

<b><u>No:</u></b>	<b>BH2017/02057</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>43 Clarendon Villas Hove BN3 3RE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 &amp; 45 Clarendon Villas, Hove incorporating parking and associated works.</b>		
<b><u>Officer:</u></b>	Wayne Nee, tel: 292132	<b><u>Valid Date:</u></b>	19.06.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.08.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Turner Associates Ltd 19A Wilbury Avenue Hove Brighton BN3 6HS		
<b>Applicant:</b>	Mr Jonathan Stern CO Turner Associates Ltd 19A Wilbury Avenue Hove Brighton BN3 6HS		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	TA 973 /01		19 June 2017
Site Layout Plan	TA 973 /10		19 June 2017
Floor Plans Proposed	TA 973 /11		19 June 2017
Floor Plans Proposed	TA 973 /12		19 June 2017
Elevations Proposed	TA 973 /13		19 June 2017
Elevations Proposed	TA 973 /14		19 June 2017
Elevations Proposed	TA 973 /15		19 June 2017
Elevations Proposed	TA 973 /16		19 June 2017
Elevations Proposed	TA 973 /17		19 June 2017
Elevations Proposed	TA 973 /18		19 June 2017
Elevations Proposed	TA 973 /19		19 June 2017

- 2 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.
- 3 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development

shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.

- 4 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, render and tiling (including details of the colour of render/paintwork to be used)
  - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) Samples of all hard surfacing materials
  - d) Samples of the proposed window, door and balcony treatments
  - e) Samples of all other materials to be used externally

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 CP12 of the City Plan Part One.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' 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 CP8 of the Brighton & Hove City Plan Part One

- 6 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.

- 7 The building hereby permitted shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 8 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.

- 9 The development shall not be occupied until the privacy screens implemented have been installed in strict accordance with the approved details and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 10 The proposed rooflights in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s 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 policy QD27 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a backland plot of land located between residential properties to the north fronting onto Goldstone Road, and the residential properties to the south on Clarendon Villas. The site is accessed via a driveway that enters onto Clarendon Villas, in between nos. 43 and 45. The garages are used for vehicle parking (Class Use Sui Generis).

- 2.2 Planning permission is sought for the demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.

### 3. RELEVANT HISTORY

M/8445/61 Three garages at rear - Granted 21/11/61

M/7673/60 Erection of 3 concrete garages at rear - Granted 22/11/60

### 4. REPRESENTATIONS

4.1 Councillor Andrew Wealls objects to the application and has requested that the application is determined at Planning Committee (comment attached).

4.2 Twenty-two (22) letters, including one petition, have been received objecting to the proposed development for the following reasons:

- Overlooking and loss of privacy into rear of residential flats on Clarendon Villas
- Loss of light
- More pressure on existing parking, and loss of existing parking on site
- Safety of pedestrians at risk
- Increased noise and disturbance
- No demand for offices in this area
- Use is too high-intensity for this area
- Access driveway is too narrow
- Light pollution
- Design of building not in keeping with surrounding buildings
- No access for emergency vehicles
- Disruption from construction

### 5. CONSULTATIONS

5.1 **City Regeneration:** Comment

City Regeneration supports the development in principle but only subject to the comments provided by the Planning Policy team.

5.2 The proposed application will create 140 sqm of B1a (office) space which is in high demand by Small and Medium Sized Enterprises (SMEs) in Brighton & Hove. The application is expected to create 12 FTE jobs which is in line with OffPAT's Employment Densities Guidance for this square meterage of B1a office floorspace.

5.3 City Regeneration notes the application form inaccurately classifies the existing garages as B1 (a) office floorspace under 'Existing Gross Internal Floorspace' and 'Gross Internal Floorspace to be Lost by Change of Use or Demolition'.

5.4 **Environmental Health:** Comment

Localised contamination may have occurred during the past use of the garages. I would therefore advise that this is born in mind and acted upon, as necessary during demolition and construction.

