

<u>No:</u>	BH2015/04536	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Preston Park Hotel 216 Preston Road Brighton		
<u>Proposal:</u>	Change of use of hotel (C1) to residential (C3) comprising conversion of main hotel and demolition and redevelopment of north wing, to provide 13no self-contained open market flats and 9no affordable flats, alterations to front façade, retention of 27 car parking spaces and provision of new cycle and refuse facilities.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	15.03.2016
<u>Con Area:</u>	PRESTON PARK	<u>Expiry Date:</u>	22.03.2016
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Preston Park Hotel Ltd c/o Lewis and Co Planning 2 Port Hall Road Brighton BN1 6UU		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **REFUSE planning permission** for the following reasons:

In the absence of a completed s106 Legal Agreement the proposed development:

- Fails to provide an appropriate affordable housing provision;
- Fails to address the additional impacts upon sustainable transport infrastructure which the proposed development would cause;
- Fails to address the additional impacts upon educational provision which the proposed development would cause;
- Fails to address the additional demand for open space which the proposed development would cause; and
- Fails to contribute to the Council's Local Employment Scheme.

- 1.2 The proposed development is therefore contrary to Policies SA6, CP2 CP7, CP9, CP16, CP18 and CP20 of the Brighton and Hove Local Plan.

2. CONSIDERATIONS & ASSESSMENT

- 2.1 This application sought consent for change of use of a hotel to self-contained residential units including the redevelopment of the northern wing of the hotel. The development would have provided 13 market housing flats and 9 affordable flats.

- 2.2 Members voted to approve the application at the committee meeting of the 12th of October 2016 (see Committee Report set out in Appendix 1 below) subject to the completion of a s106 Legal Agreement to secure the following:
- 40% affordable housing (9 units)
 - A contribution towards sustainable transport infrastructure of £11,440
 - A contribution towards the Local Employment Scheme of £11,000 and an Employment and Training Strategy -including a commitment to a minimum of 20% local labour.
 - A contribution towards education of £28,584.80
 - A contribution towards Open Space provision of: £54,928
- 2.3 Since the committee meeting the Local Planning Authority has sought to progress the Legal Agreement to completion. Unfortunately in this case the Applicant has not been able to complete the Legal Agreement. There have been extended periods of inactivity, and no clear reasons for the lengthy delays incurred have been provided.
- 2.2 The Local Planning Authority cannot keep the application under consideration indefinitely and therefore the application is returned to committee.
- 2.3 In the absence of a Legal Agreement to secure necessary measures in regard to affordable housing, sustainable transport infrastructure, the Local Employment Scheme, education provision, and open space provision, the proposed development does not comply with Local Planning Policies and will not mitigate from the impact resulting from the development. Refusal is therefore recommended.

Appendix 1- Report to Planning Committee Meeting of the 12th of October 2016

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1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement, the following Conditions and Informatives and no additional representations been received within the consultation period which raise new material planning considerations not covered in the report:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	01	A	16 December 2015
Other	(PROPOSED SITE PLAN) 21	E	15 June 2016
Elevations Proposed	32	C	15 June 2016
Floor Plans Proposed	23	D	15 June 2016
Block Plan	20	E	15 June 2016
Elevations Proposed	26	D	15 June 2016
Sections Proposed	29	C	15 June 2016
Elevations Proposed	30	D	15 June 2016
Floor Plans Proposed	22	B	15 June 2016
Floor Plans Proposed	24	C	15 June 2016

Floor Plans Proposed	25	B	15 June 2016
Floor Plans Proposed	27	D	15 June 2016
Floor Plans Proposed	28	C	15 June 2016
Noise Report	1093.001R.1.0.RS		15 June 2016

2. 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.

3. The first and second floor north facing windows to the side elevation of the new building hereby approved shall not be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

5. The vehicle parking area shown on the approved plans shall be carried out in accordance with the approved layout and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

6. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan

7. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- 1:20 elevation drawings and 1:1 section drawings of all window, door and balcony balustrade types and full details of the proposed verandah restoration.
- Samples of all external materials and hard landscaping materials
Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

8. Prior to first occupation of the development hereby permitted drawings detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

9. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

10. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

11. Prior to first occupation of the development hereby permitted, full details of approved cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.

12. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

13. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.

14. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

15. No less than one of the new build dwellings hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other new build dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. **SITE LOCATION & APPLICATION DESCRIPTION**
 - 2.1 The application relates to the Preston Park Hotel, sited on the northern corner of the junction of Harrington Road and Preston Road. The property is sited within the Preston Park Conservation Area. At present the site comprises a large hotel building set back from the highway with an open car park between. The north east corner of the building is a residential dwelling (no. 1 Harrington Road) with its own garden area, this unit is separate to the hotel use.
 - 2.2 The southern end of the building is of greatest historic value, later extensions were added to the north of this structure and a modern flat roofed wing is in situ to the northern end of the site. The boundary wall to the western side of the site has been removed at some point in the past which has left the car park area open to the public realm.
 - 2.3 The application as originally submitted proposed 25 residential dwellings. The original proposal raised concerns in respect of the proportion of affordable housing which was proposed, the mix of unit sizes, and the standard of accommodation which the proposed units would have provided. Concerns were also raised in respect of some of the detailed design elements of the proposed external design, and in respect of the proposed car park layout and pedestrian access routes.
 - 2.4 Amended drawings were submitted during the course of the application. These included:
 - A reduction in number of units proposed from 25 to 22.
 - Improvement of units which had raised concerns in respect of size and standard of accommodation.
 - Improved mix of unit sizes including 3 three-bedroom units.
 - Minor design alterations to the proposed front elevation.
 - Amendments to the proposed car park layout and pedestrian access.
 - 2.5 The agent for the application also subsequently confirmed that in addition to the 8 affordable units proposed in the new build element of the development, a ninth affordable unit would be delivered within the converted main building, which overall would result in a policy compliant proportion of affordable units (40.9%).
 - 2.6 The council's response to the amended scheme is set out in the report below. Neighbouring occupiers have been re-consulted on these amended drawings.

3. RELEVANT HISTORY

73/2376: Erection of extension on North side of existing premises to form 10 new bedrooms with ancillary accommodation over and internal alterations to existing premises. Approved 25/09/1973.

4. REPRESENTATIONS

4.1 **Six (6)** letters have been received from nos. **1, 1A and 4 Harrington Road, a Ms Akrem-Abdul of Harrington Road (full address not provided) and from St Bernadette's Catholic School** objecting to the proposed development for the following reasons:

- The existing hotel use may still be viable; it is often full particularly when events are staged in the city.
- The proposed construction works will cause noise disturbance for occupiers of no. 1 Harrington Road.
- No details of soundproofing proposed between no. 1 Harrington Road and the proposed flats has been provided.
- A proposed balcony to the southern elevation would overlook the garden of no. 1 Harrington Road.
- A storage room which forms part of no. 1 Harrington Road's demise would open into the grounds of one of the proposed flats.
- The proposed development will cause additional overshadowing and overlooking of no. 1A Harrington Road.
- Vehicles and general coming and goings associated with the proposed residential units will cause additional noise disturbance.
- Vehicular movements associated with the proposed residential units will result in an increased highway safety risk.
- The proposed development would result in additional demand for on-street parking on Harrington Road. On-street parking is already in high demand.
- The access to St Bernadette's Catholic School must remain clear at all times during construction works.
- The proposed construction works will cause noise and disruption to St Bernadette's Catholic School.

4.2 **One (1)** letter has been received from no. **6 Harrington Road** supporting the application for the following reasons:

- The area needs more housing of this kind and the changes proposed to the existing buildings will benefit the conservation area.

5. CONSULTATIONS

5.1 **Environmental Health:** Comment

Comment 06/04/2016:

The application looks to convert, and re-develop the current hotel, to create a number of residential units.

