

Application No: BH2010/03739

Mr Simon Bareham
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BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990
NOTICE OF REFUSAL OF PERMISSION TO DEVELOP LAND

IN PURSUANCE of their power under the above-mentioned Act, the Council hereby notify you that it REFUSES to grant the following development:

Situation: 9-16 Aldrington Basin/Land South of Kingsway Basin Road North Portslade

Description: Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area, lorry delivery bay and car parking.

as shown on the plan(s) and application submitted to the Council on 02 December 2010 .

The reasons for the Council's decision to Refuse to permit the development are:

- 1 The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
- 2 The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

- 3 The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.
The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4 The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawings and information received on 2nd December 2010, 15th December 2010, 31st December 2010, 11th April, 12th April 2011, 14th April 2011, 18th April, 20th May 2011, 26th May 2011, 7th June 2011, 2nd August 2011, 5th August 2011, 17th August 2011, 30th August and 16th September 2011.

2. The applicants attention is drawn to issues with respect to conflicting information contained in this submission.

Dated this 08 March 2012



Martin Randall
Head of Service
Planning and Public Protection

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

