

<b><u>No:</u></b>	<b>BH2020/02654</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 (use class E) to the rear of 43 &amp; 45 Clarendon Villas, Hove incorporating parking and associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.09.2020
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	16.11.2020
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove Hove BN3 6HS		
<b><u>Applicant:</u></b>	Mr Jonathan Stern C/o Turner Associates Ltd 19A Wilbury Avenue Hove Hove 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 and block plan	TA 973/01		21 September 2020
Proposed Drawing	TA 973/10		21 September 2020
Proposed Drawing	TA 973/11		21 September 2020
Proposed Drawing	TA 973/12		21 September 2020
Proposed Drawing	TA 973/13		21 September 2020
Proposed Drawing	TA 973/14		21 September 2020
Proposed Drawing	TA 973/15		21 September 2020
Proposed Drawing	TA 973/16		21 September 2020
Proposed Drawing	TA 973/17		21 September 2020
Proposed Drawing	TA 973/18		21 September 2020
Proposed Drawing	TA 973/19		21 September 2020
Report/Statement	SITE WASTE MANAGEM ENT PLAN		21 September 2020

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 construction above ground floor slab level of any part of the development hereby permitted shall take place until details 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) details of all cladding to be used, including details of their treatment to protect against weathering
  - c) details of all hard surfacing materials
  - d) details of the proposed window, door and balcony treatments
  - e) details 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

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 policy CP8 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not be occupied until the privacy screens shown on the approved drawings 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.

7. 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 and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the

Local Planning Authority for approval in writing. 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.

8. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.
9. The buildings hereby approved shall be used as offices only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** To safeguard the amenity of occupiers of nearby properties and to comply with policy QD27 of the Brighton and Hove Local Plan.
10. The proposed rooflights and upper windows 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.
11. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
12. Notwithstanding the approved drawings, the hard surfaces 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 policies CP8 & CP11 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 a backland plot to the rear of residential properties on the northern side of Clarendon Villas and the southern side of Goldstone Road. The site is accessed from Clarendon Villas and is currently occupied by 6no garages (use class Sui Generis). Planning permission (BH2017/02057) has previously been granted for the demolition of the garages and the erection of 2no two-storey office buildings (B1) (as per the previous Use Classes Order). This permission is currently extant, expiring on 27th December 2020.
- 2.2. The current application proposes an identical development to the scheme previously granted comprising the demolition of the garages and the erection of 2no two-storey office buildings (use class E), and associated works. The previous permission as an extant scheme carries significant weight in the consideration of this application.

## **3. RELEVANT HISTORY**

- 3.1. **BH2017/02057** - 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. Approved

## **4. REPRESENTATIONS**

- 4.1. **Twenty-one (21)** letters have been received, objecting to the proposal for the following reasons:
- Loss of privacy
  - Overlooking
  - Additional traffic
  - Disturbance during construction
  - Offices inappropriate for neighbourhood
  - Overdevelopment
  - Too close to boundary
  - Noise
  - Accessway too narrow
  - Overshadowing
  - Loss of outlook
  - Design an eyesore
  - Existing garages never used
  - Parking shortage
  - Damage to trees and local wildlife
  - New offices not needed due to covid-19
  - Sets a precedent

- Emergency vehicle access
- Land should be sold to neighbours as garden plots
- Previous application inaccurate
- Worsen damp problems
- Restrict access
- Light pollution
- Does not comply with policy EM4

## 5. CONSULTATIONS

5.1. **Economic Development:** No comment received

5.2. **Sustainable Transport:** No objection  
Recommended approval subject to the suggested conditions and informatives.

5.3. **Planning Policy:** No comment received

5.4. **Southern Water:** No comment  
Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

5.5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.6. **Environmental Health:** No comment 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 (adopted October 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 2

Policies in the Proposed Submission City Plan Part 2 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 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on 30 October 2020.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal and the impacts upon neighbouring amenity. Transport implications are also material considerations.

### **Principle of Development:**

- 8.2. The current application is identical to a previously approved and extant planning permission BH2017/02057 - 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. Approved, and this is a material consideration in the determination of this application which must be given substantial weight.
- 8.3. There is no objection to the loss of the 6no existing garages. The proposed business use of the site would be consistent with the NPPF in that it would make effective use of land by reusing land that has been previously developed (brownfield land).
- 8.4. 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.
- 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.*
- 8.5. The proposal was previously considered to comply with all the relevant criteria and it is considered that there has been no material change in the circumstances of the site to indicate a different assessment should be taken now.
- 8.6. There is a long-standing shortage of office employment space in the city, with added pressure on the existing stock from Permitted Development and Prior Approval changes of use. EM4 a) is therefore considered met. Concerns have been raised that the ongoing COVID-19 pandemic has resulted in a reduction in demand for office space. In the absence of any evidence to confirm this and the fact that overall there is a long-standing shortage of office employment space, together with the fact that there is an extant implementable permission, the proposal is considered acceptable.
- 8.7. The site is centrally located near to sustainable transport links, in accordance with EM4 b).
- 8.8. EM4 c), d) and e) are also considered met.
- 8.9. EM4 f) is addressed in a subsequent section of this report but in summary is considered met.

- 8.10. 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.
- 8.11. Accordingly there is no objection to the principle of the proposed development.
- 8.12. A condition is recommended to ensure that the development is used as an office and not as any other use within Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which may not be appropriate for this location. It is noted that residential use would also not be considered appropriate due to the front screening restricting access to outlook, daylight and sunlight.

