

<u>No:</u>	BH2017/01445	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 Clarence Gardens Brighton BN1 2EG		
<u>Proposal:</u>	Demolition of existing garage and erection of two storey rear extension and first floor front extension incorporating revised access and associated works.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	15.05.2017
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	10.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Deacon And Richardson Architects	253 Ditchling Road	Brighton BN1 6JD
<u>Applicant:</u>	Brighton Little Theatre Company Ltd	9 Clarence Gardens	Brighton BN1 2EG

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	3574.PL.001		27 April 2017
Topographical Survey	15/353/100		27 April 2017
Floor Plans Proposed	3574.PL.101		27 April 2017
Floor Plans Proposed	3574.PL.102		27 April 2017
Floor Plans Proposed	3574.PL.103		27 April 2017
Sections Proposed	3574.PL.200		27 April 2017
Elevations Proposed	3574.PL.300		27 April 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure 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 details and/or samples of 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:
- a) Sample of the dark grey standing seam metal

- b) Sample of the powder coated aluminium panel, with details of the colour finish
- c) Sample of the blue/grey engineering brick
- d) Details of the grey powder coated finish to the windows and doors
- e) Details of the colour of render and paintwork to be used

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 HE6 of the Brighton & Hove Local Plan and CP15 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to Brighton Little Theatre accessed from Clarence Gardens. Access to the rear is from Castle Street. The site is located in the Regency Square Conservation Area.
- 2.2 The application proposes to erect a first floor front extension facing onto Clarence Gardens, and a two storey rear extension.

3. RELEVANT HISTORY

BH2013/00440- Display of non-illuminated fascia sign. (Retrospective) Approved 26/04/2013.

92/0389/FP- Partial demolition and reconstruction of scenery store. Conversion of existing garage to form additional bar area and elevational alterations. [Approved 09/06/1992.

Condition 3 required that "The Theatre bar (including the additional area hereby approved) shall only be used as such during the time public performances are being staged at the Theatre."

92/0390/CA- Partial demolition of scenery store. Approved 09/06/1992.

Castle Mews

BH2003/02092/FP- Redevelopment of Ex-Council Depot site to provide 5 live/work units and 2 residential units. Approved after S106 signed 09/12/2003.

BH2003/01811/CA- Demolition of Ex-Council Depot storage building and out-building. Approved 30/07/2003.

4. REPRESENTATIONS

4.1 **Nine (9)** representations have been received, objecting to the proposed development for the following reasons:

- Reduce light to lower ground, ground and first floors of 16 Clarence Square
- Overlooking of 16 Clarence Square
- Increased noise pollution
- Overlooking of Clarence Gardens from the front extension
- Light pollution from the proposed beam of light directed down Clarence Gardens
- Backdoor attempt to illuminate the sign/front of the building where planning permission to do so was refused
- Possibility of more customers
- Additional drinking establishment and associated noise and disturbance

5. CONSULTATIONS

5.1 Theatres Trust Approve.

The Trust actively encourages theatre owners and operators to invest in their buildings and ensure they are developed in a way that will support their long term viability as a live performance venue and meet the needs and expectations of modern audiences, performers, producers, and staff. We therefore support this application to extend, renew and improve the facilities at the Brighton Little Theatre.

5.2 The theatre has operated successfully on this site since 1940, however, we recognise that the existing facilities and layout limits and restricts the way the building is used and operated. We agree with the rationale behind the project, and welcome the replacement of the garage with a new part one and two storey extension to provide much needed additional and more accessible WCs, and the new dressing rooms and storage space with a direct link to the stage, that will greatly improve staging and actor movements around the theatre. The new entry to the WCs will also improve audience flow around the building and remove a 'pinch point' at the main theatre entry. The additional ground floor performance space will also be a great asset to the theatre, providing extra public front of house floor space and a place for rehearsals when the stage is set for other shows.

5.3 The provision on new dressing rooms allows for the reconfiguration of the auditorium and we support the proposed alterations to the seating and the replacement of the roof trusses with new steel beams to improve sightlines, capacity and the audience experience.

5.4 The extensions are relatively low key to minimise their physical and visual impact on the neighbouring properties, but the additional facilities and rearranged spaces will help ensure the theatre can continue to operate effectively into the future. The Trust would therefore recommend granting planning permission.

5.5 This advice reflect guidance in Paragraph 70 of the NPPF which states that in 'promoting healthy communities', planning decisions should 'plan positively for

cultural buildings' and ensure that such facilities 'are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community'.

5.6 **Environmental Health:** No comment

5.7 **Heritage:** No objection.

The proposed alterations to the Little Brighton Theatre will not have any adverse impacts on the surrounding Regency Square Conservation Areas. The proposal is of a high standard design, utilising sympathetic building materials and located in a position which will have little visual impact from public areas.

5.8 **Conservation Advisory Group:** Approve.

The Group recommend Approval.

5.9 **Police Community Safety:** No objection.

There are no concerns over the design and layout of the proposed development. It is recommended that any new doors and windows are to be adequate and fit for purpose and where possible are to conform to LPS 1175 SR 2 specification.

5.10 **Sustainable Transport:** Approve.

The Highway Authority has no objections to the loss of the existing garage given that the applicant has informed the LPA that it is primarily used for storage and given the central and sustainable location of the site.

5.11 The vehicular access from Castle Street is narrow but this is an existing situation and proposed application does not significantly worsen the situation. The proposals are not considered to significantly increase trips to and from the development. Pedestrian access is retained from Clarence Gardens which is welcomed by the Highway Authority.

