

**PLANS LIST
ITEM E**

Workshop 1A Marmion Road, Hove

**BH2012/03254
Full planning consent**

20 FEBRUARY 2013

BH2012/03254 1a Marmion Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03254	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Workshop, 1A Marmion Road, Hove		
<u>Proposal:</u>	Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1).		
<u>Officer:</u>	Adrian Smith, Tel: 290478	<u>Valid Date:</u>	23/10/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18/12/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Turner Associates, 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Clive Wheeler, Grange View House, London Road, Albourne		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a vacant single storey warehouse building located at the junction of Mainstone Road and Marmion Road, Hove. The building is approximately 32m in length and 10m in width, with a tiled pitched roof. It sits directly on the footway to Mainstone Road with car parking fronting the main entrance from Marmion Road.
- 2.2 Traditional two storey residential terraces sit opposite to the west and south, with an attached house to the north side. To the east/rear, the warehouse sits adjacent to a detached two storey house with a vehicle workshop building behind to the rear. Stoneham Park lies beyond to the east. It is understood that the warehouse pre-dates much of the residential development around, and was originally constructed as a dairy barn/cow-shed. The attached property to the north, 'The Cottage', similarly pre-dates the surrounding residential terraces. Notwithstanding their history, neither building is listed or locally listed, and the site does not fall within a conservation area.

3 RELEVANT HISTORY

BH2011/00540: Conversion of existing warehouse into 5no 2 bedroom dwellings. Refused 29/04/2011 for the following reasons:

1. *Policy EM3 of the Brighton & Hove Local Plan states that land in industrial use (Use Classes B1, B2 and B8) or allocated for industrial purposes will not be released for other uses, unless it has been demonstrated that the use is no longer viable and it is unsuitable for alternative employment generating uses. If sites are found to be genuinely redundant then preference will be given to alternative industrial or business uses, then live work or affordable units. Insufficient evidence has been submitted with the*

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application to demonstrate that the use of the unit is no longer viable or that it would be unsuitable for alternative employment generating uses. As such the proposal is therefore considered to be contrary to policy EM3 of the Brighton & Hove Local Plan.

- 2. Policies QD1, QD2 and QD14 seek to ensure that developments demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. The proposed alterations to the roof, which involve raising the ridge and adding dormer windows to the front and rear roof slopes, are considered to be inappropriate alterations which would cause harm to the character and appearance of the building and street scene in general. The proposal is therefore considered to be contrary to the advice outlined in Supplementary Planning Guidance Note 1: Roof Extensions and Alterations and policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
- 3. Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that development does not have a harmful impact upon the residential amenity of neighbouring occupiers. The proposed rear dormer windows would overlook the gardens of neighbouring residential properties and cause harm to their existing residential amenity. The proposal is therefore considered to be contrary to policies QD14 and QD27 of the Local Plan.*
- 4. Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development, appropriate to the scale and character of the development. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Local Plan.*
- 5. Policies QD27 seeks to protect the residential amenity of neighbouring properties and future occupiers. The future occupiers of the proposed properties would directly back onto the shared access road to the rear, which leads to a Vehicle Repair Workshop. It is considered that this would not provide satisfactory living conditions for future occupiers who would experience limited outlook, loss of privacy and general disturbance associated with the garage use. The proposal would therefore be contrary to policy QD27 of the Local Plan.*
- 6. The site contains potentially contaminated land and the application has not been accompanied by a site/building assessment containing detailed proposals for treatment, containment and/or removal of the source of contamination appropriate to the proposed future use. The proposal is therefore considered to be contrary to policy SU11 and QD27 of the Brighton & Hove Local Plan.*

29A-29H Stoneham Road

BH2005/01529/FP: Demolition of existing church and ancillary buildings and erection of 8 no. three bedroom dwellings. Approved 01/05/2007.

BH2008/01456: Amendment to planning permission BH2005/01529/FP (erection of 8 houses) under construction comprising of alterations to the facades. Approved 24/07/2008.

