

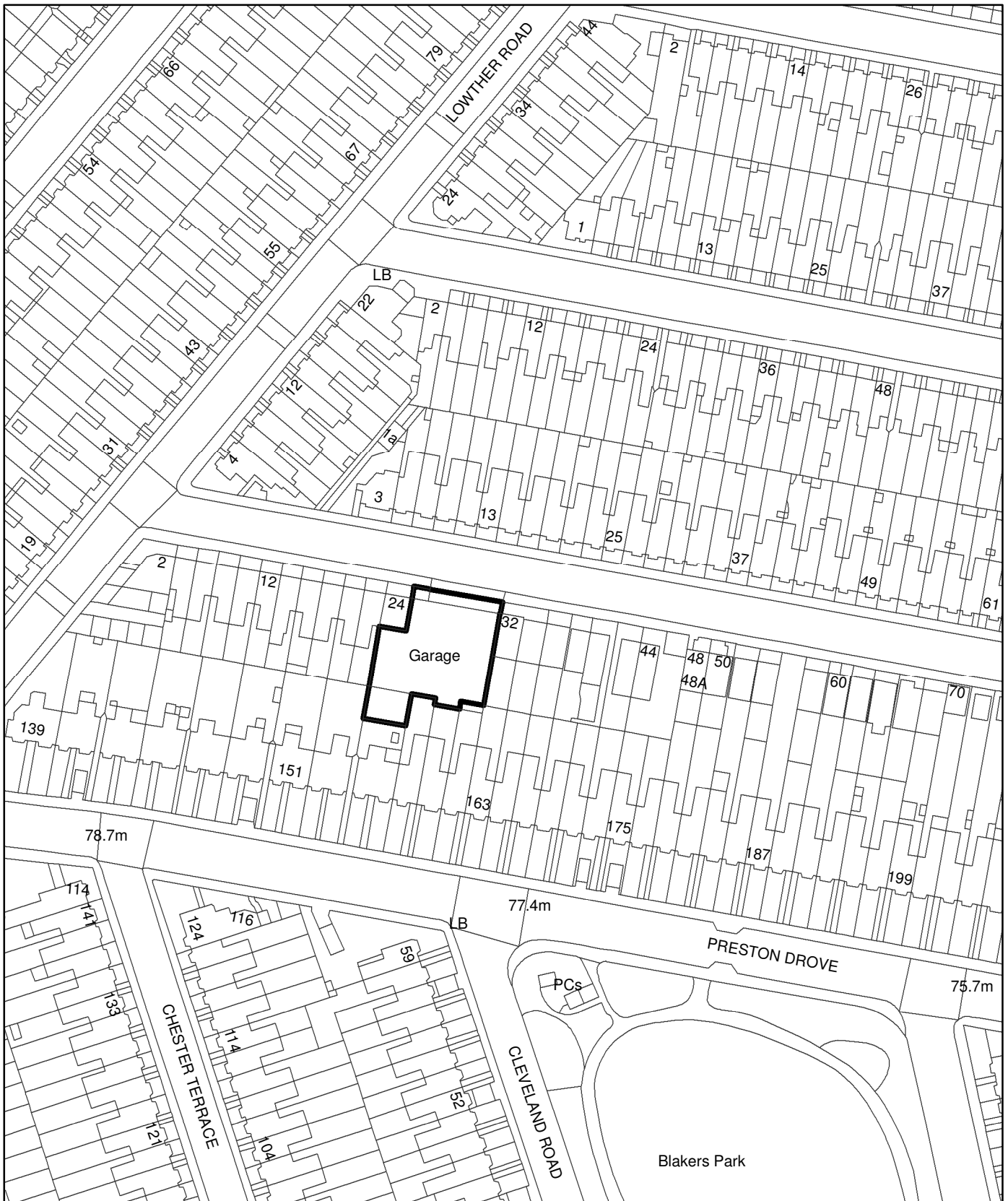
ITEM F

24 Hythe Road, Brighton

BH2014/02826
Full planning

19 NOVEMBER 2014

BH2014/02826 24 Hythe Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/02826	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	24 Hythe Road Brighton		
<u>Proposal:</u>	Erection of 3no four bedroom dwellings, conversion of stable block to four bedroom dwelling and enlargement of garden to existing dwelling.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	05 September 2014
<u>Con Area:</u>	adjoining Preston Park	<u>Expiry Date:</u>	31 October 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Bold Architecture Design Ltd, 104 Hallyburton Road, Hove BN3 7GN		
<u>Applicant:</u>	Mr H Newman-Starley, C/O Bold Architecture Design Ltd., 104 Hallyburton Road, Hove BN3 7GN		

