

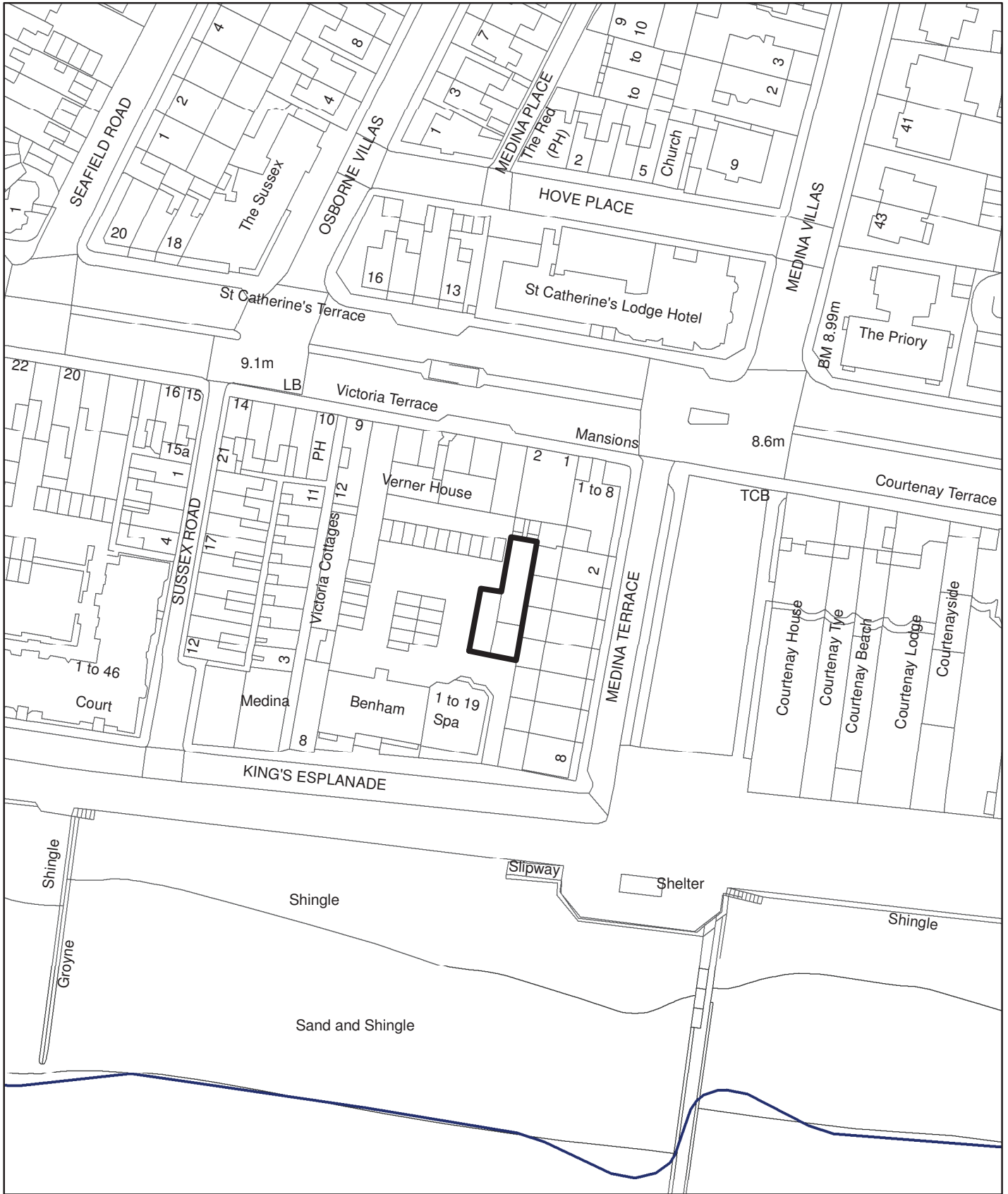
**PLANS LIST
ITEM G**

**Land to rear of 1-2 Victoria Terrace,
Kingsway & Spa Court, Kings Esplanade,
Hove**

**BH2012/03464
Removal or variation of condition**

13 MARCH 2013

BH2012/03464 Land to rear of 1-2 Victoria Terrace, Kingsway & Spa Court, Kings Esplanade, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03464	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land to rear of 1-2 Victoria Terrace, Kingsway & Spa Court, Kings Esplanade, Hove		
<u>Proposal:</u>	Application for variation of condition 2 of application BH2011/03375, (Refurbishment of building including replacement of existing roof with new copper roof and rooflights, external rendering and construction of boat store adjacent to entrance ramp) to permit revisions to approved drawings to relocate memorial cross and enlargement of canoe store.		
<u>Officer:</u>	Guy Everest, Tel 293334	<u>Valid Date:</u>	06/11/2012
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	01/01/2013
<u>Listed Building Grade:</u>	Grade II (1-2 Victoria Terrace)		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	Mr Hoveco, C/O LCE Architects		

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 detached workshop building which was formerly linked, by way of a covered staircase, to Victoria Terrace. The building is single-storey, partly sunk into the ground with walls formed of brick raised against a bungaroosh wall to the west.
- 2.2 The workshop building is grade II listed by virtue of its connection with the curtilage of 2 Victoria Terrace.
- 2.3 The site incorporates 6 (surface) parking spaces abutting the western elevation of the building and is accessed from King's Esplanade.

