownership to achieve 40% affordable housing and it is recognised that intermediate housing has a high demand in this area of the city.

Access Consultant: Comment

- 5.58 There is now no requirement for a wheelchair accessible unit to be provided in accordance with policy HO13 following the reduced number of new build units.

- 5.59 There is a general note about meeting Lifetime Homes Standards where possible. It would be good to have more detail and particularly confirmation that all the standards will be met, at least in the new units.

- 5.60 The following are issues noted in the current design:

- Corridors in common ways need to be at least 1200mm wide. (e.g. internal fire escape corridors at both ends of the block, corridor to Flat 1 and store).

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- Handrails on common stairs need to project 300mm beyond top and bottom risers.
- If a lift is present it should meet the 1400 x 1100 mm min size requirement. The lift appears to be smaller than required (it does appear to be existing however).
- There should be 300mm clear space at the leading edge on the 'pull' side of doors. There are still problems with this. (corridor door leading to unit 1, door on fire escape route at the other end of the basement)

Arboricultural: Comment

- 5.61 The plans submitted show two trees covered by Tree Preservation Order, however, there are three trees covered by Tree Preservation Order (No 12) 2012 in the rear court-yard area of the hotel.
- 5.62 All three trees were still present at the time of the inspecting officer's visit. Although access to the court-yard was not available at this time, the trees and this area could be seen from nearby roads.
- 5.63 Despite one tree having been left off all plans, it should be possible to protect all three trees during the course of the development, however, the proposed landscaping plans will need to be amended.
- 5.64 The Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.

Sustainable Transport:

- 5.65 (Original comments) The Highway Authority has no objections to the application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 agreement to provide a residential travel pack to each flat which shall include a commitment to provide 2 years membership to City Car Club.

Pedestrian Access

- 5.66 Pedestrian access is from Lansdowne Place as is existing. The applicant is also proposing a new pedestrian footpath from Brunswick Street West into the site and the newly proposed courtyard garden area.

Vehicular Access

- 5.67 The applicant is intending to retain the existing vehicular access from Brunswick Street West to the existing ramped access to the basement car parking. The Highway Authority has no objections to this arrangement.

Cycle Parking

- 5.68 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling and 1 visitor's space for every 3 units. For this development of 47 residential units the minimum cycle parking standard is 47 cycle parking spaces for residents and 16 spaces for visitors (63 in total).

5.69 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.70 The applicant states that they intend to provide 68 cycle parking spaces. There is one store with a Josta 2-tier rack of 52 spaces and a visitor's cycle store of 16 spaces. This level of cycle parking provision therefore meets the minimum cycle parking standards in SPG04 and is deemed acceptable.

Disabled Car Parking

5.71 SPG04 states that the minimum standard for disabled parking for residential units is 1 disabled car parking space per 10 residential units. Therefore for this development of 47 residential units the minimum disabled car parking standard is 5 spaces.

5.72 The applicant is proposing 5 residential spaces which is deemed acceptable and in line with the standards. The spaces are designed in line with the Department for Transport (DfT) produced guidance TAL 5/95 Parking for Disabled People which states that a 1.2m clear zone should be provided to the side of each bay. Therefore the proposed disabled car parking provision is deemed acceptable.

Servicing

5.73 Within the submitted TS the applicant has stated that servicing will continue to be undertaken from on-street as is currently the case for neighbouring properties. The Highway Authority has no objections to this arrangement.

Car Parking

5.74 SPG04 states that the maximum car parking standard for residential units within a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. Therefore the maximum car parking standard for this proposed development of 47 residential units is 47 spaces for residents and a maximum of 9 spaces for visitors.

5.75 The applicant is providing 14 car parking spaces on-site, 5 of which are for Blue Badge holders. These spaces are provided at basement level accessed from Brunswick Street West.

5.76 At pre-application stage the applicant was asked to consider the implications of any potential overspill car parking from the development and to consider the need to undertake an on-street parking survey and to introduce mitigation measures to limit the likelihood of localised areas of car parking stress.

5.77 The applicant has undertaken an on-street parking survey in line with the Lambeth Parking Survey Methodology. Table 2.1 in the TS presents the findings of this parking survey and concludes that the local area is at 86% parking stress. This figure does take into account Pay & Display bays on the Kingsway as well

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though. When considering the residents permit bays most streets are at capacity or approaching capacity.