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 former garage and workshop attached to a residential dwelling at 24 Hythe Road, Brighton. Hythe Road is formed of residential terraces with those on the southern side, including the application site, abutting the Preston Park Conservation Area. The site forms a series of linked single storey structures encompassing a converted two storey stable block and covers the entire site.

3 RELEVANT HISTORY

BH2014/00505- Erection of 8 no. one, two and four bedroom houses and enlargement of garden to existing dwelling. Refused 17/04/2014 for the following reasons:

1. *Whilst the principle of the loss of the garage/workshop use and associated structures has been adequately demonstrated, insufficient information has been submitted to demonstrate that the site is unsuitable for redevelopment including suitable alternative employment uses, contrary to policy EM3 of the Brighton & Hove Local Plan.*
2. *The proposed development, by virtue of its design and footprint consuming the majority of the site, and its relationship with the existing buildings adjacent in scale, form and design, represents an incongruous addition to the street scene and an overdevelopment of the site that fails to respect or take the opportunity to improve the general townscape quality of the area*

and the setting of the Preston Park Conservation Area, contrary to policies QD1, QD2, QD3, QD15 & HE6 of the Brighton & Hove Local Plan.

3. *The proposed development, by virtue of its design and footprint consuming the majority of the site, fails to provide suitable outlook and amenity space for future occupants of the development, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.*
4. *The proposed development, by virtue of its scale, massing and design, would intensify the use of the site to the detriment of adjacent occupiers introducing significant additional noise from domestic activity in an otherwise quiet garden environment, oppressing outlook to adjacent properties, and resulting in increased overlooking, contrary to policy QD27 of the Brighton & Hove Local Plan.*
5. *The proposed development, by virtue of the significant levels of street parking already experienced in the area and the likely introduction of nearby parking controls in the near future, will increase parking levels in the area further to an unacceptable degree, contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.*

BH2014/00297- Erection of first floor rear extension and extension to roof over, with rooflights to front and rear and alterations to window layout of existing rear dormer. Approved 19/05/2014

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of all garage structures and the erection of a terrace of three four-bedroom houses fronting Hythe Road. The stable building to the rear is to be retained and extended and converted into a further four-bedroom house.
- 4.2 Amendments have been received during the course of the application, which involved amending the design of the roof on the rear elevation. As amended, the scheme now incorporates a dormer window to each of the properties, centrally positioned in the roof slope.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Twenty (20)** letters of representation have been received from **9 Hythe Road; 107, 121 (x2), 153 (x2), F3 155, F4 155, 157, 167, 169, 177, 179, 191, 203, 213, 217 (x2), 227 & 251 Preston Drove**, objecting to the application for the following reasons:
 - The conversion of the stable building represents an overpopulation of the site
 - The stable building used to be a business and has never been used as a residential dwelling. The dwelling would therefore sit in an area originally designed to be gardens.
 - Loss of garden space and harm to conservation area
 - The extended stable building is part in the garden to 155 Preston Drove and represents garden grabbing

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- The development of the stable building would create a precedent for further such buildings in the gardens to Hythe Road
- It is unacceptable to build in the middle of back gardens
- Residential use of the stable building is unsuitable for the area
- The extensions and alterations to the stable building are not in character
- Construction hours should be regulated to minimise noise disturbance
- The development is too big for the plot and entirely inappropriate in scale and appearance for the area
- The proposal is an overdevelopment of the site and not in keeping with the surrounding neighbourhood
- Overshadowing and loss of light
- Loss of privacy and overlooking from both the terrace of houses and the stable building
- Increased noise disturbance from occupiers of the stable building
- Increased parking pressure from potentially an extra 8 cars.
- Noise, disturbance and pollution from the new access road into the site and garden areas
- Loss of wildlife
- Increased pressure on roads, schools, parking, refuse collection

