

<u>No:</u>	BH2021/03357	<u>Ward:</u>	Withdean
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cinch Self-Storage South Road Brighton BN1 6SB		
<u>Proposal:</u>	Extensions to existing building at ground, first and second floor levels and creation of set-back part-third floor, partial change of use of first floor from Class E(g)(i) (office) to Class B8 (self-storage), external alterations, installation of photovoltaic panels on roof, landscaping and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	04.10.2021
<u>Con Area:</u>	Adjacent to Preston Village	<u>Expiry Date:</u>	03.01.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Jon Dingle Jon Dingle Ltd 29 The Green Winchmore Hill London N21 1HS		
<u>Applicant:</u>	Cinch Self-Storage Brighton C/o Jon Dingle Ltd		

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 as set out hereunder.

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 Plan			17 September 2021
Block Plan	00	C	13 April 2021
Block Plan	10	G	15 June 2022
Proposed Drawing	11	L	15 June 2022
Proposed Drawing	12	H	15 June 2022
Proposed Drawing	13	J	13 April 2022
Proposed Drawing	14	L	16 June 2022
Proposed Drawing	15	G	13 April 2022
Proposed Drawing	16	J	14 April 2022
Proposed Drawing	17	H	13 April 2022
Proposed Drawing	18	K	19 April 2022
Proposed Drawing	19	D	20 June 2022
Report/Statement	Archaeological Desk Based Assessment	2	4 October 2021
Arboricultural Report	Arboricultural Survey	01	17 September 2021

Report/Statement	Energy Strategy	R1	17 September 2021
Report/Statement	Preliminary Ecological Appraisal	1	4 October 2021
Report/Statement	Transport Statement		4 October 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, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:

- (i) The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
- (ii) A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site.
- (iii) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
- (iv) Details of hours of demolition and construction including all associated vehicular movements.
- (v) Details of the demolition and construction compound.
- (vi) A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
- (vii) Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services, and provide for their continued operation during the works.
- (viii) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- (ix) Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
- (x) Details of employee and contractor parking.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove Proposed Submission City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

5.

i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policies HE12 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM31 of the Brighton & Hove Proposed Submission City Plan Part Two.

6. Other than demolition, no works relating to 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:

- a) photos and product specifications of all brick, panelling and render (including details of the colour);
- b) 1:20 scale elevations, sections (showing louvres and capping) and product specifications of the cladding;
- c) 1:20 scale plan and section drawings of the diverse seeded plug-planted green roof, including depth of substrate and seeding mix; and
- d) product specifications of the proposed windows, and doors.

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to protect heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.

7. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure a satisfactory appearance to the development and to protect heritage assets in compliance with Policies HE3 and HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.

8. All new and replacement rainwater goods, soil and other waste pipes shall be in metal and shall be painted to match the colour of the cladding, and retained as such thereafter.
Reason: To safeguard the appearance of the building and the setting of heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.
9. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the setting of heritage assets in compliance with Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM21, DM26 and DM29 of the Brighton & Hove Proposed Submission City Plan Part Two.
10. Prior to the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position and materials and any sustainable drainage system used; and
 - b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures, and confirmation of location, species and sizes.
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 of the Brighton & Hove Proposed Submission City Plan Part Two and SPD06, SPD11 and SPD16.
11. A bee brick shall be incorporated within the 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 and DM22 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD11.
12. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by

the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policies QD18 of the Brighton & Hove Local Plan, CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD11.

13. The development hereby permitted shall not be occupied until full details of external lighting being installed, including levels of luminance, hours of use / operation and details of maintenance, are submitted to and approved in writing by the Local Planning Authority. The predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels.
The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies QD25 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.
14. Access to the flat roofs over the extensions hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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 Policies QD14 and QD27 of the Brighton & Hove Local Plan and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.
15. No customers shall remain on the premises outside the hours of 08:00 to 20:00 Monday to Friday, 09:00 to 19:00 on Saturdays and 09:00 to 19:00 on Sundays, Bank and Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.
16. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 and DM40 of the Brighton & Hove Proposed Submission City Plan Part Two.
17. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These 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 QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan and DM20 of the Brighton & Hove Proposed Submission City Plan Part Two.

18. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 Policies TR14 of the Brighton & Hove Local Plan and DM33 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD14.

19. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with Policies CP9 of the Brighton & Hove City Plan Part One and DM33 of the Brighton & Hove Proposed Submission City Plan Part Two, and SPD14.

20. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove Proposed Submission City Plan Part Two.

21. The development hereby permitted shall not be occupied until the building has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove Proposed Submission City Plan Part Two.

22. The development hereby permitted shall not be occupied until details of the photovoltaic array referred in the Energy Statement Rev R1 shall be submitted

to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One and DM18 and DM44 of the Brighton & Hove Proposed Submission 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. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Where possible, bird boxes should be fixed facing between north and east at least 2 to 4 metres up a tree or a wall.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
6. The applicant is advised that the details of external lighting required by Condition 13 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
7. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking should 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 usually support vertical hanging racks as they are difficult for many people to use and therefore not

considered to be policy and Equality Act 2010 compliant. The Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or 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.

8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
9. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.

2. SITE LOCATION

- 2.1. The application relates to a two storey building, but has three floors plus a small basement, which is mainly in use as a self-storage facility with an office at first floor level. It is on the west side of Preston Road (A23) opposite Preston Park, but located behind the Shell service station and accessed from South Road to the north. It is located to the north of the Preston Bowls Club, east of the Stanford Gate office building and there are residential properties further to the west and directly to the north.
- 2.2. The building itself is constructed of a mix of brick, cladding and render with shutters, signage and a lift overrun. There is a car park with spaces for seven vehicles to the front (east) of the site. Access is possible to the rear of the site on South Road and via a passageway to the south side emerging alongside the area of planting to the west of the building.
- 2.3. The site is adjacent to the Preston Village Conservation Area and is in the vicinity of six Grade II listed buildings (the Old Cottage, Little Barn and Mulberry Cottage listed as one group and 7, 9 and 11 South Road as another) and Old Barn, which is curtilage listed. It is also within an Archaeological Notification Area and Source Protection Zone 1.

3. RELEVANT HISTORY

- 3.1. Pre-application advice was sought (**PRE2021/00114**) for alterations and extensions to the existing mixed use (Class E(g)(i) and Class B8) building to create a self-storage (Use Class B8) building over ground, first, second and third floors. A response was issued on 14 July 2021 and the scheme has evolved since the scheme presented at pre-app stage.
- 3.2. **BH2001/00511/FP**: Construction of a terrace of five 4 bedroomed, three storey houses, and one 2 bedroomed three storey live-work unit and a pair of 4

bedroomed, two storey semi detached houses. Refused 28 September 2001 for the following reasons:

1. The applicant has failed to demonstrate that the site is redundant for employment uses and therefore the proposal is contrary to policies E5 of the East Sussex and Brighton & Hove Structure Plan, E4 of the Brighton Borough Local Plan and EM3 of the Brighton & Hove Local Plan Second Deposit Draft.
2. The proposal constitutes a cramped form of development with excessive density and inadequate amenity space, contrary to policies ENV3 and H19 of the Brighton Borough Local Plan and QD3, HO4 and HO (provision of private amenity space in residential development) of the Brighton & Hove Local Plan Second Deposit Draft.
3. The estate road and parking layout would result in pedestrian/vehicular conflict and difficulties for drivers of vehicles seeking access to existing parking at the rear of properties in South Road, contrary to policies TR9 of the Brighton Borough Local Plan and TR6 of the Brighton & Hove Local Plan Second Deposit Draft.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for extensions to the existing building at ground, first and second floor levels and the creation of set-back part-third floor, the partial change of use of the first floor from Class E(g)(i) (office) to Class B8 (self-storage), external alterations, the installation of photovoltaic panels on the roof, landscaping and associated works.
- 4.2. Changes have been made during the course of the application to reduce the increase in floorspace (from 965.5m² net to 857.6m²), increase the setback of the additional storey from the east and north façades of the building, increase the setback of the rear extension from the western boundary of 1 South Road Mews (from 5.9m to 12.4m), change the green sedum roof to a diverse seeded plug-planted green roof and to make one of the car parking spaces suitable for disabled users.

