

<u>No:</u>	BH2022/01015	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Town Hall Ground Floor Front Church Road Hove BN3 4AH		
<u>Proposal:</u>	Installation of 2no areas of timber decking, with associated planters.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	24.03.2022
<u>Con Area:</u>	Willett Estate	<u>Expiry Date:</u>	19.05.2022
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	
<u>Agent:</u>	Architecture Of Calm 95 Denton Road Denton Newhaven BN9 0QE		
<u>Applicant:</u>	M Chisholm Hove Town Hall Ground Floor Front Church Road Hove BN3 2AF		

This application was deferred from the Planning Committee on 8th June 2022.

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
Location and block plan	0083-EX-001	-	20 May 2022
Proposed Drawing	0083-FE-010	-	20 April 2022
Detail	0083-FE-011	-	24 March 2022
Proposed Drawing	0083-FE-015	-	24 March 2022

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 shall take place until details of the external timber cladding to be used, including details of its treatment to protect against weathering, has 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 policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan; CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM21, DM26, DM28 and DM29 of the emerging Brighton and Hove City Plan Part Two.

4. No development of the southernmost raised deck hereby permitted shall take place until a schedule detailing sizes and numbers/densities of all proposed plants (including species and sizes, nursery stock type, supplier and defect period) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; and to comply with policies QD15 of the Brighton & Hove Local Plan; CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM21 and DM22 of the emerging Brighton and Hove City Plan Part Two.

5. The silver birch tree within the site of the northmost raised deck hereby permitted shall be retained.

Reason: In the interest of maintaining the visual amenities and biodiversity of the area, and to comply with policy QD15 of the Brighton & Hove Local Plan, and CP10 of the Brighton & Hove City Plan Part One.

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. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised to contact permit.admin@brighton-hove.gov.uk for necessary highway approval from the Highway Authority prior to any works commencing on or adjacent to the adopted highway, and if they wish to suspend parking outside the application site during the delivery and construction period.
4. The application is advised of their duty to ensure that the placement of tables and chairs upon the decking hereby permitted does not limit the accessibility of the development, with particular consideration being given to the requirements of the Equality Act 2010.

2. SITE LOCATION

- 2.1. The application site is Hove Town Hall, a large brutalist building on a corner plot, with Norton Road on its west side, Tisbury Road on its east, and Church Road

on its south. It is within the Willett Estate conservation area, with the boundary of The Avenues conservation area just to the south.

3. STATEMENT OF SIGNIFICANCE

- 3.1. This site is on a prominent location at the junction of Church Road and Norton Road, it forms part of the open space surrounding Hove Town Hall, which is locally listed, and is in the Willett Estate Conservation Area. Directly to the West is the grade II listed terrace 105-119 Church Road and opposite that numbers 94-108 are also listed grade II.
- 3.2. The Hove Town Hall is not typical of the building typology of the wider Willett Estate Conservation Area as described by the conservation area character statement; however, its scale and architecture is representative of its status as a 20th century civic building. The application site is part of the open area surrounding the Town Hall. This space is paved, with seating and peripheral planting, and there are 3 substantial dark grey brick planters containing larger single trees on the boundary with the surrounding footway. The Juggler statue sits within the space.

4. RELEVANT HISTORY

- 4.1. **BH2017/02147** Change of use of southern section of ground floor from office (B1) to mixed use office (B1) and café (A3) incorporating creation of mezzanine level. Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to erect two raised deck areas. One of these decks features planters serving as a boundary.
- 5.2. The initial submission has been amended to introduce level (ramped) access to both raised decks. It also included areas for stalls associated with use of the square for social and commercial events. The use of the square for use for such events, and associated temporary erections, are not considered to constitute development therefore have been removed as considerations. The use of the square for events could be managed through Licencing.