4 THE APPLICATION

- 4.1 Full planning permission is sought for the demolition of the workshop and the construction of a three-storey terrace comprising four two-bedroom houses and a B1 office unit. The proposal would provide four car-parking spaces to the front of the site, fronting Marmion Road.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirty (30)**, letters of representation, including 18 in the form of a standard letter, have been received from **1A, 22, First floor flat 22 (2), 22a (2), 23, 27 (2), 28 (2), 29 (3), 31, 44, 45, 46, 54 (2) & 72 (3) Marmion Road; 32, 38 & 42 Stoneham Road; 4, 6 & The Cottage Mainstone Road, and (Unknown) Alpine Road, objecting** to the application for the following reasons:

- The proposal is a gross over-development of the site.
- The scale and massing of the building is greater than the previous refused proposal.
- The development would dwarf surrounding buildings, in particular The Cottage.
- The proposed development is too big in height, scale and mass. A three storey building would be out of place in this location.
- The site is not much bigger than that of a single house yet four houses and an office are proposed.
- The neighbourhood has been subjected to far too many high density infill developments in recent years all of which have a cumulative negative impact on the quality of life of the people living and working in the area. 20 homes have been built or developed within a 50m radius of the site, with the Gala Bingo site also under way 100m away on Portland Road. This is one development too far and unsustainable.
- The application proposes a building right up to the edge of the pavement, with front doors opening onto the pavement in a similar fashion to low quality housing built in northern cities. There is no such similar housing in the area. This has echoes of back-to-back housing which would be detrimental to the living conditions of future occupiers.
- The main drain running down Mainstone Road is struggling to cope with current usage, particularly since the new houses at the top of the road have been built.
- Mainstone Road is a route for children and their families travelling to and from the park, school, nursery etc. the proposed development would create additional hazards on top of those afforded by the builders yard in the street.
- The doors to the storage cupboards open across the pavement, with canopies above overhanging. This encroaches on a large section of public footpath. The new houses on Stoneham Road, and all other houses in the area, are set back from the pavement.
- Additional rubbish.
- The building would cause overlooking, noise disturbance and overshadowing of adjacent homes.

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- The new houses would have windows and balconies looking straight into bedrooms opposite. This loss of privacy is excessive.
- The proposal patios would back onto a vehicle workshop and be unusable having no sunlight and limited outlook.
- The building would block views of the trees in the park.
- Additional noise and cars. Insufficient parking.
- There is demand for a B8 unit such as this- its location is perfect for the shops on Portland Road.
- There has been inadequate consultation with no site notices or letters to the properties on Stoneham Road.
- The owners are asking for too much rent, £1000 a week just for storage is unaffordable. The marketing appears a sham. £50,000 pa is an unrealistically high price clearly designed to not attract interest. There has been no attempt to market the site at a fair rent, or to reduce the asking price.
- This is an excellent building offering wide, flat and level space with a high ceiling, desirable for many types of business.
- Marketing has been for 6 months only, not 12 as required for a change of use.
- This type of housing would never be considered in the more affluent parts of the city.
- The drawings are misleading and inadequate, not detailing the existing link between the building and The Cottage, or the proposed sections, or the relationship between the Cottage and 40 Stoneham Road.
- The design and access statement refers to The Cottage being a recent addition- it is the oldest building in the area, pre-dating the surrounding properties. The warehouse was originally a dairy barn and with The Cottage are two of the oldest buildings in Poets Corner. To demolish the barn would be detrimental to the appearance, character and heritage of the area.
- This application is to maximise profits.

5.2 **Councillor Pissaridou** has objected to the proposed development. A copy of the objection letter is attached to the report.

Internal:

5.3 **Economic Development:** No objection. The Senior Economic Development Officer has no adverse comments to make.

5.4 The applicant has provided marketing evidence to demonstrate that the commercial space has been actively marketed for a sustained period of time with no interest. The agents did not use the council's commercial property– this is not a prerequisite of any change of use application but it does provide the economic development team with evidence for the duration of the marketing via this facility.

5.5 Notwithstanding the above, the property has been actively marketed at a rental level that is considered competitive taking into account the location and size of the space.

