

<u>No:</u>	BH2019/02380	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	69 New Church Road Hove BN3 4BA		
<u>Proposal:</u>	Demolition of existing garage and erection of single-storey office/workshop (B1)		
<u>Officer:</u>	Jonathan Martin	<u>Valid Date:</u>	09.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.03.2020
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Portland Properties Ltd C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	617(PL)2B		14 October 2019
Location and block plan	617(PL)3A		9 August 2019
Report/Statement	Heritage Statement		9 August 2019
Report/Statement	Planning Statement		9 August 2019

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. 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) details 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 Brighton & Hove City Plan Part One.

4. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. The premises hereby permitted shall only be used as a use within Use Class B1 in accordance with 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.

6. 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 and SPD14: Parking Standards

7. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Richardson Road back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

8. If during the ground clearance and development works, any materials not previously identified by the investigation that are suspected of being 'contaminants' are encountered, then the following procedure will apply;
- All works in that area should cease and the Site Manager be informed
 - Advice should be sought from suitably qualified and experienced personnel as to whether any further site inspection, sampling, testing and/or assessment is deemed necessary.
 - If required, the conclusions of any assessment and any proposed remedial works (if required) should be agreed by the local authority.
 - If necessary, full details of any remedial works should be included in a verification report for the site.

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 office use hereby permitted shall not be carried out except between the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and 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. In relation to condition 8 - suspected 'contamination' may take the following form, though it is noted that this list is not exhaustive and site operatives should ask if they are at all unsure of findings:
 - Soil or water looks oily and/or has an oily odour
 - Soil or water has a solvent type of odour
 - Significant quantities of man-made materials within fill such as paint cans, car parts, glass fragments
 - Suspected asbestos containing materials (insulating boards, cement, loose fibres etc.)
 - Significant volumes of clinker like or ashy material
 - Sand bags, and or/subsurface concrete structures
 - Animal carcasses or evidence of animal burial pits

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to an area of land at the rear of 69 New Church Road, a detached property located on the junction of New Church Road and Richardson Road. This area appears to have been separated from the rear garden of 69 and is currently over grown. The garage is not listed nor is it located within a conservation area. The large St Philips Church located opposite the application site at the junction with New Church Road is a Grade II Listed Building.

- 2.2. The application seeks planning permission for the demolition of the existing garage and the erection of a single storey office / workshop (B1).

3. RELEVANT HISTORY

- 3.1. BH2003/03904/FP - Conversion of house into 3 self-contained flats, works to include rear extension and front dormer (part retrospective). Approved, 24th November 2003.
- 3.2. BH2006/01041 - Demolition of existing garage and erection of part two storey / part single storey offices. Refused, 17th May 2006. The refusal was appealed, reference APP/Q1445/A/06/2025418. The Planning Inspectorate dismissed the appeal on 20th March 2007. The Inspector found the site suitable for an office suite but deemed there to be an undue loss of amenity space to the flats at 69 New Church Road.
- 3.3. BH2008/02654 - Demolition of existing garage and erection of single storey offices. Refused, 31st October 2008. As the site plan extract below shows this refused scheme related to a larger office than now proposed. The larger office would have taken over the garden assigned to the ground floor flat at no69. This scheme was refused due to the loss of garden space and increase sense of enclosure to no69.
- 3.4. BH2009/02867 - Demolition of existing garage and erection of detached 2no bedroom dwelling. Refused, 12th January 2010.
- 3.5. BH2010/02573 - Demolition of existing garage and erection of 2no bedroom dwelling. Refused, 7th October 2010. The decision was appealed. The appeal (APP/Q1445/A/11/2144091) was dismissed as the Inspector considered the scheme would look contrived from public vantage points, cramped and hemmed in against the plot boundaries.
- 3.6. BH2017/00407 - Erection of semi-detached garage incorporating enlargement of existing crossover and associated works. Refused, 10th November. In a deviation from the schemes above, this proposal sought to retain the garage and site and build a further semi-detached garage to the south, within the space assigned as garden area to no69 New Church Road. This refusal was appealed (APP/Q1445/W/17/3191215). The appeal was dismissed, on 6th June 2018, as the Inspector found it would result in the loss of private amenity space to the occupiers of the flats at no69.

4. REPRESENTATIONS

- 4.1. **Fourteen (14)** letters have been received objecting to the proposed development for the following reasons:
- Design grounds
 - Storage of waste
 - Loss of light
 - Sense of enclosure

- 4.2. **One (1)** letter has been received supporting the proposed development explaining how it will benefit the local community.

5. CONSULTATIONS

5.1. Environmental Health : Approve subject to conditions

The land may have been subject to contaminative uses historically. A discovery strategy and ACM survey will be secured via a suitably worded condition.

5.2. Sustainable Transport: Approve subject to conditions

Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary conditions relating to cycle parking reinstatement of redundant vehicle crossing.

- 5.3. **Policy:** No comments received.

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);
- Shoreham Harbour Joint Area Action Plan (2019)

- 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
CP2	Sustainable Economic Development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
QD5	Design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
EM4	New business and industrial uses on unidentified sites
HE3	Development affecting the setting of a listed building.

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of office space within a residential area, the impacts on the character and appearance of the existing property, streetscene and surrounding area, as well as impact on neighbouring amenity and transport issues.