5.2 **Twelve (12)** letters of representation have been received from **304 & 306 Ditchling Road; 67 Hollingbury Park Avenue; 13, 24 (x2), 32, 38, 41, 50a, 62 Hythe Road; 161 Preston Drive**, supporting the application for the following reasons:

- The community as a whole would benefit from the development
- The garage is in need of rejuvenation and the city needs more accommodation
- Family homes are welcome
- The existing garages are an eyesore and an ugly blot on the area. The plans are sympathetic to the street and would improve the character of the area

5.3 **Councillor Kennedy** has objected to the application. A copy of her email is attached to the report.

5.4 **CAG:** No objection.

Internal:

5.5 **Environmental Health:** No objection.

No objection subject to a condition to address potential land contamination.

5.6 **Heritage:** No objection.

The application site is located to the north of the Preston Park Conservation Area and the rear boundary borders that of the conservation area. No. 24 Hythe Road is a brick building with pitch roof and a coach door opening which was likely to have been the access to the former stable building which remains to the rear of the site. The mews-style building and the former stables behind have a utilitarian and quaint character and positively contribute to the character and appearance of the area. No 24 Hythe Road and its relationship with the stable

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

building also inform ones understanding of the historic development of the locality and for those reasons, the buildings are considered to be non-designated heritage assets.

- 5.7 The large garage development which fronts Hythe Road abuts the back edge of pavement and there are extensive views of the garage along street. The garage which is timber clad with corrugated roofs is not of any historic or architectural merit and the structure detracts from the character and appearance of the immediate context.
- 5.8 The buildings and terraces along the south side of Hythe Road and to the west of the application site are of similar scale (including size, height, form and mass) and work together to create a composition. They achieve a tight urban grain and rhythm along the frontage. The single storey garage development currently occupying the application site provides a visual break between the historic terrace development to the west and the much later terraces and semi-detached houses to the east of the application site.
- 5.9 Following the refusal of the previous application for residential development at the application site, the current application has addressed the concerns previously set out by the conservation team and the proposal is considered to be acceptable in principle. The current submission now includes a reduction in the number of proposed units and would retain and convert the historic stable block to the rear of the site. Furthermore, the three terraced houses to Hythe Road would continue the strong front building line together with the tight and well established urban grain with matching/similar plot widths.
- 5.10 **Sustainable Transport:** No objection.
No objection subject to conditions securing cycle parking. Based on the 2011 car ownership census data this development is forecast to have on average 4 vehicles associated with the residential element. This area is outside a CPZ and can experience high levels of on-street car parking stress. However, given the likely car ownership and that 1 on-site car parking space is provided the likely overspill car parking is not considered to warrant a reason for refusal.
- 5.11 **Access:** No objection.

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:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
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
QD14 Extensions and alterations
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
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of change of use of the site to residential, the impact of the proposed development on the character and appearance of the street scene and the setting of the adjacent Preston Park Conservation Area, the impact on the amenities of adjacent and future occupiers, the standard of accommodation to be provided, sustainability and transport issues.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (24,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

Principle of Change of Use:

- 8.3 The site as existing forms a former B1 garage/workshop set on land adjacent to and rear of 24 Hythe Road. The site has been incrementally developed with single storey structures that now cover the entire site, including surrounding an original stable building rear of 24 Hythe Road, and encroaching into former garden land to 155 Preston Drove. The scale and appearance of the structures is of substantial visual harm to the appearance of the site, the general development pattern of the area, and the setting of the Preston Park Conservation Area, which sits directly adjacent to the rear/south. It is understood the site has not been used as a garage/workshop since 2001, and is current used as domestic storage.
- 8.4 The application proposes the demolition of all structures on the site and their replacement with a terrace of three dwellings fronting Hythe Road and the extension and conversion of the stable building to the rear to a four-bedroom house. Policy EM3 of the Brighton & Hove Local Plan resists the loss of land in B1, B2 and B8 industrial use unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.5 Although no marketing of the site has been undertaken, in this instance there are considered to be material considerations that support the case for the demolition of all structures and the change of use of the land. The applicants

have submitted a structural survey of the buildings which identifies that they are in 'extremely poor structural condition' and in places dangerous. The report concludes that the premises are beyond financially viable repair or refurbishment and will need demolition. From the site visit it was clear that the various linked structures are in a severely deteriorating state and do not readily provide open accommodation suitable for commercial use. It was clear that significant works would be required for the buildings to be suitable for re-occupation as a commercial premises, most likely involving total demolition and re-construction.

