

<b><u>No:</u></b>	<b>BH2021/00037</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>Land To The North Of 11 Grand Avenue Hove BN3 2LF</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of a one storey office building (Class E) with basement level and associated works. (revised description)</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	15.01.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	12.03.2021
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		
<b><u>Applicant:</u></b>	Legal Link Ltd C/o Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		

## 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
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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, including (where applicable):
- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - details of all cladding to be used, including details of their treatment to protect against weathering
  - details of all hard surfacing materials
  - 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 policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab level shall take place until full details including sections and large scale elevations of all architectural features 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 QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
5. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.  
**Reason:** To enhance the appearance of the development in the interests of the visual and residential amenities of the area and highways safety, and to comply with policies TR7, QD14, QD27 and HE6 of the Brighton & Hove Local Plan and CP9, CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Very Good and such certificate 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 CP8 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be occupied until the redundant vehicle crossover has been converted back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
8. 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. SITE LOCATION**

- 2.1. The application relates to the site of a single-storey garage on the eastern side of Grand Avenue, abutting the flank wall of 12 Grand Avenue, within The Avenues Conservation Area. The garage is unlisted, however the Grade II listed 11 Grand Avenue is located adjacent to the south, and the Grade II listed 10 Grand Avenue is located to the rear (east).

## **3. RELEVANT HISTORY**

- 3.1. PRE2019/00286 - Erection of a three-storey building following the removal of existing garage, to form office space at lower ground and ground floor level, and 1no. one bedroom maisonette at first and second floor levels.

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the demolition of the existing garage and the erection of a single-storey office building (Class E) with basement level and associated works. The application initially proposed a two-storey building; however the scheme has been amended following the comments of the Heritage team.

## **5. REPRESENTATIONS**

- 5.1. **Twelve (12)** letters of objection were received following the consultation for the initial scheme which ran until 9th February 2021. The letters raised the following points:
  - Negative impact upon conservation area
  - Additional traffic
  - Overdevelopment
  - Noise
  - Office development inappropriate in this location
  - Squeezed appearance
  - Close proximity to listed buildings
  - Commercial premises should not front onto Grand Avenue
  - No need for more offices
  - Approval would set a precedent
  - Loss of property value

- 5.2. **Six (6)** letters of objection were received during the second consultation period for the revised (single-storey) scheme. No additional points were raised which have not been summarised above.

**6. CONSULTATIONS**

**Economic Development:** No comment received

**Environmental Health:** No comment received

6.1. **Heritage:** Objection

The proposal to develop this site with a two storey building within the height of 2½ storeys of the adjacent property, whilst mimicking the proportions of the windows at a smaller scale is not considered successful. It remains the view of the heritage team that a single storey building would allow a sufficient gap between nos 11 and 12 to allow appreciation of the historic development pattern at this location and to better respect the setting of the listed building.

6.2. **Heritage:** Update following amendments: No Objection

A revised scheme comprising a single storey above ground extension and amended detailing has been submitted. It is considered that the lower overall height, omission of the southern quoin detail and enlargement of the window openings successfully resolves the heritage concerns regarding scale and proportions, and the heritage team is now able to support this application in principle.

- 6.3. Further information on materials and all architectural details will need to be provided for consideration, however these can be secured by condition.

6.4. **Planning Policy:** No comment

6.5. **Southern Water:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding. 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.

6.6. **Sustainable Transport:** No objection

No objection subject to securing the reinstatement of the vehicle crossing back to a footway and further details of boundary treatments by condition.

6.7. **Conservation Advisory Group:** (Initial two-storey scheme) (Objection)

- The proposal will look out of place next to Grade II No 11 Grand Avenue
- Because of its proposed height and the narrowness of the site the proposal will remove the demarcation view between No11 and No12. Both of

different styles, Arts and Crafts for the former and High Victorian Willett Built No 12.

- The attractive rustication on the south side of No 12 will be compromised and partially covered up.
- This part of Grand Avenue, with the War Memorial centrally located in front of the proposed site, is sited at the quintessentially "Spine of Historic Hove" this view has not been altered since the 1900's
- The proposal will not enhance The Avenues CA

6.8. CAG have not commented on the revised single-storey scheme.

## 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 Joint Area Action Plan (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
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

#### 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
QD5	Design - street frontages
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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.

DM1	Housing Quality, Choice and Mix
DM11	New Business Floorspace
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
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 the development, the design and appearance of the proposals, the impact upon neighbouring amenity, and on highway capacity and road safety.

**Principle of Development:**

- 9.2. No objection is raised to the demolition of the existing garages in principle.