Principle of Office Space

- 8.2. The existing garage serves no commercial function as existing and has been used in recent times for ad hoc storage. The Employment Land Study Review 2012, referenced in policies CP2 and CP3, and produced to inform the City Plan, identifies a qualitative and quantitative need for B1 office space. The proposal would create a small scale, affordable, workspace suitable for small enterprises and start-ups. The flexible internal space would suit a range of businesses and function equally well as offices or a workshop. The scheme represents efficient use of brownfield land within the built-up area which shows clear regard to core objectives of the NPPF. Furthermore in Appeal Ref 2025418 for BH2006/01041 the inspector was of the opinion that the operation of offices from this location would not cause any problems for neighbours.
- 8.3. As can be seen the proposed redevelopment of brownfield land to supply employment space, suitable for a range of small businesses, supports the indigenous growth of the economy in compliance with City Plan Policy CP2. There is no loss of existing employment land and thus no conflict with Policy CP3.
- 8.4. Policy EM4 requires new business uses on unidentified sites to demonstrate the need for such a use and how the site would not result in the loss of residential accommodation or open space. There is a demonstrable need for new B1 space across the city and the site is accessible via public transport and would not result in the loss of residential accommodation or open space meaning the requirements of Local Plan Policy EM4 are also met.

Design and Appearance:

- 8.5. Policy CP12 of the City Plan Part One requires development to raise the standard of architecture in the city, establish a strong sense of place by respecting the diverse character of neighbourhoods and enhance the city's built environment.
- 8.6. The proposed building would be no wider than the existing garage and not consume any of the amenity space associated with the flats at no69 New Church Road. The front elevation of the proposed would be 3 metres forward from the existing line of the garage and would align with the front elevation of the house at no1 Richardson Road. It would be approximately 6.3 metres wide, 8.7 metres deep and 4.1 metres high at the ridge.
- 8.7. The office / workshop would be built in red brick with two sets of tri-part, full height windows to the front. One of these glazed panels would be the entrance door. It would have a m-shaped roof created by two gabled roof parts and a central valley. The triangular gable fronts would be glazed. The roof would be tiled and have four rooflights, two within each northern slope. The interesting roof form would provide vaulted ceilings within.
- 8.8. The proposal replaces the garage with a positive, well-designed building. The design approach reflects the strong pitched roof, gable front aesthetic of the shop buildings on Richardson Road and the listed church opposite.
- 8.9. The principally glazed frontage would lend activity to the townscape to the benefit of the character of the local centre. As such the appearance of the building complies with Policy QD5 by presenting an attractive frontage at street level. In accordance with Policy CP12 the Richardson Road streetscene is enhanced by a design that reflects the architectural characteristics of the neighbourhood. Furthermore, with regard to Policy HE3 the proposal will enhance the setting of the listed church opposite by improving upon the existing structure and complementing the aesthetic of the church.
- 8.10. In light of the above, the proposal is considered to be in accordance with Policy CP12 of the City Plan Part One and Policy HE3 of the Local Plan.

Impact on Amenity:

- 8.11. The previous refusals on this site have been refused in part due to the loss of outdoor amenity space associated with No.69 New Church Road. The proposal does not seek to encroach upon any amenity space and therefore no loss of garden space would occur. As such, the proposal is considered to be compliant with Policy HO5 of the Local Plan.
- 8.12. Previous proposals on this site have sought the introduction of two storeys or part two/part one storeys. The current proposal is single storey in scale and this is considered to be sympathetic to neighbouring amenity. Previous inspector's appeals have determined that previous applications would appear crammed into the site and would be too close to the boundaries of neighbouring properties. The proposed built form would not be moved closer to residential neighbours and thus an increased sense of enclosure would be

avoided. Whilst the overall height would increase from 3.1metres to 4.1metres, the double gabled roof form mitigates any impact by significantly reducing bulk at roof level. The gable to the rear elevation and the southern elevation will not have any windows so would not lead to any overlooking.

- 8.13. For these reasons the amenity of neighbours will be protected in compliance with Local Plan Policy QD27.

Sustainable Transport:

- 8.14. The site has an existing vehicular access from Richardson Road, and this is to be removed for the proposed development. The removal of the vehicular access is considered to be acceptable. However, a condition will be attached to ensure that the redundant crossover is reinstated to footway to ensure that it cannot be used for vehicular access.
- 8.15. The proposed commercial building has a total of 45m² of B1 office space. The site, being located in a Key Public Transport Corridor, has a maximum parking allowance of 1 space (1 space per 100m²). As there are no proposed car parking spaces, the proposed development is in line with SPD14 maximum parking standards. SPD14 parking standards allows lower levels to be permitted subject to consideration of impacts.
- 8.16. The applicant is proposing a Sheffield cycle stand to be located outside the front of the property on the new hardstanding area.
- 8.17. There could be potential overspill from the removal of the garage. However, it is not considered that this would be of a level that could be deemed to amount to a severe impact in this instance and would warrant a reason for refusal. It is noted the site is located within the Controlled Parking Zone R, which would manage the overspill of any parking associated with this proposal. It is also noted that the development will lead to an increase in available on-street parking due to the removal of the existing crossover.

9. EQUALITIES

None Identified.