

<b><u>No:</u></b>	<b>BH2025/00222</b>	<b><u>Ward:</u></b>	<b>West Hill &amp; North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Imperial House 40 - 42 Queens Road Brighton BN1 3XB</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing windows with timber framed double glazed windows. Erection of rear external deck area with covered bin and bike stores and partially covered outside seating area. Painting of ground floor front elevation.</b>		
<b><u>Officer:</u></b>	Charlie Partridge, tel: 292193	<b><u>Valid Date:</u></b>	27.01.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	24.03.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	SHW SHW Brighton Lees House 21-33 Dyke Road Brighton BN1 3FE		
<b><u>Applicant:</u></b>	EE Private Capital Limited Suite 1 Staple House Eleanor's Cross United Kingdom		

## 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>
Proposed Drawing	PL-200		27-Jan-25
Proposed Drawing	PL-300		27-Jan-25
Proposed Drawing	PL-301		27-Jan-25
Proposed Drawing	PL-302	A	11-Apr-25
Proposed Drawing	PL-303		27-Jan-25
Location Plan	PL-020		27-Jan-25

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. The seating area shall not be used outside the hours of 8am to 8pm Monday to Saturday and 9am to 5pm on Sundays, Bank and Public Holidays. No activity within the site shall take place between the hours of 23.30 and 06.30 daily.

**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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.

**Biodiversity Net Gain**

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

**2. SITE LOCATION**

- 2.1. The application site falls within the West Hill Conservation Area and comprises a five-storey building in use as offices on the west side of Queens Road.

**3. RELEVANT HISTORY**

- 3.1. **BH2023/02863** Refurbishment of the main entrance, incorporating repairs to render, redecoration at ground floor up to and including the raised pilasters and first floor balcony railings, replacement of anti-bird spikes to balconies, replacement of tiled flooring with new porcelain tiles, replacement of existing intercom unit. Approved 13.12.2023
- 3.2. **BH2023/01904** Replacement of existing single-glazed timber framed windows with double-glazed uPVC framed windows to rear elevation. Approved 15.09.2023
- 3.3. **BH2012/02121** Installation of replacement entrance doors. Approved 05.09.2012

- 3.4. **BH2001/02391/FP** Installation of air conditioning units at the rear of the premises. Approved 30.04.2002

#### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the replacement of the existing windows with like for like timber framed double glazed windows, the erection of a rear external deck area with covered bin and bike stores and a partially covered outside seating area. Permission is also sought to paint the ground floor front elevation.
- 4.2. During the course of determining the application, an amended front elevational drawing was received to show the proposed paint scheme. The application description was also amended to include the proposed painting scheme.

#### **5. REPRESENTATIONS**

- 5.1. Six (6) letters have been received from objecting to the proposed development for the following reasons:
- Increased noise and smoking
  - Increased use of the access alley
  - Security compromised - gates could be left open
  - Potential increase in crime/anti-social behaviour
  - Loss of safety
  - Additional traffic
  - Too close to the boundary
  - Adversely affects Conservation Area
  - Detrimental effect on property value
  - Poor design

#### **6. CONSULTATIONS**

- 6.1. **Sustainable Transport:** 19.03.2025 Further information required  
The applicant has kindly provided cycle parking in the rear garden, accessible via a pedestrian passage from North Road. The cycle parking includes 20 spaces using two-tier cycle racks with e-bike charging facilities.
- 6.2. However, it is unclear whether the proposed number of cycle spaces complies with the Parking Standards SPD14 and meets the actual cyclist demand. While ensuring that the number of spaces aligns with SPD14, the quality of provision is also paramount. All the proposed cycle spaces are two-tier racks, which may not be universally accessible. We would expect a portion of the spaces to be Sheffield Stands.
- 6.3. Could the applicant clarify the compliance with SPD14 and consider incorporating Sheffield Stands for improved accessibility?

- 6.4. **Heritage: 26.03.2025** Comment regarding paint scheme  
 There is no Article 4 on paints for this conservation area. However, the Conservation area character statement references the policy SPGBH2. I think by this standard these colours are a little dark but not totally unacceptable so I would not object.
- 6.5. **Heritage: 14.04.2025** Comment regarding main works  
 The proposed alteration to the rear of the building will not cause any harm to the historic significance of the building because that is not visible from the conservation area or from any listed building.
- 6.6. The replacement of windows with timber double glazing should be acceptable provided the windows on the upper floors are in slim section double glazing. The ground floor windows on a shopfront such as this would normally be in thicker laminated or toughened glass. There is no objection to whichever method is used, but we should have clarity on the details of the glazing proposed. A condition should be included requiring sections through the glazing.

## 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; revised October 2024);
  - 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
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

DM18	High quality design and places
DM20	Protection of Amenity

DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, sustainable and active travel

Supplementary Planning Documents:

SPD09	Architectural Features
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 design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the West Hill Conservation Area. The impact of the proposal on the public highway also requires consideration.

