

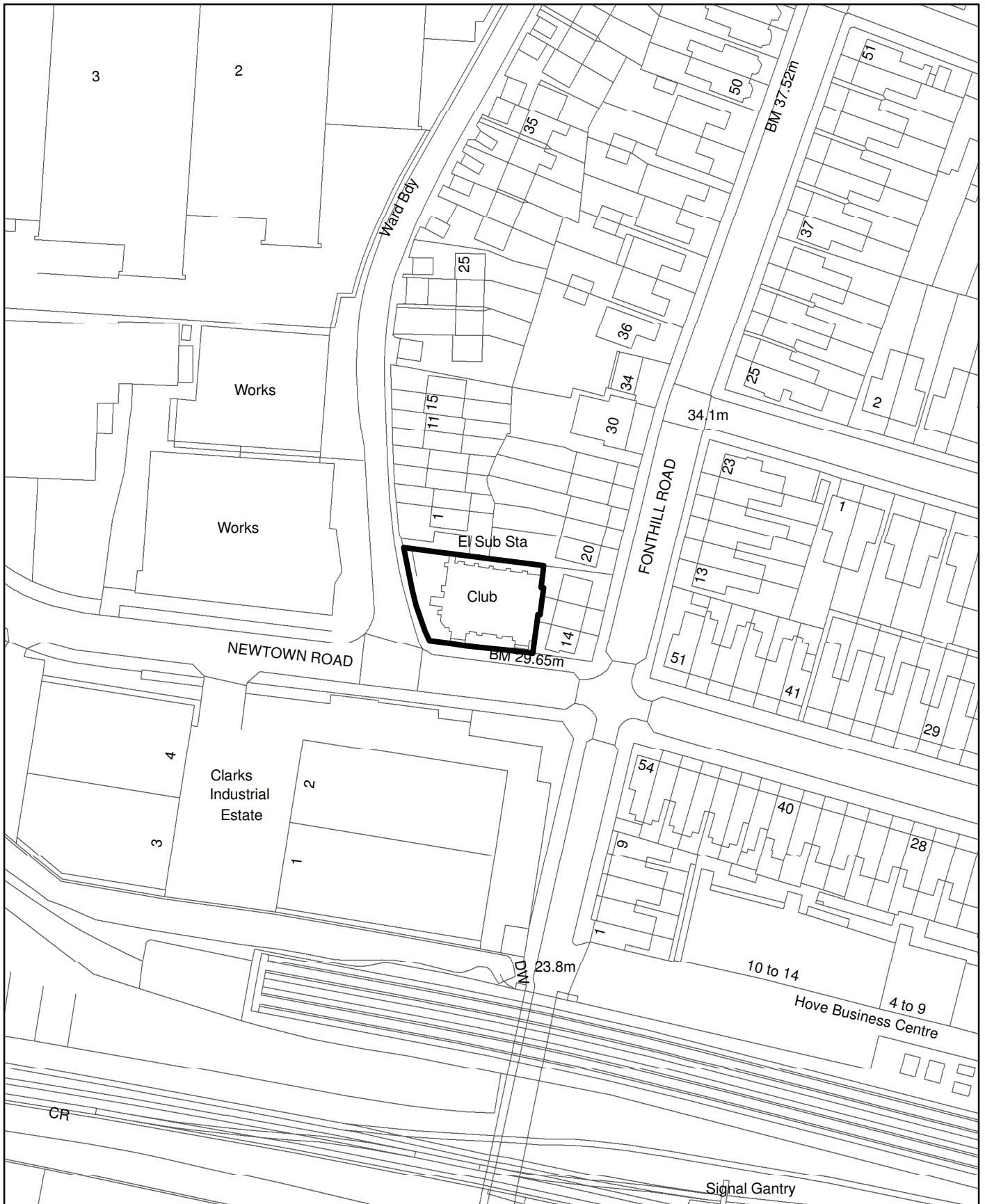
**PLANS LIST
ITEM E**

St Agnes Church, Newtown Road, Hove

**BH2011/03836
Extension to time limit full planning**

31 OCTOBER 2012

BH2012/03836 St Agnes Church, Newtown Road, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/03836	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	St Agnes Church, Newtown Road, Hove		
<u>Proposal:</u>	Application to extend the time limit for implementation of approval BH2008/01824 for the conversion of a roof void and the upper ground floor area to form 5 two-bedroom maisonettes with associated alterations. Continued use of ground and lower ground floors as an independent gymnasium.		
<u>Officer:</u>	Adrian Smith Tel: 290478	<u>Valid Date:</u>	15/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09/02/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Denniker Farm, Denniker Farmhouse, Ruston Bridge Road, Fletching		
<u>Applicant:</u>	Dudley Sizen, The Limes, High Street, Ditchling		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to 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

- 2.1 The application site comprises a converted church located on the north side of Newtown Road, Hove, at the junction with Goldstone Lane. The church forms a substantial red brick building with a pitched gable ended roof, and is in use as a gymnasium.
- 2.2 The surrounding area is mixed in character comprising residential and commercial uses. A terrace of three three-storey houses sits in close proximity to the east of the site, fronting Fonthill Road, with light industrial units and warehouses opposite to the south and west. A terrace of three-storey houses lies to the north along Goldstone Lane, separated from the site by a small electricity sub-station.

3 RELEVANT HISTORY

BH2008/01824: Conversion of existing roof void to form 5 maisonettes with associated alterations. Continued use of ground and lower ground floors as gymnasium. Approved 28/08/2008. The continued validity of this permission forms the subject of this application.

BH1999/01994/FP: Change of use at ground floor from gymnasium (D2) to office (B1) and construction of intermediate floor (B1). Withdrawn.

4 THE APPLICATION

- 4.1 Full planning permission is sought to extend the time limit for the commencement of planning permission reference BH2008/01824 for the conversion of the church roof void and the upper ground floor area to form 5 two-bedroom maisonettes, including associated alterations and the continued use of ground and lower ground floors as an independent gymnasium. The original permission expired on the 13th February 2012.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **Nos. 14, 16 (2), 20 & 22 Fonthill Road** objecting to the application for the following reasons:

- Overlooking and loss of privacy from the north side windows.
- Loss of privacy from the proposed balconies- any screening would also block light.
- The proposed development (including in particular the access and balconies) would not be in keeping with the character of the church.