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- 5.6 The senior Economic Development Officer is pleased to see that some alternative employment space is provided with the scheme in the form of B1 office space over 2 floors which have the ability to be let to one or 2 separate occupiers. Based on the offPAT Employment Densities 2010, the B1 office space has the ability to provide space for 8 jobs.
- 5.7 In economic development terms car parking spaces for the employment element of the scheme is essential to make them more attract to potential occupiers of the space. One of the first things that office occupiers look for is parking provision and in this location it is very important to provide this as it is within a controlled parking area.
- 5.8 **Environmental Health: No Objection.** The site appears to have been a motor car garages and engineering works and the garage adjacent to the site was also once a cellulose sprayers. Additionally, the site is listed on the derelict tank register (East Sussex Fire and Rescue, November 2010). These uses could have resulted in localised land contamination therefore, considering the proposal is for residential premises, a full contaminated land condition would be recommended for this development.
- 5.9 It is noted that the proposal seeks to place an office unit next to residential accommodation. Therefore, it is recommended that sound insulation exceeds Part E for the party walls. Additionally, it is recommended restricting the use to B1(a) in order to prevent future noise complaints.
- 5.10 It is also noted that the site is situated immediately adjacent to an existing garage workshop. The proposed development may introduce receptors into a potentially noisy location. However the design and layout of the scheme, combined with the small scale of the garage and the brick walls between the residential units and the garage, would attenuate noise work from inside the garage. It is not considered that an acoustic report for the proposed development is required.
- 5.11 **Heritage: No objection** to the demolition of the building.
- 5.12 **Access: No objection.**
- 5.13 **Planning Policy: Comment.** Despite a short marketing period for this vacant warehouse building, should the case officer assess that the overall proposal complies with policy EM3 when taking into account the building in relation to criteria a-h) as prescribed by policy EM3; a mixed use scheme that provides new build B1 office floor space and a number of new residential units may be acceptable at this location subject to the provisions of policy QD27
- 5.14 **Sustainable Transport: No objection.** Recommend approval with conditions to protect the interests of the public using the roads and footways.

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:

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
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03: Construction and demolition waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters relating to disturbance during the construction period are not material to the determination of this application. The main considerations in the determination of this application relate to the principle of demolition and change of use of the site, its design and appearance, its impact on the amenities of adjacent occupiers, and transport and sustainability issues.

Principle of Demolition and Change of Use:

8.2 Policy EM3 states that land in industrial use (Use Classes B1, B2 and B8) or allocated for industrial purposes, will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs. Reference will be made to (amongst others) the location of the site and its layout, the quality of the building, its accessibility, and the length of time the site has been vacant and the efforts made to market the site in ways to attract different types of employment uses. If the premises are regarded as genuinely redundant, preference will be given to alternative employment generating uses followed by live work units or affordable housing.

8.3 The site as existing forms 433sqm of vacant B8 storage/warehouse floorspace held within a single storey building with a mezzanine floor level. The building is 32m in length and 10m in width, with a pitched roof and forecourt parking to the south side. The building appears to be one of the oldest in the area and, along with the attached The Cottage to the north, pre-dates much of the surrounding residential neighbourhood. However, neither the site nor The Cottage are listed, locally listed, or within a conservation area. Although of historic value to the neighbourhood the building is of no great architectural merit. No objection is therefore raised to its demolition and replacement, subject to the replacement building being of suitable design, appearance and amenity impact.

8.4 With regard to the exception tests within policy EM3, whilst the building appears in good order, it is noted that the site is on a residential side street to the north of Portland Road. As such it is not best placed to receive large vehicles commonly associated with B8 uses. Any large vehicles would need to negotiate narrow and heavily parked residential streets, potentially creating a hazard for pedestrians and other road users. Further, such uses would likely create noise disturbance to the residential properties that sit in close proximity.