5.78 In section 2.23 of the TA the applicant states:

“It should be noted that BHCC control the level of residents parking permits that are issued. Therefore residents of the development will not increase the existing level of car parking in permit holder spaces.” While the Council does only issue a certain number of permits per zone, as the applicant states, the Council can obviously not control where these residents park within the zone. Large residential units can potentially result in localised areas of parking stress within a zone as residents will ultimately want to park as near to their property as they can. This can result in certain areas of the CPZ experiencing higher levels of parking stress than others and vehicles circulating round looking for a place to park.

5.79 In order to ensure that this scenario is less likely to occur, to encourage lower car ownership and to promote sustainable forms of travel to and from the site the Highway Authority would look for the applicant to provide a Travel Information Pack to first residents of the residential units. This Travel Pack should be secured through a S106 agreement and should include the following:

- Details of pedestrian and cycle routes in the local area.
- Public transport timetable/maps.
- 2 years membership to City Car Club.

5.80 These measures would help to mitigate the likelihood of a localised parking stress occurring in the streets around the development.

Trip Generation & S106

5.81 The applicant has forecast the existing and proposed trips to and from the development by accessing the TRICS database. The applicant concludes that the analysis demonstrates that there will be a reduction of total person trips to the site as a result of the proposals to change to a residential use. The Highway Authority does not disagree with this conclusion and therefore would not request a S106 contribution towards infrastructure improvements in this instance.

Other Matters

5.82 On Lansdowne Place directly outside the front door of the hotel there is a stretch of double yellow lines. The applicant states that this used to be used as a taxi pick up set down area, when the hotel was in operation. As a result of this development the double yellow lines are being made redundant and it would make better use of the road space to provide 2 additional CPZ bays in this location, as is suggested by the applicant. Therefore the Highway Authority would look for this aspect to be conditioned. There would be no cost to the developer as the changes would be covered by the Council's 6 monthly consolidated order change.

Sustainability:

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- 5.83 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 5.84 Under SPD08 major conversions to residential buildings are expected to be assessed under BREEAM Domestic Refurb, and demonstrate no net additional CO2 emissions, major new build residential on previously developed land would be expected to achieve Code level 4.
- 5.85 The Design and Access Statement commits to the achievement of Code level 4 in new build units, and BREEAM Domestic Refurb 'very good' standard in new dwellings created in the existing building. This meets local policy standards and is welcomed.
- 5.86 Taking information from the drawings, the dwellings that should be assessed under the CSH includes the 6 new dwellings in the mews accommodation; and the two new penthouse flats. The remaining dwellings can be assessed under BREEAM.
- 5.87 Positive aspects of the scheme include:
- Use of existing building, and bringing unused building back into use.
 - BREEAM Domestic Refurb 'very good' for dwellings in existing building
 - Code for Sustainable Homes level 4 for new built dwellings .
 - Green walls are proposed around the courtyard using stainless steel tension cables to support climbing plants (73m²) and green sedum roofs (135m²).
 - Raised bed allotments are proposed (40m²) within the shared garden (280m²).
 - Rainwater butts proposed for garden irrigation.
 - Lifetime Homes Standards are being pursued where possible given pre-existing layouts/levels.
 - A composting area is shown on drawings next to the Allotment area.
- 5.88 Areas where it is not demonstrated that policy has been addressed:
- Submitted documents do not address sustainable or renewable energy or energy efficiency improvements. These will have to be addressed in order to achieve the BREEAM and Code standards committed to, but further information on means by which this could be achieved should be sought from the applicant. This is in order to avoid the need to amend the application at a later stage to achieve the standards.
- 5.89 Whilst the achievement of Code Level 4 and BREEAM 'very good' will ensure that key areas of sustainability policy are addressed, there is little other information submitted that helps clarify how this will be achieved.
- 5.90 Overall the application is acceptable if sustainability standards via Code and BREEAM are achieved, but to provide confidence that this is possible, some further information should be provided on energy.

