

# **ITEM G**

**43-45 Bonchurch Road, Brighton**

**BH2013/04292**  
**Full planning**

**28 JANUARY 2015**

# BH2013/04292 43-45 Bonchurch Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1 : 1,250

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<b><u>No:</u></b>	<b>BH2013/04292</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>43-45 Bonchurch Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of 6no flats (5 x 1 bedroomed and 1x 3 bedroomed) with refuse storage.</b>		
<b><u>Officer:</u></b>	<b>Paul Earp, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>20/12/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14 February 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Murphy Associates, 18 Braemore Court Kingsway Hove BN3 4FG</b>		
<b><u>Applicant:</u></b>	<b>Mr Peter Shooter, 43-45 Bonchurch Road Brighton BN2 3PJ</b>		

## **I 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 a S106 agreement and the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.2 The application relates to a site on the west side of Bonchurch Road, opposite the junction with Bernard Place. The site has a road frontage of 10.5m widening to 11.5m at the rear, and has a depth of 23.5m. The site has an area of approximately 253m<sup>3</sup>. The buildings on the site were originally a washhouse, and are two storey with basement. The accommodation consists of 421m<sup>2</sup> gross internal floorspace which forms shop with ancillary storage/warehouse, workshop, garage and office space. The footprint of the building occupies the entire site at basement level, with the first floor occupying the full width of the site but set back from the rear boundary. The building has a dual pitched roof with gables to the street and is constructed of painted brickwork with tiled roof, and is corrugated in part at the rear. The site is set within a two storey residential terrace, some with basements. William Clarke Park is located to the rear. The site is not within a conservation area.

## **3 RELEVANT HISTORY**

- BH2013/02317** – Demolition of existing building and erection of 9 x 1 and 2 bedroomed flats. Withdrawn 20/09/2013.

#### 4 **THE APPLICATION**

The application as originally submitted was for the demolition of the existing building and erection of 8 x two bed roomed flats. The proposal was subsequently amended to reduce the number of units to 7 flats, consisting of 5 x 2 bed and 2 x 1 bed. The application has been amended further in order to reduce the bulk of the building, and the outrigger in particular, together with the number of units. The development is now for the demolition of the existing building and construction of a building forming 6 units, consisting of 5 x 1 bed roomed flats and 1 x 3 bed roomed flat. The development consists of:

Massing:

- Building has a T-shaped plan, two storey plus basement and rooms in the roof.
- Building to be 10.5m wide (full width of site) x 12.0m in height (10.0m above pavement level),
- Outrigger set 2.0m from rear (west) boundary at basement level and 6.0m at ground first and roof level, 2.0m from south (side) and 1.3m from north (side) boundaries. The outrigger would have a pitched roof.

Layout:

- Basement - 1 x 3 bed flat with private amenity space of 8m<sup>2</sup> to front, and 31m<sup>2</sup> to rear.
- Ground and first floors - each to form 2 x 1 bed flats.
- Attic – 1 x 1 bed flat.

Design:

Front elevation:

- Excavate front area to form lightwell to front basement.
- Walkway over lightwell to front entrance.
- Central entrance with cant bay from basement to first floor levels either side of entrance.
- 1 rooflight to align above both bay windows, each to measure 0.6m by 1.1m.
- Canopy over front entrance.
- Boundary: 1.2m high boundary wall with piers to pavement.
- Materials: walls: white painted brick; roof: concrete tiles; windows: double glazed sliding sash, white painted timber.

Rear elevation:

- Outrigger: pitched roof, incorporating total of 2 rooflights, each to measure 0.6m by 1.1m.
- Dormer window within main roof either side of outrigger, to incorporate sash window and pitched roof. Dormers 1.5m wide x 2.0m high.
- Boundary: brick wall 2.5m high to side and rear to remain.

Cycle storage:

- On-street provision proposed.

Refuse/ recycling storage:

To be sited within basement.