- 8.6 These constraints are such that it is unlikely that potential occupiers would be prepared to finance the necessary significant repair works to the existing buildings. Further, the re-use of the site for noise-generating industrial uses would likely be significantly harmful to neighbouring residents given the peaceful residential area in which the site sits. On this basis it is considered that the demolition of the structures and the change of use of the site from a garage/workshop can be supported in this instance.
- 8.7 Where a change of use is considered acceptable, policy EM3 requires a preference for alternative industrial or business uses. Whilst noise generating industrial uses would be harmful in this location, office-led uses would likely be considered acceptable as an alternative, and would help in meeting the identified need for office floorspace as set out in the Employment Land Study Review 2012. The application proposes no such use within the development.
- 8.8 An analysis of available B1 accommodation in the local area has been provided by Graves Jenkins. Graves Jenkins identify six available B1 units within a 1km radius of the site, ranging from 84sqm in size to 550sqm in size. The applicants argue that it is not therefore necessary to provide compensatory employment floorspace given the availability of B1 units in the local area.
- 8.9 On balance, it is considered that the availability of other B1 units in the local area provides sufficient justification not to include employment floorspace within this development. The site is within a residential area away from the main thoroughfares and there is no evidence that an appropriate degree of employment floorspace would be necessarily attractive to businesses. The provision of four family homes is considered of greater public benefit that outweighs the absence of providing speculative employment floorspace within the proposal. For this reason an exception to policy EM3 is considered appropriate and justified.

Design and Appearance:

- 8.10 Policy QD1 of the Brighton & Hove Local Plan states that "all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment." Furthermore, the policy advises that "unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged". Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the

height, scale, bulk and design of existing buildings. Policy QD3 states that new development will be required to make efficient and effective use of a site, incorporating an intensity of development appropriate to the locality and/or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Policy HE6 requires new development that effect the setting of a conservation area to preserve or enhance the character or appearance of the area. Paragraph 64 of the NPPF states that '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

- 8.11 Developments of higher densities are promoted by both policies QD3 and HO4, with policy QD3 suggesting higher development densities will be appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.12 The appearance and coverage of the various single storey structures on the site is considered to be both harmful to its appearance and the setting of the adjacent Preston Park Conservation Area. Hythe Road and Preston Drove to the rear are formed of linear terraces and semi-detached pairs set in a tight urban grain with consistent back-to-back separations and modestly sized rear gardens. Those on Preston Drove are set on lower ground level within the Preston Park Conservation Area. Hythe Road comprises Victorian terraces opposite and to the west of the site, with more modern post-war terraces to the east. The application site forms a gap in the street between nos 24 and 32 occupied by the single storey former garage/workshop. No 24 adjacent forms the oldest property in the street, and retains its original two storey stable block to the rear, accessed via an undercroft. The stable block is now amalgamated into the wider garage complex.
- 8.13 It is understood that the stable block dates from circa 1899 and pre-dates much of the surrounding development. It is also understood that the site and modern housing adjacent to the east originally formed garden land with garaging to the properties along Preston Drove. The various structures on the application site pre-date the more modern housing adjacent to the east.
- 8.14 The application proposes to remove all existing buildings adjacent and rear of 24 Hythe Road, excluding the stable block which is to be refurbished and extended. A new terrace of three dwellings is proposed to the front of the site, with the stable block to the rear being converted to a further dwelling accessed via the undercroft to 24 Hythe Road.
- 8.15 The re-development of the front part of the site with a terrace of three dwellings directly abutting 24 & 32 Hythe Road is considered acceptable in principle and represents an opportunity to improve the appearance of the existing poor quality single storey garage buildings. The proposed terrace has been designed to reflect the dominant characteristics of the street, with pitched slate roofs, bay windows, rendered elevations, and timber sash windows. The overall scale of the terrace would relate positively in scale, massing and appearance to the older housing stock to the west and more modern housing to the east. To the

rear, the central lead-clad dormer windows are considered appropriately scaled additions to the roof that relate positively to the appearance and fenestration to the elevations below.