- Increased traffic hazards at the Newtown Road/Fonthill Road junction from the increased volumes of cars.
- Increased parking pressures as there is no parking provision for the development.
- Increased noise and disturbance from extra traffic (vehicular and pedestrian).

- 5.2 Following receipt of amended plans, **Four (4)** letters have been received from the residents of **14, 16, 20 & 24 Fonthill Road**, objecting to the proposed development on the following grounds:

- The amendments have not addressed the previous concerns raised above.
- There are still inaccuracies in the drawings relating to planting and window detailing. There is insufficient detail as to how the flat roof accesses will appear as there are main structures on the plans that are not shown in any detail.
- It is unclear whether residents will be able to use the flat roofs as recreational areas- this would have amenity issues for neighbouring residents.
- The proposed dwellings will overlook private rear gardens and into rear bedrooms.
- Noise and disturbance from the proximity of the balconies to existing houses.
- Parking in the area is difficult- the addition of 5 extra families requires additional parking facilities.
- The plans are not in keeping with the building- especially the proposed balconies. The building will become unduly prominent and visually intrusive.

Internal:

- 5.3 **Environmental Health:** No Comment.

5.4 **Sustainability:** No Comment.

5.5 **Sustainable Transport:** No Comment.

Previous comments:

No objections in principle subject to conditions and financial contribution of £3,750 to off-set the travel demand created by the development. Contribution would be used for improvements at three junctions:

- Fonthill Road / Ranelagh Villas
- Fonthill Road / Hartington Villas
- Newtown Road / Goldstone Street

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:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

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. At the heart of the NPPF is a presumption in favour of sustainable development.

6.5 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 (2005):

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU14	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods

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QD3	Design-efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities

Supplementary Planning Guidance:

- SPGBH1: Roof Extensions and Alterations
- SPGBH4: Parking Standards

Supplementary Planning Documents:

- SPD03: Construction and Demolition Waste
- SPD08: Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The application seeks to extend the time limit to implement the development previously granted full planning permission on the 13th February 2008 under application reference BH2008/01824. This application was received by the Council on the 15th December 2011, prior to the expiry of the previous permission on the 13th February 2012.

