

<u>No:</u>	BH2018/00972	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Wickenden Garage Scott Road Hove BN3 5HN		
<u>Proposal:</u>	Formation of 1no two bedroom flat (C3) on top of existing garage (B1).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	26.03.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	21.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Tim Cording 3 Whitethorn Drive Brighton BN1 5LH		
Applicant:	Mr Jared Wickenden Wickenden Garage Scott Road Hove BN3 5HN		

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 **REFUSE** planning permission for the following reasons:
- 1.2 Insufficient information has been submitted in respect of levels of noise and disturbance generated by the existing automobile engineer/garage use and how the amenity and living conditions of future occupants of the proposed flat may be affected by noise and disturbance. As such no assurance is provided that future occupiers' amenity would not be compromised and the proposal is therefore contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
- 1.3 The proposed development represents a significant risk to the day to day running of the existing garage (B2) due to potential noise, disturbance, odour and fumes complaints from future occupiers of the proposed residential unit. The proposal is therefore contrary to policy CP3 of the Brighton and Hove City Plan Part One and Policy SU10 of the Brighton and Hove Local 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	-	-	26 March 2018

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is occupied by a single storey flat roof building with a pitched roof workshop to the rear. The site is in use as a motor vehicle engineers/garage.
- 2.2 The garage adjoins a row of 6 terraced houses on the western side of Scott Road. These are two storeys in height and have a traditional appearance with pitched roofs and bay windows with gables over.
- 2.3 The site is reasonably deep and goes behind the rear gardens and yards of nos. 155 to 163 Portland Road. This is part of a designated local shopping centre and the ground floors are in commercial use with residential uses above.
- 2.4 Permission is sought for the erection of an additional storey to the front section of the site in order to facilitate a two bedroom flat. That application follows several refused applications of a similar scale, the latter of which is identical to the current proposal.

3. RELEVANT HISTORY

BH2013/01017 - Addition of first floor with pitched roof to form 1no two bed flat with associated works. Refused 29.08.2013 for the following reasons:

1. *Insufficient information has been submitted in respect of levels of noise and disturbance generated by the existing automobile engineer/garage use and how the amenity and living conditions of future occupants of the proposed flat may be affected by noise and disturbance. As such no assurance is provided that future occupiers' amenity would not be compromised and the proposal is therefore contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.*
2. *The proposed development would compromise the day to day running of the existing garage (B2) as a result of noise and disturbance complaints from potential occupiers of the proposed residential unit. The proposal is therefore contrary to policy EM6 of the Brighton and Hove Local Plan.*

BH2012/01776 - Addition of first floor with pitched roof to form 1no three bed flat and associated works including a new terrace to rear. Refused 30.11.2012.

3/89/0315 - First floor extension above existing single storey garage to form a self contained flat. Refused 31 May 1989.

3/89/0024 First and second floor extensions to form 2 no. self contained flats. Refused 24.02.1989.

3/81/0701 - Erection of illuminated fascia sign and projecting box sign. Granted.

4. REPRESENTATIONS

4.1 **Four (4)** letters have been received, objecting to the proposed development for the following reasons:

- Overlooking / loss of privacy
- Overshadowing / loss of light
- Will impact on my home business
- Additional noise
- Would exacerbate parking problems

4.2 **Nine (9)** letters have been received supporting the proposed development for the following reasons:

- It will enhance the look of the street
- It would be smaller than local properties
- Modest and proportionate
- No detrimental impact as there used to be an additional storey there in the past
- Sensible use of an unused part of a commercial building
- Will have little impact on the local area
- It is just reinstating what was originally there

5. CONSULTATIONS

5.1 **Environmental Health:** Objection

Concerns are raised as activities carried out in the garage are likely to result in noise, odour and fumes. This could result in complaints which this department would have a duty to investigate under the Environmental Protection Act 1990.

5.2 The day to day activities at a garage may include use of tools which can be very noisy. There may also be noise from cars, staff and customers.