6. REPRESENTATIONS

- 6.1. **One (1)** representation has been received, making the following comments on the initial proposal:
 - Only one of the proposed raised decks is accessible. ***The initial scheme has been amended so both proposed decks would include ramped access.*

- 6.2. **One (1)** representation has been received, objecting to the proposal on the following grounds:
- Current use of part of Hove Town Hall is unlawful, as Platf9rm have not discharged one pre-commencement condition
 - Loss of public space
 - Loss of public seating**
 - Fire safety, with regards to having timber decking adjacent to the building
- **It should be noted that the proposed development does not result in the loss of any public seating.*
- 6.3. A representation has also been received from **Councillor Wilkinson**, objecting to the scheme; a copy is attached.
- 6.4. **Eighteen (18)** representations have been received, supporting the proposal on the following grounds:
- Improvement to visual amenity
 - The existing space is underused and not attracting people to the area nor supporting commercial activity.
 - The proposed development would encourage use of the square as a community hub.
 - The proposed development would improve the facilities of PLATF9RM.
- 6.5. A representation has also been received from **Peter Kyle MP**, in support of the scheme.

Conservation Advisory Group:

- The Group agrees with the Heritage Officer's comments.
- The drawings are poorly presented and conflict with the Design and Access Statement which illustrates the removal of several trees and shrubs, but the proposed block plan shows all trees will remain.
- The existing planting area, located between both the entrance to PLATF9RM, has been omitted from the existing block plan, and from the application. This area is where one of the proposed decking areas is to be constructed.
- The decking and seating detract from the host building.
- The Group regrets the proposed festoon lighting (light pollution).
- The proposals would be harmful to the character of the conservation area.

7. CONSULTATIONS

External:

- 7.1. **Sussex Police:**
No Objection

- 7.2. **Heritage:**
Comments regarding initial submission

The scheme seems to be broadly in line with policy CP13 however the requirement to use high quality, robust and sustainable materials for all elements

of the street scene, along with DM18 requiring consideration of materials and detailing and DM26 requiring the use of materials and finishes that respect the area is not fully addressed, and whilst timber planters are a sustainable material there is concern that they may not be sufficiently robust, and would not follow the pallet of materials that has been established within this space.

7.3. It is noted that the area of existing mature planting on the east side of the square appears to be proposed for removal however the details of how the large shrubs will be incorporated into the scheme is not clear, and their loss would not appear to follow the stated aim to improve greenery within the square.

7.4. It is therefore considered that whilst the proposed use of the space for events is supported in principle, there are some details of the works that are not fully explained and matters of concern that need to be addressed before the heritage team is able to support the application.

7.5. **Transport:**

Comments regarding initial submission

Acceptable in principle, but further information is required regarding level access being provided to the raised decks, and additional cycle parking should be required by condition.

Comments regarding amended submission

7.6. The applicant has provided an updated plan which now shows disabled access on both platforms. This is considered acceptable.

7.7. The applicant has also acknowledged that it is unlikely that the development proposals will result in a significant increase in trips and that there is existing cycle parking provision located near Hove Town Hall. Therefore, this is considered acceptable in this instance.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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 (JAAP) 2019.

- 8.3. 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.

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
CP2 Sustainable Economic Development
CP9 Sustainable Transport
CP10 Biodiversity
CP12 Urban Design
CP13 Public Streets and Spaces
CP15 Heritage

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

TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest

Brighton & Hove City Plan Part Two

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM28 Locally Listed Heritage Assets
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; on highway safety; and on the significance of heritage assets in the vicinity.

Principle of Development

- 10.2. The proposed development would enhance the existing business at the south end of Hove Town Hall by creating an outside seating area. This would support business growth, which is one of the aims of policy CP2 of the CPP1.

Design and Appearance

- 10.3. The proposed development is considered to be acceptable in principle. Both raised decks would integrate well with the host building and appear as subservient additions. A planning condition would be included with any permission requiring further details on the external timber material and treatment required to help preserve it against weathering.
- 10.4. The loss of the existing plant bed is unfortunate in terms of visual amenity, and it will be necessary to grant permission only subject to a further condition requiring details of the planting proposed with the planters on the larger decking, to ensure these are implemented. This will soften the appearance of the development and mitigate the loss of greenery.