5.91 Planning Policy: Support

The site is outside the revised Hotel Core Zone set out in the Submission City Plan. As Policy CP6 of the City Plan is considered to hold more weight than Local Plan Policy SR15, the loss of hotel accommodation in this location is considered acceptable. The provision of new residential accommodation to include 40% affordable housing is welcomed.

5.92 Environmental Health: Comments awaited.

5.93 Economic Development:

No adverse comments. Requests a contribution of through a S106 agreement for £25,000 towards the Local Employment Scheme and the provision of an Employment and training Strategy with the developer committing to using 20% local employment during demolition and construction phases.

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:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

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

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 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)

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Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
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 control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
HO2	Affordable Housing – Windfall Sites
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
SR15	Protection of hotels/guest houses
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings
Interim Guidance on Developer Contributions	

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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
CP2	Sustainable economic development
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the hotel, the provision of housing, the design of the extensions and alterations and their impact upon the character and appearance of the Brunswick Town Conservation Area and nearby listed buildings, impact on the amenities of adjoining properties, the living standards of occupiers of the new residences created, landscaping/trees, transport and sustainability.

Loss of Hotel Accommodation:

- 8.2 The site is located within the Hotel Core Area as defined in the Local Plan. Policy SR15 of the Local Plan does not permit the change of use of hotels in this core area unless clear evidence is provided to demonstrate that the hotel or other holiday accommodation is no longer viable.
- 8.3 However, Policy CP6 of the Submission City Plan redefines the Hotel Core Zone boundary in light of findings from the Hotel Futures Study 2007 to exclude the western (Hove) part of the city. This policy is considered to hold more weight than Local Plan Policy SR15 as although there is a significant change of approach, the objections support the direction of travel of the policy.
- 8.4 The supporting text to this policy states that it is important that Brighton & Hove's hotel sector is allowed a period of consolidation and recovery to help demand and supply get back into balance, and in paragraph 4.63 notes that a flexible approach is introduced to allow those premises that have become poorly located to the main generators of demand and with limited potential to re-position themselves viably to exit the market.
- 8.5 The Planning Statement submitted to support the application details how the hotel has suffered from consistently low occupancy rates from 2009-12, and is poorly located compared to the numerous new hotels that have opened in the

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city in recent years. The loss of a hotel in this location, outside the Submission City Plan Hotel Core Zone, therefore does not raise a policy conflict.

Housing:

- 8.6 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position.
- 8.7 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 8.8 The provision of 45 residential units is welcomed as a contribution towards meeting the city's housing requirements and is in line with the criteria in Policy CP1 of the Submission City Plan which seeks to focus new development in accessible areas of the city.
- 8.9 The site is a windfall site and therefore Policy HO2 of the Local Plan applies. In accordance with this policy, it is noted that 40% (18) of the residential units would be affordable rented (7 units) or shared ownership (11 units). This level of affordable housing provision also meets the criteria of Policy CP20 of the Submission City Plan.
- 8.10 The proposed development contains a mix of dwelling sizes, comprising 18 one bedroom units (including 3 houses) and 27 two bedroom units (including 2 houses) and is therefore considered to meet the requirements of Policy HO3 and Policy CP19 of the City Plan.

Planning History:

- 8.11 Planning permission was granted under reference BH2004/03748/FP for the construction of two new townhouses and two maisonettes on Lansdowne Place, conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. This application was approved in August 2005 which post dates both the current adopted Brighton & Hove Local Plan and the Tall Buildings Supplementary Planning Guidance.
- 8.12 Works to convert the townhouses has been completed and whilst there is no certificate of lawfulness to confirm this position, the permission for the additional appears to be extant and the additional storey could be constructed in the future under this permission. Accordingly significant weight as a material consideration should be given the roof storey approved in 2005.