5. REPRESENTATIONS

- 5.1. **Thirty (30) objections, fifteen (15)** from individuals directly affected, were received raising the following concerns:
 - The application is non-compliant with national and the Council's planning policies, plus legislation.
 - Overdevelopment and of an overbearing bulk / oppressively imposing
 - It would not respect the prevalent building lines and forms.
 - Inappropriate and totally out of character with the area with an adverse effect on heritage assets and their setting contrary to Policies HE3 & HE6.
 - Negative effect on the skyline and the low-lying scale, character and form of the listed buildings cluster from this domineering eyesore of an extension.

- It would be incongruous in views from Preston Park and Preston Manor gardens and raising the building further would extend the visibility.
- The height of the building should be lowered at least 3-4 meters.
- Overshadowing
- Loss of daylight and sunlight, which would cause steady deterioration to the historic timber frame of the listed buildings. A daylight and sunlight study is needed.
- Loss of visual privacy / overlooking, particularly from the new and permanent access to the roof.
- Outlook would be adversely affected
- Disruption to the peaceful enjoyment of properties in breach of Article 1 of the First Protocol - Protection of Property - Human Rights Act.
- This development would negatively impact on health and wellbeing.
- The addition of a part third floor would spoil and partially block views from the upper floors of properties to the south side of South Road, thereby adversely affecting their residential value.
- Permanent overnight, excessive, intrusive lighting has already been introduced that harms neighbours, wildlife and the conservation area.
- Loss of trees and garden
- The rear extension would destroy a secluded wooded area, leading to habitat loss for wildlife, potentially including nesting birds.
- No bird or animal habitats should be destroyed.
- The solar roofing is 'greenwashing'.
- Serious effect on disturbance, including additional noise pollution and traffic congestion, which would exacerbate the already quite dangerous site access in close proximity to back gardens.
- Hours of opening are relevant, despite not being mentioned in the application form, because they will determine when people and their vehicles would use the facility and when residents would be affected.
- No engagement or consultation from applicant with the neighbours.
- Inaccurate plans / documents

5.2. **Councillors Lloyd, David and Nield** have objected to the application. Copies of the correspondence are attached to the report.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** No objections, subject to a condition for a tree protection plan
- 6.2. **Air Quality:** Recommend approval
- 6.3. **Economic Development / City Regeneration:** No adverse comments
- 6.4. **Environmental Health:** No objections, subject to conditions on hours of use / operation and lighting.
- 6.5. **Heritage:** Approve with conditions

- 6.6. **Sustainability:** Recommend for approval, subject to conditions
- 6.7. **Sustainable Drainage:** Recommend for approval, subject to conditions
- 6.8. **Transport:** Recommend for approval, subject to a cycle parking condition
- External:
- 6.9. **Brighton and Hove Archaeological Society:** Recommendation to contact the County Archaeologist for their recommendations.
- 6.10. **Conservation Advisory Group (CAG):** Refusal and referral to committee
- The increase in height of the proposed building would increase the harm, caused by the existing building, to the setting of listed dwellings and to views from within the conservation area on the northern boundary of the site. It will be appreciably higher than the adjacent Stanford Gate building and will therefore compromise the setting, when viewed from South Road, of the Grade II listed buildings: The Old Cottage, Little Barn and Mulberry Cottage.
 - The setting of the Grade II listed former Estate Office at 7, 9 and 11 South Road would be compromised when viewed from the north east and from other parts of Preston Road.
 - The building labelled “Old Barn” in the submitted drawings, which adjoins the north boundary of the site, features an interesting cruck construction roof and merits consideration as a heritage asset.
 - This property is within an archaeological notification area. The archaeological desk-based assessment, prepared by RPS for the applicant, proposes that an archaeological watching brief should be carried out in the SW corner of the site on the construction of the new extension. We recommend that such a requirement is made a specific condition of any planning approval.
 - The proposed building would be higher than the existing bowling club building and this would cause harm to views of the conservation area from Preston Road.
- 6.11. **County Archaeology:** Recommend for approval in principle subject to the imposition of a condition
- 6.12. **Designing Out Crime Officer (Sussex Police):** No major concerns, but opening hours of attendance should be conditioned
- 6.13. **County Ecology:** Acceptable, subject to mitigation, compensation and enhancement measures being implemented
- 6.14. **Neos Networks:** Ensure the proposed works do not affect our apparatus, but if it would, contact us for a Budget Estimate.
- 6.15. **Scotia Gas Network (SGN):** There is a medium pressure gas main near the site and so there should be no mechanical excavations taking place above or

within 0.5m of it. Where required, you should confirm the position using hand dug trial holes.