3 RELEVANT HISTORY

BH2012/00318: Application for approval of details reserved by conditions 4 & 5 of application BH2011/03375. Approved 28/02/2012.

BH2011/03375: Refurbishment of building including replacement of existing roof with new copper roof and rooflights, external rendering and construction of boat store adjacent to entrance ramp. Approved 25/01/2012 (this permission has been commenced with construction works currently taking place).

BH2011/03378: Certificate of lawfulness for the existing use as workshop/storage (B1/B8). Approved 02/02/2012.

4 THE APPLICATION

- 4.1 The application seeks a minor material amendment to planning permission BH2011/03375. The amendment would increase the size of a single-storey store which lies to the south of the detached workshop building and abuts the rear boundary of properties on Medina Terrace.
- 4.2 The enlarged boat store would necessitate the relocation of a memorial cross in the eastern boundary of the site, which abuts the rear of properties on Medina Terrace. The memorial cross carries the date 1889 and would be relocated to the western elevation of the workshop building.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Six (6) letters of representation have been received from 3 (flats 2 & 3 x 2) & 5 (flat 1 x 2) Medina Terrace and 33 St Leonards Avenue objecting** to the application for the following reasons:
- The memorial cross should stay in the current position;
 - The works are not in keeping with a listed building;
 - The new memorial location would be susceptible to vandalism;
 - Loss of light and overshadowing;
 - Loss of privacy;
 - Increased noise and disturbance from comings and goings;
 - The roof of the workshop building is higher than shown on the submitted sections;
 - Question ownership of the boundary wall and memorial cross;
 - There is no party wall agreement in place for the works;
 - Unauthorised works to the cross have taken place;
 - The memorial may relate to a burial site.
- 5.2 A representation has been received from **19 Spa Court, Kings Esplanade supporting** the application for the following reasons.
- The only people who visit the site are flat owners using the car park;
 - The memorial cross is on private land and members of the public would be trespassing if they entered the site;
 - The memorial cross looks tired, the proposal would allow refurbishment for the benefit of everybody using the land.
- 5.3 **Cllr Wealls objects** – letter attached.

Internal:

- 5.4 **Heritage: No objection** subject to the removal, repair and re-fixing taking place in accordance with the method statement.

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):

TR7	Safe development
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD27	Protection of Amenity
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH13	Listed Buildings – general advice

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features

Draft City Plan – Part 1

None relevant

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposal on the historic character and appearance of the listed building and Old Hove Conservation Area, and the impact on amenity for occupiers of adjoining properties.

Character and appearance

- 8.2 The existing planning permission incorporated a boat store abutting the northern edge of a memorial cross which is set within the eastern boundary of the application site, abutting the rear of properties on Medina Terrace. The proposal seeks to amend the existing permission and enlarge the depth of the already approved boat store by approximately 1 metre (towards the south of the site).
- 8.3 The enlarged boat store would reflect the design and detailing of the already approved scheme. The structure would primarily be viewed against the backdrop of surrounding development and would not appear unduly prominent in views from the surrounding area. There is no objection to this element of the proposal which would preserve the prevailing character and appearance of the Conservation Area and adjoining Listed Buildings.
- 8.4 The enlargement of the boat store would require relocation of the memorial cross set. The memorial cross is connected to a former occupant of the workshop building, Ida Verner, and is of clear local interest. The application proposes that the cross be relocated to the western elevation of the workshop building where it would be visible from the adjoining car parking area.
- 8.5 The applicant has submitted information to suggest that the memorial cross was not always located in its current position, and that the red brick surround dates from the 1920s and is therefore a later addition. A number of representations have, though, been received objecting to relocation of the memorial and suggesting that it has always been in the current location.
- 8.6 It is accepted that the history of the memorial cross and its current position is not clear. However, this is not considered to prevent proposals for relocating the memorial provided a suitable alternative location could be identified. The application allows for retention and restoration of the memorial cross and the proposed location would maintain a direct relationship with the workshop building. It is therefore considered that the proposal could not be considered harmful to the existing workshop building, adjoining buildings or the wider Conservation Area setting and as such it complies with the aims of local plan policies HE1 and HE6.
- 8.7 A satisfactory method statement has been submitted outlining how the cross would be relocated and demonstrating there are no reasons why this could not be successfully achieved. The Council's Heritage Team has not objected to the proposal subject to works taking place in accordance with this method statement. A condition is therefore recommended to ensure that the works take place in accordance with the method statement, prior to the enlargement of the boat store.