8.5 The site has been marketed since 1st May 2012, a period of 6 months up to the date of application. The marketing has been via details on the agents website, a marketing board on the premises, advertisements in local newspapers (Argus), and advertisements on property websites (Rightmove). Copies of the agents site brochure and newspaper advertisements have been supplied, detailing that the offices have been marketed to let with a rent of £52,000pa. Although the marketing continues, there has been little or no interest in the site. Concern has been raised by objectors as to the appropriateness of the rental figure, who are

of the opinion that it is artificially high in an attempt to discourage interest. The Council's Economic Development officer is of the view that this figure is appropriate given the size and location of the unit, and is of the opinion that the change of use of the site is acceptable given the retention of B1 offices.

- 8.6 It is not considered that the level of marketing undertaken is sufficient to demonstrate that the site is genuinely redundant for continued B8 use. The site has not been marketed for a sufficient period whilst there has been no discernable effort to attract occupiers by reducing the asking price or encouraging flexible usage. Further, there is no evidence that the site could not be refurbished to provide improved facilities. This view is corroborated by the Council's Policy officer.
- 8.7 Notwithstanding the above, the proposal seeks to retain a degree of employment floorspace on the site. The proposed scheme includes 88sqm of B1 office space to the front/south of the site spread over three floors, to be used either as a single office or two 30sqm and 58sqm offices. OffPAT figures suggest that the proposed B1 offices would employ 8 persons, as opposed to 6 for a B8 warehouse use. Given the retention of employment numbers across the site in new modern office accommodation, it is considered that the proposal has not resulted in the harmful loss of employment floorspace provided by the site, in general accordance with the thrust of policy EM3.
- 8.8 The proposed change of use is therefore considered acceptable on the basis that the new office accommodation is more appropriate to this residential area than the current warehouse/storage use, and would adequately offset the overall loss of B8 floorspace. This conclusion is supported by the Council's Economic Development and Policy officers. The proposed offices, combined with the residential use of the remainder of the site, represent a more efficient and effective use of the site in accordance with policy QD3 of the Brighton & Hove Local Plan.
- 8.9 The Senior Economic Development officer has requested a sum of £1,000 towards the Local Employment Scheme however, given that the site falls below the thresholds contained within the temporary recession measures, no such contribution is being sought in this instance.

Design and Appearance:

- 8.10 Policies QD1, QD2 and QD3 seek to ensure that developments make an efficient and effective use of sites, demonstrating a high standard of design that makes a positive contribution to the visual quality of the environment.
- 8.11 The existing building forms a long single storey barn structure with a low eaves line and steep pitched roof. Its low scale and horizontal emphasis contrasts with the traditional two storey terraced housing in the area. The building is attached to The Cottage to the north, with a ridge that partially overhangs its eaves, and sits directly on the northern, eastern and western site boundaries. A forecourt hardstanding sits to the south, where the only entrance to the building is also located. From street level, the building is 6.3m in height at its southern end and 5m in height at its northern end owing to changing ground levels.