6.16. **Southern Water:**

- A formal application for a connection to the public foul and surface water sewer is required to be made by the applicant or developer.
- The adequacy of the proposals to discharge surface water to the local watercourse should be commented upon by the Council's technical staff and the relevant authority for land drainage.
- In situations where surface water is being considered for discharge to the Southern Water network, the following hierarchy is required to be followed: Reuse (not strictly part of this hierarchy, but encouraged), Infiltration, Watercourse, Storm sewer, Combined Sewer.
- 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 from the risk of flooding.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.
- The proposed development lies within a Source Protection Zone and so consultation with the Environment Agency is needed to ensure the protection of the public water supply source is maintained. We should be informed of the outcome of this consultation.

6.17. **UK Power Networks:** Safety around our equipment is our number one priority so all workplace risk assessments shall be completed before any works begin. Safe digging practices must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

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.

Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

DA4 New England Quarter and London Road Area
 SS1 Presumption in Favour of Sustainable Development
 CP2 Sustainable economic development
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP12 Urban design
 CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
 TR14 Cycle access and parking
 SU9 Pollution and nuisance control
 QD14 Extensions and alterations
 QD15 Landscape design
 QD16 Trees and hedgerows
 QD27 Protection of amenity
 HE3 Development affecting the setting of a listed building
 HE6 Development within or affecting the setting of conservation areas
 HE12 Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

The Inspector published her Final Report into the Examination of the City Plan Part Two on 19 July 2022. The Report is a material consideration. The Inspector has concluded that with her recommended changes (the schedule of changes as appended to the Report) the Plan is sound and can be adopted. The Inspector's report concludes the examination of City Plan Part Two. City Plan Part Two policies, as amended by the Inspector's schedule of Main Modifications, can be afforded significant weight but they will not have full weight until the City Plan Part Two is formally adopted.

DM18 High quality design and places
 DM20 Protection of Amenity
 DM21 Extensions and alterations
 DM22 Landscape Design and Trees
 DM26 Conservation Areas
 DM29 The Setting of Heritage Assets
 DM31 Archaeological Interest
 DM33 Safe, Sustainable and Active Travel
 DM35 Travel Plans and Transport Assessments

DM40 Protection of the Environment and Health – Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste
SPD06 Trees and Development Sites
SPD11 Nature Conservation and Development
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposal, its impact on heritage and archaeological assets, neighbouring amenity and on highways as well as biodiversity, ecology, trees, landscaping and sustainability.

Principle of development:

9.2. The application site is within Development Area DA4 - New England Quarter and London Road Area. The part of this area to the west of Preston Road is a secondary office location and provides the potential for high quality mixed use (employment / residential) future redevelopment. One of the other objectives of DA4 is to ensure that storage premises remain affordable, appropriate and available for use.

9.3. In spite of that, the loss of a single office of approximately 100m² that supports the existing storage use is considered acceptable. It is acknowledged that an associated office and reception area is still retained on the ground floor by this proposal.

9.4. It is noted that the Council's Employment Land Study Review 2012 recommended that the City Plan be guided by forecast growth requirements of 43,430m² of industrial floorspace (B1c, B2 and B8) over the plan period. The scheme for an additional 1073.5m² of B8 floorspace would therefore support the Council's objectives.

9.5. Since this is not a new warehousing development, emerging Policy EM7 'Warehouses (B8)' does not apply. However, it does explain that there are limited opportunities for large scale industrial development in Brighton & Hove and therefore it is important to maximise employment generation on those sites which are available for business and industrial uses. As such, the proposal to extend this B8 building is supported in principle.

9.6. The principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the design, its impact on heritage and archaeological assets, neighbouring amenity and on highways as well as ecology, biodiversity, trees, landscaping and sustainability. These are discussed below.

