

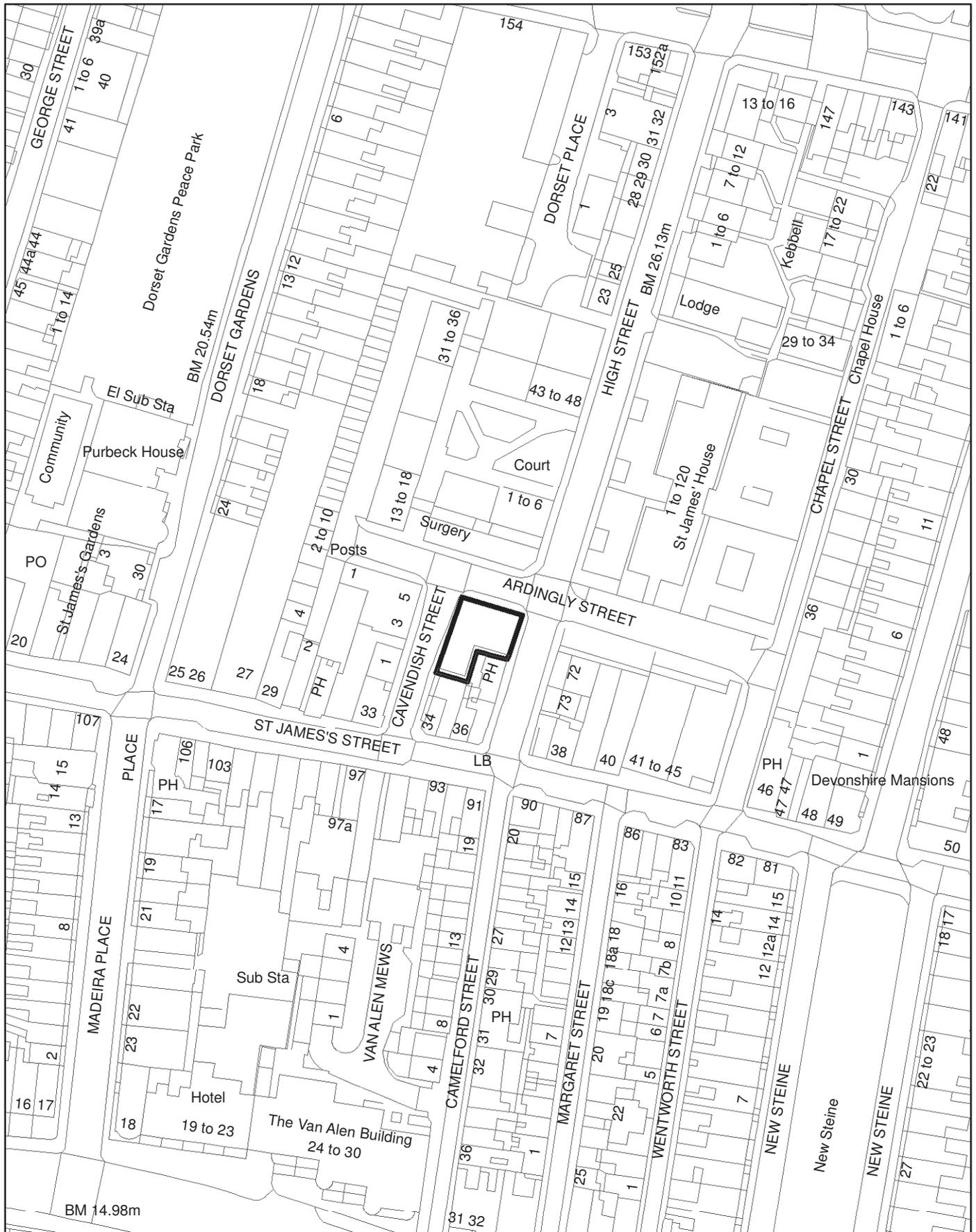
# **ITEM D**

**Car Park, Ardingly Street, Brighton**

**BH2015/00067**  
**Full planning**

**1 APRIL 2015**

# BH2015/00067 Car Park, Ardingly Street, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 1 APRIL 2015

<b><u>No:</u></b>	<b>BH2015/00067</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Car Park Ardingly Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of three storey block containing 2no two bedroom and 3no one bedroom flats.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	15 January 2015
<b><u>Con Area:</u></b>	adjacent East Cliff	<b><u>Expiry Date:</u></b>	12 March 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Brighton & Hove City Council, Kings House Grand Avenue Hove BN3 2LS		
<b><u>Applicant:</u></b>	Brighton and Hove City Council, Ms Jaine Jolly Kings House Grand Avenue Hove BN3 2LS		

