

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 124

Brighton & Hove City Council

<b>Subject:</b>	<b>Planning Brief – Park House Site</b>		
<b>Date of Meeting:</b>	<b>31 March 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Johanne Thompson</b>	<b>Tel:</b> <b>29-2500</b>
	<b>E-mail:</b>	<b>jo.thompson@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>Hove Park</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report outlines the consultation process undertaken in relation to the development of a planning brief for the Park House site and seeks approval of the planning brief (see Appendix 1) that has been prepared to take into account the results of stakeholder meetings and public consultation.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the results of the public consultation exercise that have been taken into account in the preparation of the planning brief (see Appendix 2).
- 2.2 That the Cabinet Member approves the planning brief in order to provide planning guidance to developers and assist the council in the assessment of future development proposals and planning applications concerning the site.

#### 3. RELEVANT BACKGROUND INFORMATION

##### Introduction

- 3.1 The brief has been prepared following stakeholder meetings and a public consultation exercise to provide the key development principles to guide future redevelopment of the Park House site. This follows the refusal of two previous planning applications submitted by Hyde Martlet, the landowner of the site, and the dismissal of two appeals at a public inquiry held in March 2010. Both appeal decisions upheld the council's decision to refuse the applications based on design grounds.
- 3.2 Whilst the Inspector's decision to dismiss both appeals was principally on design grounds, he makes a number of other observations which have been taken on board in the preparation of the brief. These have been summarised in the Appendix 3 of this report, together with the local planning authority's (LPA) response to his comments.

## Summary of guidance in the Planning Brief

- 3.3 The brief provides detailed design guidance on the type and quantum of development which would be acceptable in design terms and that can be successfully accommodated on the site. The guidance provided in the brief is summarised below:
- The provision of parking on site should meet the maximum parking standards identified for residential development in the council's supplementary planning guidance (SPGBH4).
  - The provision of basement parking should be actively explored to accommodate the required parking provision on site and to maximise the amount of open/ amenity space available to future occupants of the development.
  - The number of units proposed for the site should take into account the character of the area and the density of other comparable residential developments in the Hove area.
  - The height of future development should respond to the level changes across the site and the generalised height line established in the brief.
  - All trees with a TPO must be retained in future proposals for the site.
  - The setback of dwellings from Goldstone Crescent and the Old Shoreham Road should be generous to reflect the character of the area and to act as a buffer between future development and the busy main roads.
  - The future redevelopment of the site should minimise the disturbance to the main badger sett and their habitat which exists in close proximity to the site.

## Consultation process

- 3.4 Meetings have been held with a number of stakeholders including the landowner, local ward councillors, the Cabinet Member for Environment and the Chairman of the Planning Committee. These discussions have contributed to an enhanced understanding of the site, particularly its constraints and opportunities for future development.
- 3.5 The feedback from these early stakeholder meetings was used to identify the key development principles to guide the future redevelopment of the site. These development principles formed the basis of a recent public exhibition which was held between 5 -11 February 2011 at Hove Bowls Club (two days) and Hove Town Hall (4 days) and included information on the following themes:
- **Accessibility** – including vehicular and pedestrian access, as well as access to public transport
  - **Parking** – existing parking provision in the vicinity of the site as well as the level of parking required to support the future redevelopment of the site
  - **Height** – assessment of the heights of buildings in the immediate vicinity of the site
  - **Density** – provided density calculations for a number of developments in the vicinity of the site and in comparable areas of Hove
  - **Trees, landscaping and setbacks** – examined the characteristics of the site and surrounding area in terms of the trees, landscape and setbacks
  - **Badgers** – set out the requirements of Natural England and planning in relation to main badger setts following the discovery of a main sett in close proximity to the site

- **Construction materials** – asked for feedback on a range of construction materials indicative of the local area as well as comparable development in the wider Hove area
- 3.6 The exhibition material was also made available on the council’s website via a link from the home page to a dedicated webpage containing latest information on the Park House site.