#### 5 **PUBLICITY & CONSULTATIONS**

**Comments on the original scheme for 8 flats:**

**External:**

5.1 **Neighbours:**

**Thirty two (32)** letters of representation have been received from occupiers of: **24, 34, 41, 44, 46, 47, 49, 51, 54, 56, 69, 75, 85, 88, 90, 95, 99, 107, 116, 118 Bonchurch Road; 54 Brading Road; 112, Ewart Street (BN2 9UP); 142 Elm Grove; 73 Hanover Street; 78 Hartington Road; 110 Islingword Road; 13 Pankhurst Avenue; 318 Queens Park Road; 3 Seville Street; 83 Southover Street; 8 Whippingham Road; BN2 3PG** objecting to the application for the following reasons:

- Overdevelopment of the site and not in keeping with the area.
- This application is a revision to previously withdrawn application and only reduces the number of units by 1, from 9 to 8, in an area already with too many HMO's.
- The building is too high and goes too far back at a high level. It will block light and be unsightly, particularly from the rear. Footprint of building too large.
- Loss of light to neighbouring properties, due to height and width of building.
- Loss of privacy – overlooking of neighbouring properties and gardens.
- Lack of amenity space.
- Whilst appreciate need for housing, this development is totally unsuitable in terms of size and density in an already crowded area, mostly of terraced housing. Site more suited to two dwellings.
- The City needs affordable housing, which this development is not providing.
- The Article 4 planning control to limit HMO's in the Ward does not seem to have any effect on restricting development with properties continually being converted into flats.
- Another large scale development in the area which is oversubscribed with anti social student issues, parking problems, refuse/litter problems, will only increase landlords profit and offer nothing back into the community.
- Adverse impact on the amenity of neighbouring residents by way of loss of light and space and will decrease value.
- Lack of parking. Existing parking problems will be exacerbated by demand created from the development. There should be parking provision, or a covenant in each o the lease prohibiting the occupiers from having a car.
- Currently the property is used as a piano warehouse, and has a van parked in front of the warehouse. This is a very different situation to the proposal with potentially 22 people living in the building, and potentially 22 cars. A similar development at 62-82 Bonchurch Road has underground parking, and if this scheme goes ahead this should be considered.
- The size of the basement cycle storage seems unlikely to accommodate more than 3 cycles.
- Noise pollution.

- Existing building is a landmark and should be restored as it is part of the history of the area. It would make a lovely house; object to it being knocked down.
- Have concerns about the newts and grass snakes that live around the nature area/pond in the Patch to the rear.
- Schools in the area are already stretched to capacity.
- Proposed refuse storage is inadequate.
- Excavation for the basement could cause subsidence to adjacent properties.
- Concerned about the intended disposal of the asbestos roof and seek assurances about consultation with neighbours to ensure necessary safety and protection, given this is a high density area.
- Proposed powder coated aluminium finish to doors and windows will be out of keeping with surrounding buildings.

**Comments on the scheme as amended for 7 flats:**

**External:**

5.2 **Neighbours:**

**Twenty eight (28)** letters of representation have been received from occupiers of: **32, 41, 44, 46, 47, 49, 51, 54, 56, 59, 69, 75, 85, 88, 90, 94, 95, 99, 102, 104, 105, 107, 111, 113 Bonchurch Road; 112 Elm Grove; 110 Islingword Road; 83 Southover Street; BN2 3PG** objecting to the application for the following reasons:

- This amended scheme reduces the number of units by one, from 8 to 7. Seven units on the site is still an overdevelopment, not in keeping with the area.
- The reduction does not represent any significant change and previous concerns still remain, such as loss of light and privacy, and a significant increase in noise, refuse, parking and traffic problems, and impact on rare slow worms and newts in the wildlife area to the rear of the site.
- The building still covers too high a proportion of the plot.
- Site more appropriate for 2 houses or 3 or 4 flats. The building is far too big and could accommodate up to 20 residents. Development has no regard to impact on local environment and neighbouring properties.
- The area already has too many HMO's.
- Seven more households will put huge pressure on the area.
- Loss of the garden is an issue in an area with so little green space.
- Proposed block is higher than the present building to the street and continues at the same height for its full width. The existing building drops considerably lower, by a storey, to the rear. The increase in height will dominate adjacent properties, cause overshadowing and reduce light.
- Lack of parking.
- Insufficient provision of cycle storage. Location at basement level means taking cycles down internal stairs.
- Existing building is a historic local landmark and should be retained.