- 8.12 The proposed building would similarly sit directly on the western site boundary, directly fronting Mainstone Road. It would also sit on the northern boundary and be attached to The Cottage. To the rear/east, the building would be inset by 2.2m to create small courtyards to each unit, whilst the southern elevation fronting Marmion Road would remain in its current position. The building would be formed of five components, and would step with the rise in ground level to the north along Mainstone Road. The four residential units would be formed of a main rendered two storey building, with a recessed grey clad third floor above (Nb this level has been reduced in height by 0.2m from the original submission to reduce its bulk). The third floors would each open onto front balconies, with the rear elevation pitched to reduce its impact on the buildings and gardens to the rear. The fifth unit to the south of the building would comprise the office accommodation and would be completed in brick with a similar grey clad third floor recessed above. The overall height of the building would be 7.9m, comparable to the 8m height of 1a Marmion Road adjacent, and the 9m height of the terraces opposite. Whilst traditional terraces dominate the surrounding streets, it is noted that a modern development of a similar style has recently been completed approximately 50m to the northwest of the site at 29A-29H Stoneham Road (BH2005/01529/FP & BH2008/01456). This development similarly comprises two storey rendered houses with recessed third floors and front terraces.
- 8.13 It is considered that the design represents an acceptable addition to the street. The main two-storey body of the building reflects the scale and proportion of the surrounding two storey terraces, with a materials palette that reflects the materials used in the area. The use of contrasting brick to the office unit in particular gives the building visual interest at this prominent corner location. Further, the 6.3m width of each unit compares favourably with the 5m width to the surrounding houses, thereby ensuring that the units do not appear unduly cramped. Concern has been raised at the position of the building directly on the footpath to Mainstone Road with no visual relief. Whilst such an arrangement would ordinarily be discouraged in design terms, in this instance the building line to the east side of Mainstone Road similarly sits on the footpath, as demonstrated by the side elevation to 40 Stoneham Road, The Cottage, and the existing warehouse building on the site. Within the wider area, it is noted that the properties to the south side of Stoneham Road are set approximately 0.4m from the footway, whilst those opposite the site are set approximately 1m from the footway. As such, a new building set on the footpath would not be unduly out of character in this section of the street or in the wider area in general. Amendments have been made to the plans to ensure that the entranceways to each residential unit are inset from the footway with the canopies above removed, thereby ensuring no obstruction to passing pedestrians.
- 8.14 The main issue is with regard to the scale of the building in direct relation to The Cottage. It is noted that The Cottage is of a lower height (6.3m) than the other buildings in the area, a height reflective of its age (circa 1870). Whilst the height of the proposed building follows that of 40 Stoneham Road beyond to the north (and also the other surrounding terraces), the third floor appears to dominate the shorter stature of The Cottage. Amendments have been made to the

original submission to inset the third (top) floor by 0.5m from the north side boundary to reduce this potentially awkward juxtaposition. This inset, combined with its 2m recess from the front elevation, is such that the third floor would not be as dominating in views from the street as would initially appear on the elevation drawings. This revised relationship is considered acceptable having regard the scale and form of the area in general.

- 8.15 For these reasons the proposed development is considered to represent a good design standard that would make a positive contribution to the area in accordance with policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan.
- 8.16 The proposed site layout plan details two trees to be planted between the parking area and the south elevation of the building. These represent the only soft landscaping of the development, principally as there is insufficient space elsewhere in the site to secure planting. The planting of two trees would soften the built frontage to the site and be an improvement on the current unlandscaped site. Conditions are proposed to secure an appropriate maturity of tree prior to the occupation of the development and their retention in the longer term

Standard of Accommodation:

- 8.17 The application proposes four two-bedroom houses, each with an internal floor area of 114sqm. The houses would be laid out with an open plan kitchen/dining room at ground floor level, bedrooms and bathrooms at first floor level, and the lounge at second floor level. Each principal room is of a good size with good access to natural light and ventilation. The ground floors open onto 2m deep rear yards, whilst the second floors open onto 1.7m deep front terraces. This level of amenity space is considered appropriate for the scale of housing proposed, and is comparative to that approved at Nos 29A-29H Stoneham Road.
- 8.18 It is noted that the previous scheme for the development of this site (BH2011/00540) was refused in part owing to concerns over noise disturbance to future occupiers from the vehicle workshop set to the rear. The current submission has revised the floor plans to place the living and bedroom spaces to the front of the building, well away from the workshop to the rear. Further, the building has been set further off the rear boundary wall such that the presence of this 2m high wall would deflect any noise from the workshop. It is also noted that the workshop is of a small scale with limited parking, therefore its use would not be sufficiently intense to warrant further concern. As such, the revised proposal has addressed previous concerns relating to noise disturbance, and has the support of the Council's Environmental Health officer. However, concern has been raised at the potential for noise disturbance between a general B1 use within the proposed office unit and the attached residential properties. To avoid such issues a condition is recommended restricting the commercial floorspace to Class B1 (a) of the Town and Country Planning (Use Classes) Order (office use).

