

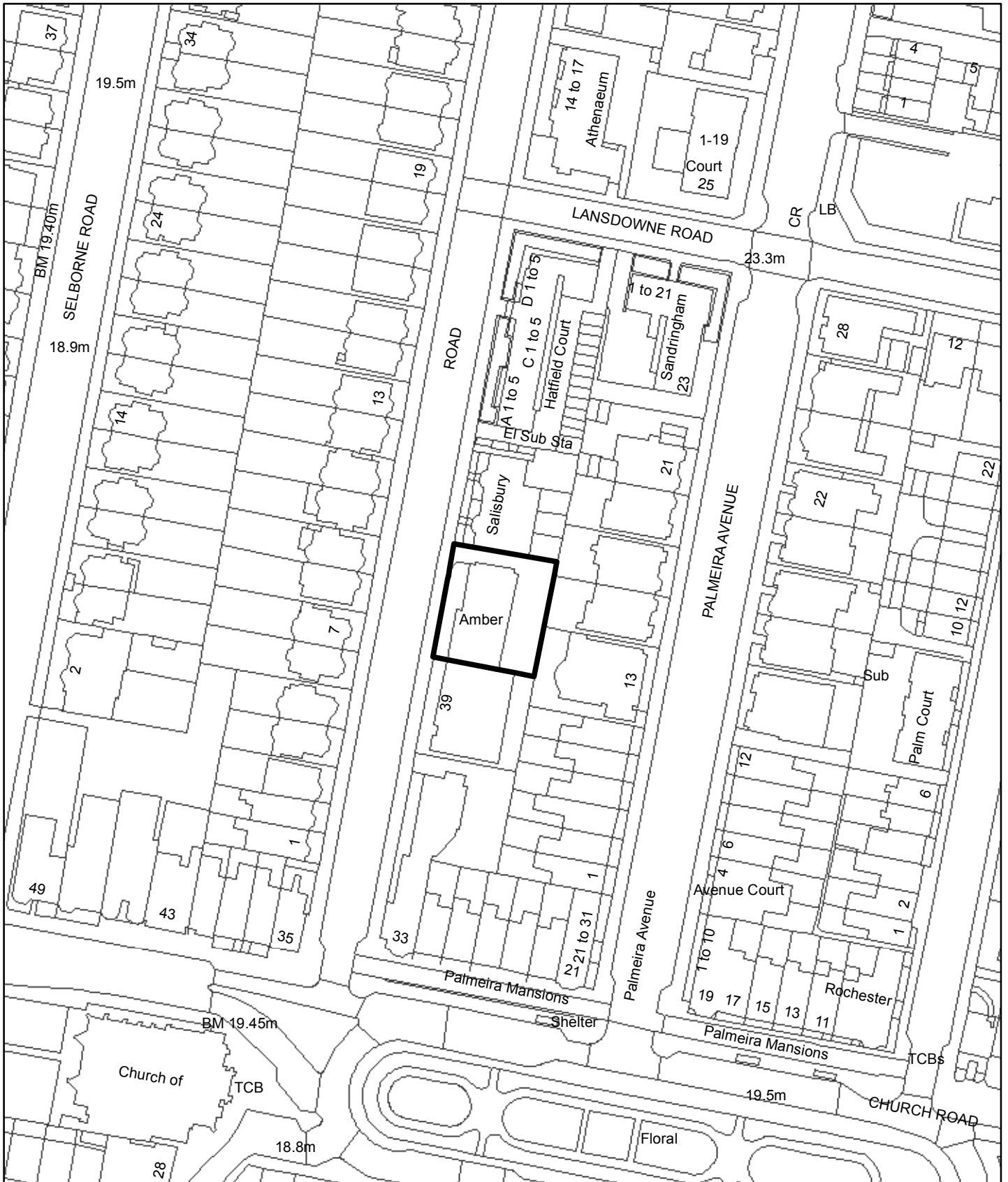
ITEM D

Amber Court, 38 Salisbury Road, Hove

BH2012/01263
Full planning

23 APRIL 2014

BH2012/01263 Amber Court, 38 Salisbury Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 23 APRIL 2014

<u>No:</u>	BH2012/01263	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Amber Court 38 Salisbury Road Hove		
<u>Proposal:</u>	Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	08 May 2012
<u>Con Area:</u>	Adjoining Willett Estate & Brunswick Town	<u>Expiry Date:</u>	03 July 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Leo Horsfield Surveying, 9 Clifton Hill, Brighton		
<u>Applicant:</u>	Mr Vic Marchant, 269 Kingsway, Hove		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a three-storey flat roofed building containing 14 flats. The building incorporates limited architectural detailing and is dominated by face brickwork and uPVC windows. The ground floor of the building is raised above street level with a stepped entrance leading to a single-storey lobby to the front of the building.
- 2.2 The rear of the building incorporates a lower ground floor level, accessed by a side driveway with downward gradient, comprising 7 garages of varying size. The remainder of the curtilage provides surface parking. The parking spaces are seemingly used for commercial purposes, with pay and display signs visible across the site.
- 2.3 The eastern side of Salisbury Road is predominantly relatively modern flatted development between 3 and 4-storeys in height. In contrast the western side of Salisbury Road is characterised by historic semi-detached buildings within the Willett Estate Conservation Area. Adjoining buildings to the rear are within the Brunswick & Adelaide Conservation Area.