**Comments on the current scheme for 6 flats:**

**External:**

5.3 **Neighbours:**

**Five (5)** letters of representation have been received from occupiers of: **44, 46, 47, 49, 54 Bonchurch Road** objecting to the application for the following reasons:

- Whilst these amended plans incorporate favourable improvements, still concerned that the back of 49 Bonchurch Road and garden will suffer loss of light particularly when the sun is lower in the sky in the winter months.
- The height of the building will take some of the natural light from the front of 44 Bonchurch Road, and lead to loss of privacy with people overlooking the property.
- Still concerned that the size of the development will add considerably to the comings and goings, noise and parking problems of an already busy road which has a large number of HMO's and several blocks of flats.
- Use of the roofline, which stands higher than other houses in the road, is not in keeping with the rest of the houses in the road.
- The frontage and mass of the proposed development is significantly greater than that of surrounding properties and would have greater impact. Therefore important that the roofline does not exceed the majority of its neighbours.
- No parking. Six additional flats will exacerbate the already over stretched parking, which often results in cars parked dangerously on the junction with Bernard Place.
- Insufficient cycle parking.
- A factor in buying a property in the street was that we were advised that no more HMO's would be allowed in the road. It would seem unreasonable to reverse this decision by building flats.
- There is already a lot of refuse and recycling bins on the street, which are a health and safety hazard as well as being unsightly and a nuisance. A ban on bins and recycling in the street and the installation of a local recycling centre which can be reached by foot would be a far better use of the site and would be one of the biggest improvements that could occur in the street.
- The Piano Warehouse is a valuable part of the history of the street and city and should be listed.
- The site should be used to build two houses rather than more multi occupancy accommodation in an already overcrowded area. The single bedroomed flats could fit a double bed and accommodate 2 people, making a total of 14 residents in the development.

5.4 **Internal**

**Environmental Health:** No objection subject to a contaminated land condition. Due to its commercial use the site has been identified as potentially contaminated land and is also adjacent to the Picton Street landfill site, once a railway line.

**Access Officer:** The proposal satisfies Lifetime Homes Standards.

- 5.5 **Sustainable Transport:** No objection subject to a S106 Agreement of £5,050 towards sustainable transport improvements, provision of cycle parking facilities, and two years membership to City Car Club for each first occupier of each residential unit.
- 5.6 **Planning Policy:** No objection.
- 5.7 **Heritage:** The building would be unlikely to meet English Heritage criteria for statutory listing. The building dates from the 1880s/1890s, when Bonchurch Road was developed, and was apparently built as a commercial wash house in conjunction with the residential property at No. 47, with which it shares a simple, decorative pattern to the elevation of roughcast render panels within the facing brickwork. To be listable late 19<sup>th</sup> century buildings must survive largely unaltered and must represent an architecturally or historically important example of their building type. This property is architecturally simple and has been much altered; the brickwork has been painted, original windows lost and a projecting extension built in front of what is assumed to have been a carriage entrance. It has some local historic interest but is not an early example of a wash house in a national context.

## 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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 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:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- 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
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free development
- HO13 Accessible housing and lifetime homes
- SR8 Individual shops

#### Supplementary Planning Documents:

- SPD03 Construction and Demolition waste
- SPD08 Sustainable Building Design
- SPD12 Design Guide for Extensions and Alterations

