

<u>No:</u>	BH2016/01224	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	11 Boundary Road and Land to Rear in Harbour Mews Hove		
<u>Proposal:</u>	Conversion of existing ground floor rear office (B1) and demolition of existing warehouse (B8) at rear to create 1no two bedroom flat (C3) incorporating single storey side/rear extension and erection of 1no three bedroom house with associated landscaping and car parking.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	08/04/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Colin Brace, The Paddock Hassocks West Sussex BN6 9NA		

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 relates to a single storey, dual-pitched roof, warehouse to the rear of no. 11 Boundary Road within Harbour Mews. The application also involves an existing single storey rear, flat roof, extension to no. 11 Boundary Road, which provides ancillary office space for the warehouse use. The warehouse and premises are currently vacant.

3 RELEVANT HISTORY

BH29015/03181 - Conversion of existing ground floor rear office (B1) and demolition of existing warehouse (B8) at rear to create 1no two bedroom flat (C3) incorporating single storey side/rear extension and erection of 1no three bedroom house with associated landscaping and car parking. Refused on 18 January 2016 for the following reasons;

- The proposed two storey dwelling, by virtue of its height, scale, positioning and proximity to the shared boundary with nos. 7, 9 and 11 Seaford Road, would have an overbearing impact on occupiers of these neighbouring properties, resulting in significant overshadowing of rear gardens and an*

oppressive increased sense of enclosure. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

2. *The proposed two storey dwelling, by virtue of its height, scale, positioning and proximity to no. 3 Harbour Mews, would have an overbearing impact on occupiers of this neighbouring property, resulting in an oppressive increased sense of enclosure to the ground floor living space. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.*
3. *The proposed single storey dwelling would offer an unacceptable standard of living accommodation for future occupiers due to its unduly restricted and enclosed outlook and limited access to natural light. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.*

BH2015/02478 - Prior approval for change of use from offices (B1) to residential (C3) to form 1no one bedroom flat. Refused on 3 September 2015.

BH2015/01234 - Prior approval for change of use from retail (A1) to residential (C3) to create 1no studio flat. Approved 5 June 2015.

BH2009/01365 (nos. 1 – 3 Harbour Mews) Demolition of existing garages and construction of three new 1 1/2 storey houses. Refused 24 August 2009 - appeal allowed.

4 THE APPLICATION

- 4.1 Planning permission is sought for the conversion of existing ground floor rear office (B1) and demolition of existing warehouse (B8) at rear to create 1no two bedroom flat (C3) incorporating single storey side/rear extension and erection of 1no three bedroom house with associated landscaping and car parking.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from **2, 3 Harbour Mews, 79 Hertford Road, 3, 9, 17 Seaford Road, 50 St Kenya Avenue, 31A Chichester Place, 30 Eastern Avenue, Shoreham by Sea, 26 Albion Street and 21 Park Lane** objecting the application for the following reasons:

- Overdevelopment,
- Noise and disturbance from building works,
- Overshadowing,
- Loss of privacy,
- Out of character with the surrounding Georgian properties,
- Impacts on the structural integrity of shared boundary walls of adjoining properties,
- Will encroach on access to parking spaces allocated to Nos. 2 and 3 Harbour Mews,

- The town is already overly crowded with the development of every small space to the detriment of existing owner occupiers,
- Loss of light, sunshine and enjoyment of adjoining gardens,
- Will impact negatively on property values,
- Detrimental to health, happiness and emotional wellbeing,
- Creating stress and expense for neighbouring occupiers,
- Lack of parking spaces for new development will impact on neighbouring occupiers,
- The access is too limited for two additional dwellings,
- The developer has not undertaken consultation with occupiers of Harbour Mews,
- Limited access for emergency services,
- Increased refuse, recycling issues
- The proposed dwellings would be on a private road with no 'right of way',
- The proposal appears little changed from a previously refused scheme,
- Increased noise and disturbance to neighbouring occupiers, impacting on the existing tranquil nature of the site,
- Increased traffic,
- Loss of building deprives small businesses of warehouse / office space resulting in a shortage of this kind of commercial property,
- Loss of local employment opportunities,
- Considerably taller than the existing building,

5.2 **One** letter of representation has been received from **16 St Leonards Road**, supporting the application for the following reasons:

- Local residents views have been taken in consideration,
- Design is well thought out and would transform site.

5.3 **Councillor Nemeth** supports the application. Email attached.