Design and impact on conservation area and Listed Buildings:

- 8.13 Despite being vacant for a short time, the building is in a poor state of repair. Much of the building at lower level has been secured with overboarding of the windows and blocked access to the main and rear entrances with hoarding fencing at the rear. Presently the building has a negative impact upon the appearance of the conservation area.
- 8.14 The application was accompanied by a building survey, tall buildings statement and visual assessment of the proposed additional storey.
- 8.15 The large central projecting wing originally proposed has been deleted from the scheme following adverse comments, including those from the Conservation Officer. The rear external fire escape will be removed which will improve the appearance of the building.
- 8.16 Following discussions with the applicant about the planning permission granted in 2005, which appears to be extant, the footprint and height of the proposed additional storey has been amended to closely match that previously approved. In particular, the alignment of the front and side elevations now match those approved. A recessed stair enclosure at the rear is proposed. The proposed rooflight above roof level has been removed. The external walls would be finished with painted render, with powder coated aluminium double glazed doors and windows. The proposed fenestration to the front elevation does not match the uniformity of that previously approved and results in a disjointed appearance. The applicant has been requested to submit further revisions to address this matter.
- 8.17 A glazed balustrade is proposed to enclose the roof terraces. As this will be set back by a minimum of 0.7m and a maximum of 1.6m from the front elevation of the building. The balustrade would be set back 2.5m from the side elevations.
- 8.18 Details of external materials can be secured by condition.
- 8.19 It is recognised that there remain concerns over the visual impact of the roof extension. However, the extant permission is a material consideration of significant weight. Subject to further changes to the fenestration, it is considered that the proposal would have a similar visual impact to the previous proposals in terms of their affect on the character and appearance of the building and the conservation area and the setting of the listed buildings in the vicinity.

Landscaping:

- 8.20 The development is within a dense urban location and accordingly the opportunity for landscape is often limited. However, the development is seeking to re-landscape the courtyard to create a garden with raised flower beds, green wall and allotments.
- 8.21 Three trees covered by a Tree Preservation Order are located within the rear garden, however only two are shown on the submitted drawings. Further revised drawings have been requested showing all three trees and amendments to the landscaping proposals following the deletion of the proposed rear central wing.

8.22 Details of species and materials can be secured by condition.

Amenity of Future Occupiers:

8.23 The size and layout of the proposed residential units are considered to be acceptable. Given the nature of the existing historic property, there is little opportunity to provide private amenity space for the new units, with the exception of the penthouse units. However, the development would have the benefit of a large landscaped courtyard at the rear which would be accessible to all residents.

Impact on Surrounding Amenity:

8.24 The proposals, by reasons of their use, siting and form, are not considered to have a likely harmful impact upon the amenities of adjacent and nearby residential occupiers.

Use

8.25 The surrounding area is predominantly residential. Accordingly, it is considered that the principle of new residential properties within this building and their associated activity is compatible with the remainder of the area.

8.26 Whilst the proposal would create an additional 45 residential properties, such a concentration is considered appropriate given the background density of the area. The surrounding streets are a combination of converted townhouses and mews style properties within a comparable high density.

8.27 The hotel building is attached to the properties in Dudley Mews and spaced from others in the surrounding area, soundproofing would be required to meet Building Regulations and would prevent undue noise transmission. Notwithstanding this, any noise complaint could be dealt with by other primary legislation. Accordingly, with appropriate soundproofing, compatible density and uses it is considered that the use of the building for residential is not likely to have a harmful impact upon the amenities of others in the area.

8.28 Issues with regards to parking displacement and additional transport demand/movements are considered later in this report.

Physical alterations

8.29 The creation of an additional storey, construction of houses at the rear and conversion of the main building into residential accommodation would not have an unduly harmful physical impact.

8.30 The application was accompanied by a Daylight & Sunlight Study conducted by the BRE in reference to 'Site layout planning for daylight and sunlight – a Guide to good practice'. The report asserts all but one of the windows identified as being affected are well within the BRE guideline with only a small or negligible loss of daylight. The excepted property affected is the basement door with glazed area of 20 Brunswick Street West. This window is calculated as having a loss of a small quantity of vertical sky component.