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

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

- SS1 Presumption in Favour of Sustainable Development

## 8 **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the existing building, in terms of use and the contribution the existing building makes to the street scene, the scale and design of the proposed building and its impacts on the wider street scene, the standard of accommodation to be provided and its impacts on the amenities of adjacent occupiers, and sustainability and transport issues.
- 8.2 This application follows the withdrawal of application BH2013/02317 in September 2013 for the demolition of existing building and erection of 9 x 1 and 2 bedroomed flats. This current application has been subject to considerable negotiations mainly to reduce the bulk and number of units and has been reduced from 8 flats to 6.
- 8.3 **Demolition of the existing building:**  
The premises are known as The Brighton Piano Warehouse which occupies 3 buildings which originally formed a wash house, and is situated on the west side of the street. The building appears as a tall single storey property from the street with a double pitched roof, garage doors and elevated front entrance accessed by steps. To the rear the building is single and two storey extension with part corrugated roof and wall. Internally the showroom is situated at ground floor level, with workshop and storage within the basement, and office accommodation at first floor level. The building is situated within a terrace of two storey residential building and by virtue of its double gable frontage, scale, and commercial appearance architecturally contrasts with the general appearance of buildings within the immediate vicinity. The site is not within a conservation area, and the building is neither listed or a building of local interest. Whilst public comments state that the building is part of the heritage of the city and should be retained and listed, the Conservation Officer states that as the façade of the building has been substantially altered from original, it fails to meet the criteria for listing. The building does not benefit from any statutory protection against demolition, and for these reasons no objections are raised to the principle of redevelopment of the site.
- 8.4 Additionally, the building is in a poor state of repair which is a factor which impedes its improvement or reuse. Much of the rear is constructed with corrugated material, and the applicant states that the roof leaks and the basement floods during heavy rain which make the premises inappropriate for the display of expensive pianos. Additionally the former use, within a series of small rooms, also restricts displays. The applicant states that the building's internal layout, method of construction and condition, make it unviable to convert it to other uses, and would result in an inefficient use of the site contrary to national and local policies.
- 8.5 Environmental Health comment that due to the site's commercial use it has been identified as potentially contaminated land and is also adjacent to the Picton Street landfill site, once a railway line. For this

reason it is recommended that redevelopment should be subject to contaminated land conditions to ensure a site investigation, and detailed scheme for any required remedial works to be undertaken, to avoid risk from contamination. With such provision no objections are raised to the demolition of the building.

8.6 **Change of use:**

Loss of retail use:

Policy SR8 of the Local Plan relates to individual shops and states that the change of use of individual shops will be permitted where the shop is within easy walking distance of local centres, has been adequately demonstrated that the A1 retail use is no longer viable, and that the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties of the general character of the area.

8.7 The piano showroom, which is primarily for the sale and hire of new and used pianos also offers a removal and storage service, and sells ancillary items such as music stands etc. Approximately half of the floorspace is for retail purposes with the remainder for storage, repairs and office. The premises are open to visiting members of the public but as a very specialist shop it does not attract much passing trade. Most trade is from clients who know of, and make a special trip to the premises. This is a family business which has traded from the site for 30 years who are seeking to relocate in more appropriate premises in the city. Whilst the specialist nature of the existing unit is acknowledged, the policy applies to A1 uses generally. Furthermore, it is the case that other A1 uses could use the premises. No marketing information has been submitted to address the requirements of policy SR8.

8.8 The applicants are also of the view that the existing use represents a bespoke specialist shop that would not normally be located in a High Street or main shopping frontage, and the need to accommodate loading and unloading burdens the premises given the constraints of the street as well as disruption to neighbours and that due to the nature of the use, its loss would not result in the loss of a convenience store used by local residents for everyday needs. The site is located within easy distance of other similar facilities offered on Elm Grove and Lewes Road being approximately 360m from the Lewes Road district shopping centre and within 100m of shops in Elm Grove. Two convenience shops are located on Elm Grove, almost opposite the junction with Bonchurch Road,

8.9 Whilst the property has not been marketed to test redundancy, a building survey has been submitted (Bowden Property Consulting Ltd, report dated 6 January 2015) which highlights the poor condition of the building. The report notes that extensive works would be required to bring it up to standard, which for a property of this type and age would probably be considered to be financially unviable. Due to the condition

