

<u>No:</u>	BH2023/01305	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Aymer House 10-12 New Church Road Hove BN3 4FH		
<u>Proposal:</u>	Demolition of car port and erection of garage block.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	24.05.2023
<u>Con Area:</u>	Pembroke & Princes	<u>Expiry Date:</u>	19.07.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.10.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Aymer House Freehold Ltd C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	TA1478/01	E	9 August 2023
Proposed Drawing	TA1478/10	C	9 August 2023
Proposed Drawing	TA1478/11	E	9 August 2023
Proposed Drawing	TA1478/14	E	9 August 2023
Proposed Drawing	TA1478/15	C	9 August 2023
Proposed Drawing	TA1478/16	C	9 August 2023
Proposed Drawing	TA1478/17	C	9 August 2023
Proposed Drawing	TA1478/18	A	9 August 2023
Proposed Drawing	TA1478/19	A	9 August 2023
Proposed Drawing	TA1478/20	A	9 August 2023
Proposed Drawing	TA1478/21	A	9 August 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. No development 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.

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 CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.

4. Access to the flat roof over the garage block hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. A condition requiring tree protection measures will be added to the Additional Representations List.
6. One or more bee bricks shall be incorporated within the east or south-facing external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
7. Notwithstanding the proposal hereby permitted, prior to the first use of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 DM33 of the Brighton & Hove City Plan Part Two and SPD14.
8. Notwithstanding the proposal hereby permitted, prior to the first use of the development hereby permitted, electric vehicle charging points 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 charging of electric vehicles are delivered, to encourage travel by sustainable means and to comply with policy DM36 of the Brighton & Hove City Plan Part Two.
9. The development hereby approved shall not be used until the refuse and recycling storage facilities shown on the approved drawings have been installed made available for use.
The approved facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies CP8 of the Brighton & Hove City Plan Part One, DM20 of the Brighton & Hove City Plan Part Two, and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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 and preferably adjacent to pollinator friendly plants.
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: www.hse.gov.uk/asbestos
4. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION

- 2.1. The application site is Aymer House, a part four, part five-storey block of residential flats on a corner plot, on the south side of New Church Road, and east side of Aymer Road, within the Pembroke and Princes Conservation Area (PPCA). There is a car port in the southeast corner of the site, accessible from Aymer Road.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Built between 1895 and 1900, the Pembroke Crescent/Avenue area represents the only large group of Victorian and Edwardian red brick developments in Hove. The area south of New Church Road followed the development of the northern half of the area, much being built in the interwar years, however pre-1910

development in Aymer Road and the red brick properties in New Church Road exhibit similar characteristics to those in Pembroke Crescent/Avenue.

- 3.2. The charm of the area lies in the contrast of hard red brick and extensive use of white painted exterior timber and the overwhelming predominance of the plain red tile.
- 3.3. The subject site is a mid-20th century purpose-built 4-5 storey block of flats, occupying a prominent site on the corner of New Church Road and Aymer Road. It has a strong cuboid shape with unrelieved flat roofs, built of brown/buff brick with full-height shallow bays featuring pale blue panelling. As such its height, form, massing, and materials strongly contrast with its neighbours and the area generally.

4. RELEVANT HISTORY

- 4.1. **BH2022/01701** Application to vary condition 1 of planning permission BH2021/02028 to allow amendments to approved drawings to include internal layout alterations, extension to lift shaft, revised fenestration, and installation of painted render instead of metal cladding to new external walls. Approved
- 4.2. **BH2021/02028** Erection of additional storey to North and South wings of building to create 3no self-contained flats (C3). Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing car port and erect a garage block in its place, featuring six vehicle parking spaces, a bicycle storage area and a recycling area.
- 5.2. The structure would have a flat roof and would be larger than the existing car port, coming forward approximately 2.3m and increasing in height by approximately 0.4m. There would be a net increase of two vehicle parking spaces. Each space would be approximately 5.5m deep and 2.6m wide; the footprint area of the garage block would be approximately 135.25m² and it would have a maximum height of approximately 2.8m.
- 5.3. The proposed development initially included two additional storeys to the block of flats itself, but following concerns raised by the Local Planning Authority this aspect of the scheme has now been omitted.

6. REPRESENTATIONS

- 6.1. Thirteen (13) representations have been received between 4th and 15th June, objecting to the initial proposal on the following grounds:
 - Loss of sunlight, privacy, and views due additional storeys

- Additional storeys will cause visual harm to the significance of the conservation area.
 - Additional residential units will cause additional parking stress and noise.
- 6.2. It should be noted that none of the objections received specify the garage block as a concern.
- 6.3. Following the amendment to the application, reducing the schedule of works down to include only the erection of the garage block and a further consultation period, no further representations have been received.

7. CONSULTATIONS

External

- 7.1. **Brighton and Hove Archaeological Society**
No Objection. The proposed development lies in an area where finds from the Palaeolithic and Neolithic periods have been found in the past.
- 7.2. **Conservation Advisory Group**
Comments regarding initial submission
Objection. The Group supports the comprehensive assessment submitted by the Heritage Officer.
- 7.3. **County Archaeology**
No Objection
- 7.4. **Southern Water**
Comments regarding initial submission
No Objection subject to condition. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 7.5. It is requested that should this planning application receive planning approval, the following condition is attached to the consent: *Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

Internal

- 7.6. **Heritage**
Comments regarding initial submission
Objection. The Heritage Officer objected to the development insofar as it related to the additional storeys to the block of flats but confirmed that there was no objection to the proposed garage block.
- 7.7. **Private Sector Housing**
No Comment
- 7.8. **Transport**
Comments regarding initial submission

No Objection subject to the inclusion of a condition requiring further details of cycle parking.