- 5.2 At pre-app in June 2014, environmental health raised the fact that the proposed development is located very close to the A23. It was stated that acoustic information would be required to show what measures would need to be installed to protect future residents. No acoustic data seems to be attached to the current application.
- 5.3 Defra noise maps estimate that road traffic noise near the proposed buildings is around 60 - 64.9dB (A) at night and 70 - 74.9dB (A) during the day. This raises concerns over the level of noise generated by road traffic as Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise. We would therefore require an acoustic survey to identify background levels, and if necessary give recommendations on what works are needed to ensure the new residential dwellings will not be affected by road traffic noise.
- 5.4 Environmental Health uses a number of professional standards (World Health Organisation Guidelines on Community Noise and BS8233) to assess whether internal noise levels within a property will be acceptable. Without any levels of noise known, it impossible to foresee what level of mitigation measures may be necessary, if any, to protect residents.
- 5.5 Further to the noise problems due to the heavy use of A23 there is also likely to be an effect on air quality and as such Samuel Rouse has been copied in to ensure that he is aware of these comments.
- 5.6 The NPPF recognises the need to protect future residents from potential noise pollution and this is shown in paragraphs 109,110 and 123.
- 5.7 An acoustic report has not been submitted, and overall the application submission fails to demonstrate that future occupiers would not suffer harmful noise disturbance.
- 5.8 Further comment 18/08/2016:
Due to high road traffic noise, the submitted report identifies that mitigation measures will be necessary with regards to glazing. The report goes on to show that the degree of protection will differ for each façade of the building. Table 6.4 within 7th Wave's report outlines the levels of protection that will need to be achieved at differing facades.
- 5.9 Furthermore because desired internal noise levels can only be met with the windows closed, alternative ventilation will need to be provided that does not compromise noise insulation level of the façade or glazing. 7th Wave's report has not made suggestions as to what ventilation will be needed, so a condition will need to be applied to ensure a written scheme for suitable ventilation is submitted for approval to the local planning authority prior to development.
- 5.10 Approval is recommended subject to conditions requiring the installation of acoustic glazing mitigation measures in accordance with the submitted report

and the submission of details of a ventilation system to allow for a sufficient fresh air source without windows having to be open.

5.11 **Heritage:** No objection / Comment

5.12 Comments 28/04/2016:

This site is located wholly within the Preston Park Conservation Area. This part of Preston Road lies within the former Clermont Estate area of Preston Park and was developed from c1870 after the opening of the nearby railway station. The various villas on both sides of the road are two storeys plus a half basement, with canted bays and large sash windows beneath overhanging eaves supported on elegant brackets. These houses once stood in large gardens set well back from the road, but regrettably many of these have become car parking areas, although substantial front boundary walls and many mature trees help to soften the impact.

5.13 The earliest part of the Preston Park Hotel was originally a house that formed part of a pair of semi-detached villas facing Harrington Road and had been built by 1874. It is painted stucco beneath a slate roof with projecting eaves and decorative eaves brackets and has a surviving ground floor verandah (though unsympathetically altered). By 1898 a double fronted building had been constructed facing Preston Road, with the appearance of a detached villa but adjoining the original house. It is in similar style but with wide canted bays.

At some time in the 20th century the buildings became used as a nursing home and were then converted to a hotel in the late 1960s. In the 1970s the current large flat roofed extension was built to the north of the site and was extended further northwards in c1994. This extension is a plain, functional structure of no architectural merit and it detracts from the appearance of the original buildings and the wider conservation area. Also c1994 the southern corner was infilled in matching Victorian style (though with a canted bay at ground floor only), so giving the appearance of a triple fronted villa.

5.14 The buildings occupy a prominent corner plot which fronts onto Preston Road and the side boundary abuts back edge of pavement along Harrington Road. Therefore, the building is prominent within the streetscene with extensive views into the site along the two streets. The original boundary walls have been lost and the frontage is an open area of car parking, further cluttered by various signage, and this frontage significantly detracts from the setting of the historic buildings and from the wider conservation area.

The submitted Heritage statement demonstrates how the site has incrementally developed over time and that the original concept of a semi-detached villa set within large grounds has long been lost. The hotel today is an untidy mix of these different phases of development, in which the original 1870s and later 19th century elements are not readily discernible, as well as unsympathetic alterations such as replacement windows and the infilling of the open verandah on the south elevation. The late 20th century flat roofed extension to the north is particularly harmful to the appearance of the area whilst the open car parking and lack of soft landscaping to the frontage provides none of the traditional screening to be found along Preston Road.