- 8.16 The stable building to the rear of 24 Hythe Road is an established part of the site and wider development pattern, pre-dating the majority of surrounding buildings. The Heritage officer is of the view that both 24 Hythe Road and the stable building positively contribute to the character and appearance of the area and considers them non-designated heritage assets. Given the age and established position of the stable building within the locality, its retention, re-use and separation from surrounding structures is considered a positive element of the proposal. The application proposes to re-construct the upper floors and roof of the building, with extensions to the front and rear in place of the existing structures. These works are considered appropriate, with the upper floor and roof retaining the same scale and general appearance as the original stable building. Three rooflights are proposed to the rear elevation to service the first floor bedrooms, with new windows to the front and rear. These alterations are considered suitable.
- 8.17 For these reasons the proposed development is considered to represent a significant improvement on the appearance of the site, returning much of the land back to garden use whilst infilling an incongruous gap in the street scene. The retention of the historic stable building is considered a positive element of the proposal. Overall the development serves to improve the general townscape quality of the area and the setting of the Preston Park Conservation Area, in accordance with policies QD1, QD2, QD3 & HE6 of the Brighton & Hove Local Plan.

Landscaping:

- 8.18 In terms of landscaping, the small front yards to the terrace are to be largely hard landscaped, with the rear gardens appropriately lawned. Indicative planting to the front and rear is shown on the floor plans, and a final scheme is secured by condition. The size and degree of landscaping proposed is considered appropriate to the character of the area and in accordance with policy QD15 of the Brighton & Hove Local Plan.

Standard of Accommodation:

- 8.19 The internal floor area of the four-bedroom houses fronting Hythe Road would be approximately 160sqm, with the four-bedroom stable building providing approximately 137sqm of floor area. The three dwellings within the terrace provide a good standard of accommodation suitable for family occupation, with two of the units having large rear gardens proportionate to those elsewhere in the street. The third garden would be truncated by the side garden to the stable building, however in this instance this is considered appropriate to provide a suitable balance of amenity space for both dwellings.
- 8.20 The stable building would also provide a generally good standard of accommodation, with the side garden complemented by a 2.5m deep garden to the rear/south side. Owing to the proximity of the building to adjacent gardens and windows, the upper floor bedrooms would be serviced by rooflights set a

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

minimum 1.7m above internal floor area to avoid overlooking. Although not ideal the rooflights, which part extend into the vertical wall below, would provide some degree of outlook across the roofs to the properties on Preston Drive and good natural light such that the bedrooms would not feel unduly enclosed or claustrophobic.

- 8.21 The plans detail that the rear garden to 24 Hythe Road is to be enlarged as part of the proposals. This would not have a detrimental impact on the merits of the overall scheme, and would serve to improve the standard of accommodation at this dwelling.
- 8.22 For these reasons the proposed dwellings are considered to provide for a suitable standard of accommodation in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.23 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The accompanying Design and Access statement and Lifetime Homes checklist states that Lifetime Homes standards have been incorporated into the design. Full compliance is secured by condition.

Impact on Amenity:

- 8.24 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.
- 8.25 The existing structures generally constitute a mix of single storey, one-an-a-half storey and two storey linked buildings set on the southern, eastern and western boundaries of the site. The structures generally project significantly above all boundary walls and fences, in places rising to 5m above adjacent garden level. This arrangement is compounded by the lower position of the properties to Preston Drive, which sit considerably below their rear garden level. The massing of the structures is clearly evident from the upper floors to adjacent properties and has an oppressive and enclosing impact on the rear gardens and outlook to all adjacent properties.
- 8.26 The removal of all the structures rear of 157-161 Preston Drive and their replacement with gardens to the proposed terrace would serve to significantly improve the rear outlook to these properties. A similar positive impact would be had on the rear outlook to 32 Hythe Road adjacent. This represents a significant benefit of the proposal. Although windows within the rear of the terrace would now face towards 157-161 Preston Drive, the separation between rear elevations of between 22m and 29m is consistent with the established development pattern of the area. Potential overlooking from the proposed terrace towards the properties on Preston Drive would therefore be no greater or more harmful than elsewhere in the street.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 8.27 At 24 Hythe Road, the removal of the rear structures and the enlargement of their rear garden would improve their outlook and overall amenity. It is noted that the terrace would recess a rear first floor window to 24 Hythe Road. This window serves a bedroom which also has a main front aspect. Further, planning permission has been granted under BH2014/00297 to infill this recess. Consequently no significant amenity harm is identified.
- 8.28 Residents have raised concern over the impact of the residential use of the stable building on the amenities of adjacent buildings given its backland location. Neighbouring residents have benefitted from the existing buildings having been largely unused for a number of years. The use of the stable building would potentially introduce additional domestic activity closer to residents on Preston Drove than is currently the case, however it is not considered that this would be so harmful to withhold permission.
- 8.29 It is noted that the stable dwelling would have two amenity areas, a small 2.5m deep garden at the rear, and a larger garden to the side. The side garden would provide the main amenity space for the dwelling, being set off the living room and in line with the rear gardens to the terrace. The rear garden would be set immediately adjacent to three amenity spaces to flats within 155 Preston Drove. Given this established arrangement it is not considered that the addition of a fourth amenity space adjacent, which would be a secondary space to the stable dwelling, would result in significant amenity harm. The existing tall boundary fence which separates the three amenity spaces from the stable building would be reduced from approximately 3.2m in height to 2m in height, thereby improving outlook to the spaces and windows adjacent. The scale and massing of the rear extensions to the stable building would be reduced from existing such that outlook from 153 and 155 Preston Drove would remain broadly as existing.
- 8.30 In terms of overlooking, three rooflights would be inserted into the rear/south roofslope of the stable building. No other first floor windows are proposed to the side or rear elevations. The rooflights would part extend into the vertical wall below, but would be set a minimum 1.7m above internal floor area. This is confirmed on the plans and would ensure that all potential views into the rear gardens and rear windows to adjacent properties would be either not possible or highly restricted. Section drawings further show that the separation between the rooflights and the adjacent flats at 155 Preston Drove would be 18m, a sufficient separation to minimise potential harm, including that from light spillage. To the front, the two first floor windows serving a bathroom and stairwell would be obscurely glazed to avoid overlooking towards 24 Hythe Road.
- 8.31 Residents have identified that this part of the site encroaches into the original rear garden to 155 Preston Drove, however this is an established arrangement and no further encroachment is proposed as part of this submission. Further concern has been raised that the residential use of the stable building would set a precedent for further development of adjacent rear gardens. The stable building is an established part of the area and not a new structure. As such it already has an impact on the amenities of adjacent residents. There are no

other such structures elsewhere in the area, therefore any new building would immediately have a significantly greater impact that would have to be assessed on its own merits. For this reason it is not considered that the residential use of this existing building sets a precedent for new buildings elsewhere in the area.

8.32 For these reasons the proposal would have an acceptable impact on the amenities of adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.

8.33 For the avoidance of doubt, and to ensure the amenities of adjacent properties are suitably protected, conditions are attached to restrict all permitted development rights for the stable dwelling, and to restrict roof additions to the terrace.

Sustainable Transport:

8.34 Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads. Residents have raised concern at the additional parking requirements the development would create given high levels of street parking already experienced in the area.

8.35 The proposal provides no onsite parking for the terrace of three houses. This is consistent with the general character of the street. There are no parking controls on Hythe Road however there are high levels of street parking owing to both the general absence of off-street spaces and the proximity of a Controlled Parking Zone on Preston Drove to the south. In this instance it is not considered that three houses would result in significant additional parking pressure such that permission should be withheld. The stable building to the rear would be accessed via the existing undercroft beneath 24 Hythe Road, providing off-street parking for one vehicle. This is an acceptable arrangement. Storage for bicycles is provided in the front gardens to the terrace, and front courtyard to the stable building, and final details are secured by condition. For these reasons the proposal accords with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

Sustainability:

8.36 The site forms previously developed brownfield land. Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that residential developments of this size on previously developed land should achieve Level 3 of the Code for Sustainable Homes (CSH).