and incline of the staircase including widths, the basement area currently used for displaying pianos does not meet current Disability Discrimination Act standards (DDA). The staircase leading from the basement to the first floor of the metal clad building is no longer in use as it is deemed by the applicant to be dangerous. The staircase leading to the first floor office space is dangerous and fails to meet modern DDA requirements and to fully protect the structure and occupants against fire would also be problematic. In addition, the external ramp does not meet DDA so the entire ground floor would need to be dropped which would affect the head height to the basement area rendering it unusable. A large proportion, over half, of the basement floods from surface water run off as well as rising waters from the manhole. Together with water penetration where one building meets another and the valleys between, plus the quality of the build, the conditions in the basement are not suitable even for storage with much of the building suffering from damp. The building has no central heating, the electrical system requires replacement and the drainage is defective and the cost of such repairs would make the value of the end product far below the combined cost of the property and the works. With the extent of work required, the shell of the three components of the building are not considered to be worth saving from a financial point of view as the extent of work required to address the defects would entail 80% rebuild. Should the premises be rented or leased, the rents/lease costs required to cover the expenditure would need to be high to provide a reasonable standard and as such it would be difficult in the present market conditions to attract another A1 users in a location which is already well served by existing A1 uses as there are a number of better quality units available at more reasonable rents/leases with a higher foot fall. With the differing levels from front to rear, the cost of building will be high as would the expectation for a new A1 unit if it is to attract a new occupant. As a financial investment it is unlikely to attract an A1 user to a residential street with no other retail users adjacent, where access for deliveries is an issue and where there are other more suitable locations and premises available. For instance within the immediate area units are available at 112-113 Lewes Road, a new build scheme with a retail unit of 134.2m<sup>2</sup> has been marketed for over a year and remains vacant. In addition 91 Lewes Road, an existing retail unit of 67.82m<sup>2</sup> with rear storage at ground floor level has been advertised to let for over 6 months with Graves Jenkins and remains vacant. The Kiosk, Elm Gove, a small A3/A5 units has been advertised by Flude Commercial. Over the past few years and prior to being an A3 or A5 use it was in use as an A1 flower shop and is up for lease again. The unit at 112-113 Lewes Road would be more attractive to any A1 user when compared with the premises in Bonchurch Road. The applicants argue that with either option, the return would exceed 10 years with the advised period for payback being no more than 7 years for financial outlay to be financially sound.

- 8.10 Despite the lack of marketing, given the poor state of the building and the location of the premises within easy walking distance of both individual convenience stores, and the Lewes Road district shopping centre, the loss of the retail use is considered to be acceptable in these circumstances and an exception to policy SR8 is permitted.
- 8.11 Provision of residential accommodation:  
With regard to the principle of residential use on the site, the application proposes 6 residential units. 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 (24,000 units) as the basis for the five year supply position. 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.
- 8.12 The site is situated in a residential street with residential properties adjoining and opposite. As such the principle of residential development is acceptable in this location.
- 8.13 Policy HO4 aims to make full and effective use of land for housing. This proposal has been reduced from 8 to 6 units in order to provide a unit suitable for family occupation, improve the standard of accommodation in the roofspace, and reduce the bulk and improve the design of the outrigger. The development now consists of a three bed unit at basement level and 5 x 1 bed units at ground, first floor and within the roofspace. The street is residential in nature with residential adjoining. The principle of residential in this location is welcomed, and the units would make a welcome contribution to the housing stock.
- 8.14 Standard of proposed accommodation:  
Policy HO3 relates to dwelling type and size and seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes, including accommodation suitable for family occupation. The proposed layout incorporates a three bedroomed unit within the basement with a floor area of approximately 150m<sup>2</sup> which has separate kitchen and living room and private amenity space. The one bedroomed units at ground and first floor level have a floor area of approximately 50m<sup>2</sup> with combined kitchen/living rooms. The one bed unit within the roofspace has a floor area of approximately 55m<sup>2</sup> with separated kitchen. A dormer window provide an outlook to the living room and bedroom. The bathroom and kitchen and living room each have a rooflight.

- 8.15 Policy HO13 relates to Lifetime homes. The units are of adequate size and layout to meet current standards and the Access Officer considers the proposal to be satisfactory.
- 8.16 Policy HO5 states that the provision of private useable amenity space should be provided in new development where appropriate. The footprint of the building has been reduced by removing the existing ground floor store and the area will form a rear garden area of approximately 31m<sup>2</sup> to form part of the basement flat.
- 8.17 The reduction in the footprint of the building and provision of private amenity space for the basement unit is to be welcomed and appropriate to the development.
- 8.18 The premises are located in a dip in the street and due to the fall in land levels from east to west, the existing building entrance is raised above ground level. The proposal is to excavate the front area to form a light well to the proposed basement flat. Without the formation of the lightwells much of the basement floorspace would be unusable and the development could not make efficient use of the floorspace on this sloping site. However this has resulted in the lack of space to place refuse and cycle storage to the front of the building, a problem evident elsewhere in the street, where due to lightwells, bins are placed on the pavement. The applicant has explored the possibility of siting bins both to the front and rear of the proposed front boundary wall but both would impact on the outlook of the adjacent flats and the visual amenity of the streetscene. A refuse storage area is now proposed within the basement.
- 8.19 Cycle storage was originally proposed within the basement but this would not be ideal with cycles having to be carried up a staircase. A convenient location for on-site cycle storage has been difficult to provide and the Traffic Engineer considers the provision on-street would be acceptable due to the site restrictions.
- 8.20 For the reasons stated the standard of accommodation is now considered to be satisfactory.
- 8.21 **Design:**  
Policies QD1 and QD2 require new buildings to demonstrate a high standard of design and to make a positive contribution to the visual qualities of the environment. All new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including height, scale, bulk and design.
- 8.22 Properties in the immediate vicinity are generally two storey terraced buildings, with properties to the south of the site having basements. The adjoining building to the north also has a basement. The terraces