Principle of Development:

- 8.2 The conversion of the church roofspace for residential use was accepted under the previous consent, and was not considered to impact on the functioning of the existing gymnasium at ground floor and basement level. There have been no significant material changes to the proposal, site, surrounds or to development plan policies since the previous permission was granted, therefore the principle of developing the site for residential use remains acceptable.
- 8.3 A site visit has revealed that there have been no material changes to the site or surrounds since the grant of the previous consent. Therefore issues relating to the design, impact upon amenity, standard of living accommodation, sustainability and waste disposal remain unchanged. Since the granting of the original permission, the Regional Spatial Strategy is in the process of being abolished, whilst all relevant PPSs and PPGs have been replaced by the National Planning Policy Framework. These changes to regional and national policy do not materially impact on the weight to be given to the relevant policies within the current development plan, and consequently do not alter the policy framework for this application.

Design and Amenity Issues:

- 8.4 Following concerns raised by local residents, the application has been amended during the course of determination to clarify the treatment of the first and second floor balconies/terraces to the residential units. The clarifications have sought to confirm the detailing of the east side emergency staircase, the scale and treatment of the first floor entranceways (including fences and bin stores), the position of windows in the east flank wall, and differences in the detailing between the elevational drawings and illustrative drawings.
- 8.5 The amended plans have suitably clarified these details, and do not result in the proposal having a different or increased impact on the appearance of the building or the amenities of adjacent residents. The new sectional drawings through the first floor entranceways confirm that no part of the proposed enclosures, bin stores or emergency stairwell would project above the existing parapet level. As such, these elements of the proposal would not impact on the current appearance of the building from the street, and would not overshadow or otherwise reduce light to the adjacent houses.
- 8.6 Adjacent occupiers have raised concerns over the potential overlooking that may result from the entranceways and upper balconies proposed in the roof of the building. Although the balconies would afford oblique views onto the rear of No.14 Fonthill Road, this would not be so significant as to warrant the refusal of permission. Likewise the potential for noise disturbance to the adjacent residents from persons accessing the new flats or occupying the balconies would not be sufficiently prolonged or unduly harmful as to warrant the refusal of permission. A condition is retained in the recommendation to ensure that the entranceways to the flats are used for access only, and that the flats roofs and emergency stairs adjacent are not to be used as amenity areas for residents. These considerations remain as determined on the previous permission, and there are no material changes to the site or surrounds that would result in a different conclusion.
- 8.7 Objectors have also raised questions as to the consistency of the plans. These relate largely to artistic flourishes on the illustrative plans, in particular the appearance of shrubbery and shadows disguising windows on the illustrative drawings where none appear on the main elevation drawings. It is clear from the submission that the floor plans and non-illustrative elevations represent the intended scheme, and that any appearance of shrubbery is indicative only. As previous, a condition is attached to the recommendation to ensure that a suitable landscaping scheme is submitted, thereby ensuring that any vegetation proposed does not compromise the amenities of the adjacent residents. For the purposes of clarity the approved plans detailed within condition 2 below now relate solely to the main floor plan an elevation drawings, and not to the illustrative drawings.
- 8.8 For the reasons detailed above, it is considered that the proposed development remains acceptable in principle having regard development plan policies, and would not have an increased or otherwise different impact on the amenities of adjacent occupiers to that previously deemed acceptable. The proposal

therefore remains in compliance with policies QD1, QD2, QD3, QD14, QD15 & QD27 of the Brighton & Hove Local Plan.

Sustainability:

- 8.9 Since the grant of the previous consent Supplementary Planning Document 08 (SPD08) 'Sustainable Building Design' was adopted in March 2008. The SPD requires that development incorporating the Creation of 3-9 new residential units within an existing building should be accompanied by a Sustainability Checklist, should be able to demonstrate no additional net CO2 emissions, and should attain EcoHomes for Refurbishment (or equivalent). The format of the sustainability checklist has changed since the original application was submitted, however an updated checklist has since been received to meet the terms of the SPD. With regard EcoHomes for Refurbishment, this assessment tool has been replaced by BREEAM Domestic Refurbishment. The previous conditions have been amended accordingly to reflect this change.