Design and Heritage:

- 9.7. 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.
- 9.8. 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 should be given “considerable importance and weight”.
- 9.9. The existing 20th Century building is of its time with no architectural merit and is not considered to make a positive contribution to the character and appearance of the adjacent conservation area. Therefore, the proposal for external alterations to change its appearance is considered to accord with emerging Policy DM26 of City Plan Part 2 (which can be given significant weight) given that buildings, structures and features that do not make a positive contribution to conservation areas should not be retained. However, it is still important that the proposal preserves the area's character and produces substantial benefits in terms of its appearance as well as form, scale and massing.
- 9.10. Whilst it is acknowledged that the proposed development would have a larger mass and scale than the existing, it is considered that the incorporation of a transitional step to the increase in height would be an appropriate response to the existing built form to the east. Any harm caused from the increase in height is considered to be outweighed by the resulting visual enhancement to the building in terms of the higher quality design and appearance. This would improve / enhance the character of the area and, as such, the setting of the designated heritage assets in the wider context.
- 9.11. The application site is set well back from the street, partially screened from Preston Road by other buildings to its east and south east, with a backdrop of established and mature trees beyond which the buildings on Millers Road can be seen during in the winter months in an elevated position due to the rising topography of the land. The contemporary appearance proposed with a flat roof form ensures that the increase in height does not result in an overly dominant form that would therefore not have a greater visual prominence than the Grade II* listed Preston Manor and spire of the Grade II* listed Church of St Peter, the latter being the only discernible element of the church visible above the existing tree canopy.
- 9.12. The proposal to increase the height and massing of the existing building is considered acceptable, resulting in the massing of the building being successfully consolidated into a more cohesive built form and a less disjointed and cluttered townscape in views northwards and westwards from Preston Road. It would also provide a more sensitive backdrop to the adjoining Preston Village Conservation Area and the Grade II listed buildings to the north. Noting that the setting of 7, 9 and 11 South Road has been marred by the Shell service station located immediately to the east, it is not considered that the proposed development would have an adverse impact on their setting or that of the Grade II listed Old Cottage, Little Barn and Mulberry Cottage. An assessment

of how the proposed development would affect the Old Barn, a curtilage listed structure, has been latterly submitted. Heritage officers have advised that there would be no direct physical impact and it is accepted that the changes to the materials to those parts closest with the proposed extensions at second and third floor levels set back a greater distance would ensure no adverse impact on its setting or those of the other nearby listed buildings

- 9.13. The additional third floor would be set back 2m from the eastern building line, thereby appearing as a subsidiary roof structure and more sensitively responding to the context of low scale, modest and unoppressive buildings clearly visible from Preston Road and the northern end of Preston Park. The proposed raised parapet would further reduce the visual impact of the third floor since it would hide the massing. The proposed elevational composition is well-considered and clearly expresses the hierarchy of the building. Moreover, both the horizontal and vertical expression of floor plates through the use of the proposed lightweight cladding system successfully references the architectural features of the prevailing front elevations of the adjacent residential scaled buildings and the special character of the area, enhancing the existing built form on the application site.
- 9.14. It is considered that the proposal does not cause any substantial harm to the significance of designated heritage assets and therefore NPPF paragraphs 200, 201 and 202, which cover harm to or loss of a designated heritage asset, are not invoked. It is considered that the proposed development preserves the significance of the conservation area.
- 9.15. In terms of materiality, silver or grey metal panelled cladding is mostly proposed in a vertical arrangement with recessed vertical and horizontal joints and boxed corners. Visual interest is proposed to be introduced through the introduction of a regular pattern of panels in a darker colour. A continuous thin strip of passive ventilation louvre would also be incorporated between each storey, finished with slim matching capping. The southern and western (rear) walls would be clad in brickwork to match the existing with smooth panelling above on the former similar to the existing. The south eastern corner would be broken by the existing brick pier, extended full height. Windows and doors would be PPC aluminium framed in a colour to match the cladding. The flat roofs would be laid with a diverse seeded plug-planted green roof. The materials are considered acceptable and generate depth and texture in order to more sensitively respond to the prevailing context. Further details are recommended to be secured by condition requiring details prior to commencement of development.
- 9.16. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14, HE3 and HE6, emerging City Plan Part Two Policies DM18, DM21, DM26 and DM29, and paragraphs 130, 134 and 197 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area.