- 5.15 The proposal by contrast would bring a significant degree of visual coherence to the site, largely retaining the historic elements and extending the main hotel building in a manner that reflects the spirit of the original late Victorian approach to the area. The restoration of the verandah and glazing pattern are welcome enhancements, subject to detail, The demolition of the flat roofed extension and its replacement by a separate building, is welcome. The new building would be a contemporary, simplified version of the Victorian design and would have 3 storeys with a slightly higher eaves line, but it would respect the existing building and would have a more appropriate presence in the street scene. There is some concern with regard to the modest gap between the two buildings, which could lead to a terracing effect in oblique views. This concern could be addressed by increasing the gap or by increasing the degree of building line set back either side of the gap.
- 5.16 Some of the new balconies in the recesses are flush with the main building line and should instead be set back at least 300mm from the face of the elevation.
- 5.17 The reinstatement of a front boundary wall with pillars is very welcome but it needs to be clarified whether the new wall is to extend round to the Harrington Road frontage, where there is currently a low wall and a timber fence. The front area would also benefit greatly from some tree planting to soften it. Trees and greenery are a notable feature of this part of Preston Road. Consideration should also be given to forming a separate pedestrian entrance through the wall, towards the southern corner.
- 5.18 Additional comments 27/06/2016 following the submission of amended drawings:
The amendments have sought to address the concern about the modest gap between the two buildings, which could lead to a terracing effect in oblique views, by setting back the north-east corner of the main building slightly. Whilst a wider gap or greater set back either side would be desirable the amendments have satisfactorily addressed the other concerns raised: by setting back all of the balconies from the main façade by at least 300mm; by reducing the width of the first floor balcony on the south side elevation; by forming a separate pedestrian entrance in the front boundary wall (aligned with the main entrance); and by including new tree planting along the frontage boundary to soften the car parking area. Overall therefore it is now considered that the proposals are acceptable from a heritage perspective and would enhance the appearance of the conservation area.
- 5.19 If permission is granted larger scale details would be needed of the new windows, doors and balconies, the new boundary wall and the restoration of the verandah, as well as samples of materials (including hard surface materials).
- 5.20 **Housing: Objection**
Comments 21/03/2016 based upon the original submission:

The city-wide Housing Strategy adopted by Council in March 2015 , has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council's published Affordable Housing Brief (update October 2015) sets out the council's preferences with regard to units mix and design etc. where affordable housing is provided through Policy HO2/ CP20. This response outlines where the proposed application meets / does not meet the Affordable Housing Brief guidance.

- 5.21 This scheme proposes to provide 25 apartments as a refurbishment of the existing hotel plus an additional new build block which will accommodate the proposed affordable housing. The proposal currently offers 9 affordable housing units which equates to 36% which is not policy compliant with the 40% as outlined in the Affordable Housing Brief. 40% would equate to 10 properties.
- 5.22 The overall scheme (including the affordable housing) consists of 7 x 2 bed flats ; 15 x 1 bed flats and 3 x studios. The affordable housing proposed is formed of 8 x 1 bed and 1 x 2 bed 3 person wheelchair accessible unit. This is a high proportion of smaller units. One additional two bedroom unit would ensure it met the council's Affordable Housing Brief and better reflected the required unit mix.
- 5.23 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City.
- 5.24 In terms of need for rented accommodation: We currently have 1,601 households in Temporary Accommodation and more than 22,800 people on the joint housing register (67% of whom are in demonstrable need - Bands A to C). With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. [Source: Housing Statistical Bulletin October to December 2015]. In terms of the demand for shared ownership there are currently 753 applicants registered with the Help to Buy agent, of which 464 have a local connection by virtue of already living in the city. Additional eligible households may come forward when shared ownership properties are advertised for sale. [Source: Housing Statistical Bulletin October to December 2015].

N.B. The scheme has been amended during the course of the application and now delivers a policy compliant scheme in respect of affordable housing.