3 RELEVANT HISTORY

BH2010/03843: Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear. Approved 22/03/2011 (this permission does not appear to have commenced and, on this basis, has expired).

BH2002/01315/FP: Conversion of lock-up garage to office (use class B1) and associated external alterations. Approved 25/11/2002 (this permission was not implemented and has expired).

M/14537/69: 8 2-bed & 4 1-bed flats on three floors with garaging for 9 cars and parking space for 4 in basement. Approved 19/12/1969.

4 THE APPLICATION

- 4.1 Planning permission is sought for the formation of a lower ground floor level to the existing building to create new office accommodation (within Use Class B1) of approximately 113 sq metres. The proposal would entail excavation works to the frontage of the site, adjoining Salisbury Road, to create a new ramped access arrangement (between street and lower ground floor levels) and cycle parking facilities. The proposed lower ground floor level would comprise fenestration comparable to upper levels of the building, which would not be altered as part of the proposal, and brickwork to match the existing.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: 10 (Ten)** representations have been received from **9E, 11 & 13 (flats 1 & 2) Palmeira Avenue; 8 (FFF) & 38 (flats 3, 4 & 9 Amber Court) Salisbury Road; 29 Potters Lane (Barnet) and 3 Rose Cottages, Gaddesdon Row (Hemel Hempstead)** objecting to the application for the following reasons:-

- The additional commercial unit would change the character of the area, which has already seen commercial uses introduced to the north and south of the site;
- The proposal does nothing to improve the appearance of the building or the amenity of existing residents;
- A basement level and additional penthouse would represent an overdevelopment of the site;
- The proposed cycle storage would spoil the look of the block and result in the loss of a communal patio area;
- There is no need for additional office accommodation;
- The precise nature of the proposed use is not stated;
- The application does not state opening hours but the offices would contribute to increased noise and disturbance to existing residents;
- There is no soundproofing and as existing noise echoes through the building;
- There would be a loss of services during construction (as services run from the basement);
- The proposal would lead to loss of parking and more demand for spaces;
- Increased fire risk;
- Noise and disturbance during building works;
- Concerns on how the building would remain structurally sound with the excavation works;
- Question whether the proposal would have a detrimental effect on future sales or conversion.

Internal

- 5.2 **Environmental Health: Comment.** It is difficult to determine whether the proposed use would be suitable in a residential area as it may create noise, particularly during hours when neighbouring residents would want to relax / sleep. Consider that further information on opening hours and noise nuisance should be provided.
- 5.3 **Sustainable Transport: No objection.** The proposal includes 14 cycle spaces which accords with the requirements of SPGBH4. The scheme would result in the loss of 2 off-street parking spaces to the front of the building which would not have a material impact on the demand for street parking, which is in a controlled parking zone. As the site is within a CPZ and an area of good public transport it is considered that the office would not generate a material demand for on-street parking.
- 5.4 A condition is recommended to secure details of the new access, which adjoins the highway, and the boundary wall should be at least 1.15 metres in height.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
EM4	New business and industrial uses on unidentified sites
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guidance for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed lower ground floor office accommodation on the character and appearance of the area, neighbouring amenity and highway safety.

Proposed B1 use:

- 8.2 The proposed development would create a lower ground floor office unit of approximately 113 sq metres. The application site is not identified for new business / industrial uses and as such Local Plan policy EM4 is of relevance. The policy states, amongst other criteria relating to transport and amenity considerations, that planning permission will be granted for new business and industrial uses provided there is demonstrable need for such a use, taking into account factors such as the availability of existing land / premises on the market.

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- 8.3 There is no supporting information with the application to demonstrate a need for office accommodation on the application site, and it would appear that the proposal is speculative. As such the proposal does conflict with the aims of Local Plan policy EM4. The application site is though centrally located and the additional office accommodation would potentially provide additional employment opportunities within the City. This would be supported by the NPPF and it is considered that any conflict with policy EM4 would not justify refusal of the application.