**Design and Appearance:**

- 8.13. No objection is raised to the loss of the existing garage buildings on the site which are of little architectural value and do not contribute positively to the streetscene or surrounding area.
- 8.14. The proposed office units would be set in a single building within the footprint of the existing garages. The offices would have a single storey appearance with a pitched roof in order to accommodate a mezzanine floor within. The proposal includes excavation of the land to the north of the site in order to reduce the impact of the increase in height of the building. The roof ridge height would be approximately 2.2m higher than the existing flat roof structures and would be 0.8m higher than the existing boundary wall separating the site from the rear gardens of the properties on Goldstone Road to the north. The proposed materials for the building include painted render walls, metal standing seam roof, and aluminium windows and timber/metal doors.
- 8.15. 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.
- 8.16. 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 building subservient to and more modern than the more traditional houses surrounding the site.
- 8.17. 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.



**Impact on Amenity:**

- 8.18. 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.
- 8.19. The site abuts the gardens of residential dwellings 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.
- 8.20. 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. It is also accepted that pedestrian movements to and from the site through the access route would increase, and that this could result in some noise and disturbance to the immediate neighbouring residents.
- 8.21. However, with a projected 12 employees the occupancy of the proposed offices would be relatively low, and as an office use there is unlikely to be significant activity outside of daytime office hours. The proposed forecourts/amenity areas may be used by employees for short periods, however given the relatively low level of occupancy of the offices, this is unlikely to cause significant noise disturbance.
- 8.22. Office use can be secured by condition to prevent the development being converted into other Class E uses at a later point which may have an increased impact upon the neighbours.
- 8.23. It should also be noted that the existing garages could be more likely to be used at any time of day (or night), 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.
- 8.24. In view of all of the above it is considered on balance that the proposed office use would not result in significant noise and disturbance to warrant refusal of the application.
- 8.25. The proposal does not include an increase in the height of the rear boundary wall and so would not have an increased impact in terms of overshadowing or overbearing impact upon the gardens of the properties on Goldstone Road.
- 8.26. Whilst the proposed roof ridge would exceed the height of the boundary wall, due to the eaves being set below the top of the parapet and the low roof pitch angle there would be no increased impact upon the northern neighbours in terms of overshadowing or overbearing impact.
- 8.27. Whilst it is accepted that the increased height of the building would have some impact upon the rear windows of the flats on Clarendon Villas, the separation

between the proposed building and these properties (approx. 9m) would be sufficient to prevent a significant overbearing impact or loss of sunlight, daylight or outlook. The proposal does include a dividing fence in closer proximity (approx. 6m) but this fence would be of a proportionately reduced height and so would not have an increased impact on the neighbours than the building itself.

- 8.28. The proposal would create the potential for additional views towards the neighbouring properties on Clarendon Villas, although it is noted that views towards these dwellings are already possible from the existing garages. The proposal includes an approx. 2m high dividing fence/screen to prevent mutual overlooking between the ground floor of the offices and the southerly neighbours. The first floor/mezzanine windows are proposed to have slatted screens to obscure views out. The rooflights would, due to their positioning in the roofslope, only afford views upwards towards the sky. Therefore, and subject to conditions ensuring the implementation of the above mitigating measures and that the first floor/mezzanine windows are additionally fixed shut, it is considered that the proposal would not result in a significant degree of additional overlooking or loss of privacy for the dwellings on Clarendon Villas.

**Sustainable Transport:**

- 8.29. The proposal is unlikely to generate a significant uplift in trip generation and so a financial contribution will not be sought in this instance.
- 8.30. Access to the proposed office units would be via the existing shared access route from Clarendon Road and it is acknowledged that this is not an ideal arrangement. However, in view of this also being the existing arrangement in situ, and the proposal resulting in a significant reduction in parking spaces on the site (from 6no as existing to 2no as proposed) it is considered that this does not warrant a reason for refusal. The Highways Authority have reviewed the scheme and have raised no objection in this regard.
- 8.31. As aforementioned the proposal includes 2no on-site car parking spaces which is in accordance with SPD14 guidance. It should be noted that this is a reduction compared to the number of on-site car parking spaces as existing. Whilst the existing garages may or may not currently be actively used for vehicle parking, this use could resume at any time. It is considered that the likely number of vehicle movements associated with the modest on-site car parking is considered unlikely to cause significant harm to residential amenity.
- 8.32. The site is located within a Controlled Parking Zone and so any demand for on-street car parking permits could be managed by the Local Highways Authority.
- 8.33. The proposal includes changes to the existing hard surfaces, and a condition is recommended to ensure any new hard surfaces are made of porous materials.

**Sustainability:**

- 8.34. A condition is recommendation to ensure that BREEAM 'very good' standard is met in accordance with Policy CP8 of the CPP1.
- 8.35. Details of refuse and recycling facilities can be secured by condition.

**Other Considerations:**

- 8.36. Due to the past uses of the garages, a contaminated land discovery strategy is recommended to be secured by condition.
- 8.37. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.38. The concerns raised by public representations are acknowledged, however in accordance with the assessment of material planning considerations as set out above it is considered that the proposal is acceptable. Other concerns raised by objectors do not relate to material planning considerations and so cannot be taken into account in assessing the application.

**Conclusion:**

- 8.39. The proposal is identical to an extant permission, and it remains considered that the scheme complies with policy EM4 of the Brighton and Hove Local Plan. The proposed design is considered acceptable. It is considered that the proposal would not give rise to a significant detrimental impact upon neighbouring amenity or the transport network. Sustainability matters including water and energy efficiency and BREEAM standards can be met through suitable conditions. Approval is therefore recommended.

- 9. **EQUALITIES**  
None identified