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 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 Joint Area Action Plan (JAAP) 2019.

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable Buildings
CP10 Biodiversity
CP12 Urban Design
CP15 Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; and the potential impacts

on the amenities of local residents; on highway safety; and on the significance of heritage assets in the vicinity.

Design and Appearance

- 10.2. The existing car port is not a well-designed structure in terms of appearance and its replacement with a garage block is considered to be acceptable in principle.
- 10.3. The proposed garage block is considered to be acceptable in terms of form and scale and replicates a similar scale and form to the existing structure. The brickwork finish is considered to be acceptable in this back-of-site location. The roof material is not specified within the application form, but a green roof is stated to be an option the applicant would be willing to consider. The Local Planning Authority would prefer a biodiverse roof as this would be more attractive than a standard flat roof and would provide biodiversity benefits. The proposed external materials for the development are recommended to be secured by condition in the interest of clarification and maintaining the visual amenities of the area.

Impact on Heritage Assets

- 10.4. 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.
- 10.5. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.6. The existing car port makes no positive contribution to the significance of the Pembroke and Princes Conservation Area and there is no objection to its demolition. The proposed garage block is slightly larger in scale but would have a similar relationship with the conservation area, which is largely obscured from the public street by the main building. The structure would appear as a low profile ancillary building set back from the public highway. It is considered that the development would have a neutral impact on the significance of the conservation area.

Impact on Amenities

- 10.7. The increased height of the garage block is likely to have some impact on the amenities of occupants of both adjoining properties, no.5 New Church Road and no.2 Aymer Road.
- 10.8. The impact on occupants of no.8 New Church would result from the increased height (from 2.4m to 2.8m) along the full length of the west side of their garden. It is considered though that the impact from the proposed structure would not be significantly greater than existing and would be successfully mitigated by the preservation of the trees along the site boundary (which can conceal parts of the garage). It is not considered that the additional visual impact would be significant enough to warrant refusal in this instance.
- 10.9. The impact on the occupants of no.2 Aymer Road is considered to be acceptable; though the proposed development would be more slightly larger

than the existing car port, it would still occupy less than half of the northern boundary of the garden and should create no loss of light/overshadowing. It is not considered that the additional visual impact would be significant enough to warrant refusal in this instance.

- 10.10. A condition is recommended restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.
- 10.11. It is not considered that the increase in vehicle parking spaces is likely to generate significant additional activity that might lead to a noise nuisance; the site is already used as a car park and the more solid garage structure may contain more noise than the existing car port.

Impact on the Public Highway

- 10.12. The proposed garage block would provide six vehicle parking spaces (a net gain of two) as well as a cycle store; this is welcomed in principle and should reduce pressure on street parking.
- 10.13. Further details of the cycle parking are required in order to ensure that the new facilities are equally accessible and fit for purpose; this shall be secured by condition.
- 10.14. Policy DM36 of the CPP2 states: New developments should include infrastructure to support the use of low emission vehicles, including electric vehicle charging points. This is recommended to be secured by condition.

Biodiversity

- 10.15. 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 bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation.
- 10.16. The application form also states that the applicant would be open to the inclusion of a green roof within the design; the Council would support this as it would be more attractive and offer improved biodiversity.
- 10.17. Satellite images show trees within the rear gardens of no.8 New Church Road and no.2 Aymer Road in close proximity with the shared boundary; it is considered that the foundations of the garage block could be designed in a manner that would maintain the root system of these trees. Permission should be granted only subject to a condition requiring the submission and approval of an Arboricultural Method Statement that would detail how the development would be carried out whilst protecting the health of these trees.

Other Considerations

- 10.18. The site lies within an archaeological notification area; the County Archaeologist has confirmed that they have no concerns with the proposed development.
- 10.19. The proposed development would maintain refuse and recycling bins on the site; this is welcomed. It is considered necessary for these facilities to be made available for use prior to first use of the development given that the development includes the removal of the existing refuse and recycling storage area.

Conclusion

- 10.20. The proposed development is considered to be acceptable in terms of appearance and the impact it is anticipated to have on the significance of the Pembroke and Princes Conservation Area; there are no concerns in this regard. It would improve the accommodation offer for occupants of Aymer House by improving parking facilities. Planning conditions are recommended to secure external materials (which may include a green roof), to limit access to the flat roof for amenity purposes, to safeguard the health of adjacent trees, to secure at least one bee brick within the development, and to secure cycle parking details, EV charging points, and the availability of the refuse and recycling storage area.
- 10.21. The garage would be slightly larger in scale than the existing car port and is anticipated to have an increased visual impact on the amenities of occupants of both adjacent residential properties. It is considered that this harm is not significant and would not outweigh the benefits of the development in this instance.
- 10.22. For the foregoing reasons the proposal is considered to be in accordance with policies CP8, CP10, CP12 and CP15 of the Brighton and Hove City Plan Part One, and DM18, DM20, DM21, DM22, DM26, DM31, DM33, DM36 and DM37 of the City Plan Part Two.

11. EQUALITIES
None identified

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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £20,088.32. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. Biodiversity improvements including bee bricks shall be secured by condition within the approved development. Tree protection measures will also be secured

by condition in order to safeguard the trees in adjacent sites. Electric Vehicle charging points and suitable cycle parking facilities will also be secured by condition to encourage trips to and from the site by more sustainable means.