8.37 The application is supported with a Sustainability Checklist and Code for Sustainable Homes Pre-Assessment which details that all four dwellings will meet level 3 of the Code for Sustainable Homes. This is secured by condition. Suitable refuse and recycling facilities are detailed to the front of each dwelling and are secured by condition. Subject to the recommended conditions the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08.

Other Matters:

- 8.38 The land has been identified as being potentially contaminated given its historic uses and other uses nearby. A condition is attached requiring a phased contaminated land assessment and remedial strategy to be implemented prior to works commencing.
- 8.39 It is noted that planning permission has recently been submitted for extensions to square the rear elevation and roofline to 24 Hythe Road (BH2014/00297). This development, if implemented, would not have a prejudicial impact on the merits or otherwise of this application.

9 CONCLUSION

- 9.1 The loss of employment floorspace is considered acceptable in this instance having regard the location of the site, the limited use of the land, and the poor quality of the building, and the availability of alternative employment sites locally. The proposed development is of a suitable design standard that would significantly improve the appearance of the site and the setting of the Preston Park Conservation Area, without resulting in significant harm to the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development is required to meet Lifetime Homes standards

11 PLANNING OBLIGATION / 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
Existing ground floor	GA01	-	20/08/2014
Existing lower ground floor	GA02	-	20/08/2014
Existing elevations	GA03	-	20/08/2014
	GA08	-	20/08/2014
Proposed floor plans	GA04	A	03/11/2014
	GA05	A	03/11/2014
	GA06	A	03/11/2014
	GA07	A	03/11/2014

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

Proposed west elevations	GA09	A	03/11/2014
Proposed rear elevation and section A-A	GA10	A	03/11/2014
Proposed east elevation	GA11	A	03/11/2014
Proposed elevations in context	GA12	A	03/11/2014
Proposed front elevation	GA13	A	03/11/2014
Proposed block plan	GA14	A	03/11/2014
Proposed rear elevation	GA15	A	03/11/2014
Proposed rear elevation and site plan	GA16	A	03/11/2014
Proposed rear elevation from Preston Drove	GA17	-	03/11/2014

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the stable building as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission 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 to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement or alteration of the terrace of dwellinghouses fronting Hythe Road as provided for within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission 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 to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The first floor windows in the north elevation of the stable building 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.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 6) 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.

11.2 Pre-Commencement Conditions

- 7) 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 policy QD1 of the Brighton & Hove Local Plan.

- 8) Notwithstanding submitted drawings, no works to the Stable building shall take place until the detailed design of the Stable building, including materials and finishes of the following items, has been submitted to and approved in writing by the Local Planning Authority:

- a. Sections and elevations of all new external doors and windows (including details of reveals, cill and head treatments)
- b. Eaves, parapet and ridge details, and rainwater goods
- c. Rooflights, which should be conservation style

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details. No bargeboards or eaves fascias shall be used in the approved development.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 & HE6 of the Brighton & Hove Local Plan.

- 9) 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.

- 10) Unless otherwise agreed in writing by the Local Planning Authority, no new build residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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.

- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping. The scheme shall include the following:
- a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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.

- 12) 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.

- 13) (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

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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 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.

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) 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.

16) Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Hythe Road shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

11.4 Informatives:

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 loss of employment floorspace is considered acceptable in this instance having regard the location of the site, the limited use of the land, and the poor quality of the building, and the availability of alternative employment sites locally. The proposed development is of a suitable design standard that would significantly improve the appearance of the site and the setting of the Preston Park Conservation Area, without resulting in significant harm to the amenities of adjacent occupiers, in accordance with development plan policies.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).

To: Adrian Smith
From: Amy Kennedy
Sent: 27 October 2014 11:32
Subject: BH2014/02826 24 Hythe Road

Dear Adrian,

Many thanks for taking the time to speak with me just now regarding this application. As discussed, I would be very grateful if you could make a note on the case file that as ward councillor I wish to speak to this application as and when it is put before the Planning Committee for consideration.

I will be speaking on behalf of residents to outline their objections to the application (predominantly loss of amenity and over-development).

Many thanks & best wishes,

Amy

Amy Kennedy
Green Councillor for Preston Park Ward