Sustainable Transport:

- 8.10 The previous application was not made car free in accordance with policy HO7 as, although within a CPZ (zone T), there was no waiting list at the time. Whilst no waiting list currently exists, current practice is to ensure that all such developments within a sustainable location within a CPZ are made car free. In this regard the determining issue does not relate to capacity or demand within a CPZ, but relates to encouraging a modal shift in sustainable locations. It is noted that the application site is located in a sustainable location within walking distance of Hove railway station, bus routes, and Hove Town Centre. However, the site is also located on the outer edge of the CPZ with free street parking along Newtown Road directly to the west. Given this context it is considered that making the development car-free would be counter-productive as it would result in overspill parking in the streets directly adjacent to the CPZ. The presence of free parking in such close proximity to the site is such that the purpose of policy HO7 to ensure that development is genuinely car-free in the long term it is not reasonably achievable. For this reason no conditions are recommended to make the development car-free.
- 8.11 The Traffic Manager requested a financial contribution of £3750 towards sustainable transport infrastructure in the locality of the site which was secured by planning conditions and informative notes in the original consent. Contributions must be secured prior to the issuing of decision notices and s106 Agreement is recommended. The condition relating to improving cycle parking onsite remains as per the previous consent, as no changes have been proposed. Subject to receipt of the financial contribution via a Section 106 agreement, the development remains in accordance with policies TR1, TR7, TR14 and HO7 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 Since the grant of the previous consent there have been no changes to the site or to local or national planning policy that would warrant a different decision being made. Subject to the imposition of conditions reflecting the requirements of SPD08 'Sustainable Building Design' and clarifying the approved drawings,

the scheme remains in accordance with development plan policies and would be acceptable.

10 EQUALITIES

10.1 The development is required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106

- A transport contribution of £3,750.

11.2 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
Site and block plan	TA292/01	A	13/02/2009
Proposed plan	TA292/02	A	13/02/2009
	TA292/09	A	13/02/2009
	TA292/10	A	13/02/2009
	TA292/11	B	12/09/2012
	TA292/12	A	13/02/2009
	TA292/13	A	13/02/2009
	TA292/14	A	13/02/2009
	TA292/15	A	13/02/2009
	TA292/16	B	09/03/2012
	TA292/17	A	13/02/2009
	TA292/18		12/09/2012

- 3) The flat roof (excluding the dedicated patio areas) at first floor level on the southern side of the building shall be used for access, emergency and maintenance purposes only, and shall not be used as a terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise and disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.
- 4) The staircase at the south-eastern corner of the building, linking the ground floor entrance hall to the first floor level flat roof, shall be used only in case of emergency and for no other purpose.
Reason: In order to protect adjoining properties from overlooking and noise and disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.

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- 5) Unless otherwise agreed in writing by the Local Planning Authority, 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 2005.
- 6) Unless otherwise agreed in writing with the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the submitted Site Waste Management Plan.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 03 Construction & Demolition Waste.
- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.
- 8) 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 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. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.

11.3 Pre-Commencement Conditions:

- 9) 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 policies QD1 and QD14 of the Brighton & Hove Local Plan 2005.

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- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Domestic Refurbishment (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve a BREEAM Domestic Refurbishment rating have been submitted to the Local Planning Authority; and
 - a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

- 11) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan 2005.

- 12) No development shall take place until details (including materials and finishes) of the proposed first floor level balcony on the western elevation of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict 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 2005.

11.4 Pre-Occupation Conditions:

- 13) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Domestic Refurbishment (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved an BREEAM Domestic Refurbishment rating 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

11.5 Informatives:

1. 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:-

Since the grant of the previous consent there have been no changes to the site or to local or national planning policy that would lead to the Local Planning Authority to come to a different decision. Subject to the imposition of conditions reflecting the requirements of SPD08 'Sustainable Building Design' and clarifying the approved drawings, the scheme remains in accordance with development plan policies.