5.25 **Private Sector Housing:** No objection

5.26 **Planning Policy:** Comment

Comments 08/08/2016:

The loss of hotel use would not be contrary to Policy CP6 Visitor Accommodation in the City Plan Part 1 and in planning policy terms the change of use to residential would make a welcome contribution to city's housing requirements and to the city's housing land supply position (CP1 Housing Delivery).

- 5.27 Clarity however is required from the applicant regarding the amount and tenure of affordable housing provision; housing mix; private amenity space provision; open space and sports provision in order to assess whether the proposal complies with CP19, CP20, CP16 and CP17 of the adopted City Plan Part 1 and HO5 of the Local Plan.
- 5.28 The requirement to provide public open space is not addressed within the application site and therefore a contribution towards off-site provision will be required.
- 5.29 Further comments 23/06/2016 following the submission of amended drawings:
- 5.30 Market housing: It is welcomed that the amendments have reduced the number of studio units and introduced some 3 bed units. The scheme overall still provides a dominance of 1 bed units and a better provision of 2 bed units would be more policy compliant.
- 5.31 Affordable Housing: On a scheme of 22 units this would equate to 9 units (rounding up of 8.8 units), only 8 units have been provided and this should be clarified by the applicant. Evidence, referred to in paragraph 4.220 of the supporting text to CP20 Affordable Housing, indicates the significant need for affordable housing in the city. Paragraph 4.223 indicates that the council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 5.32 Justification for a lower provision of affordable housing will need to address criteria i-v in the policy. There is no indication of the proposed tenure of affordable housing to be provided and this should also be clarified by the applicant in order assess whether the proposal complies with CP20. The Housing Strategy Team should be consulted on this application.
- 5.33 Further comments 01/09/2016:
Whilst it is note that the tenure(s) of the proposed affordable housing is still to be confirmed, provision of an additional unit of affordable housing (9 in total) would ensure compliance with the Policy CP20 Affordable Housing. The balance between one and two bedroom units is also improved as a result and is considered on balance to be acceptable.
- 5.34 **Sustainable Transport:** No objection
Comments 12/05/2016:

Amendments are required to provide a safe and enhanced pedestrian entrance to the site, amendments to disabled parking bays, and amendments

to cycle storage provision. A contribution of £13,000 towards sustainable transport infrastructure in the immediate vicinity of the application site is required.

5.34 Further comments 14/06/2016 following the submission of amended drawings:

All comments previously raised have been addressed; approval is therefore recommended subject to recommended conditions and securing the required contribution towards sustainable transport infrastructure in the immediate vicinity of the application site.

5.35 **Flood Risk Management:** No objection

Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below:

5.36 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

5.37 The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

5.38 **City Regeneration:** Comment

City Regeneration supports this application despite the regrettable loss of a long-established hotel. It was noted that information has been provided in respect of the poor financial performance in recent years resulting in unsustainable levels of subsidy. It is indicated within the design, access and planning statement that closure of the hotel is the inevitable outcome.

5.39 The location of the hotel doesn't fall within the core hotel area as referred to within the Local Plan policy SR15 or emerging City Plan policy CP6 and is therefore not subject to any constraints regarding change of use. However, there is no reference within the application's supporting documents, to the marketing of the hotel which might enable a potential new proprietor to invest in the property itself and the business.

5.40 It was noted that there is also no indication to the number of current employees in the planning application.

5.41 However should the application gain approval, City Regeneration will welcome the additional accommodation that will contribute to the city's challenging housing needs.

- 5.42 Due to the number of new dwellings resulting from the development, if approved, an Employment and Training Strategy will be required to include a commitment to using an agreed percentage of local labour. It is proposed for this development that the percentage of 20% local employment for the demolition (where appropriate) and construction phases is required and early liaison with the Local Employment Scheme Co-ordinator is encouraged in order to have the Employment & Training Strategy agreed in advance and to avoid any delays in site commencement.
- 5.43 In addition to the Employment and Training Strategy, City Regeneration requests a contribution through a S106 agreement towards the Local Employment Scheme in accordance with the Developer Contributions Guidance
- 5.44 **Sustainability: Comment**
City Plan Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 5.45 CP8 sets out residential energy and water efficiency standards required to be met by the Planning Authority:
-Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013. (This is equivalent to energy performance from outgoing Code for Sustainable Homes to Level 4).
-Water efficiency standards of 110 litres/person/day (equivalent to water performance standards from outgoing Code for Sustainable Homes to Level 4).
- 5.46 **Air Quality Officer: Comment**
The application site facade is set back from the main road (A23) by at least several metres and is north of the main AQMA and the Preston Road-Preston Drove junction hotspot (2013-AQMA). Traffic to and from site is not likely to be substantial or change significantly. Surrounding pollution levels are low. An air quality assessment is not required.
- 5.47 **Ecologist: Comment**
The application includes no proposals for enhancement of the site for biodiversity; this is required to help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the planting of climbers along the new boundary wall and the provision of bird and/or bat boxes. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Given the location of the site, it is recommended that bird boxes should target starlings and swifts. Woodcrete boxes are recommended for their durability.

