

<b><u>No:</u></b>	<b>BH2023/00789</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Rear Of 69 Centurion Road Brighton BN1 3LN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage building and erection of new garage.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	23.05.2023
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	18.07.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Deacon And Richardson Architects 253 Ditchling Road Brighton BN1 6JD		
<b><u>Applicant:</u></b>	Cintsa Ltd Amelia House Crescent Road 253 Ditchling Road Brighton BN11 1QR		

## 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	3807.PL.01	B	17 May 2023
Proposed Drawing	3807.PL.02	B	27 June 2023

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. The garage hereby approved shall only be used for the storage of domestic goods and the parking of a vehicle. The internal dividing wall to the garage as outlined on 3807.PL.02B received on 27 June 2023 shall be implemented prior to first occupation and shall be retained in situ thereafter. At no time shall the shall the garage be used by a business for any commercial activity.

**Reason:** To preserve the amenities of local residents and to prevent overparking in the locality and to be in accordance with polices DM20, DM33 and DM36 of the Brighton & Hove City Plan Part Two.

4. At least one 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 DM37 of Brighton & Hove City Plan Part Two, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

5. 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 DM41 of City Plan Part Two.

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.
3. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>.

## **2. SITE LOCATION**

- 2.1. The application site refers to the single detached garage at the rear of 55-69 Centurion Road. The properties of 55-69 Centurion Road are three storey and have a shared access to a rear parking area. The properties all have integral garages, with the exception of no. 55, which historically had the use of the stand-alone garage. It is noted that No.55 does not currently have use of the garage which is now in a separate ownership. The site is not listed or locally listed. The site is located within the West Hill Conservation Area and covered by the West Hill Article 4 Direction which restricts some permitted development rights to dwellinghouse frontages within the conservation area.

## **3. RELEVANT HISTORY**

- 3.1. BN78/1185 (LBC/CA)

- 3.2. Demolition of existing industrial buildings and builders yard and erection of 8 terraced houses (7 with garages under and rear access and one with additional room on lower ground floor and detached garage). Approved 31.10.1978

#### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the demolition of the existing pitched roof detached garage and construction of a new larger garage with a flat roof.
- 4.2. The proposed garage would also be brick-built albeit with a flat roof and larger footprint. The application has been subject to amendments which have slightly increased the footprint of the garage and changed the orientation of the garage door from the east elevation back to the south elevation where it is currently. The applicant has advised that garage will be used for the storage of personal items and parking of a vehicle.

#### **5. REPRESENTATIONS**

- 5.1. **Fifteen (15)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
  - Detrimental impact on property value
  - Noise and disturbance from use and vehicular movements
  - Overdevelopment
  - Too close to boundary
  - Alignment of garage door will mean narrow entrance for garage.
  - Potential for collision with neighbouring boundary walls
  - Impacts would be greater than the existing garage.
  - Adverse effect on listed building
  - Adverse effect on conservation area
  - Poor design
  - Applicant does not live here; application is purely for money.
  - Use of the space as a rented parking space would cause problems for existing residents.
  - Overdevelopment
  - Residential Amenity
  - Garage has only been used for domestic purposes for 40 years.
  - Garage should not have a commercial storage purpose which would be inappropriate in this location,
  - Light pollution
  - Air pollution
  - Security risk to neighbours
  - Garage will impact on neighbours' ability to maintain boundary walls
  - Overshadowing
  - Restriction of view