step down in height with the general fall of the street. Two short stretches of post-war development within the existing terraces are located on both sides of the street in a similar manner as this proposal.

- 8.23 The existing building which is single storey from the street is much lower than the adjoining buildings, and interrupts the general rhythm of the terrace. The ridge of the proposed building to be the height of the adjoining property to the north No.47, and the eaves level match that of the adjoining property to the south No.41. The proposed building has a T shaped form with a tiered three storey outrigger to the rear. The front elevation consists of two bays either side of the main entrance above basement level. The vertical sash windows reflect the style of windows in the vicinity. A rooflight is centralised above each of the front bays.
- 8.24 The proposed rear elevation is dominated by the outrigger which has a pitched roof and vertical windows. Outriggers are a general feature of properties within the terrace, with some to eaves level. In the context of development within the terrace together with the scale of the existing building, the proposed outrigger is considered to be acceptable in terms of scale and appearance. The roof of the outrigger incorporates two dormers with pitched roofs, and two rooflights. The dormers are well contained within the roofspace and reflect the detailing of the windows below. The rooflights are modest in size and well proportioned. The dormers and rooflights are required to make efficient use of the roofspace and accords with the guidance contained within SPD12 which states that such features should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below.
- 8.25 The site was originally 3 Victorian buildings of which the adjacent property, No. 47 formed part. It has come to light at a late date that part of a small utility/store room within the basement of No.47, to the front of the property, extends under the application site. For this reason the application has been amended to exclude this area from the development site and as a consequence the front bay at basement level adjacent to No. 47, has been reduced in width. Whilst the two basement bays would be of different widths, given the location at basement level which is not unduly prominent, it is not considered that the changes would be detrimental to the appearance of the building or streetscene.
- 8.26 For the reasons outlined the proposed scale, form, design and detail of the proposed development is considered acceptable, and would make a positive contribution to the local neighbourhood.
- 8.27 **Impact on Amenity:**  
Policy QD27 states that planning permission for any development 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.

- 8.28 The existing premises fronting the street have a double pitched roof and is approximately 4m lower than the adjoining properties. Whilst the proposed building is marginally taller than the adjoining properties this will have no impact on residential amenity.
- 8.29 The rear of the existing building is one and two storey and extends approximately 3m beyond the rear of No. 47 to the north, and 4.8m beyond No.41 to the south. The proposed building at the rear has a 3 storey outrigger, plus rooms in the roof. The proposed building has a smaller footprint than the existing to provide a rear garden area for the basement flat. The outrigger is the full width of the plot at ground floor level when viewed from the rear and then steps from the side boundary by a minimum of 1.2m and is 2m from the rear boundary to form the amenity space. The outrigger then steps further from the boundaries with the two upper floors 1.3m from No.47 and 2m from No.41.
- 8.30 In relation to the building to the south, No. 41, the outrigger is set back 2m from the boundary above ground floor level, which is similar gap to that of No.41 to the boundary. Existing windows within the outrigger of No.41 face the existing building at ground floor level and a window at first floor level is obscure glazed at first floor level. Two small obscure glazed windows are proposed in the side elevation of the outrigger which would face No.41. These are to be obscure glazed and if openable to provide ventilation to bathrooms would be acceptable in terms of impact. It is not considered that the proposal would sufficiently alter the existing relationship between the buildings.
- 8.31 In relation to the building to the north, No.47, the existing building currently has a window at first floor level directly on the boundary which overlooks the property. The proposed set back of the outrigger from the boundary provides a gap between the properties and results in a general reduction in the mass of the building, which together with the removal of the window on the boundary, will result in an improvement in the amenities to No. 47.
- 8.32 A park is located to the rear of the site and the proposal would have no adverse impact on properties beyond at the rear.
- 8.33 **Sustainable Transport:**  
Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavements, cycle routes and roads. Policies TR14, TR18, and TR19 requires the provision of adequate cycle parking, parking for people with mobility related disability, and car parking, respectively. Policy QD28 seeks planning obligations where necessary to secure the provision of contributions towards the provision of public transport and pedestrian and cycle route infrastructure where necessary.