5.3 **Sustainable Transport:** No objection

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);

- 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
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP18 Healthy city
- CP19 Housing mix

Brighton & Hove Local Plan (retained policies March 2016):

- 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
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

- 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 development; the design and appearance; effect on neighbour and future occupiers amenity; sustainability; and transport.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years

supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.4 The current site comprises a single storey commercial unit housing a car repair shop operating under a B2 use class. The proposal includes a first floor addition to the site in order to accommodate a two bedroom flat. The proposal would make a small but welcome contribution to housing need within the city and would not result in the loss of any floorspace within the commercial unit below. On this basis, the proposal is acceptable in principle subject to the detailed assessment below.
- 8.5 Noise sensitive development such as residential, in close proximity to general industrial uses should be carefully considered for reasons including potential impact on the continued viability of the general industrial use and the potential impact of the industrial use on the living conditions of future residents.
- 8.6 Design and Appearance:**
The proposed extension would project directly above the roof of the existing building, matching the set-back from the road and the width of the building creating a new external entrance and internal access stairs to the flat. The proposal would adjoin the adjacent terraced building, matching the height, eaves and roof pitch. It should be noted however, that adjoining terrace plots are 5 metres wide and the proposed development would be 8.4 metres in width, significantly wider than the plots of the adjoining terraces.
- 8.7 Whilst the proposed extension would be significantly wider than the adjacent properties and would not match the general proportion of the street, it is considered that the site provides logical infill in terms of design and could be accommodated without resulting in significant harm to the character and appearance of the streetscene.
- 8.8 Standard of Accommodation for Future Occupiers:**
The proposed flat would include two bedrooms, a bathroom and an open plan kitchen / living room. The gross internal floor area of the flat would measure approximately 76m² which is in accordance with the national space standards and the bedrooms would both be of adequate size. Furthermore the flat would have adequate outlook and natural light level.
- 8.9 The flat would however be located directly above a vehicle repair workshop and therefore would be in close proximity to noise generating use. The applicant has not submitted any information as to the day-to-day activities carried out at the garage to give an indication of what noise levels or other disturbances may

occur. Furthermore there is no relevant planning history for the garage and therefore there are no restrictions or planning conditions regarding hours of opening or the activities that can be carried out by the garage.

- 8.10 It is not unreasonable to surmise the activity associated with the site will generate noise. Policy SU10 of the Local Plan states applicants should assess the effect of an existing noise source upon proposed development because noise sensitive development such as residential uses, may not be appropriate if its occupiers would be affected adversely by noise from existing uses that generate significant levels of noise. This issue formed a reason for refusal on the previous application. The applicant has stated on the current plans that the ceiling over the garage would be insulated, however no further details have been provided.
- 8.11 The Environmental Health Officer raises concerns about the principle of introducing a new unit above the existing garage workshop indicating that the day to day activities at a garage may include use of tools which can be very noisy. There may also be noise from cars, staff and customers. It has also been indicated that Environmental Protection investigations may result in restrictions being placed on the garage that could prevent them being able to trade and therefore impact on the viability of the commercial premises in the long term.
- 8.12 Whilst it is acknowledged that the ceiling could be insulated, this would not insulate against the day to day airborne and structural noise which would be the precursor of complaints made. These would travel out of the front of the commercial premises and be heard by residents above. It is also recognised that whilst there may have previously been a residential use above the existing garage, the operation of a modern day garage would significantly affect a residential flat above.
- 8.13 Notwithstanding the insufficient information submitted by the applicant, it is considered that strong concerns lie with the varied and intermittent noise sources which are likely to result in an unacceptable impact upon the occupiers of the new dwelling, which could compromise the day to day running of the garage, by either curtailing the services they currently provide or by resulting in the business unable to operate.
- 8.14 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.
- 8.15 The properties most likely to be affected by the proposal would be those directly adjacent - 2 Scott Road, 155A Portland Road and 157A Portland Road. As the proposed development would be contained within the profile of 2 Scott Road, other than the rear projection which would be set away from the shared boundary, it is not considered that any significant harm would arise.

8.16 Although the extension would be set within near to rear elevation of 155A / 157A Portland Road and at a higher level, the distance between the two properties is considered acceptable and is a common relationship within a residential context such as this. Furthermore both south side facing windows would be obscure glazed, thereby restricting any overlooking / loss of privacy.

8.17 Whilst the proposal would be visible from other properties in the vicinity and would allow for additional views to the front and rear, the level of separation is considered sufficient to avoid any significant harm in terms of loss of outlook or privacy.

8.18 Sustainable Transport:

The Highway Authority does not wish to request cycle parking as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. 2 cycles are shown on a submitted drawing however they would constrict a passageway and therefore not be policy compliant. It is also noted that there is secure cycle parking available to the general public on-street in the vicinity of the site.

Whilst the proposed development is unlikely to generate substantial additional person trips, it would result in a greater demand for resident parking in an area of high demand; there is a controlled parking zone scheme in place. The applicant has not submitted a parking survey to demonstrate that there is capacity for additional demand in surrounding streets therefore a condition is recommended to remove rights to resident permits to ensure that harm would not be caused.

8.19 Sustainability:

Policy SU2 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. The relevant standards would be secured by condition in the event of an approval.

9. EQUALITIES

9.1 None identified