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 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
CP2 Sustainable economic development
CP5 Culture and tourism
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage

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
QD5 Design - street frontages
QD14 Extensions and alterations
QD27 Protection of amenity
HO20 Retention of community facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features
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 the proposed extensions to the theatre, the resulting appearance and its impact on the Regency Square Conservation Area, the impact on the amenity of neighbouring occupiers with regard to overlooking and light impact, and transport issues.
- 8.2 The application site was acquired by Brighton Little Theatre Company in 1940 and has been in use as a theatre since that time. As the use was implemented prior to 1948, there were no restrictive planning conditions applied at the time of the change of use.
- 8.3 **Planning Policy:**
Policy CP5 states that the council will "*support the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and*

experiences. [...] The council will support the retention, upgrading and enhancement of existing visitor facilities [...]."

- 8.4 The proposed extensions and internal improvements would be supported, subject to an assessment of other material planning considerations, which are set out below.
- 8.5 **Design and Appearance:**
The application proposes to erect a first floor front extension facing onto Clarence Gardens, and a two storey rear extension. To the west of the main building is a single storey lean to pitched roof extension. As part of the overall works, a flat roof would be installed over this existing extension to replace the pitched roof.
- 8.6 The front elevation includes the main front entrance and the non-illuminated fascia sign approved under BH2013/00440, and above those elements there is a parapet wall to the left and a pitched roof visible to the right. The first floor front extension would be located to the rear of the parapet wall. It would project 0.8m over the parapet and so represents a modest addition to the existing elevation. The proposed dark grey standing seam metal cladding and grey aluminium window make it clear that this is a later addition to the building and are likely to be suitable. A sample of the metal and details of the window finish are requested by condition.
- 8.7 The two storey extension is at the rear which is accessed via 35 Castle Street. The ground floor part of the extension connects to the existing garage which would be converted to a storage and changing area. At ground floor level the extension leaves just enough room to park a small car on the curtilage of the site between the extension and Castle Mews to the south. At first floor level the extension overhangs the ground floor to the west and to the south. The first floor of the extension is partially built over the existing garage which is being converted to a storage/changing room. The complex form is a response to the landlocked nature of the site and its constraints, and given its limited visibility from a public road or footpath, this is acceptable. The materials proposed at the rear include dark grey standing seam metal, grey aluminium windows, painted render and blue/grey engineering brick. In addition to the sample of the standing seam metal and the finish to the windows, a sample of the brick and details of the colour of render and paintwork to be used are requested by condition.
- 8.8 It is considered that the proposed extensions and alterations would not harm the appearance of the building or wider Regency Square Conservation Area, in accordance with policy HE6.
- 8.9 **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.

- 8.10 The neighbouring properties most likely to be impacted include 3-8 Clarence Gardens to the north, 15 and 16 Clarence Square to the east, 5-7 Castle Mews to the south, and 35 or 36 Castle Street to the west.
- 8.11 3-8 Clarence Gardens
The proposed window to the front elevation facing Clarence Gardens would be a high level window that would not enable significant overlooking. Any overlooking that may occur would be over the front gardens of the terrace 3-8 Clarence Gardens and the footpath leading up to Clarence Square to the north which is a public footpath.
- 8.12 Several neighbour representations refer to a beam of light that would be directed down Clarence Gardens. However the proposed north elevation does not show external lighting, nor does the Design and Access Statement refer to any external lighting. The production room in question would likely be lit internally, and would generally require only low levels of lighting. Even if the room were normally lit, the light spill as perceived from Clarence Gardens would not cause significant harm.
- 8.13 The existing theatre is stated to seat 71 persons, and the proposed internal works would allow the theatre to seat 75. An increase of 4 audience members and potential customers of the ground floor bar would not result in significant additional noise or disturbance, with members of the public accessing the theatre from Clarence Gardens.
- 8.14 15 and 16 Clarence Square
A representation has been received from 16 Clarence Square objecting to the proposed development on the grounds that it would enable overlooking of no.16 and reduce sun and daylight received. No windows are proposed that would enable overlooking of 15 or 16 Clarence Square.
- 8.15 Most of the proposed front extension would be sited to the rear of the outrigger to no.16, and a small part of the extension (approx. 1.1m wide and 1.1m deep) would extend further south than the building line established by the outrigger to no.16. With most of the bulk of the front extension to the rear of the outrigger and to the side of the main building of 9 Clarence Gardens, it is considered that the proposed front extension would not result in an overshadowing or overbearing impact on no.16. The proposed two storey rear extension would be sited at a sufficient distance to not create an overbearing impact on either 15 or 16 Clarence Square, and would not result in significant additional overshadowing relative to the present arrangement.
- 8.16 5-7 Castle Mews
There are windows at ground, first and second floor levels associated with 5-7 Castle Mews detailed on elevation 2 of the existing elevations (drawing number 15/353/300), which appear to open out over the application site. With the exception of two western ground floor windows, all of these windows appear to be obscure glazed. The two windows that are not obscure glazed serve a habitable room that is served by other windows facing south over Castle Mews.

Given that the other windows appear to be obscure glazed, it is likely that these windows either do not serve habitable rooms, or that they function as secondary windows with other windows facing south onto Castle Mews.

8.17 The proposed two storey rear extension would reduce the gap between the theatre and 5- 7 Castle Mews to the south, and would reduce the outlook and sun and daylight to the windows described above. However as these windows either do not serve habitable rooms or are secondary windows, it is considered that the proposed rear extension would not result in significant harm to the amenity of occupiers to 5- 7 Castle Mews.

8.18 35 and 36 Castle Street

The access to the rear of the application site is underneath 35 Castle Street. There would be no significant increase in the comings and goings through this access and so there would be no significant additional harm to neighbour amenity. The proposed windows facing west towards 35 and 36 Castle Street would not overlook any existing windows.

8.19 **Sustainable Transport:**

It is considered that the proposed development would have no significant transport implications.

9. EQUALITIES

9.1 None identified.