- 5.5 **Planning Policy: Comment**  
Local Plan Policy EM4 states that planning permission will be granted for new business and industrial uses (Use Classes B1 and B2) on unidentified sites within the built up area boundary provided that seven criteria are met.  
The strategic need for additional B1 office floorspace is set out in the Brighton & Hove Employment Land Study 2012 which identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460m<sup>2</sup> in size. The provision of units of 70m<sup>2</sup> to support small businesses is therefore strongly supported.
- 5.6 No concerns are raised with regard to the criteria in Policy EM4, however criteria (f) and (g) are subject to on-site assessment by the case officer.
- 5.7 **Waste Management:**  
Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy<sup>1</sup>.
- 5.8 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.
- 5.9 **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.
- 5.10 **Pedestrian & Mobility Impaired Access:**  
The access arrangements are shared for vehicles and pedestrians. Whilst this is not ideal it is noted that there is only 2 vehicles spaces being proposed and therefore movements are likely to be less frequent and in this instance a shared entrance is acceptable.
- 5.11 **Cycle Parking:**  
The proposed level of cycle parking (6) is deemed acceptable and in line with parking standards SPD14 however further details are required of the stands proposed and the condition below is recommended to be attached.
- 5.12 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.13 **Disabled Parking:**  
The applicant does not appear to be providing disabled parking however it is noted that there is disabled parking on street and the 2 bays on site are large

enough to be converted to dedicated disabled user bays if required. The Highway Authority therefore has no objection on these grounds.

5.14 Vehicular Access:

The access entrance is as existing for the 6 garages and this is deemed acceptable for vehicle movements relating to this development including 2 parking spaces.

5.15 Car Parking/ Highway Impact:

The applicant is providing 2 car parking spaces for the offices and it is noted that 6 garages are being removed. This could mean that potentially there will be overspill of 6 spaces (from the garages) on the highway.

5.16 However it is noted that the site is within a controlled parking zone (with no waiting list) and the level of car parking will be managed.

5.17 The Highway Authority therefore does not deem that likely levels of additional on-street parking demand resulting from the proposal could be deemed to amount to a severe impact on the highway in this location and as such refusal would not be warranted on highways and transportation grounds under the National Planning Policy Framework (NPPF).

5.18 Developer Contribution:

The Highway Authority does not wish to request contributions in this instance.

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP3 Employment land  
CP7 Infrastructure and developer contributions  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP12 Urban design

Brighton & 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  
QD15 Landscape design  
QD27 Protection of amenity  
EM4 New business and industrial uses on unidentified sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of change of use, the visual impact of the proposed building, its impact on neighbouring amenity, and transport and sustainability impacts.

**8.2 Planning Policy:**

The site consists of a row of 6 no. single storey garages that are used for general parking. The loss of the garages would not materially impact upon parking provision in the area (see below); therefore no objection to the loss of the garages is raised in this instance. The proposed business use of the site would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land).

8.3 In terms of providing 140sqm of new B1 office accommodation, Policy EM4 of the Local Plan sets out the criteria for when planning permission for such uses on unidentified sites will be granted:

- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
- b) The site is readily accessible by public transport, walking and cycling;
- c) The development would not result in the net loss of residential accommodation;
- d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
- e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;

- f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
  - g) There is adequate landscaped amenity open space.
- 8.4 It is considered that the proposal would meet criteria a - e by virtue of its city centre location and the identified need for modern office accommodation within the Employment Land Study update 2012. This study identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to the 460m<sup>2</sup> in size. The proposal would provide good sized units that would be expected to create 12 jobs.
- 8.5 Matters relating to criteria f are addressed below. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable.
- 8.6 There is a concern that a future application would be applied for a residential development or a change of use to residential. However given the front elevation screening would restrict the outlook, daylight and sunlight which is acceptable for office use, this would not be an appropriate standard of accommodation for residential use.
- 8.7 **Design and Appearance:**  
The proposal is for 2 no. office units set in a single building across the width of the site set within the footprint of the existing garage structures. The offices would have a single storey appearance with a pitched roof in order to accommodate a mezzanine floor within. The proposal would incorporate excavation of the land to the north in order to level the land of the site, and in order to reduce the impact of the height of the building. The roof ridge height would be approximately 2.2m higher than the existing flat roof structures, which would be 0.8m higher than the existing boundary brick wall separating the site from the rear gardens of the properties on Goldstone Road to the north. The building would consist of painted render walls, metal/standing seam roof, and timber/metal windows and doors.
- 8.8 Much of the site is not visible from public view as it is surrounded by semi-detached and terraced residential properties, although the buildings would be glimpsed through the access driveway from Clarendon Villas. The building would be visible from the rear of flats on Clarendon Villas.
- 8.9 The existing garage buildings on the site are of little architectural value and consequently the loss of these would not be of a visual detriment to the surrounding area. However the proposed buildings would have to be of an appropriate design that would preserve or enhance the character of the surrounding area.
- 8.10 The proposed office buildings would not share the defining characteristics of the property frontages of the nearby terraced properties. The existing dwellings on neighbouring streets predominantly consist of two/three storey dwellings with predominantly rendered or brick exteriors, pitched roofs, prominent bay windows



and traditional roof dormers. The proposed office building would have a single storey appearance, with a size and scale of the dwellings subservient to and more modern than the more traditional houses surrounding the site.