**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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises an open car park on the northern part of a quadrant bounded by Cavendish Street, Ardingly Street and High Street to the west, north and east respectively, and by St James Street to the south. The car park has a capacity of 13 vehicles.
- 2.2 The southern part of the quadrant sits within the East Cliff Conservation Area and is occupied by two and three storey rendered buildings in both residential and commercial use. One half of the southern site boundary abuts the Ranelagh Public House which forms a three storey building fronting High Street. The other half abuts 2 & 2A Cavendish Street which forms a two storey residential building.
- 2.2 More modern 3 storey brick blocks of flats sit to the north of the site, which include a surgery at ground floor level, with a further 16 storey block of flats to the northeast. Two and three storey commercial uses sit opposite to the east and west, partially set within the Conservation Area.

**3 RELEVANT HISTORY**

3.1 None relevant

**4 THE APPLICATION**

4.1 Planning permission is sought for the erection of a three storey part brick part rendered building comprising 2 two-bedroom flats and 3 one-bedroom flats. The application has been amended during the course of the submission to reduce the first floor element fronting Cavendish Street.

**5 PUBLICITY & CONSULTATIONS**

**External**

5.1 **Neighbours: Four (4)** letters of representation have been received from **5 & 12 Ardingly Court; Ardingly Court Surgery; and 1a Cavendish Street,** objecting to the application for the following reasons:

- Insufficient parking
- Overlooking and loss of privacy
- Overshadowing
- Additional traffic disrupting access to the surgery
- Loss of commercial parking bay and parking for customers may result in business opposite closing
- Loss of parking bays for use by the surgery to provide home visits
- Part of the building should incorporate an expanded surgery as it is oversubscribed

5.2 **Conservation Advisory Group: Objection**

The Group recommend refusal of the application, and feel the design is extremely disappointing. The use of white render has already proved unsatisfactory on many modern buildings in Brighton. The design is box-like and there is no style to the design of the fenestration. The Group believe it is a sad, missed opportunity and feel the design should show respect to the neighbouring buildings, especially the adjoining public house. If the application is recommended for approval, the Group request that the application is heard at committee.

**Internal:**

5.3 **Environmental Health: No comment**

5.4 **Heritage: No objection**

The development of the car park is considered welcome in principle, and this proposal is of an appropriate scale and reflects the existing pallet of materials. Being just outside the boundary of the conservation area it will affect its setting, however it is not considered harmful. It is not clear from the application what type of render finish is proposed, and self coloured systems have not generally had a successful history in Brighton and Hove, it is therefore considered that a painted wet render system is preferable, where smooth textures and avoidance of expansion joints can be achieved.

**5.5 Sustainable Transport: No objection**

Recommend approval as the Highway Authority has no objections to this application. The existing car park comprises 13 spaces which are leased by the Council to local residents/businesses. At the request of the Highway Authority the applicant has provided further details as to where the existing car parking spaces are to be provided. It is the intention that 8 car parking spaces will be provided in the car park located behind St James House on High Street. This shall include the provision of 3 spaces for the Ardingly Court doctors surgery.

5.6 Therefore in light of the alternative car parking provision being provided and as there is on-street car parking in the immediate vicinity of the site the Highway Authority has no objections in principle to the loss of the car parking.

**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)

Brighton & Hove Local Plan:

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TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas.

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

### Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the design of the proposed building and its impact on the surrounding area including the setting of the adjacent East Cliff Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters.
- 8.2 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 provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.3 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. The merits of the proposal are considered below.

**8.4 Design and Appearance:**

The site as existing comprises an open hardstanding currently used as a public car park. Historical maps indicate that the site formerly comprised residential terraces fronting High Street and Cavendish Street that extended to Eastern Road to the North. These terraces were subsequently demolished circa 1966 and replaced with Ardingly Street and an estate of three storey block of flats (Ardingly Court), leaving the application site vacant. The buildings that remain to the south are rendered two and three storey structures that form the northern part of the East Cliff Conservation Area. The modern blocks of flats to the north are of a more utilitarian appearance, completed in brick.

