

|                                      |   |                            |                                   |
|--------------------------------------|---|----------------------------|-----------------------------------|
| <b><u>No:</u></b>                    | <b>BH2023/00981</b>   | <b><u>Ward:</u></b>        | <b>Hanover And Elm Grove Ward</b> |
| <b><u>App Type:</u></b>              | <b>Removal or Variation of Condition</b>  |                            |                                   |
| <b><u>Address:</u></b>               | <b>20 Albion Hill Brighton BN2 9NP</b>  |                            |                                   |
| <b><u>Proposal:</u></b>              | <b>Application to remove condition 6 (residents parking permits) of planning permission BH2020/01857.</b> |                            |                                   |
| <b><u>Officer:</u></b>               | Sonia Gillam, tel: 292265   | <b><u>Valid Date:</u></b>  | 06.03.2023                        |
| <b><u>Con Area:</u></b>              |   | <b><u>Expiry Date:</u></b> | 01.05.2023                        |
| <b><u>Listed Building Grade:</u></b> |   | <b><u>EOT:</u></b>         | 14.06.2023                        |
| <b>Agent:</b>                        |   |                            |                                   |
| <b>Applicant:</b>                    | Mr Beau Templeman 45 Eltham Park Gardens Eltham SE9 1AP   |                            |                                   |

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

| <b>Plan Type</b> | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|------------------|------------------|----------------|----------------------|
| Report/Statement | Application Form |                | 6 March 2023         |

2. The development hereby permitted shall be commenced before the 21st August 2023.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18, DM20, DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.

4. Access to the flat roof to the rear shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
5. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
6. Not used
7. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed on the rear patio of each dwelling 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 DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

## 2. SITE LOCATION

- 2.1. The application relates to a two-storey property located on the corner of Albion Hill and Belgrave Street. The ground-floor premises were most recently used for the storage of materials in respect of a cleaning service for holiday lets and property maintenance, however it is understood that the company ceased trading and the ground floor of the site is now vacant. The upper floor is in use as a flat. The surrounding area is predominantly residential in character.

## 3. RELEVANT HISTORY

- 3.1. **BH2020/01857** Change of use of ground floor from storage unit (B8) and internal alterations to first floor flat to form 2no two-bedroom houses (C3). Part demolition

of rear single storey section to form new ground floor patio area and revised rear fenestration. Approved 21.08.2020.

#### 4. APPLICATION DESCRIPTION

4.1. Planning Permission has been granted for the change of use of the ground floor from a storage unit (B8) plus internal alterations to first floor flat, to form 2no two-bedroom houses (C3) (ref. BH2020/01857). The development has not commenced.

4.2. Permission is now sought under Section 73 of The Town and Country Planning Act to remove condition 6 (residents' parking permits) of planning permission BH2020/01857. Condition 6 reads as follows:

*Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.*

**Reason:** *This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.*

4.3. The applicant wishes to remove this 'car free' condition so that residents would be allowed access to parking permits, subject to any restrictions under the Traffic Regulation Order.

#### 5. REPRESENTATIONS

5.1. A letter of representation has been received from **Councillor Steph Powell** objecting to the proposal. A copy of the letter is attached to the report.

#### 6. CONSULTATIONS

Internal:

6.1. **Sustainable Transport:** No objection to removal of car-free condition. The forecast increase in parking associated with the development of two dwellings is unlikely to have a significant enough impact to warrant the inclusion of the condition.

#### 7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals

in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development |
| CP1  | Housing delivery                                 |
| CP3  | Employment land                                  |
| CP9  | Sustainable transport                            |
| CP12 | Urban design                                     |
| CP14 | Housing density                                  |
| CP19 | Housing mix                                      |

#### Brighton & Hove City Plan Part Two:

|      |  |
|------|--|
| DM1  | Housing Quality, Choice and Mix              |
| DM18 | High quality design and places               |
| DM20 | Protection of Amenity                        |
| DM21 | Extensions and alterations                   |
| DM22 | Landscape Design and Trees                   |
| DM33 | Safe, sustainable and active travel          |
| DM36 | Parking and servicing                        |
| DM37 | Green Infrastructure and Nature Conservation |
| DM43 | Sustainable Drainage                         |
| DM44 | Energy Efficiency and Renewables             |

#### Supplementary Planning Documents:

|       |   |
|-------|---|
| SPD03 | Construction & Demolition Waste             |
| SPD11 | Nature Conservation & Development           |
| SPD12 | Design Guide for Extensions and Alterations |
| SPD14 | Parking Standards                           |
| SPD17 | Urban Design Framework                      |

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The merits of the scheme as a whole have been considered as part of the preceding permission (BH2020/01857). The principle of the development was

justified and accepted. The proposed design, siting and scale of the development have not been altered and the assessment of this application will therefore solely relate to that aspect of the current scheme that differs from the previous permission, namely the proposal to remove condition 6 (parking permits) of planning permission BH2020/01857.

- 9.2. Historically, the Local Planning Authority (LPA) applied a 'car-free' condition to a planning permission if there was potential for increased on-road parking stress caused by a development (more units etc). Following legal advice and appeal decisions, the LPA no longer applies a car-free condition to planning applications as the issuing of parking permits is already dealt with through the use of the Controlled Parking Zones.
- 9.3. There is an existing commercial unit and three-bed flat at the site which have/could apply for parking permits as it stands. Planning permission has been secured to convert the property to 2x new two-bed dwellinghouses. The condition seeks to ensure that the future occupants of the approved houses have no entitlement to a resident's parking permit by way of an amendment to the Traffic Regulation Order (TRO).
- 9.4. The applicant's reasoning for the removal of the condition is that the approved development would not increase the on-street parking strain over the existing situation - there are currently 2x existing units which have/ can apply for permits; this is the same as the approved development. Therefore, it is argued that there is no reason for the TRO to be amended.
- 9.5. The Council's Highways Officer has no objection to removal of the condition, given that, when assessing the Controlled Parking Zone (V), the forecast increase in parking associated with the development is unlikely to have a significant enough impact to warrant the inclusion of the condition.
- 9.6. Given the above, it is considered unreasonable to insist on the retention of the condition and its removal is acceptable in this instance.

**10. EQUALITIES**  
None identified

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The application site is within a sustainable location with good access to public transport links and local facilities. The development would make better use of the land, reducing reliance on other sites.