- 5.48 If the Council is minded to approve the application, it is recommended that a condition is applied requiring an Ecological Design Strategy to enhance the nature conservation value of the site.
- 5.49 In summary, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 5.50 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.
- 5.51 **Southern Water: Comment**
A formal application for connection to the public sewerage system will be required. Full details of surface water drainage should be submitted.
- 5.52 **Crime Prevention Officer: Comment**
Standard security measures are recommended.
- 5.53 **County Archaeologist: No objection.**
- 5.54 **UK Power Networks: No objection.**
- 5.55 **East Sussex Fire and Rescue: No objection.**
Access to the site must be provided in accordance with agreed standards; there should be vehicle access for a pump appliance to within 45 metres of all points within each dwelling.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- 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.

- 6.2 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7 POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP6 Visitor accommodation
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016):

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD44 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed development which consists of the loss of the existing hotel use and the redevelopment of the site for residential use, transport, standard of accommodation, access standards, noise disturbance / air quality, sustainability, landscaping and biodiversity.

8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 Planning Policy:

8.1 Policy CP6 states that:

To support the city's tourism and business conference economy the council will support the provision of a sufficient and wide ranging type of visitor accommodation:

1. Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).
2. Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.
3. The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.
4. Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.
5. Partial conversion of a hotel will be considered where there is adequate demonstration of the need to enable investment in the remaining hotel.
6. Within the Hotel Core Zone, loss of hotels/ guest houses (serviced accommodation) will be considered where it can be demonstrated that:
 - a) The premises has limited potential to upgrade and position itself viably in the market; and
 - b) The loss of the premises would not set an unacceptable precedent in relation to the concentration and role of nearby/ adjacent serviced accommodation; and
 - c) The new use would be compatible with the character and other uses in the area.

- 8.2 The Hotel Core Zone shown on the policies map indicates the area where the main accommodation clusters and drivers of accommodation demand can be found.
- 8.3 The application property is sited outside of the Hotel Core Zone defined in the City Plan Part 1. In this case, the loss of the existing hotel use is considered to be acceptable having regard to policy CP6 which sets out an objective that new hotel accommodation should typically be directed towards central Brighton.
- 8.4 Whilst the loss of visitor accommodation is not welcomed, it is not resisted in this case as it is an objective of policy that hotel accommodation ideally be sited in the central Brighton area.
- 8.5 The proposed use as residential dwellings would contribute towards the housing needs of the city and is considered an appropriate alternative use for the site.
- 8.6 In regard to affordable housing, policy CP20 requires that development of the scale proposed provide 40% onsite affordable housing provision and policy CP19 requires a mix of unit sizes which reflect local needs. Whilst the scheme as originally submitted did not address these requirements, amended drawings have been submitted and the agent has confirmed in writing that 9 of the 22 units proposed will be affordable; 8 within the new building proposed and one within the main building. This equates to 40.9% of the overall scheme. The mix of units proposed would comprise:

Market Housing unit mix:

Studio: 1
1-bed: 6
2-bed: 4
3 bed: 2
Total: 13

Affordable Housing unit mix:

1-bed: 6
2-bed: 2
3 bed: 1
Total: 9

In regard to mix of unit size, the council would normally seek:

Affordable Housing- as set out in Policy CP20:

30 % 1-bedroom units, 45% 2-bedroom units and 25% 3-bedroom units

Market Housing- as set out in the latest Housing Needs Study (June 2015):

15% 1-bedroom units, 35% 2-bedroom units, 35% 3-bedroom units, 15% 4+ bedroom units.