8.5 The proposed building would be three storeys in height and consume the entire footprint of the site, with the exception of a 1.6m gap to 2 & 2a Cavendish Street to the south. The ground floor would be completed in brick with the upper floors rendered to complement the other buildings in the quadrant. This mix of materials suitably articulates the building within its context. The Conservation Advisory Group have raised objection to the use of render and the design of the aluminium windows. Within the context of the site there are a variety of materials and window designs, ranging from traditional sashes to the south to more modern plastic casements and aluminium frames elsewhere. The use of render is appropriate within the setting of the East Cliff Conservation Area and suitably reflects the historic use of this material. Final details are requested by condition to ensure a suitable appearance. Similarly modern aluminium windows of the design proposed are common additions in the area and in historic parts of the city generally. As such no harm is identified. The Heritage officer has raised no objection to these aspects of the proposal, subject to the use of a painted wet render system.

8.6 In terms of scale, the building would sit on the northern, eastern and western footways fronting the site with no relief. Within a city centre location such as this where the majority of buildings are set directly on the footway in a similar manner, no harm is identified and the building would make an efficient and effective use of this otherwise vacant and poor quality site. The building would align with the building lines to the south and would relate appropriately to both adjacent buildings within the quadrant. A brick recess has been included in the design to ensure the junction between the proposed building and the Ranelagh public house adjacent is sensitively treated, whilst the 7.7m first floor separation (as amended) to 2 & 2a Cavendish Street is sufficient to ensure the building does not have an overbearing presence. The Conservation Advisory Group have raised objection to the box-like massing of the building however as described, within the context of the site the overall design, scale and massing of the building is not considered harmful. The Heritage officer has again raised no objection to these aspects of the proposal.

8.6 For these reasons the proposed building is considered a suitably scaled and designed addition to the site that would make an efficient and effective use of

the site without harming the surrounding street scene or the setting of the adjacent East Cliff Conservation Area, in accordance with policies QD1, QD2, QD3 & HE6 of the Brighton & Hove Local Plan.

**8.7 Standard of Accommodation:**

All five dwellings are of a good size with good access to natural light and ventilation, with each dwelling having access to a balcony to comply with policy HO5. Although the ground floor units would have windows opening directly onto the footway, on balance given the benefit of the proposal in providing additional housing stock and given the density of development generally in the area, this arrangement is not considered so harmful as to warrant the refusal of permission. The application states that all units would be constructed to meet Lifetime Homes standards and this is secured by condition. For these reasons the proposed dwellings are considered to provide for a suitable standard of accommodation in accordance with policies QD27, HO5 & HO13 of the Brighton & Hove Local Plan.

**8.8 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.9 The application is supported by a Daylight and Sunlight Study which demonstrates that the proposed building would not have a significantly harmful impact on the amenities of adjacent occupiers opposite the site to the north, east or west, give their separation across public roads of 19m, 10m and 14.5m respectively. This separation is sufficient to ensure that its impact in terms of overlooking and outlook would be consistent with that established in the area.

8.10 The main concern is the impact on the amenities of the adjacent occupiers within the quadrant. There are no side facing windows to 2 & 2a Cavendish Street and no amenity space therefore this property would be largely unaffected. To the south, rear facing bedroom and kitchen windows at 36 St James Street are suitably recessed from the site such that no significant loss of privacy or outlook would occur.

8.11 The main concern is with regard the rear upper floor windows and first floor terrace to the flat above the Ranelagh public house. As existing the terrace overlooks the car park with a westerly and northerly aspect. The proposed building would sit directly on its northern boundary to a height of 6m reducing this outlook accordingly. As submitted, the rear first floor wing fronting Cavendish Street would have blocked the remaining outlook to the west and resulted in overlooking from the terrace above. Amended plans have been received removing this first floor wing and setting the terrace to a lower level. As a result the private terrace and west facing windows to the Ranelagh public house would retain suitable outlook, daylight and sunlight from the west. Whilst the additional massing along the northern boundary would oppress outlook and reduce some light, on balance this is not considered sufficient to withhold

permission given the position of the massing to the north of the terrace and the amendments that retain the open westerly aspect. For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