- 8.19 For these reasons the layout and amenity space proposed provides for an acceptable standard of accommodation for future residents, in general accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.20 Policy HO13 requires all new residential dwellings to be built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The application states that Lifetimes Homes criteria have been incorporated into the design, however no further information has been provided. The access officer is of the opinion that the required standards can be secured in the scheme, and appropriate conditions are therefore recommended.

Impact on Amenity:

- 8.21 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.
- 8.22 Local residents have raised concern over the impact of the proposed building on their amenities, by way of overlooking, loss of privacy and overshadowing. The building has been designed such that the first floor windows and second floor rooflights to the rear elevation would serve non-principal rooms (the stairwell and two bathrooms). As such, the proposal would not afford significant overlooking towards the workshop to the rear, or to the rear gardens of The Cottage and 1A Marmion Road. In terms of overshadowing, the building would sit within the rear elevation to The Cottage and has been designed with a sloping roof at rear second floor level. Section drawings detail that the sloping roof would have an eaves set 2.2m from the rear boundary (a 2m high wall), in a position 0.6m higher than the current roof. Although the roof rises 1.6m higher than existing, the overall scale of the development would not excessively cramp the workshop to the rear, or result in a significant loss of light to The Cottage or 1A Marmion Road given its position off the rear site boundary.
- 8.23 Concern has been raised over the front terraces and the overlooking they may afford, particularly to the first floor bedrooms at 2-6 Mainstone Road on the opposite side of the street. It is noted that the terraces are set 14.5m from the front elevation to 2-6 Mainstone Road. This is similar to the 15m separation between the second floor front terraces to the recent development referenced at 29A-29H Stoneham Road, approximately 50m to the northwest of the site, and between facing front windows found throughout the neighbourhood. Although use of the terraces would likely be more pronounced than activity at a window, particularly during summer months, it is not considered that the presence of these terraces would excessively harm the amenities of the residents opposite. A precedent to this effect has been set at 29A-29H Stoneham Road, whilst it cannot be expected that front facing windows across a street would retain complete privacy at all times. Any noise associated with occupiers of the development would not be out of keeping with that generally experienced within a residential area, and would not be as potentially harmful as the current

industrial use of the site. For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

8.24 Sustainable Transport:

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

8.25 The site is in a Controlled Parking Zone (zone R) where the availability of street parking is moderate throughout the day. The application proposes four parking spaces fronting the B1 office unit to the southern part of the site. These parking spaces are detailed in the application to be allocated to the residential units only, one per unit. The office unit(s) would have no designated onsite parking spaces under the applicant's proposal. Concern is raised that an office unit with no dedicated onsite parking would compromise its long term viability. Although the unit would be eligible for business permits, a maximum of 2 permits are issued per business on the basis that a vehicle is essential for the running of the business. Business permits are not issued for commuting or loading/unloading purposes. The Senior Economic Development officer has confirmed that the provision of dedicated off-street parking would be essential to attract future occupiers, especially given the location of the site within a Controlled Parking Zone. As such, it is considered appropriate to allocate two of the four bays to be used solely by occupants of, and visitors to, the office unit. Such provision would maximise the potentially viability and attractiveness of the unit for future occupiers. Two spaces are considered appropriate under SPGBH4 guidance to ensure that, if split, two separate occupiers within the unit would have access to specific on site parking.

8.26 The allocation of two onsite spaces to the office unit would reduce the residential parking to two spaces to serve four units. The site is both within a CPZ and within a sustainable location close to Aldrington Station and bus routes on Portland Road. However, given the provision of some parking onsite (albeit for only two of the four units) the development cannot be considered a car-free development under the tests of policy HO7. As such, future residents would remain eligible for parking permits within the CPZ.

8.27 The Sustainable Transport officer has raised no objection in principle to the scheme, but has raised concerns over the poor standard of the existing footway, crossover and kerb edge outside the site. The intensification of use of the site via the introduction of four new houses would increase the number of road/footway users passing and accessing the site. The poor quality of the public footpath directly outside the site would result in the increased numbers of cars entering and exiting the site making potentially dangerous manoeuvres across this poor quality footpath. In order to address this concern, the Sustainable Transport officer has recommended conditions to secure highway works to improve the condition of the crossover, footway and alignment of the junction kerb. These improvements would also include associated new tactile paving across Mainstone Road to improve pedestrian safety at this junction.