- 8.11 Although the proposed design would contrast somewhat with these neighbouring properties, the simple modern design would be appropriate as the site does not form part of the street scene. Overall it is considered that the proposal would preserve the character and appearance of the surrounding area in accordance with policy CP12 of the Brighton and Hove City Plan.
- 8.12 **Impact on Amenity:**  
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.
- 8.13 The site is directly abutted by a number of residential gardens of houses to the north on Goldstone Road, and residential properties converted into flats to the south on Clarendon Villas. The greatest impact would be on the flats directly to the south which are nos. 43 and 45 Clarendon Villas.
- 8.14 The proposed office use, as well as the use of the amenity spaces, car parking spaces and driveway, would intensify the use of the site in an enclosed plot surrounded by neighbouring properties and gardens. However the proposed design has incorporated ways of limiting the impact of neighbouring properties. It is accepted that pedestrian movements to and from the site through the driveway would increase, and that this could result in some noise and disturbance to the immediate neighbouring residents. However the proposed office occupancy is relatively low (12 employees), and due to the B1a use, the disturbance would generally be during daytime office hours, rather than at evenings and weekends. The proposed forecourts may be used by employees for short periods, however given the relatively low level occupancy of the offices, this is unlikely to cause significant noise disturbance. It should be noted that the existing garages could be more likely to be used anytime, and if used at maximum occupancy with 6 parking spaces (and additional ones in front of the garages), the noise and disturbance from vehicular movements could be more significant than the proposed development which incorporates only 2. no parking spaces. The proposed use of B1a use only could be restricted by condition. Therefore, on balance, it is considered that the proposed B1a use would not result in significant noise and disturbance that would warrant the refusal of the application on this basis.
- 8.15 The existing rear wall on the north boundary would be replaced but the height would be retained and so the office building eaves height would be set down from the parapet. Although the pitched roof ridge height would be higher than the existing wall, the pitch of the roof would be set away from the boundary. Although the additional height would be visible from the neighbouring properties and gardens of Goldstone Road, this additional height would not be so

significant as to result in overbearing development that would result in significant loss of light or overshadowing to the properties to the north.

- 8.16 Despite the increase in height in comparison to the existing garage buildings, the proposed development would be of a sufficient distance away (over 8.5m) from the rear windows of the flats of 43 and 45 Clarendon Villas so as to not result in significant loss of sunlight, daylight and be of an overbearing nature.
- 8.17 The proposal would have the potential to create new views towards neighbouring properties, by way of overlooking from the south elevation windows and rooflights. Objections have been raised in relation to loss of privacy and overlooking, however it should be noted that the rear windows of the flats within nos. 43 and 45 Clarendon Villas are already fully visible to any user of the existing garages.
- 8.18 The proposed development includes 2m high screen from ground floor level, and slatted screens on the windows, which would limit the views from the ground floor to within the office forecourts. The proposed south elevation rooflights are proposed to be at a height and angle that would not result in imposing views when closed. A condition would be required to ensure they remain fixed shut. No windows are proposed on the north elevation. Providing the privacy screens are implemented which can be controlled by condition, the proposed development would not result in significant levels of overlooking or loss of privacy.
- 8.19 For these reasons the proposed building would not result in significant loss of amenity to adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.20 **Sustainable Transport:**  
The existing access arrangements would be shared for vehicles and pedestrians, which is not ideal, however this is also the current situation and as there only 2 no. parking spaces it is considered that vehicle movements are likely to not be so frequent as to cause significant harm.
- 8.21 The proposal indicates cycle parking within the forecourts which is considered acceptable in principle subject to further details required by condition.
- 8.22 Residents have raised objection at the potential impact on parking capacity in the area. The proposal would result in the loss of 6 car parking spaces in the form of the existing garages. It is not considered that 2 no. small office units would have a significant impact on daytime parking levels in the area. It is noted that the site is within a controlled parking zone (with no waiting list) and so the level of car parking can be managed. The Transport Team have no objection to the proposal, and it is not considered that the level of additional demand for on-street parking would be significant in this instance.
- 8.23 **Sustainability:**  
The site forms previously developed land. Policy CP8 of the City Plan requires development of this scale to meet BREEAM 'Very Good'. A condition is attached

to ensure the development meets this standard. Provision for refuse and recycling facilities is shown to the front of the site within the undercroft and is also secured by condition.

**8.24 Other Considerations:**

The site has been identified as having localised contamination due to the use of the garages. A land discovery condition is therefore required to ensure appropriate works during demolition and construction.

**9. EQUALITIES**

9.1 None identified