**Sustainable Transport:**

- 8.12 Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.13 The existing car park comprises 13 spaces which are leased by the Council to local residents and businesses. An objector has identified that 3 of these bays are used by doctors of the surgery opposite to enable them to undertake home visits. This has been confirmed by the applicants. The application details that all existing car park leases will be offered a space to lease in alternative car parking premises nearby. It has been confirmed that 8 new spaces are to be provided in the adjacent car park on High Street behind St James House, including 3 bays to be used by doctors from the surgery. A condition is attached to ensure that this provision is satisfied before works commence. Whilst all 13 bays will not be re-provided, this is considered acceptable in this town centre location given the presence of further public parking adjacent at St James House, and is accepted by Sustainable Transport officers.
- 8.14 The owner of a florist at 1 Cavendish Street has raised concern at the impact of the loss of the parking on deliveries and pick-ups for his business. It is noted that there is a loading bay adjacent on St James Street whilst there would be no other loss of loading bays on the site. Although parking is difficult in the area, as above there remains public parking both on street and at St James House to the north east. There is therefore no indication that the loss of the 13 parking spaces would wholly prejudice the ability of any business in the area to otherwise function.
- 8.15 The application proposes no onsite parking for occupants. Given the high levels of parking in the area and sustainable location of the site within a town centre close to shops, public transport routes and employment, it is considered necessary to ensure that the development is made car-free in accordance with policy HO7. This is secured by condition. In terms of cycle parking, dedicated provision is set out in a store fronting Cavendish Street. Final details are secured by condition. The development of five dwellings would not result in an appreciable increase in trip generation therefore a contribution towards sustainable transport infrastructure is not sought. The applicants are proposing alterations to improve the kerbline around the northern part of the site to improve pedestrian access and retain suitable vehicular passing. These alterations are welcomed to offset the potential impact on the development and are secured by condition. The proposal therefore accords with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

**Sustainability:**

- 8.16 Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that residential development of this nature

on previously developed land should achieve Level 3 of the Code for Sustainable Homes. However, policy CP8 of the submission City Plan Part One requires such development to meet Level 4 and this is the level now being sought as the advanced stage of the emerging Plan ensures it carries greater weight than SPD08.

- 8.17 The application is supported with a Sustainability Checklist which details that the development will meet Level 4 of the Code for Sustainable Homes. This is sufficient to meet the requirements of policy CP8 and is secured by condition. Acceptable refuse and recycling facilities are provided in a storeroom on the eastern frontage and are secured by condition. Subject to the recommended conditions the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08.

## 9 CONCLUSION

- 9.1 The proposed development represents a suitably scaled and designed addition that would not harm the appearance of the site or adjacent East Cliff Conservation Area or the amenities of adjacent occupiers, and would provide for an acceptable standard of accommodation for future residents. The proposal would not result in additional transport demand in the area and would re-provide parking bays for doctors to the surgery opposite. The development accords with development plan policies.

## 10 EQUALITIES

- 10.1 A neighbouring resident who has self identified as Trans has raised concern that overlooking may be more pronounced given her gender status. There is no evidence that the development would give rise to unusual or excessively pronounced overlooking potential, particularly given the separation across a public street.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 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
Existing site plan and block plan	P_001	-	12/01/2015
Proposed site plan and block plan	P_002	A	16/03/2015
Proposed floor plans and roof	P_003	A	16/03/2015

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plan	P_004	A	16/03/2015
	P_005	A	16/03/2015
	P_006	A	16/03/2015
	P_007	A	16/03/2015
Proposed elevations	P_008	B	16/03/2015
	P_009	A	16/03/2015
	P_010	A	16/03/2015
Proposed external works	P_011	A	16/03/2015

- 3) Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling 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) Other than the dedicated balcony areas detailed on the submitted plans, access to the flat roofs shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-commencement conditions:

- 6) No development shall take place until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of brick and render (including details of the type of render and the colour to be used)
- b) details of the proposed window and door treatments

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 & HE6 of the Brighton & Hove Local Plan.

- 7) Unless otherwise agreed in writing by the Local Planning Authority, no development above ground floor slab level shall take place until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code

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level 4 as a minimum 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 policies SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One

- 8) No development above ground floor slab level shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 9) No development above ground floor slab level shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

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

- 10) No development shall take place until a scheme setting out highway works to implement changes to the kerb line at the corner of Cavendish Street and Ardingly Street and at the corner of High Street and Ardingly Street which includes the provision of dropped kerbs and tactile paving and to reinstate the dropped kerb around the site to footway has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 11) No development shall commence until a scheme setting out the full details of the re-provision of the existing car parking spaces on the Ardingly car park, including the provision of 3 spaces for the Ardingly Court doctors surgery, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available prior to any works commencing on site.

**Reason:** To ensure that a suitable parking provision is provided for the operational needs of existing businesses and to comply with policies TR1 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-occupation conditions:

- 12) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit 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 CP8 of the submission City Plan Part One.

- 13) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 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.
2. 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 development represents a suitably scaled and designed addition that would not harm the appearance of the site or adjacent East Cliff Conservation Area or the amenities of adjacent occupiers, and would provide for an acceptable standard of accommodation for future residents. The proposal would not result in additional transport demand in the area and would re-provide parking bays for doctors to the surgery opposite. The development accords with development plan policies.
3. The applicant is advised that the scheme required to be submitted by Condition 9 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and

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details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.