9.2. The assessment of the proposal was based on the drawings provided and a site visit.

### **Design and Appearance and Impact on Heritage Features:**

9.3. The site is within the West Hill Conservation Area. 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. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".

9.4. The proposal to replace the entirety of the windows to both the front and rear elevations is deemed acceptable. The proposed windows would be replaced with like for like timber joinery. The only difference would be the glazing which would be upgraded to higher thermal performance double glazing. The framing, detailing and joinery sections would be identical to the existing joinery so there will be no discernible change in appearance either to the front or the rear, other than improving it through refurbishment. Heritage recommends a condition requiring full details of the proposed windows including elevations and joinery sections. Given the windows would be replaced with like for like timber joinery, it was not considered necessary to impose this condition.

9.5. The proposed changes to the rear would involve the erection of a rear external deck area with covered bin and bike stores and a partially covered outside seating area. The deck would be at the same height as the rear access path and bin/bike stores. There currently exists a bin and bike store in this location.

9.6. These works would represent an improvement over the existing facilities at the rear of the site. They would allow for a greater number of bikes to be stored and would provide facilities for staff on their break in the rear courtyard. Given their location at the rear of the site, the proposed changes outlined above would not be visible from the public domain and as such would not have any impact on the

character or appearance of the host building or wider area, including its heritage features.

- 9.7. The proposal also seeks to paint the front elevation at ground floor level with graphenstone indigo paint (closest RAL colour is RAL 7301). While this would contrast the rest of the building and would appear noticeably dark, given the wide range of colours in the ground floor commercial units of nearby buildings within the Queens Road streetscene, this is on balance considered acceptable.
- 9.8. Overall, the proposed alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policies CP16 of City Plan Part 1, Policies DM21 and DM26 of City Plan Part 2 and SPD12 guidance.

**Impact on Amenity:**

- 9.9. No impacts on amenity are expected to occur as a result of the proposed fenestration or paint changes. No new openings are proposed.
- 9.10. A number of objections were received in regard to the proposed alterations to the facilities in the rear courtyard. However, the proposed timber structure to cover the bin store, cycle parking and seating area would be of a modest height and given the height of the rear boundary wall for the rear gardens along North Gardens, it is not expected to be overbearing and would not result in any loss of light to these houses. Given the proposed deck would be no higher than the rear access path, it would not provide any additional compromising views into neighbouring properties when compared to the existing situation. No loss of privacy is expected.
- 9.11. A number of objections received were in relation to an increase in noise pollution. The improved cycle parking may allow for more cycles to be stored, but this is not expected to significantly increase noise breakout from the area. The seating area may result in some additional noise emanating from this space as it will make the area more inviting for those working at the property. However, the area has always been accessible, and this noise would be highly infrequent and is likely to be concentrated around lunch times on weekdays. Furthermore the application site is within the city centre, so taking in to account likely background noise levels within this densely populated urban area, any increase in noise would not be so significant as to warrant refusal. A condition has been attached to limit the hours of use of the seating area.
- 9.12. It is considered that for the reasons set out above, the proposed development would not cause harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

**Sustainable Transport:**

- 9.13. The proposal seeks to improve the cycle storage facilities for staff at the rear of the site, in accordance with policy DM33 of the Brighton and Hove City Plan Part 2.

- 9.14. The newly proposed cycle parking includes twenty spaces using two-tier cycle racks with e-bike charging facilities. The Local Highways Authority (LHA) was consulted on the application and queried the number of parking spaces and the lack of Sheffield stands included in the proposal. While the transport comments are noted, given the application is solely for an improvement over the existing cycle facilities and is not for a change of use or a new development, it is not considered reasonable to require amendments to the proposed cycle parking to allow for more stands and the inclusion of Sheffield stands.

**Other Considerations:**

- 9.15. Objections have been raised in regard to the detrimental impact on property value from the proposal. This is not a material planning consideration and cannot be taken into account when assessing these works. Loss of security and safety and the potential increase in crime and anti-social behaviour was also raised in the objections. Firstly, the application relates to an improvement in the facilities at the rear of the building. It would not increase the number of staff who can access the rear of the building via the alleyway and through the three gates. Further, the agent confirmed that staff already have access to the rear of the building to use the existing cycle storage. As the proposal would simply improve the existing facilities and would not create any new access or use, it is not considered to result in any additional security risks and in the LPAs view, would not encourage crime nor anti-social behaviour.

**Biodiversity Net Gain**

- 9.16. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

**Conclusion and Planning Balance**

- 9.17. The proposal would result in some impact on the appearance of the building and area, including the heritage features of the West Cliff Conservation Area, but is generally seen to be an improvement. The provision of a covered area to the rear would just cover what is already an external amenity space for the building, so no increase in noise is expected over what is already possible from the site, and no other impacts on residential amenity are anticipated. The provision of a cover over the existing cycle storage area is considered positive. Overall therefore the scheme is considered to accord with the development plan and other material considerations so approval is recommended.

**10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.