- 8.31 The window has been analysed in light of the rear extension being removed and the penthouse level remaining and the lighting condition was calculated as the same. Therefore it is the penthouse which is considered to result in the loss of light. On the basis of the limited loss of light being identified and that it is to a door at basement level and a previous consent having approved for similar roof storey, permission should not be withheld on light grounds in this case.
- 8.32 The rear extension has been removed and accordingly the bulk of the extension is limited to the roof storey and alteration of the garage building. The potential for loss of outlook from surrounding properties is therefore further reduced. The additional storey by reason of its siting at high level and setback position from neighbouring properties would be unlikely to have any undue loss of amenity.
- 8.33 The new houses at the rear would be constructed to the same profile as the existing kitchens and ballroom which would be removed. Except for high level rooflights, these properties would have no outward facing windows. For these reasons, the new houses would not adversely impact the adjoining properties in Brunswick Street West and Dudley Mews.
- 8.34 The new accommodation within the main building would largely make use of existing openings where there is already an expectation of use and presence. The most prominent remaining new windows following the removal of the rear wing is the penthouse storey. The penthouse flats by reason of their spacing, high level aspect and views afforded would not result in a harmful loss of privacy and would only be afforded longer views and those over the surrounding roof scape.

Sustainable Transport:

- 8.35 The maximum car parking standard for this proposed development of 45 residential units is 45 spaces for residents and a maximum of 9 spaces for visitors.
- 8.36 The applicant is providing 14 car parking spaces on site, 5 of which are for disabled persons. These spaces are provided at basement level accessed from Brunswick Street West.
- 8.37 At pre-application stage the applicant was asked to consider the implications of any potential overspill car parking from the development and to consider the need to undertake an on-street parking survey and to introduce mitigation measures to limit the likelihood of localised areas of car parking stress.
- 8.38 The applicant undertook an on-street parking survey in line with the Lambeth Parking Survey Methodology. The report concluded that the local area is at 86% parking stress. Analysis of this figure shows that it failed to take into account Pay & Display bays on the Kingsway.
- 8.39 When considering the residents permit bays it is considered that most streets are at capacity or approaching capacity. The applicant contends that because the Council control the level of residents parking permits that are issued, the residents of the development will not increase the existing level of car parking in

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permit holder spaces. The Council only issue a limited number of permits per zone, and therefore can't control where these residents park within the zone. Large residential units such as the proposal can potentially result in localised areas of parking stress within a zone as residents will ultimately want to park as near to their property as they can and would result in certain areas of the CPZ experiencing higher levels of parking stress than others and vehicles circulating round looking for a place to park.

- 8.40 In order to ensure that this scenario is less likely to occur, to encourage lower car ownership and to promote sustainable forms of travel to and from the site the Transport Manager has advised that the applicant should provide a Travel Information Pack to first residents of the residential units. The Travel Pack should be secured through a S106 agreement and should include the following:
- Details of pedestrian and cycle routes in the local area:
 - Public transport timetable/maps:
 - 2 years membership to City Car Club:
- 8.41 Such measures would mitigate the likelihood of a localised parking stress occurring in the streets around the development.
- 8.42 Pedestrian access from Lansdowne Place is unchanged from the existing. The applicant is also proposing a new pedestrian footpath from Brunswick Street West into the site and the newly proposed courtyard garden area to which there are no objections
- 8.43 The applicant is intending to retain the existing vehicular access from Brunswick Street West to the existing ramped access to the basement car parking, accordingly there is no objection to the retention of an existing arrangement.
- 8.44 Adopted parking standards required that a minimum of 1 cycle parking space is required for every dwelling and 1 visitor's space for every 3 units. For this development of 45 residential units the minimum cycle parking standard is 45 cycle parking spaces for residents and 15 spaces for visitors (60 in total). To be in accordance with adopted policy the cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Council's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets.
- 8.45 The applicant has stated an intention to provide 68 cycle parking spaces. There is one store with a 2-tier rack of 52 spaces and a visitor's cycle store of 16 spaces. The provided level of cycle parking provision therefore meets the adopted cycle parking standard.
- 8.46 Adopted car parking standards are a minimum standard, with disabled parking for residential units its 1 disabled car parking space per 10 residential units. Therefore a development of 45 residential units the minimum disabled car parking standard is 5 spaces. The applicant is proposing 5 disabled residential spaces which is acceptable and in line with the adopted standards.