Impact on Amenity

- 8.8 The enlarged boat store would be a height of approximately 1.7 metres along the shared boundary with Medina Terrace. This height is comparable to that which exists elsewhere along this boundary, and which does not appear to cause significant harm, and is not considered excessive in this location. The

proposal would not lead to a harmful loss of light or outlook for occupants of adjoining properties.

- 8.9 The proposal amounts to an increase of floorspace of approximately 1.2 sq metres. In the context of the approved development, and having regard to the location of the site in an area of private car parking, this increase in floorspace would be unlikely to create harmful levels of noise or disturbance. It should be noted that the potential for noise disturbance from the workshop building was controlled through conditions attached to planning permission BH2011/03375 and would be reattached to the revised permission.
- 8.10 The submitted plans for this application do not indicate any alterations to the roof, or height, of the main workshop building.

Other Considerations:

- 8.11 The enlarged boat store and relocated memorial cross do not raise any further issues relating to transport or sustainability that were not considered as part of the original planning permission, ref: BH2011/03375. The proposal does not include any further alterations to the main workshop building.
- 8.12 Issues relating to the Party Wall Act and land / boundary wall ownership are private matters which are not considered material to the determination of this planning application.

9 CONCLUSION

- 9.1 The proposal would be well designed, detailed and sited in relation to the existing building and those adjoining, and would preserve the character and appearance of the Listed Building and wider Conservation Area.
- 9.2 The development would not result in significant harm to neighbouring amenity through loss of light, outlook or privacy, or increased noise or disturbance.

10 EQUALITIES

- 10.1 The proposal would not alter access arrangements to the workshop building.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before 25th January 2015.
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 and documents listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

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Plan Type	Reference	Version	Date Received
Site Plan	11813/001	A	30/10/2012
Floor Plan / Roof Plan Proposed	11813/020	G	30/10/2012
Sections AA / BB Proposed	11813/021	G	30/10/2012
North / South / West Elevations - Proposed	11813/023	H	30/10/2012
Sections AA / BB / CC / DD Proposed	11813/024	J	30/10/2012
Historic Building Analysis Method Statement			06/02/2012

- 3) The repairs to the existing walls shall be carried out using a lime : aggregate mortar mix.
Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 4) The development hereby approved shall be implemented in accordance with the bollards approved under application BH2012/00318 on 28th February 2012.
Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

11.2 Pre-commencement

- 5) Prior to the installation of any plant, and associated rooftop grilles, details of the plant and a scheme for its suitable treatment against the transmission of sound shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) The boat store enlargement hereby approved shall not be commenced until the Verner memorial cross, as identified on drawing no. 11813/011 Rev B, has been relocated in accordance with drawing no. 11813/023 Rev H and the Method Statement prepared by 'Historic Building Analysis' dated 4th February 2013.
Reason: To ensure the satisfactory appearance to the development and the preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

11.3 Informatives:

1. 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.

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2. 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 proposal would be well designed, detailed and sited in relation to the existing building and those adjoining, and would preserve the character and appearance of the Listed Building and wider Conservation Area. The development would not result in significant harm to neighbouring amenity through loss of light, outlook or privacy, or increased noise or disturbance.



**Brighton & Hove
City Council**

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COUNCILLOR REPRESENTATION

Jeanette Walsh
Head of Development Control
Brighton & Hove City Council
Room 324B
Hove Town Hall
Norton Road
Hove
BN3 3BQ

4th December 2012



Dear Jeanette ,

BH2012/03464 relocation of memorial cross and boat store enlargement land to the rear of 2 Victoria Terrace

I am concerned about the above application and request that the application is considered by Planning Committee for determination.

This concern follows representations to me from Medina Terrace area residents.

They wish to understand quite why the stone cross which would be moved is sited where it is. It's siting may be significant

Local residents have been working on Verner family research but still need to find records for where all the Verner bodies went.

I cannot claim credit for the following, but please can the Panel consider whether the application violates Local Plan Policies as follows;

HE1 (Listed buildings),

HE2 (demolition of a listed building) alteration is included,

HE3 (Development affecting the setting of a listed building),

HE4 (Reinstatement of original features on listed buildings),

HE6 (Development within or affecting the setting of conservation areas),

HE 8 (Demolition in Conservation Areas) - the cross was attacked with a jackhammer

without planning consent and in violation of Condition of existing planning consent

concerning the studio and proposed boat storage along the wall. The cross specifically

"makes a positive contribution to the character and appearance of a conservation area",



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COUNCILLOR REPRESENTATION

HE10 (Buildings of Local Interest) which the cross can be said to be in an extrapolated sense,

QD27 (amenity).

Whilst not a scheduled monument or designated archaeological site protected under HE12, ("site of known and potential archaeological interest") this cross has an identity within this category which has yet to be specifically identified. Memorial or gravestone? Artwork? It carries the date 1889, which makes it, potentially, 123 years old. And the body of Wilford Cole Verner may still be on site.

There are therefore considerable grounds to be concerned by development which may damage a monument of potentially historical significance.

Thank you in advance.

Yours sincerely,

Councillor Andrew Wealls