- 8.28 Cycle parking for four bicycles is proposed within a compound adjacent to the office unit. This compound would serve the residential units only, with further storage for the office unit internal to the building beneath the staircase. This is considered an appropriate arrangement and is recommended to be secured by condition.
- 8.29 Subject to the recommended conditions, the proposed development would be capable of meeting the transport demand it would generate, including appropriate and reasonable safety improvements to the footway outside the site. For this reason the proposed development is considered to accord with policies TR1, TR7 and TR14 of the Brighton & Hove Local Plan.

Sustainability:

- 8.30 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development of between 3 and 9 residential units to submit a completed Sustainability Checklist and to meet Level 3 of the Code for Sustainable Homes. New office development of up to 235sqm is required to submit a Sustainability Checklist and demonstrate a reduction in water consumption and surface water runoff.
- 8.31 A Sustainability Checklist has been submitted covering the development as a whole. The Checklist details that passive design measures have been incorporated into the design, whilst rainwater butts and gas efficient boilers will be included in the development. Each residential unit is detailed to meet Level 3 of the Code for Sustainable Homes and this is recommended to be secured by condition. Further conditions are proposed to secure the details contained within the Checklist and to ensure that the new parking hardstanding is permeable. Appropriate refuse and recycling is to be provided in enclosures within each unit and is secured by condition. Subject to these conditions, the proposed development meets the sustainability standards required under policy SU2 of the Brighton & Hove Local Plan and SPD08 'Sustainable Building Design'.

Other matters:

- 8.32 The Environmental Health officer has identified that the historic uses of the site may have resulted in a risk of land contamination. Conditions are recommended to secure an appropriate site investigation study and a full remediation program should any contamination be found.
- 8.33 Objections have been received on a number of grounds, many of which are addressed above. Several objections refer to the cumulative impact of recent development in the area, and its effect on infrastructure, particularly sewers. The application is of a scale that falls below current developer contribution thresholds, therefore any necessary works to infrastructure would be a matter for the applicants to agree with the appropriate statutory providers. Further concern has been raised over the accuracy of the drawings, particularly in relation to The Cottage. The drawings have been rechecked and are considered to be an accurate 2D reflection of the development and its relationship with The Cottage and 40 Stoneham Road.

9 CONCLUSION

9.1 The proposed demolition of the building and the change of use of the site are considered acceptable having regard the retention of employment floor space in the new scheme. The proposed development is considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability standards and provide safe parking for vehicles, in accordance with development plan policies.

10 EQUALITIES

10.1 The proposed development is required to meet Lifetime Homes standards.

11 CONDITIONS / INFORMATIVES

11.1 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 plan and block plan	TA633/01	-	10/10/2012
Existing floor plans, sections and elevations	TA633/02	-	10/10/2012
	TA633/03	-	10/10/2012
	TA633/04	-	10/10/2012
	TA633/05	-	10/10/2012
	TA633/06	-	10/10/2012
Proposed site plan, block plan, floor plans, elevations and sections	TA633/10	A	13/12/2012
	TA633/11	A	13/12/2012
	TA633/12	A	13/12/2012
	TA633/13	A	13/12/2012
	TA633/14	A	13/12/2012
	TA633/15	B	13/12/2012
	TA633/16	B	13/12/2012
	TA633/17	B	13/12/2012
	TA633/18	A	13/12/2012

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish

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to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) The southernmost building within the development hereby permitted, as identified on drawings nos.TA633/12 revA, TA633/13 revA & TA633/14 revA, shall be used for the provision of B1 (a) offices only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of retaining the employment floor space within the development and to safeguard the amenities of the area in accordance with policies EM3, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) The first floor windows in the rear/east elevation to all units of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
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.
- 6) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential and commercial units hereby approved. Prior to the occupation of the development two of the parking bays shall be allocated for sole use by occupants and visitors to the B1 office unit(s) hereby permitted only, and shall thereafter be retained as such.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 8) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

11.2 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.