### **Consultation results**

- 3.7 The public exhibition on the development principles for the site generated sixty one written representations from members of the public, seven written representations from residents’ associations and amenity organisations; one letter from the planning agent acting on behalf of the landowner (Hyde Martlet) and one letter from Mike Weatherley MP (Hove and Portslade). The full results of the consultation have been recorded in Appendix 2 of this report but the main findings have been summarised below. All consultation responses have been taken into account in the drafting of the brief and have been considered with regard to the following factors:
- their reasonableness and relevance to the planning process including national and local planning policy and guidance;
  - their conformity with the development principles established by the inspector in relation to the planning appeals;
  - whether or not they would be overly restrictive in bringing forward the future development of the site.

### **Individuals’ responses**

- 3.8 The feedback from local residents revealed broad support for the exhibition’s proposed development principles to guide the future redevelopment of the site. Sixty six per cent of the total number of respondents expressed concern about the restrictions on parking in the local area and the need for sufficient parking to be provided on site. Fifty six per cent thought that the height of new development should be no greater than existing buildings in the immediate vicinity of the site and/ or stipulated no higher than three storeys. Forty one per cent of the total number of respondents felt that the future redevelopment of the site should be ‘in keeping’ with existing development in the area.
- 3.9 The other themes arising from individuals’ responses are given below. Respondents considered that:
- the proposed density and number of flats proposed by the developer in the recent past was too high;
  - the developer should use traditional materials such as roof tiles, brick etc;
  - Goldstone Crescent should be favoured as a potential vehicular access to the site, rather than Hove Park Gardens.
  - the original Park House building should be retained as part of the redevelopment of the site;
  - the badgers and other wildlife would be unduly disturbed by the redevelopment of the site;
  - the site should be used for a school or as a residential care home as it has been in the past;

- as far as possible, the existing vegetation and the mature trees on the site should be retained in any redevelopment of the site;
- the development should be set back from the busy roads;
- the local medical, educational or transport services will not be able to support such a large new residential development;
- there is a recognised need for new housing development in the city;
- the existing amenity space and/or the green corridor should be retained.

3.10 Wherever appropriate, the above issues have been taken on board to a greater or lesser degree in the drafting of the brief.

### **Amenity and residents' associations**

3.11 Responses were received from seven amenity and residents' associations: The Sustainable Building Association (AECB), The Brighton Society, Badger Trust – Sussex, Hove Park Residents' Association, Hove Park Bowls Club, Cooperative Housing in Brighton and Hove (CHIBAH) and Save Hove. The key issues raised by these groups are recorded in detail in Appendix 2. However, their feedback broadly reflected the range of issues identified by local residents.

3.12 There were only two issues which were principally different to those identified by local residents, namely a desire to see:

- zero carbon development on this site, to improve the performance of future development in terms of sustainability and energy efficiency;
- the provision of cooperative housing as part of the overall housing offer.

3.13 The first issue is covered under the sustainability section of the brief. It is possible under the Local Plan to secure affordable housing through a Registered Social Landlord and Local Plan policies support this. This may be cooperative housing but the council cannot insist upon it.

### **Lewis & Co Planning on behalf of Hyde Martlet (the developer)**

3.14 Hyde Martlett's planning agent, Lewis & Co Planning has objected to the preparation of a planning brief on the grounds that pursuing a brief in this instance do not comply with good practice guidance contained in the DCLG publication "Planning and Development Briefs: A Guide to Better Practice, June 1997" and that ample guidance is already provided via existing government guidance; the council's local plan, supplementary planning guidance notes and documents, urban characterisation study; as well as the planning inspectorate's appeal decisions relating to the site. A detailed response to the points raised by the developer is included in the consultation report that forms Appendix 4 of this report.

3.15 With regard to the developer's comments, it should be noted that the brief has been drafted to take on board many of their known concerns. This follows an earlier meeting with the developer and the sharing of an initial draft version of the document. The brief is intended to balance the developer's concerns with the other planning considerations relating to the site, including the council's analysis of the site and its surroundings undertaken in preparation of the brief, recent changes in national planning policy (revisions to PPS3 and PPG 13) and

consideration of the views emerging from the consultation relating to the public exhibition.