Internal:

5.4 **City Regeneration:**

It is acknowledged that the location poses difficulties with regards to the range of businesses that could now operate in this location due to the proximity of residential units and narrow access. Whilst evidence of marketing since February 2015 is provided, no details of the length of time the property has been vacant or the rental rates quoted to prove redundancy of the units' current use has been provided. The proposed provision of 2 residential units is welcomed to contribute towards the city's challenging housing needs.

5.5 **Environmental Health:**

Records show that the site is adjacent to potentially contaminated land. There is also concern that asbestos may be present in the structure given its age. Further details and investigation of these points is required by condition.

5.6 **Highway Authority:**

There are concerns that access to the rear flat is reliant on the adjacent hardstand/ car park for unobstructed access for pedestrians and cyclists. Cars turning to leave the site in a forward gear would also be reliant on this area.

The access road is acceptable for this size of development. The level of parking (1 space) is within the maximum parking standards of SPG04. The space should be marked out. Any overspill parking is unlikely to impact the highway. The provision of 3 cycle parking spaces is acceptable. The change in use is unlikely to result in an increase in trips and on this basis no financial contribution is requested on this occasion.

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 City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation & Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Principle of Development**
The site is located within the Built-up Area as designated in the Brighton and Hove Local Plan and currently consists of a detached warehouse and a single storey extension to the rear of no. 11 Boundary Road.
- 8.4 Policy CP3 states that the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.5 The loss of the employment was recently accepted (January 2016) in application BH2015/03181. Whilst the submitted marketing statement was relatively limited it was considered that this, in conjunction with the poor vehicular access and the

siting within a constrained residential location did not lend itself to a commercial usage.

- 8.6 Whilst the applicant has not submitted any additional information justifying the loss of the office, considering the short time frame between applications that the loss of the commercial space has been established and as such the proposal is considered acceptable in this regard.
- 8.7 **Character and appearance**
Whilst a previous application for a similar scheme was refused on the grounds that it would harm residential amenity for the adjoining properties and would fail to provide appropriate living conditions for future occupiers of the flat the design was considered to be acceptable.
- 8.8 The main difference in the current design in comparison to the previous proposal is the change from an asymmetrical pitched roof to a more traditional dual pitched roof design with a lower eaves height. The general detailing and approach to materials would be comparable.
- 8.9 The proposed two storey dwelling would relate acceptably to the surrounding residential properties in terms of its height and scale. The pitch of the roof structure would be similar to the traditional dual-pitched roofs of properties on St Leonards Road and Seaford Road. The eaves heights would be set below the adjoining properties to both the north and south and would relate acceptably with these properties. The proposed materials would comprise a slate roof, aluminium fenestration and masonry elevations with areas of timber cladding. Subject to samples of materials and to details regarding the treatment of the timber and how it would weather, the proposed materials are considered compatible with the locality.
- 8.10 The northern side elevation would not feature any window openings and the southern side elevations would feature only a single window which would be largely obscured by timber louvres. Whilst this arrangement is not ideal, it is considered that sufficient visual interest would be provided by the timber cladding to avoid an overly stark appearance to the development. The proposed front entrance, which would be partially visible from the access road from St Leonards Road would offer visual interest without detracting from the prevailing character and appearance of the area.
- 8.11 The proposed two storey dwelling would benefit from a rear garden area in the form of a walled courtyard. This area of amenity space would provide an appropriate degree of separation between the new dwelling and properties on Boundary Road to the west. In this regard the proposed dwelling is considered to represent an improved relationship with properties on Boundary Road than the existing warehouse which is in closer proximity.
- 8.12 The enlargement of the single storey extension to form a two bedroom flat would have a limited visual impact. The enlarged part would be situated within the footprint of the existing warehouse, whose footprint would be reduced as part of the proposed development. The extension would comprise painted render walls

and aluminium framed fenestration. These materials would be compatible with the host property.

8.13 Standard of Accommodation

The proposed two storey building would accommodate a three-bedroom house with private amenity space in the form of a rear courtyard. The internal room sizes are considered acceptable and would provide an adequate standard of accommodation with adequate provision of natural light and ventilation. The outlook from the habitable rooms is considered acceptable. The level of private amenity space is considered acceptable in relation to the scale of the development.

8.14 In the previously refused application the proposed two bedroom flat was considered to have overly restricted levels of outlook and natural light which would have an oppressive impact on future occupiers.