- 8.34 Car parking:  
The proposal involves the loss of the existing garage and the proposal does not include any parking provision. Public objection are raised to the lack of off-street parking and state that the proposal will exacerbate existing traffic problems.
- 8.35 The Traffic Engineer has no objection to the lack of off-street parking in principle subject to total contribution of £5,050 of which £4,050 would be to help finance footway improvements in the local area, such as dropped kerbs and tactile paving, and £1,000 for on-street cycle parking. The sustainable transport contribution are requested to comply with policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions requests and secured by Section 106 Agreement. The Agreement would also include the provision of 2 years membership for each unit to City Car Club. There are existing Car Club bays on Barnard Place and the Lewes Road corridor, in close proximity to the site.
- 8.36 Despite public concerns it is considered that subject to the provisions of the Section 106 Agreement, together with the removal of traffic and deliveries currently generated from the existing commercial use, that the proposal is acceptable in terms of traffic impact. The reinstatement of the existing crossover is to be secured by condition.
- 8.37 Cycle parking:  
Cycle Parking Standards SPG04 state that applicants should provide 1 space per dwelling and 1 space per 3 dwellings for visitors or part thereof. Therefore a parking provision of 8 spaces (6 for residents and 2 for visitors) is required for this scheme.
- 8.38 The applicant has explored ways of providing secure cycle parking facilities on site. As a consequence of the front basement lightwell there is a lack of space to the front of the building for such provision, and a proposal to place stands adjacent to the front entrance on a cantilevered platform was considered unsuitable in terms of impact on the appearance of the building and on the amenities of the occupiers of the adjacent flats. A proposal to provide cycle parking within the building at basement level was discounted as it would be difficult to carry cycles upstairs and the space is now to be used for refuse storage. Given these constraints the Traffic Engineer considers it acceptable to provide cycle parking on-street, and £1,000 is sought as part of the Section 106 Agreement for this purpose.
- 8.39 **Sustainability:**  
Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size meet the criteria to achieve zero net annual CO2 from energy use, achieve Level 3 of the Code for Sustainable Homes, and meet Lifetime Homes Standards.

- 8.40 The application is accompanied with a Sustainability Checklist which states that the proposal will incorporate rainwater butts and an efficient gas boiler. Refuse and recycling facilities are to be provided within the basement. The new building fabric is designed to exceed the U-values and air tightness required by Building Regulations. All timber windows and aluminium doors will be double glazed. All flats will be fitted with controlled dual flush w.c's, aerated taps and showerheads. Two internal bathrooms do not benefit from natural light or ventilation and will be mechanically ventilated. A heat recovery system which takes heat and moisture out of the air in the bathrooms and kitchens and uses this to heat the fresh air supply or hot water is proposed. Such a system should reduce energy consumption by around 30%.
- 8.41 The applicant has advised that the scheme will achieve Level 4 of the Code for Sustainable Homes, the provision of which is conditioned.
- 8.42 Ecology/Nature Conservation:  
The application is supported by a Biodiversity Indicators Checklist. The site consists of a building without any open space and the checklist indicates that no habitat or wildlife will be adversely affected by the development.
- 8.43 Waste Management:  
Policy SU13 states that development proposals should have regard to the minimisation and reuse of construction waste. This is reinforced by SPD03 Construction and Demolition Waste which sets out best practice.
- 8.44 A Waste Statement accompanies the application which states that waste from the demolition will be used as hardcore, and that where materials are salvageable or can be used as hardcore for other sites, the applicant will advertise such materials through Brighton Freecycle to minimise skip content and landfill. Materials will be separated and collected by specialist during demolition, timber will be sourced from certified renewable forests and other materials locally sourced where possible. The applicant will endeavour to use local builders, sub-contractors, builder's merchants and suppliers.