The proposed development would provide:

Affordable Housing-

67% 1-bedroom units, 22% 2-bedroom and 11% 3-bedroom units

Market Housing-

54% studio / 1-bedroom units, 31% 2-bedroom units and 15% 3-bedroom units.

8.7 The proposed development does not therefore provide an entirely compliant mix of unit sizes, the inclusion of six 2-bedroom units and three 3-bedroom units is however welcomed and overall, given that a policy compliant proportion of affordable housing is to be included in the development, it is considered that the unit mix proposed is acceptable in this case.

8.8 **Design and Appearance:**

It is proposed that the 1970's northern wing of the existing building be demolished and replaced with a new building which would be detached from the main hotel building. The main building would be converted to residential use. Minor external changes are proposed to the main building. The reinstatement of a boundary wall to the western side of the site is proposed.

8.9 The existing northern wing is three storey in height with a flat roof. The proposed new building to replace the northern wing is three storeys in height with a hipped roof form and hipped roof front projections. The eaves of the proposed building would sit slightly lower than the existing flat roof level, with the main ridge of the new roof approximately 1 metre higher than the existing flat roof. Inset balconies are proposed to the front of the building at first and second floor level alongside these projections. Glazed doors and sash windows of traditional design are proposed. To the rear projecting bay windows are proposed at ground and first floor level. The north facing side elevation of the building is relatively plain with four small sash windows. This façade has been designed in response to the proximity of the neighbouring property to the north.

8.10 The new building would be set away from the existing main building by 1.8 metres.

8.11 In regard to footprint, the proposed building is very similar to that of the existing northern wing which is to be demolished. The new building extends slightly closer (500mm) to the northern boundary of the site.

8.12 Overall it is considered that the new building represents a high quality of design. The new building, having regard to its scale, form and detailing would sit comfortably alongside the main building which is to be retained. The gap to be retained between the main building and the new form is considered appropriate.

8.13 The alterations proposed to the main building which is to be retained consist of:

* A reconfiguration of the northern end of the building.

* A reconfiguration of the section of building which sits between the front projections to the southern end of the building.

* Restoration works to the southern elevation of the building.

- 8.14 These works are considered to represent sympathetic additions / alterations to the building and are welcomed.
- 8.15 In addition to the above, it is proposed that an appropriate boundary treatment (wall) would be reinstated between the pavement and the car park of the site. This would be of significant benefit to the appearance of the property and the Conservation Area street scene. The current lack of strong boundary treatment is of significant detriment to the street scene at present. New tree planting and soft landscaping is also proposed to the car park area. Conditions are recommended which would secure further details of these elements of the scheme.
- 8.16 Overall it considered that the development would deliver substantial improvements to the appearance of the site and the conservation area street scene. The proposed new building would represent a substantial improvement in comparison to the existing 1970's wing, the reinstatement of a boundary wall will provide an attractive and appropriate division between the site and the public highway, and the alterations to the main building are sympathetic in nature.
- 8.17 The Heritage Officer supports the proposed development; initial concerns were raised in respect of detailed design issues, these concerns have been addressed through the submission of amended drawings.
- 8.18 Landscaping / biodiversity:
The proposed boundary treatments and landscaping are considered to be acceptable. Full details of landscaping and a scheme of nature conservation improvements commensurate to the nature and scale of the scheme are recommended to be secured by condition.
- 8.19 **Standard of accommodation / access standards:**
As originally submitted, a number of the units proposed did raise concerns in respect of standard of accommodation. In response to these concerns amended drawings have been submitted, the improvements to the proposed unit sizes and layouts required a reduction in the number of units proposed, from 25 to 22.
- 8.20 The Council does not have a policy to require compliance with minimum space standards. Policy QD27 and the Core Planning Principles of the NPPF do however require that all developments deliver a good standard of amenity for all existing and future occupants of land and buildings. When assessing whether a residential development meets this objective, a useful point of reference is the Government's Nationally Adopted Space Standards (March 2015).

