

<b><u>No:</u></b>	<b>BH2021/03177</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Former Electricity Substation Land To Rear Of Highcroft Lodge Highcroft Villas Brighton BN1 5PZ</b>		
<b><u>Proposal:</u></b>	<b>Change of use from electricity substation to form indoor personal recreation space (Sui Generis) with erection of single storey outbuilding and associated alterations.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	16.09.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.11.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	CMK Planning 11 Jew Street Brighton BN1 1UT		
<b><u>Applicant:</u></b>	Mr S Goldsworthy-Trapp C/o CMK Planning 11 Jew Street Brighton BN1 1UT		

## 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>
Proposed Drawing	EP100		31 August 2021
Proposed Drawing	EP101		31 August 2021
Proposed Drawing	EP102		31 August 2021
Proposed Drawing	EP103		31 August 2021
Proposed Drawing	EP104		31 August 2021
Proposed Drawing	EP106		31 August 2021
Location Plan	E010		31 August 2021
Block Plan	E011		31 August 2021
Report/Statement	Planning Statement		31 August 2021

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/details of all brick,
- b) samples/details of the proposed window and door treatments
- c) samples/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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## 2. SITE LOCATION

- 2.1. The application site relates to the site of a former electricity substation to the rear of Highcroft Lodge - a purpose built residential block. The former substation is comprised of an enclosure of concrete posts and timber panels.

## 3. RELEVANT HISTORY

None

## 4. APPLICATION DESCRIPTION

- 4.1. This application seeks to construct a single storey outbuilding on the footprint of the former substation. The proposal is for the building to be used as additional accommodation for a resident of the city, albeit not one who lives within Highcroft Lodge. The proposed use is described within the submission as Sui Generis (recreation).

## 5. REPRESENTATIONS

- 5.1. **Seven (7)** representations have been received from **five (5)** respondents objecting to the proposed development for the following reasons:
- Noise
  - Overshadowing and loss of light
  - Air pollution
  - Close proximity to adjacent building
  - Loss of privacy
  - Overdevelopment

## 6. CONSULTATIONS

- 6.1. Transport Planning: Verbal comment
- The site is on private land, and does not appear to have a negative impact on the operation of the car park.

## 7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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 JAAP (adopted October 2019).
- 7.3. 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.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP12	Urban design

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

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

### Brighton & Hove City Plan Part Two

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity

### Supplementary Planning Documents:

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

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main consideration in the determination of this application relates to the principle of the development, the impact of the proposals on the character and appearance of the locality, and the impact on the amenity of occupiers of nearby residential uses.

### **Proposed use:**

- 9.2. The proposal is to construct a building for a use which would serve a similar function to an incidental outbuilding to a dwellinghouse, albeit the occupier in this instance would not live in the adjacent block. The supporting statement sets out that uses would include use as a 'home office', hobby-craft and exercise space. The statement explains that the applicant has insufficient space and privacy in their home for personal pursuits, and that this was highlighted during recent lockdowns. In principle, the described usage is not considered incompatible with the residential use of the wider site.

### **Design and Appearance:**

- 9.3. The proposed building would occupy the same footprint as the existing substation enclosure, approximately 12.5m<sup>2</sup> internally. The building is congruent with a scale of outbuilding commonly found in residential settings in the City, being 2.69m to the eaves and 3.8m at the highest point. It is appreciated that the building would be positioned so that it would not impinge upon the side building line of Highcroft Lodge, and also that the building would be at its minimum height where it would be closest to that building.

- 9.4. The building would comprise face brick, aluminium fenestration and a single-pitched zinc roof housing rooflights. The use of facing brickwork would compliment the brick elevations of Highcroft Lodge, and the remaining materials would lend the development an acceptable finish, subject to fuller material details being secured by condition.

**Impact on Amenity:**

- 9.5. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 9.6. The uses described by the applicant are considered compatible with the wider residential use of the site. If any unforeseen noise disturbance occurred, this could be addressed by Environmental Health legislation.
- 9.7. The proposed building is situated to the north of Highcroft Lodge and does not extend across the rear elevation of that building or any windows housed in that elevation. Given the positioning and orientation, no significant overshadowing or loss of light is foreseen. The positioning of windows, similarly, would avoid any direct overlooking of windows at Highcroft Lodge, with any new views afforded being oblique.
- 9.8. The building would be bulkier and taller than the existing enclosure. There is potential for some impact on outlook from windows on the rear elevation of Highcroft Lodge, particularly those in on the lower ground floor. There is also potential for an increased sense of enclosure. Given the existing structure present, the positioning of the building, and that the building has been designed to pitch away from Highcroft Lodge, it is not considered that any impact on outlook or sense of enclosure would be of such harm to warrant refusal of planning permission.

**Transport:**

- 9.9. The building would be situated on private land, where no new vehicle parking is proposed. The wider area is controlled by a Controlled Parking Zone which would safeguard against any overspill parking. No significant impact on localised parking provision or highway congestion would arise as a result of the proposed development.

**Other considerations:**

- 9.10. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. 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.

**Conclusion:**

- 9.11. The proposed development has a limited public benefit, in that it would provide additional space for use by a resident of the City who doesn't have the opportunity for the same at their home. The design of the building would be acceptable, and no significant negative impact on neighbouring amenity has been identified. For these reasons, subject to further details of materials to be secured by condition, it is recommended that the application is approved.

**10. EQUALITIES**

No issues identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The development makes more efficient use of a redundant substation site. The building utilises three rooflights, one window and glazed doors to allow natural light and ventilation for the building, reducing the need for artificial lighting or mechanical ventilation.
- 11.2. In terms of biodiversity, the development can incorporate a bee brick which shall be secured by condition. The proposals would not include removal of trees/hedgerows which could provide habitat for wildlife. The hard-surfaced nature of the car park area adjacent the site limits the opportunities for biodiversity on the site. No harm to biodiversity has been identified as a result of the development.