- Inappropriate height of development
  - Traffic or Highways impacts,
  - Council owns the large retaining wall between the rear of Centurion Road and St Nicholas Road, and this will impact on the maintenance of the wall.
  - Council own land next to retaining wall.
  - Historic issues of illegal parking in this area.
  - Contrary to polices DM18, DM21 and DM40.
  - Obstructs existing users.
  - Reduction in safety
  - Entrance should not be repositioned.
  - Notice no served on Council Asset management team.
  - If approved, the larger garage should not be able to be rented out or the adjacent parking area.
  - No exceptional circumstances for a 'personal use'.
  - Larger space means there could be more uses (e.g. parking and space for DIY).
  - Use should be linked to 55 Centurion Road.
- 5.2. Following the receipt of amended plans and further information a second round of consultation was undertaken, a further 17 representations of objection were received. There were no new objections received following the reconsultation and the above summary addresses all of the consultation responses
- 5.3. **Councillor McLeary** has objected to the planning application. A copy of their representation is attached to the report.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection  
This garage is in a courtyard surrounded by a high mostly post-war houses and on the northwest side by a high brick embankment dating from perhaps the late C19 or early C20. Though it is in the West Hill Conservation Area the building and its setting is of no historic significance.
- 6.2. No harm would be caused to the historic significance of the conservation area by this development and there is no objection to it on Heritage grounds.
- 6.3. **Sustainable Transport:** No objection  
The Sustainable Transport Team initially objected as the design allowed the applicant to park two vehicles, exceeding the maximum parking standards. The revised proposal is considered acceptable following the division of the garage into one parking area only and storage space.
- 6.4. The inclusion of a CEMP/DEMP (Construction Environmental Management Plan/Demolition Environmental Management Plan) condition is requested as

we have concerns regarding the narrow access point (from Centurion Rd) to this location.

## **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 City Plan Part Two (adopted October 2022);
- 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).

## **8. RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP15 Heritage

Brighton & Hove City Plan Part Two:

DM18 High quality design and places  
DM20 Protection of Amenity  
DM21 Extensions and alterations  
DM26 Conservation Areas  
DM33 Safe, sustainable and active travel  
DM36 Parking and servicing  
DM41 Polluted sites, hazardous substances & land stability

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD11 Nature Conservation & Development  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of a larger garage in this location in terms of the design, appearance and impact on the West Hill Conservation Area and also impacts in relation to residential amenity and parking.
- 9.2. The application has been amended since it was originally submitted with changes to the size and layout of the garage and the placement of the garage door. A site visit was carried out in June 2023 and the car park was in use at the time.
- 9.3. The amendments have seen the garage become larger than the original proposed garage which was already going to be larger than the existing garage (15.5sqm). The proposed change is garage footprint is now from 15.5sqm to 45.98sqm. This is approximately 6.5sqm larger than what was originally proposed as an increase in footprint (39.34sqm). In terms of the repositioned door, this change was made in response to the consultation received and officer feedback that the change of location of the door was not necessary. The final change to the plans (internal dividing wall) was made in direct response to the comments from the Highway Authority.
- 9.4. The description of the application has been amended to remove the reference to '(Class B8)', the use set out in the covering letter from the applicant clearly demonstrates intent to use the garage on a personal basis rather than a commercial one. Retaining the reference to B8 would have created a conflict with the condition above restricting the use of the garage for non-commercial purposes.
- Principle of garage:**
- 9.5. The existing garage is used for storage and parking purposes and as raised in the representation has been recently sold. A detached garage was originally erected as part of the 1978 planning permission, details outlined in the planning history section. It is understood that this was used in connection with number 55 which did not have an integral garage. The representations highlight that the garage was sold in May 2022. There is a condition on the planning decision from 1978 which states:  
*"(3) Each house shall be occupied as a single dwelling unit only and each garage shall be used only as appurtenant to a private dwelling and for no commercial purpose".*
- 9.6. The condition does not specify that the garages are to be used in connection with specific properties or a particular 'private dwelling' that was approved under BN78/1185 (LBC/CA). There are no surviving plans of the development held by the Council, only the decision notice.
- 9.7. The supporting statement from the planning agent for the application specifically highlights the applicant's intent for the proposed garage to be used as for parking and or storage and specifies items to be stored as those which you would likely find within a domestic garage. Furthermore, it is recommended that a condition is attached that restricts commercial use of the

proposed garage. Introducing a commercial use into this rear parking area that is in close proximity has the potential to give rise to noise and disturbance through the intensification of the garage use. This is considered to be an important restriction on the garage given the location and access route to the highway from the garage.