- 8.21 The unit sizes proposed, in comparison to Government's Nationally Adopted Space Standards (NS) are as follows:

Studio (NS minimum 37m²): 61m².

1-bedroom flats (NS minimum 50m²): 50 m², 53 m² 58 m², 2x 60 m², 66 m².

2-bedroom flats (NS minimum 61m² / 70m²): 54 m², 62 m², 76 m², 78 m², 80 m².

2-bedroom flats (NS minimum 74m² / 95m²): 78 m², 102 m², 133 m².

- 8.22 Only one of the units (unit 13) falls below the minimum size set out by Government. As a three-person two-bedroom flat Government advises a minimum of 61sqm. This flat does however benefit from a 6sqm balcony. In addition as a unit within a building to be converted a greater degree of flexibility can be applied than would be the case in respect of a new-build dwelling.
- 8.23 It is considered that the proposed development would provide an acceptable standard of accommodation for future occupiers in respect of unit sizes, layouts natural light and outlook. 8 of the 21 units proposed would benefit from a patio area of balcony which is welcomed.
- 8.24 In order to satisfy the requirements of Policy HO13 all new build units should meet optional Building Regulations Standard M4(2) and one of the ground floor units in the new building should meet Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This is secured by planning condition.
- 8.25 **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.
- 8.26 In regard to the new building proposed. objections have been raised by occupants of nos. 1A Harrington Road on the grounds that the proposed building would cause additional overshadowing and overlooking and increased noise disturbance. These concerns and all of the representations received have been fully considered.
- 8.27 The element of the built form which is proposed which has the greatest impact upon neighbouring amenity is the new building to replace the existing northern wing of the building. The occupiers of nos. 218 / 218A to the north of the site and no. 1A Harrington Road will be most affected by this proposed structure. The eaves of the proposed building are slightly lower than the flat roof of the existing wing, the roof ridge of the proposed building projects higher than that of the existing wing. The footprint and overall bulk of the proposed building is similar to the existing wing.

- 8.28 Overall it is considered that the scale and bulk of the proposed building will have a similar impact to the existing wing; substantially increased harm would not be caused by the bulk of the proposed building given the scale of the existing built form.
- 8.29 In regard to overlooking, all windows proposed to the north elevation of the new building are to be obscure glazed / fixed shut and can be controlled by condition as such. To the rear (west) elevation of the new building a number of windows are proposed at ground first and second floor level. The first and second floor windows will provide views into neighbouring properties and gardens, these views will however be similar in nature to those the rear windows of the existing rear wing provide and overall it is considered that the additional overlooking caused would not be of a magnitude which warrants the refusal of planning permission.
- 8.30 In regard to the general nature of the proposed use; a residential use is considered compatible with surrounding development (residential and a school to the north). There would be coming and goings associated with the occupiers of the proposed development and also general noise and activity emanating from the building and site; such activity would not however be of a harmful nature.
- 8.31 **Sustainable Transport:**
The proposed car park would provide 23 parking spaces and a covered cycle store. The Transport Officer has commented upon the application and considers that the scheme would have an acceptable impact subject to a contribution towards sustainable transport infrastructure. The implementation and retention of the proposed car park layout and cycle parking provision is secured by condition.
- 8.32 **Sustainability:**
The proposed new build units should comply with optional Building Regulations Standards for energy and water consumption which is secured by condition.
- 8.33 **Other Considerations:**
Objections have been raised by neighbouring occupiers in regard to the noise and disturbance that the construction works would cause. It is considered that these matters do not warrant the refusal of planning permission in this case.

9. EQUALITIES

9.1 The proposed new build dwellings will meet optional Building Regulations Standards and one unit will be wheelchair accessible.

9.2 s106 Legal Agreement Requirements

Approved is recommended subject to a completed legal agreement securing the following:

- 40% affordable housing (9 units)

- A contribution towards sustainable transport infrastructure of £11,440
- A contribution towards the Local Employment Scheme of £11,000 and an Employment and Training Strategy -including a commitment to a minimum of 20% local labour.
- A contribution towards education of £28,584.80
- A contribution towards Open Space provision of: £54,928