Impact on Neighbouring Amenity:

- 9.17. Paragraph 130 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.18. The main impact of the proposals would be on residential properties, notably The Old Barn, Little Barn, Mulberry Cottage and 11 South Road to the north and 1 South Road Mews to the west. Although the proposed extension and alterations would be visible from Stanford House (no. 9) and 9A South Road as well as the South Road Mews dwellings, it is considered that the proposal would not have any material impact on their amenity. The other surrounding buildings are in office use (Class Egi) and therefore less sensitive to changes in, for example, sunlight and daylight given their more limited usage.
- 9.19. It is noted that the applicant has submitted a new Daylight and Sunlight Study during the course of the application, which also addresses overshadowing. It concludes that all windows to all adjacent domestic properties (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests as well as the BRE overshadowing to gardens and open spaces test. This includes Old Barn, Little Barn and Mulberry Cottage on South Road and 1 South Road Mews. It should be noted that internal access was gained to each of these properties as well as Preston Park House, Stanford House and Stanford Gate, which are commercial properties whilst preparing the Daylight and Sunlight study.
- 9.20. The tests undertaken were Vertical Sky Component (VSC) and No Sky Line (NSL) for daylight and Annual Probable Sunlight Hours (APSH). For overshadowing the test is to assess whether the gardens of the neighbouring properties receive at least two hours of sunlight on 21 March with the proposed development in place, or no less than 0.8 times its former value for the area which can receive two hours of sunlight on 21 March.
- 9.21. VSC is the amount of skylight that reaches the windows measured as a ratio of direct sky light that reaches a vertical plane to the amount of sky light that reaches the horizontal plane (i.e. the ground), although it is expressed as a percentage. For reference a VSC of above 27% should give reasonable daylight results and the maximum VSC that could be achieved for a completely unobstructed window is almost 40%. If the VSC is both less than 27% and less than 0.8 times its former value with the development in place, an adverse reduction in the amount of daylight would occur. In this case, none of the affected windows would be reduced to less than 0.83 of the former value of the affected domestic window. As such, the impact in terms of daylight being received is considered acceptable.
- 9.22. NSL demonstrates the distribution of daylight within a room and is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. In this case, none of the affected windows

would be reduced to less than 0.82 of the former value of the affected domestic window. As such, the impact in terms of daylight distribution is considered acceptable.

- 9.23. The BRE guidance states that a dwelling shall appear reasonably sunlit if the centre of a main living room window can receive 25% of APSH, including at least 5% of APSH in winter months between 21 September and 21 March. The impact may also be acceptable if the window receives more than 80% of its former sunlight hours during either period and it has a reduction in sunlight received over the whole year greater than 4% of APSH. In this case, none of the affected domestic windows would be reduced to less than 0.87 (87%) of their former value in terms of annual APSH. For Winter APSH, the only domestic windows that would have a figure less than 5% already have a figure of less than 5% and, in the case of Mulberry Cottage, serve an outbuilding in the rear garden.
- 9.24. It is noted that some windows fail the BRE tests, but these are all to commercial buildings, which are less sensitive to changes in daylight and sunlight than habitable rooms in domestic properties and tend to be more reliant on artificial lighting. Therefore, this is considered acceptable.
- 9.25. In terms of overshadowing, there would be no change to the garden areas that would receive at least two hours of sunlight on 21st March. The gardens to The Old Barn, Little Barn, Mulberry Cottage, 9 to 11 South Road and 1 South Road Mews have all been assessed.
- 9.26. In terms of outlook, The Old Barn has single aspect to the east at ground floor level, but triple aspect at first floor level via rooflights and a side window, which face east, north and south so away from the proposed development. The mass of the building as proposed, although recognised to be much higher than The Old Barn, is considered to not adversely affect outlook from the east-facing living room and kitchen windows or be significantly overbearing. It is also worth highlighting that the new third floor would be set back between 5m and 6.5m from the northern building line. Officers acknowledge that views from the garden would be constrained by the proposed development, but views from a private residential garden are not a relevant planning consideration.
- 9.27. There would be a similar impact on Little Barn and Mulberry Cottage in that the proposed development would be visible from windows facing it and from their gardens. It would, however, be slightly further away and both properties have dual aspect at ground floor level, thereby providing sufficient outlook. The new third floor would, however, be closer to the south-facing windows of 11 South Road. Unlike the aforementioned properties, the application building does not extend across the whole rear façade of no. 11 and therefore the setting around the rear of the building would not feel unduly oppressive or enclosed to current occupiers.
- 9.28. With the exception of the loss of the Class E(g)(i) office, the building as proposed would remain in the same use; B8 storage. It is considered that the nature of this use does not give rise to overlooking in the same way as a more

intensive, multi-occupied space such as residential. Notwithstanding that, the key elevations in terms of where overlooking of residential properties could take place are the northern and western walls. No additional windows are proposed in either, although it is noted that access is provided to a roof terrace to the former. It is recommended that a condition be imposed to prevent it being used other than in the case of maintenance and to prevent the flat roof to the western extension being used as any kind of amenity space. As such, the impact on privacy of neighbouring dwellings is considered to be acceptable.