- 9.8. The principle of a garage in this location with a purpose subsidiary to a residential property is therefore long established and is not proposed to change through this proposed development and would be restricted with the suggested condition above. Therefore, there is no concern with the principle of providing an enlarged garage for parking and storage purposes.

**Design and Appearance:**

- 9.9. The application site is within an existing parking and garage area to the rear of 55-69 Centurion Road. The area is tarmacked. There are existing parking bays and bollards within the parking area.
- 9.10. The development proposes demolition of the existing garage and construction of a new garage with a larger footprint. The garage would infill the space between the existing west wall of the garage and the high retaining wall. The proposed garage would be of brick construction with a typical garage door. No other openings or access points are proposed. The flat roof would be a single ply roof membrane. These are considered appropriate materials for a garage. The form, siting and design of the garage are considered appropriate and would not detract from the appearance and character of the wider site in accordance with development plan policies.
- 9.11. A condition is also recommended, regarding contaminated land ensuring that if contaminants are discovered during construction, given the former builders yard use of the site, these are investigated and dealt with in a manner to be agreed by the Local Planning Authority in writing as required by the suggested condition. This would be in accordance with development plan policies.

**Impact on Conservation Area:**

- 9.12. 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. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.13. The Heritage Officer has reviewed the garage and does not consider that the West Hill Conservation area is affected by the proposals. Further consultation was undertaken on the revised proposals, but no additional comment was received. The proposed garage would not be readily visible from the public highway on Centurion Road, and it is not considered that it would have a harmful impact on the Conservation Area.

- 9.14. There is no change of use proposed and as such there is not impact on the character of the conservation area in that regard. Overall, the proposal is considered to preserve the conservation area in accordance with the NPPF and policy DM26 of the City Plan Part Two.

**Impact on Amenity:**

- 9.15. It is acknowledged that the garage as initially proposed sought to provide two parking spaces, however this is now reduced to one space. Therefore, there is no increase in parking provision.
- 9.16. It is not considered that the enlarged garage would give rise to any significant increase in noise or disturbance which would harm neighbouring amenity. It is noted that the representations are concerned about an increase in light and air pollution. The amended scheme only provides a single parking space (like the existing garage) and there are no windows therefore the only light pollution could occur from the garage door which is in a similar position to the existing garage door.
- 9.17. The proposal would accord with the aims of policy DM20 and DM40 of the City Plan Part Two.

**Landscaping & Biodiversity:**

- 9.18. 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.
- 9.19. The proposal includes a small, raised planting bed which would introduce some greenery into the area. If the planting bed is planted with 'bee friendly' plants then it would have the added benefit of further encouraging biodiversity into the area.

**Sustainable Transport:**

- 9.20. The Highway Authority initially had concerns that the increased size of the garage could allow for overparking, this has been addressed through the inclusion of an internal wall to the structure and the retention of this internal wall as part of the layout is recommended to be secured by condition to prevent vehicular access to the west side of the garage.
- 9.21. The Highway Authority have also requested the inclusion of Construction and Demolition Management plans by condition citing that the narrow access to the site could be a cause for concern during construction. Given the scale of the proposal it is not considered that this would be an appropriate condition to attach.
- 9.22. The amended garage design is considered acceptable and in accordance with policies DM33 and DM36 of the City Plan Part Two.



**Other Considerations:**

- 9.23. It is noted that the representations cite that the applicant is a company rather than a person. This is not a material planning consideration relevant to the application.

**10. EQUALITIES**

- 10.1. None identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- Bee brick condition
- Raised planting bed at side of garage

**12. COMMUNITY INFRASTRUCTURE LEVY**

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