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- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 10) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.
- 11) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.
- A completed pre-assessment estimator will not be acceptable.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 12) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of

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implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

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

- 13) Prior to the commencement of the development, details of a scheme of works to raise the existing kerb and footway in front of the proposed development, and to realign the western bell mouth kerb to Mainstone Road to be the same radius as the kerb opposite (including tactile paving) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interest of highway safety and to comply with policies TR1, TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 14) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 15) Unless otherwise agreed in writing by the Local Planning Authority, the B1 use offices hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 10th October 2012 have been fully implemented, and such measures shall thereafter be retained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 16) The development hereby approved shall not be occupied until the two trees detailed on drawing no. TA633/11 received on the 10th October 2012 have been planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. In the event any tree dies, is removed or becomes seriously damaged or diseased within a period of 5 years from the completion of the development, it shall be replaced with another of a 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 QD1 and QD15 of the Brighton & Hove Local Plan.

- 17) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

- 18) 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.

11.4 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:-

The proposed demolition of the building and the change of use of the site are considered acceptable having regard the retention of employment floor space in the new scheme. The proposed development is considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability standards and provide safe parking for vehicles, in accordance with development plan policies.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The planning permission granted includes a vehicle crossover and other highway works which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all

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necessary and appropriate design details have been submitted and agreed. The works are required to be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highways Operations Manager. The applicant is advised to contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.

4. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy condition 11, a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
5. In accordance with the National Planning Policy Framework 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.

Councillor Anne Pissaridou

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Adrian Smith
Planning and Public Protection
Hove Town Hall
Norton Road
HOVE
BN3 3BQ

15th January 2013.

Dear Adrian

Planning Application No: BH2012/03254
The Barn 1A Marmion Road Hove.

I wish to register my objection to this planning application on the following grounds.

1. The application is over large, in height and mass and oppressive for the area. I understand that an application for a smaller development in 2011 was rejected as being too large and oppressive for this site.
2. This development will adversely affect the neighbours on Marmion and Maidstone Roads, overlooking them and their gardens and considerably reducing their light levels. (the garage immediately to the west of this development does in fact "borrow" its light from The Barn), The Cottage and the houses on the west side of Marmion Road who currently look out over the roof of The Barn to the trees of Stoneham Parkn would be overshadowed and overlooked by the new development.
3. The added balconies and the increased height will change the character and appearance of the building and street scene in general dwarfing the surrounding building, in particular The Cottage Maidstone Road.. The balconies would also mean that those houses would be overlooked directly into their bedroom windows, and also reduce their sunlight considerably.
4. The area is already overcrowded, it has relatively recently absorbed the addition of 5 town houses on Marmion Road at the Young Sussex Nursery, the developments on Stoneham Road, the development of Poets Corner and the Maynards Fruit Gum Factory, which has provided in excess of 15 town houses have all conspired to put a strain on already stretched services, so I feel that it has reached saturation point. You will also be aware of the development on the old Gala Bingo site which is a very large development at the east end of Marmion Road.
5. The proposal provides for only 4 car parking spaces on site yet the development is for four family houses and a commercial building with employees. This is inadequate parking provision.

6. The proposal does not provide useable outside amenity as the future occupiers would back directly onto a shared access road to the rear which leads to the garage with cars and taxis coming in and out all day. The proposed patios would have no sunlight, limited outlook and privacy and would be subject to disturbance and pollution from the traffic and garage.
7. I am concerned that then proposal for change of use is premature. I understand that the Barn has been marketed for 6 months, not the 12 months plus as required, and the attempts to attract a buyer, or tenant has been somewhat half-hearted. For example the agents could have offered the Barn for rent at a fair market rent (not in excess of the market rent!), or they could have reduced the sale price to reflect the condition of the property and so attract a tenant or buyer.

Yours sincerely

Anne Pissaridou
Labour and Co-operative Councillor for Wish ward