## **9 CONCLUSION**

- 9.1 As the existing building is in a poor state of repair and not of listable quality, its demolition is not resisted. The loss of the retail floorspace is considered acceptable given the poor state of the building and its location within easy walking distance of both the Lewes Road district shopping centre and individual convenience stores. The site is within a residential terrace and the proposal for a residential development, which includes a mix of units, including a 3 bedroomed unit suitable for family occupation, is to be welcomed. The accommodation meets Lifetime Homes standards and achieves a high level of sustainability.

The design of the proposed building with front bay windows and sash windows reflects the Edwardian detailing of buildings in the vicinity. The scheme has been subject to several revisions and the bulk of the outrigger in particular has been substantially reduced in length and height and set further from side boundaries. It is now considered that the structure would not adversely affect the residential amenities of neighbouring residents and represents an improvement on the existing situation where the existing building extends to the boundaries of adjoining properties. The scheme makes efficient use of the site and achieves a level of accommodation to make the redevelopment viable. The applicant has explored options to provide cycle and refuse storage on site but changes in ground level make this difficult to achieve. Whilst refuse storage is proposed within the basement the applicant has agreed to make a financial contribution for on-street cycle storage which is to form part of a Section 106 Agreement, together with a contribution to finance footway improvements and 2 years membership to City Car Club.

**10 EQUALITIES**

10.1 The properties meet lifetime homes standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106 Heads of Terms

- A contribution of £5,050 towards cycle parking and footway improvements in the local area,
- 2 years membership for each residential unit to City Car Club,

and to the following conditions and informatives:

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 and block plan	001		10 February 2014
Proposed location plan	002	C	6 November 2014
Existing basement plan	100		20 December 2013
Existing ground floor	101		17 December

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			2013
Existing first floor plan	102		17 December 2013
Existing front elevation	103		20 December 2013
Existing rear elevation	104		17 December 2013
Existing side elevation	105		17 December 2013
Proposed basement plan	200	H	6 November 2014
Proposed ground floor plan	201	F	20 October 2014
Proposed first floor plan	202	E	20 October 2014
Proposed second floor	203	G	18 October 2014
Proposed roof plan	204		9 June 2014
Proposed front elevation	205	H	6 November 2014
Proposed rear elevation	206		9 June 2014
Proposed side elevation - north	207	G	20 October 2014
Proposed side elevation - south	208	G	20 October 2014
Proposed north side elevation with existing overlay	209		18 October 2014
Building survey report	Bowden Property Ltd		11 January 2015

3. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
  
4. The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received 17 December 2013. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

5. The new dwelling(s) 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.

Pre-Commencement Conditions:

6. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
7. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code Level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
8. No development shall take place until a Constructional Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate contractor or similar scheme.)
  - b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site.
  - c) details of hours of construction including all associated vehicular movements.
  - d) details of the construction compound.
  - e) a plan showing construction traffic routes.The construction shall be carried out in accordance with the approved CEMP.

**Reason:** In the interests of highway safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton and Hove Local Plan.

9. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
(Please note that a desktop study shall be the very minimum standard accepted.

Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);

and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton and Hove Local Plan.

10. No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

Pre-Occupation Conditions:

11. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left *in situ* is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton and Hove Local Plan.

12. 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.

13. 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.

14. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of **Code level 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.

15. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover to Bonchurch Road shall be reinstated back to a footway by raising the kerb and footway in

accordance with a specification that has been approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton and Hove Local Plan.

11.2 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) The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 4) The applicant is advised that details of the Council's requirements for Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
- 5) The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)

- 6) The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
  
- 7) The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.
  
- 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 proposed residential units will make a positive contribution to the city's housing stock, including the provision of a family unit, would respect the character and appearance of the existing streetscene and achieve the appropriate standard of accommodation in terms of Lifetime Homes Standards and sustainability. The scale of the development would not have a detrimental impact on the neighbouring amenity. On-street cycle parking, footway improvements in the local area, and a two year membership to the City Car Club for each first occupier of each residential unit would be secured by Section 106 Agreement.