- 9.29. Officers acknowledge that the existing use has the potential to cause adverse impacts in terms of noise, disturbance and vehicles coming and goings, and that the proposal would intensify these impacts. It is noted that the current use is unrestricted in terms of opening / operational hours. Given the proximity of residential properties to the vehicular access to the building, it is considered reasonable to recommend that the opening / operational hours be conditioned as 08:00-20:00 Monday to Friday, 09:00-19:00 on Saturdays and 10:00-18:00 on Sundays, Bank and Public Holidays. It is worth highlighting that the highway data indicates that the proposal would not result in a significant increase in activity from an existing, low baseline. As such, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9, QD14 and QD27 and emerging CPP2 Policies DM20 and DM21 (which both carry more weight than QD14 and QD27).

Impact on Highways:

- 9.30. The site is considered to be in a highly sustainable location given it is three minutes by bike and seven minutes by foot from Preston Park train station as well as a minute from 33 bus routes.
- 9.31. The site is located within the Key Public Transport Corridor for the purpose of assessment against SPD14, which details the Council's parking standards. In terms of car parking standards, which are maximum, a B8 use should only have 1 space per 200m². Based on the building as extended having a GIA of approximately 2500m², 12 car parking spaces can be provided. There is an existing car park space with space for seven cars and no changes are proposed, which is considered acceptable. Any overspill parking would be dealt with via the Controlled Parking Zone (CPZ) management system (the surrounding streets are in CPZ K). However, SPD14 does require at least 5% of the maximum total car parking standard to be provided as motorcycle spaces and therefore the provision of one space is supported.
- 9.32. In terms of disabled user parking, one of the existing spaces in front of the reception would be converted into a space suitable for disabled vehicle users, which is welcomed. It is worth noting that there are somewhat limited opportunities for free on-street disabled parking in the vicinity of the site, such as on Lauriston Road. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to three hours.
- 9.33. SPD14 also provides standards for cycle parking, but these are as minimums. The requirement is one space plus one space per 350m², thereby generating

a requirement for six cycle spaces. Space for two bicycles has been proposed within the building behind the shutters at ground floor level. Officers accept the justification that self-storage facilities generate little demand for cycle parking for customers given that they are generally transporting bulky goods unsuitable for carrying on a bicycle. Further details are recommended to be secured by condition to ensure that they are easily accessible / convenient and well-spaced. The provision of showers and changing facilities for staff behind the reception is welcomed.

9.34. No alterations are proposed to the deliveries and servicing situation or the existing vehicle access, which is considered acceptable. However, the introduction of priority working signs and road markings giving priority to vehicles entering the site is welcomed to improve highways safety.

9.35. As such, the impact on road safety and highway capacity would be acceptable.

Biodiversity, Ecology, Trees and Landscaping:

9.36. The submitted biodiversity checklist demonstrates that there are no indicators of (nesting) birds, owls, bats, reptiles, slow worms, stag beetles, badgers or Great Crested Newt, or that coastal vegetated shingle and open rough grassland would be affected. Given the low base value, there is the potential for high biodiversity net gain values to deliver the minimum uplift of 10% that will be required by Part 6 of the Environment Act. Although a minimum 10% BNG will not be mandatory until November 2023, given that BHCC has declared a Biodiversity Emergency, it is reasonable to expect developments in the city to deliver the minimum level that the UK Government has set to reverse environmental decline. Measures to improve the ecology outcomes on the site in accordance with Policy CP10 and SPD11 are proposed to include the diverse seeded plug-planted green roof and installing bee bricks plus bird boxes.