8.15 In the current scheme the rear boundary wall has been reduced in height from 2m to 1.8m and the depth of the rear courtyard garden has been increased from 2m to 3m improving the levels of light and outlook to the rear, reducing the sense of enclosure and providing a more usable private amenity space.

8.16 To the south of this unit the amenity space has been increased by blocking up the existing alley way to the south and repositioning the gate to the east. An additional window has been added to the southern flank wall to the main living area increasing the light and outlook to this room and this in conjunction with the larger private amenity area would result in a satisfactory standard of accommodation for future occupiers.

8.17 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 requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable; therefore, in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

8.18 Impacts on neighbouring amenity

The previous application was refused on the grounds that it would result in a detrimental impact upon the amenity of the neighbouring occupiers to the north on Seaford Road and to the south on Harbour Mews.

8.19 The overall ridge height of the current proposal has been reduced by 1m in comparison to the previously refused scheme, with the eaves height on the northern and southern boundaries reduced by 0.9m and 0.2m respectively. It is considered that the reduction in height of the eaves / ridge on the northern boundary would ensure that there would not be a significantly harmful impact to the adjoining properties, nos. 7, 9 and 11 Seaford Road and their respective

gardens by way of overshadowing, loss of outlook or light or a significantly overbearing impact.

8.20 To the south of the proposed dwelling is a terrace of three two storey houses, nos. 1-3 Harbour Mews. The reduction in the height of the eaves to the southern elevation in conjunction with the reduction of the overall height of the scheme is considered sufficient to ensure that outlook would not be overly restricted and not result in a significantly harmful sense of enclosure. It is further noted that these three properties all have a southerly aspect with views into their respective amenity spaces.

8.21 It is not considered that the proposal would result in any significant increase in noise and disturbance to neighbouring occupiers.

8.22 Views from the proposed ground floor windows serving the main living spaces and kitchen would be onto existing and proposed boundary treatments which are a minimum of 1.8m in height. These boundaries would adequately screen views towards neighbouring properties. First floor windows would be set sufficiently away from windows at nearby residential property to avoid an overly intrusive impact.

8.23 It is not considered that the proposal would result in any significant increase in noise and disturbance to neighbouring occupiers.

8.24 Sustainability

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Conditions are applied to ensure the development meets these standards as set out in policy CP8.

8.25 Transport

Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.

8.26 The level of parking (1 space) is within the maximum parking standards of SPG04. Any overspill parking is unlikely to impact the highway beyond that of the existing use. The provision of 3 cycle parking spaces is appropriate to the scale of development. The change in use is unlikely to result in an increase in trips beyond the existing arrangement.

9 CONCLUSION

9.1 The principle of the development is considered to be acceptable. The development would make efficient and effective use of the site and would have no adverse impact on the character and visual amenity of the locality. The development would provide a new unit of housing with an adequate standard of accommodation and without detriment to neighbouring amenity or highway safety.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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 location and block plan	D.001	A	8 April 2016
Existing ground floor plan and rear elevation	D.04	A	8 April 2016
Proposed ground floor plan and east elevation	D.05	B	8 April 2016
Proposed first floor plan	D.06	B	8 April 2016
Existing and proposed east and west elevations	D.07	A	8 April 2016
Existing and proposed north elevation	D.08	A	8 April 2016
Existing and proposed south elevation	D.09	A	8 April 2016
Section AA and street scene elevations	D.10	A	8 April 2016
Plan of proposed courtyard to flat	D.15	-	8 April 2016

- 3) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows set within the north facing elevation and roofslope of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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.

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- 5) 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.
- 6) The residential units hereby approved shall not be occupied until they have achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 7) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 8) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick and render,
 - b) samples of all timber cladding to be used, including details of their treatment to protect against weathering,
 - c) details of the aluminium windows (including colour).
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 of the City Plan Part One and QD14 of the Brighton & Hove Local Plan.
- 9) The hard surfaces to the front of the dwellings and all external amenity areas 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 CP11 of the City Plan Part One.
- 10) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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) No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

- 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 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: As this matter is fundamental to the acceptable delivery of the permission 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) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 principle of the development is considered to be acceptable. The development would make efficient and effective use of the site and would have no adverse impact on the character and visual amenity of the locality. The development would provide a new unit of housing with an adequate standard of accommodation and without detriment to neighbouring amenity or highway safety.

3. 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 the condition 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).

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