- 9.3. The proposal as amended would result in the provision of approx. 41sqm of additional office (Class E) floorspace, plus 26sqm additional storage space in the basement.
- 9.4. The provision of additional employment floorspace would accord with the objectives of Policies CP2 and CP3 of the CPP1 to encourage economic growth and support the attractiveness of the city as a business location.
- 9.5. Saved policy EM4 of the BHLP states that "Planning permission will be granted for new business and industrial uses on unidentified sites within the built up area boundary provided that:
- 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.*
- 9.6. Office space has historically been in very high demand in the city, and whilst the ongoing pandemic has resulted in a downturn in demand, it is anticipated this will be temporary. There is therefore considered to be a demonstrable need for new business premises, so criterion EM4(a) is met.
- 9.7. The site is centrally located near to sustainable modes of transport including bus stops and train stations. EM4(b) is considered to be met.
- 9.8. No residential accommodation or open space/nature conservation sites would be lost so there is no conflict with criteria EM4(c) or (d). EM4(e) and (f) are considered in the appropriate subsequent sections of this report, concluding that the criteria would be met. Whilst no landscaped open amenity space is provided, the small scale of the proposal and the limited area of the site mean this would not be required in this case.
- 9.9. Draft Policy DM11 of the Proposed Submission City Plan Part Two is currently given only limited weight.
- 9.10. The proposed replacement of a garage with an office building is therefore considered to be acceptable in principle, and to comply with the relevant policies in the development plan.

### **Design and Appearance:**

- 9.11. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, 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.
- 9.12. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.13. No objection is raised to the removal of the existing garage structure, which does not contribute positively to the character and appearance of The Avenues Conservation Area or to the setting of the nearby listed buildings.
- 9.14. The proposal has been amended since the initial submission following the concerns of the Heritage team, and the built form proposed is now of a single-storey scale. Additionally, the quoining details have been removed and the window sizes have been enlarged.
- 9.15. The proposal would extend approx. 4.4m from the flank wall of no. 12 Grand Avenue. This would be an increase on the scale of the existing garage by approx. 0.8m in width, although the surrounding white-painted hoarding structures are of a comparable width to the proposal, and an increase in height to approx. 4.6m at the parapet, 1.9m greater than existing. The proposed Grand Avenue frontage would have 2no sash windows of similar proportion and style to those of no. 12, though slightly smaller in size.
- 9.16. As amended, it is considered that the scale and proportions of the proposed building would be acceptable, subject to securing details of materials and architectural detailing by condition.
- 9.17. It is recognised that the proposal includes a significant increase in height compared to the existing structure; however this is necessary in order to achieve a satisfactory integration with the adjoining building. As a single-storey form would be retained, the spacing and relationship between the adjacent buildings would not be compromised.
- 9.18. Overall, it is considered that the character and setting of the nearby heritage assets would be sustained, with the proposal reducing the harm to the surrounding heritage features compared to the existing garage and hoarding.
- Impact on Amenity:**
- 9.19. 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.

- 9.20. It is considered that whilst the scheme would be taller than the existing structure and come closer to the neighbouring windows, due to its single-storey scale, and sufficient spacing being retained ( 4.8m to the building to the rear and 3.2m to the building to the south) there would not be a significant impact in terms of additional overshadowing, overbearing impact or sense of enclosure for neighbouring properties. This is particularly the case when compared to that arising from the bulk of the four-storey no. 12 and the buildings on the southern side of Church Road.
- 9.21. Some additional activity and associated noise may arise from the proposed office use compared to the existing garage, however given typical daytime office hours and the central location of the city near to busy traffic thoroughfares, there is unlikely to be a significant harmful impact upon neighbouring amenity in terms of noise disturbance.

**Road Safety and Highway Capacity:**

- 9.22. The proposal is unlikely to give rise to a significant uplift in trip generation.
- 9.23. As set out above the site is well located for sustainable modes of transport, in a Key Public Transport Corridor with good bus and train links.
- 9.24. No on-site car parking is proposed and this is in accordance with SPD14 standards.
- 9.25. The proposal includes a bike store in the basement storey. Whilst not fully compliant with SPD14 due to its somewhat inconvenient location down a flight of stairs, given the site's constraints this is considered to be an acceptable compromise. It is noted that there are secure public cycle parking and bike-share facilities nearby.
- 9.26. The Local Highways Authority (LHA) have requested a condition securing details of boundary treatments to the front of the site to ensure pedestrian permeability and prevent on-site vehicle parking, and a condition to this effect is recommended. The requirements from a sustainable transport standpoint will need to be balanced against the visual impact and historic appropriateness of any proposed front boundary treatments.
- 9.27. A condition is recommended to secure the reinstatement of the vehicle crossover back to a footway prior to occupation and to ensure a licence is obtained for this from the Local Highways Authority.

**Sustainability:**

- 9.28. A BREEAM 'very good' standard can be secured by condition in accordance with policy CP8 of the CPP1.

**Impact on the setting of the adjacent listed buildings:**

- 9.29. The scale of the existing garage does not significantly impinge on the gap in built form between the adjacent listed buildings to the north and south. A two-storey scheme as originally proposed would have resulted in an unacceptable harm, inter alia, to the setting of the adjacent listed buildings, however the amended

single-storey scheme as now proposed would retain a sufficient visual break between nos. 11 and 12 to allow continued appreciation of the historic development pattern at this location and would sustain the setting of the adjacent listed buildings.

**Other Considerations:**

- 9.30. 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.

**10. EQUALITIES**  
None identified