9.37. The submitted Preliminary Ecological Appraisal (PEA) also supports the biodiversity checklist, indicating that the building and trees on site have “negligible” suitability to support roosting bats, badgers, dormice, reptiles, invertebrates, hedgehogs or any other mammal. However, an informative would be added advising the application that habitat clearance works should be undertaken outside the main nesting bird season, but that should this not be possible, all trees and buildings must be inspected by an ecologist to determine the presence / absence of any nesting birds immediately prior to clearance.

9.38. The five trees, all mature self-seeded sycamore *Acer pseudoplatanus* with the exception of a group of young / semi-mature hazel *Corylus avellana*, to the rear (east) of the building provide some limited nesting and foraging opportunities. Given their condition, no objections are raised to their loss, subject to the same number of trees being replanted. Two crab apple trees, two cherry plum and a wild pear tree are proposed between the proposed extension and the western site boundary. They would all be suitable for pollinators and would be suitable for planting in Brighton and Hove. Further details of their size and any tree pits are recommended to be secured through

a condition. A restriction on works within bird nesting season can be added as an informative.

- 9.39. The strategy for DA4 is to maintain and enhance a green gateway to the city to the west of Preston Road. As such, the additional storey provides an opportunity for greenery, such as climbing plants, in front of the louvred cladding. Five species are proposed and are considered to be acceptable, subject to further details as part of the aforementioned condition. This greenery can also contribute to biodiversity and air quality improvements, which is another objective of DA4 given that London Road and South Road are part of an Air Quality Management Area (AQMA).
- 9.40. In terms of landscaping of the ground floor, only hard surfacing is proposed. Whilst it would be preferable if soft planting could be introduced, this is a hard frontage, which is frequently traversed by pedestrians when vehicles are travelling down this narrow road, often made harder to navigate for pedestrians by parked cars. It is recommended that further details of these items are conditioned and the hard surfacing should be porous and / or permeable.

Sustainability:

- 9.41. This application is considered to be major development and, as such, there is a requirement for it to meet BREEAM Excellent as per City Plan Part One Policy CP8. However, this does not make a distinction between a change of use application and new build development. Given that the proposal involves the conversion of the existing building, as well as its extension, it is considered that meeting the Very Good rating is acceptable. This is recommended to be secured by condition.
- 9.42. Given the scale of the proposals, particularly in respect of the construction works, it is recommended that a Site Waste Management Plan (SWMP) is secured by a pre-commencement condition. This would maximise the sustainable management of waste and minimise the need for landfill capacity as well as secure the re-use of materials where possible.

Archaeology:

- 9.43. The proposed development site is wholly within an Archaeological Notification Area, but it is believed to have a low to moderate archaeological potential for remains from the prehistoric, Anglo-Saxon, Medieval, Post Medieval and Modern periods. Very recent archaeological investigations at 137-139 Preston Road, 750m south east of the application site, have exposed Late Iron Age activity on a similar dry valley topographic location at the edge of the Head Deposits on a similarly developed brownfield site.
- 9.44. Given the potential for impacts to heritage assets with archaeological interest, it is considered necessary to impose a pre-commencement condition requiring a programme of archaeological works. This would enable any archaeological deposits and features that would be disturbed by the proposed works to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This would therefore comply with Local Plan Policy HE12 and emerging CPP2 Policy DM31.

Other matters raised by consultation:

- 9.45. Matters of views being blocked and residential property values are not relevant planning considerations and have not been taken into account in the determination of this application.

10. CONCLUSIONS

- 10.1. The proposal would provide a notable amount of storage space to support the Council's objectives and to maximise employment generation through well-designed extensions and alterations, which would not have an adverse impact on heritage assets, neighbouring amenity or on highways. It would also result in sustainability and biodiversity net gains, and generate some economic activity during construction, which cumulatively are relatively significant benefits of the proposal. The proposed development is therefore recommended for approval.

11. EQUALITIES

- 11.1. As per the existing situation, a lift would be retained to all floors, and extended to the new third floor, ensuring access for all. Level access continues to be provided at ground floor level and wheelchair users could access the lift through the roller shuttered entrance. At least two of the parking spaces would be suitable for disabled drivers.

12. CLIMATE CHANGE / BIODIVERSITY

- 12.1. The site is considered to be in a highly sustainable location with good links to public transport, and cycle parking is proposed, reducing reliance on cars. The works would modernise and refurbish the existing building. A diverse seeded plug-planted green roof as well as bee bricks plus bird boxes are recommended to be secured by condition.