- 8.47 Within the submitted Transport Statement the applicant has stated that servicing would continue from on-street as is currently the case for neighbouring properties and the Highway Authority has no objections to the continuation of this arrangement.
- 8.48 The applicant has forecast the existing and proposed trips to and from the development by accessing the TRICS database. The applicant concludes that the analysis demonstrates that there will be a reduction of total person trips to the site as a result of the proposals to change to a residential use. The Highway Authority does not disagree with this conclusion and therefore does not request a S106 contribution towards infrastructure improvements in this instance.
- 8.49 Directly outside the front door of the hotel on Lansdowne Place there is a long area of double yellow line restrictions. It appears that was once used as a taxi pick up set down area when the hotel was in operation. As a result of the development the double yellow lines would be redundant and it would make a more efficient use of the road space to provide 2 additional CPZ bays in this location. Therefore the Highway Authority would request this be secured by conditions.

Amenity and Recreation Space:

- 8.50 Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Although conversion of an existing building and the site being located within a conservation area means there is no scope for incorporating balconies into the residential units, there are courtyard gardens proposed within the development. The site is also in close proximity to public recreation space on Hove Lawns and the beach.
- 8.51 A contribution towards the provision of outdoor recreation space should be sought from the applicant in line with the requirements of Policy HO6 of the Local Plan. Using the open space 'ready reckoner' the gives a figure of £116,711, inclusive of an indoor sport contribution of £18,522. The applicant has agreed to this level of contribution and accordingly in-lieu of sufficient on-site opportunity the open space requirements can be provided off-site within the locality as sufficient mitigation.

Sustainability:

- 8.52 Under Supplementary Planning Document SPD08 major conversions to residential buildings are expected to be assessed under BREEAM Domestic Refurbishment and demonstrate no net additional CO2 emissions, major new build residential on previously developed land would be expected to achieve Code level 4.
- 8.53 The Design and Access Statement commits to the achievement of Code level 4 in new build units, and BREEAM Domestic Refurbishment 'very good' standard in new dwellings created in the existing building. This meets local policy standards and is welcomed.

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8.54 The dwellings that should be assessed under the CSH includes the 6 new dwellings in the mews accommodation and the two new penthouse flats. The remaining residences can be assessed under BREEAM.

Ecology/Nature Conservation:

8.55 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site comprises existing buildings and hardstanding, with trees subject to a Tree Protection Order, within an urban setting and there is minimal existing biodiversity interest.

8.56 The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers some opportunity for biodiversity enhancements that would help the Council address its duties and responsibilities under the NERC Act and NPPF.

8.57 The trees should be protected during construction works and this can be secured by condition.

8.58 As the proposed development involves the demolition of buildings, there is a chance that bats and/or nesting birds could be impacted. An informative is recommended to draw this to the applicant's attention.

8.59 The proposal to provide six bird boxes is welcomed and can be secured by condition.

9 CONCLUSION

9.1 The building is currently vacant. The principle of its conversion from hotel to residential use is acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration.

10 EQUALITIES

10.1 The development is required to comply with the Building Regulations. The main entrance from Lansdowne Place is stepped, however level access is available at the rear to the five houses and one flat. There is internal lift access to all floors within the building.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Contribution towards open space provision to the sum of £116,711
- Contribution towards education provision to the sum of £60,563

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- Contribution towards the 'Local Employment Scheme' to the sum of £25,000
- Commitment to an Employment Strategy to use 20% local labour
- Construction Environmental Management Plan
- Provision of Travel Information Pack to first residents of each residential unit to include:
 - Details of pedestrian and cycle routes in the local area.
 - Public transport timetable/maps.
 - 2 years membership to car club.

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) No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.
- 3) 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.
[To follow with Additional Representations List]
- 4) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are

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removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.2 Pre-commencement conditions

- 1) 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, including the balustrade to the penthouse flats, 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.
- 2) No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees (in accordance with BS5837:2012 *Trees in relation to design, demolition and construction*), shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 3) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'very good' as a minimum for the residential units created by the conversion of the existing building 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.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that each of the new build houses achieve a Code for Sustainable Homes rating of Code level 4 as a

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minimum for these 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.

- 5) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 6) No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
- 7) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.
- 8) 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.
- 9) Prior to the commencement of development, details of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To prevent the increased risk of

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flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 10) Prior to the commencement of development, a scheme setting out the measures to be undertaken to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority
Reason: To protect the public water supply and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 11) Prior to the commencement of development an affordable housing Tenure Plan shall be submitted to and approved in writing by the Local Planning Authority which secures 18 affordable units. **Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 12) The proposed development shall not commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
 - i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - ii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iii) the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
 - iv) the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Teamand for the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.
Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

11.3 Pre-occupation conditions

- 1) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units created by the conversion of the existing building hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each of these units built has achieved a rating of 'very good' as a minimum for the residential units created by the conversion of the existing building 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.