Impact on Heritage Assets

- 10.5. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.7. It is considered that the proposed development would have an acceptable impact on the significance of the locally listed Hove Town Hall. It is noted that timber external materials would not emulate nearby on-street development, such as the tree planting beds built in brickwork, but as subservient, modern additions to the building it is considered that an alternative finish is acceptable in this instance.
- 10.8. Concerns have been raised that timber as a material may not be sufficiently robust. Fragile materials that would be susceptible to excessive weathering and damage would indeed not be suitable in this prominent street front location; it is considered necessary to grant planning permission only subject to a condition

requiring further details of the timber material, including how it would be treated to protect against weathering, be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- 10.9. It is not considered that the raised decks would have any significant impact on the Willett Estate conservation areas; given the Town Hall itself does not accord with the wider character of this area, and the modest scale of the development, it is considered that the significance of this conservation areas would be preserved. Likewise, the setting of The Avenues conservation area, and the nearby listed building to the west, would also be preserved.

Impact on Amenities

- 10.10. It is not considered that the physical presence of the raised deck areas would have the potential to cause harm to the amenities of any person in terms of lost light or privacy.

- 10.11. Concerns have been raised that the proposed development would give rise to noise disturbance for local residents. It is unclear in the Councillor's representation if these concerns relate to the use of the square for events, or the decking itself. As aforementioned, use of the square for events does not constitute development and is not a consideration for this application. With regards to the decking, more intensive use of the site for people working outside may increase the noise output; however, given the site is in the middle of a busy urban area, and separated from the nearest residential units by a busy carriageway, it is not considered the potential noise output is likely to cause harm on a degree that would warrant permission being withheld in this instance. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 10.12. The proposed decks do not extend significantly beyond the bounds of the existing shrub bed, and an acceptable area of footway would be retained between it and an existing tree. The smaller raised deck is in a corner of the square covered in wood chips and not designated footway; there are no concerns with regards to the physical impact of the development on the smooth running of the public highway.

- 10.13. The Highway Authority has requested that additional cycle parking be provided to service the development. Hove Town Hall features several banks of Sheffield stands on Tisbury Road and Norton Road, and BikeShare facilities are also present on the latter. On balance, it is not considered that the proposed decking will cause an increase in trip generation on a scale that justifies requiring additional cycle parking in this instance.

Other Considerations

- 10.14. Concerns have been raised regarding the loss of the shrub bed, which would be replaced by the larger of the two raised decks. Whilst loss of greenery is resisted, it is considered that the shrubs in this case would be replaceable (by attractive planting in planters secured by condition) and that their loss should not make development unacceptable in principle.

- 10.15. A single immature silver birch tree is located where the smaller raised deck is proposed. It has been clarified that this tree is intended to be retained and built around, as part of the development. This is considered acceptable and shall be secured by condition.
- 10.16. The reported 'unlawful' use of part of Hove Town Hall as the business known as PLATF9RM has been forwarded to the Enforcement Team for further investigation. No further action is considered to be required with regards to this planning application. The erection of decking is considered on its own planning merits and the lawful status of PLATF9RM is not a determinative factor.
- 10.17. The proposed development would result in the loss of an insignificant area of public space immediately next to the building; it is not considered that the viability of the square as a public space would be significantly impacted upon.
- 10.18. Fire Safety is not a planning matter, but it is noted that wooden decking is by no means an unusual feature next to buildings. In the event planning permission is granted, the development would be required to be constructed in accordance with Building Regulations.
- 10.19. The proposed development does not include the removal of any public seating. The two areas of decking do not displace any public seating. Although the submitted drawings do erroneously omit one or more items of street furniture, this is not determinative with regards to the erection of the areas of decking.

Conclusion

- 10.20. The proposed raised decks are considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents. External materials and biodiversity protection/improvements shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies QD5, QD14, QD15, QD27, HE3, HE6 and HE10 of the Brighton and Hove Local Plan; and CP2, CP9, CP10, CP12, CP13 and CP15 of the City Plan Part One.
- 10.21. It is also considered that the proposal would be in accordance with policies DM20, DM21, DM22, DM26, DM28 and DM29 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM22, DM26, DM28 and DM29 are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

11. EQUALITIES

- 11.1. The proposed development includes two raised decks, both of which have been designed to provide level access. An informative has been added reminding the applicant of their duties under the Equalities Act.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. Planning conditions are included to ensure the silver birch is retained as part of the development, and that significant planting is established within the planters on the larger deck.