- 3.16 The developer's claim that a planning brief for the site would be contrary to the good practice guidance produced by the DCLG is not agreed. The brief has been prepared in the light of the two previous planning appeals that were dismissed by an inspector on design grounds and a resulting lack of clarity with regard to a development that would meet the concerns of the local planning authority. It was considered important to prepare a brief to clearly establish what is likely to be acceptable and unacceptable on the site, where there is flexibility and where requirements are firm. These factors are cited as sound reasons for preparing a planning brief in the DCLG's good practice guide. There are further reasons given in the good practice guide that support the preparation of a brief in this particular instance, including the need to clarify the local planning authority's expectations (in relation to this specific site).

#### **Mike Weatherley MP (Hove and Portslade)**

- 3.17 The council received a letter from Mike Weatherley MP (Hove and Portslade) commenting on the exhibition material and supporting the preparation of a brief. He considers that the original Park House building should be retained and restored; that its more modern extension should be demolished and replaced along its existing building line with a new high quality building; and that all trees and open spaces be protected.

#### **4. CONSULTATION**

- 4.1 Details of the public consultation process and the public exhibition are covered above in the main body of the report.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 All the costs associated with the production of the planning brief and undertaking the public consultation have been met from within the City Planning's existing revenue budgets.

*Finance Officer consulted: Karen Brookshaw Date: 04/03/11*

##### Legal Implications:

- 5.2 Although the planning brief is a non-statutory document and therefore cannot be given full statutory weight it has undergone wide ranging consultation, as outlined in the report, which itself gives weight to the document. The planning brief will be a material planning consideration in the determination of planning applications relating to the Park House site. No adverse human rights implications have been identified as arising from the report.

*Lawyer consulted: Hilary Woodward Date: 03/03/11*

#### Equalities Implications:

- 5.3 Equality Impact Assessment (EQIA) issues relevant to this planning brief have been considered. Equalities principles have been an integral part of the development of the brief and have particularly informed the consultation process, including the organisation of the early stakeholder discussions, the public exhibition and the dedicated Park House page on the council's website.

#### Sustainability Implications:

- 5.4 Sustainability measures inform all of the principles for the future development of the site and are outlined within the planning brief.

#### Crime & Disorder Implications:

- 5.5 The planning brief has been developed to provide for a safer environment in the area through a range of measures including public and private realm improvements and the promotion of good urban design.

#### Risk and Opportunity Management Implications:

- 5.6 None identified.

#### Corporate / Citywide Implications:

- 5.7 None identified.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative to producing a planning brief would have been to "do nothing" (i.e. not to have produced a planning brief). Following consultation with key members and local ward councillors this option was not considered acceptable as there would have remained a lack of clarity on what the local planning authority is likely to consider an acceptable development on this important and sensitive site. The site has previously been the subject of two refused planning applications from Hyde Martlet (the current owners of the site) and two appeals. Both appeals were dismissed by the Planning Inspectorate, principally on design grounds. Consequently, the planning brief provides detailed design guidance on the type and quantum of development is likely to be acceptable in design terms and that can be successfully accommodated on the site.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To ensure there is detailed, clear advice to developers on the type of development that is acceptable on this important and sensitive site.
- 7.2 To assist the local planning authority in the assessment of future development proposals concerning the site.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Planning Brief – Park House site, Old Shoreham Rd, Hove
2. Consultation Summary Report
3. Summary of Inspector’s Appeal decisions and LPA response
4. LPA response to the points raised by the developer letter dated 11.2.11

### **Documents In Members’ Rooms**

1. Planning Brief – Park House site, Old Shoreham Road, Hove.
2. Consultation Summary Report
3. Summary of Inspector’s Appeal decisions and LPA response
4. LPA response to the points raised by the developer letter dated 11.2.11

### **Background Documents**

1. Brighton & Hove Local Plan (adopted 2005).
2. Core Strategy Proposed Submission (February 2010).
3. Urban Characterisation Study (2009).
4. “Planning and Development Briefs – A Guide to Better Practice”, Department of Communities and Local Government, 1997
5. SPD 03 – Construction & Demolition Waste (January 2006)
6. SPD 06 – Trees & Development Sites (March 2006)
7. SPD 08 – Sustainable Building Design (June 2008)
8. SPD 09 – Architectural Features (December 2009)
9. SPD 11 – Nature Conservation and Development (March 2010)
10. Developer Contributions Interim Technical Guidance – February 2011