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- 2) Unless otherwise agreed in writing by the Local Planning Authority, none of the new build houses hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each of these units built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum 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.
- 3) 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.
- 4) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.
- 5) The development hereby permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Lansdowne Place to shared use CPZ bays has been submitted and approved by the Local Planning Authority. **Reason:** To ensure that the development provides for the demand for travel it creates and to comply with policy TR1 of the Brighton & Hove Local Plan.
- 6) Prior to the occupation of the development hereby approved, a minimum of six bird boxes shall be provided on the development in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be retained thereafter. **Reason:** To promote biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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2. To satisfy conditions regarding details of foul and surface water sewerage disposal and the protection of the public water supply main, it is requested that you prepare information in consultation with Southern Water.
3. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119 or at www.southerwater.co.uk)
5. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website (www.breeam.org/page.jsp?id=228). Details 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).
6. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
7. If any signs of bats and/or nesting birds are discovered during demolition, works should stop and advice should be sought from a suitably qualified and experienced ecologist. All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.
8. 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 building is currently vacant. The principle of its conversion from hotel to residential use is acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration.

From: Ollie Sykes
Sent: 14 February 2014 18:33
To: Steven Lewis
Cc: Jeanette Walsh; Phelim MacCafferty; Planning Applications
Subject: Lansdowne Place Hotel BH2014/00093 - objection
Importance: High

Dear Steven

I wish to object to this application on the grounds of ongoing nuisance due to water ingress, potential nuisance due to noise, potential security concerns and inadequate survey information with respect to structural impact on neighbouring properties:

1. Water ingress. As ward Councillor, I was made aware in October 2012 by the residents and owners of 2 Brunswick Street West (BSW) of issues affecting their property, which was recently built adjacent to the Lansdowne Place Hotel and under a major south-facing wall of the Hotel. The poor condition of the south facing wall and windows of the Hotel was resulting in significant volumes of water entering 2 BSW after rain. I have visited and inspected the site on a number of occasions and it seemed clear (to me and to independent surveyors) from internal and external inspection of both 2 BSW and the Hotel that during rain, water penetrated the Hotel's south facing wall, ran down and into the wall and from there into 2 BSW. Following placement of the Hotel into receivership, the Receivers KPMG contributed to the cost of basic repairs but the problem continues to this date as verified by residents of 2 BSW and by me on 12th February 2014. A Stage 1 Building Survey dated July 2013, which accompanies the planning application, acknowledges (section 3.13) that there was a problem but incorrectly maintains it has been resolved. Furthermore the budget for immediate repairs to make the building safe and rainproof (section 5) does not acknowledge the ongoing water ingress into 2 BSW and does not include costs of remedying this major problem.
2. Noise nuisance. The residents of 2 BSW report a history of clear noise transmission from hotel rooms to their home while the Hotel was still in operation. There is concern that with conversion to dwellings, this may intensify. This is not acknowledged in planning documentation and I suggest that a requirement for adequate sound insulation be added as a condition to planning permission if given.
3. Security concerns. The roof and therefore the upstairs windows of 2 BSW are accessible from the second floor windows of the Hotel and this may become a security and noise risk following conversion. It is suggested that planning permission if awarded include conditions limiting access through these Hotel windows.
4. Structural problems resulting from water ingress. Surveyors commissioned by the owners of 2 BSW inform that prolonged water seepage down the main south facing wall of the Hotel and into 2 BSW is likely to have caused damage to structural elements including steel and wooden joists. This risk has not been addressed in the Stage 1 building survey and I suggest that investigations and any remedial work is included as part of immediate measures to make the building safe.

If these important matters are addressed by means of conditions to planning permission I may be happy to support the planning application.

Kind regards

Ollie Sykes
City Councillor (Green Party), Brunswick and Adelaide ward
Deputy Chair, Environment Transport and Sustainability Committee
01273 291 413