Character and appearance:

- 8.4 The existing frontage of the building is marked by a raised terrace area and stepped entrance leading to the (internal) ground floor level of the building. The proposal would create a lower ground floor level within the main envelope of the existing building through a lowering of ground level to the northern section of the site. A ramped pedestrian access would be formed within the front curtilage, in place of the existing raised terrace and an off-street parking space, with a new boundary wall constructed along the frontage of the site.
- 8.5 A number of buildings on Salisbury Road incorporate lower ground floor levels, including Hatfield Court to the north, a commercial building to the south and the majority of the western side. The formation of a lower ground floor level and associated new access would not therefore appear incongruous in this setting, with the resulting 4-storey appearance in keeping with the character and scale of adjoining development. The development would replicate the proportions, alignment and rhythm of windows on upper floor levels of the building, with external brickwork to match the existing.
- 8.6 The most visible element of the proposal from the adjoining Willett Estate Conservation Area would be the boundary wall alongside the public footpath on Salisbury Road. The proposed boundary wall would be of an appropriate height in relation to adjoining properties on the eastern side of Salisbury Road and would screen the entrance ramp and cycle parking facilities. This aspect of the proposal would reflect existing frontage treatments and is therefore considered acceptable.
- 8.7 The proposed lower ground floor is considered to be well designed, sited and detailed in relation to the existing building and wider street scene, and would preserve the setting of the adjoining Conservation Area. The proposal complies with local plan policies QD14 and HE6.
- 8.8 It is noted that planning permission has previously been granted for the formation of an additional storey to the building (ref: BH2010/03813). This permission appears to have expired and would not therefore alter the considerations outlined above. Any future applications for rooftop additions would need to be considered on their own merits.

Impact on amenity:

- 8.9 The nature of the proposed works, which primarily involves excavation at lower ground floor level, would not lead to harmful loss of light or outlook for occupants of adjoining properties. The key concern is therefore the impact of the proposed use.

- 8.10 The proposed development would introduce an office use (within Class B1) to a site solely in residential use. The Environmental Health Team has raised concerns that use of the lower ground floor office accommodation would potentially lead to noise and disturbance for occupants of ground floor units within Amber Court. However, the Use Classes Order states that uses within Class B1 are capable of being carried out in any residential area without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In principle the formation of a B1 premises at the application site would not therefore be expected to cause material harm to neighbouring amenity by way of noise or disturbance. It is therefore considered that refusal of the application on the basis of increased noise or disturbance to adjoining properties would not be warranted.
- 8.11 It is considered that conditions restricting hours of use within the office premises and requiring details of soundproofing (between lower ground and ground floor levels) would satisfactorily protect amenity for occupants of adjoining properties. The recommended hours of use, as set out in condition 3, would prevent use of the premises during the evening / night, when residents would be most sensitive to noise and disturbance from potential comings and goings to the site. The soundproofing would mitigate against the potential noise transmission during operational hours of the proposed office accommodation.
- 8.12 A further condition is recommended to restrict use of the lower ground floor to Class B1, as a permitted change to Class B8 (storage and distribution) would impact upon neighbouring amenity through noise / disturbance and vehicular movements.
- 8.13 The conditions outlined above coupled with the definition of Class B1 uses are considered sufficient to ensure the proposal would not lead to significant harm to neighbouring amenity through increased noise or disturbance. If complaints relating to noise or disturbance from activities at the premises arose in the future they could be investigated under separate Environmental Health legislation.
- 8.14 The adjoining building to the south, no. 39, incorporates ground floor commercial uses (within Class D1) which do not appear to cause material harm to either adjoining flats at first floor level or residential properties in the wider surrounding area. This supports the view outlined above, that a lower ground floor commercial use would not cause material harm to neighbouring amenity.

Transport:

- 8.15 The application site is within a controlled parking zone (area N) in an area of good public transport accessibility. The Transport Team has advised that in this location the proposed office accommodation would not be expected to generate a material demand for on-street parking, with any demand resulting from the proposal controlled by existing controls. This impact coupled with the small scale of the proposal would not necessitate a contribution towards sustainable transport improvements in the vicinity of the site.

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- 8.16 The proposal incorporates 14 cycle parking spaces in an accessible location to the front of the site. The location and nature of this provision is considered acceptable, with the number of spaces according with minimum standards outlined in SPGBH4.
- 8.17 While the proposal would result in the loss of 2 parking spaces to the front of the site it is understood that these are not available to residents of the building and are instead used privately. On this basis the proposal would not displace resident vehicles and no material harm to the surrounding road network would result. It is noted that there is no waiting list for resident permits in this parking zone.

Sustainability:

- 8.18 Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that development of this scale and nature incorporate a reduction in energy and water use.
- 8.19 There is limited scope as part of the proposed development to incorporate renewable energy technologies and rainwater harvesting would similarly be problematic. As such it is likely that the development would need to focus on reducing consumption (rather than re-use and recycling) of energy and water. While there is extremely limited information submitted as part of the application for a development of this scale there are no reasons why further details could not be secured through condition. This approach would ensure the proposal complies with the above policies.

9 CONCLUSION

- 9.1 The development would create additional employment opportunities in the City without detriment to the character or appearance of the building and surrounding area, including the adjoining Conservation Areas, neighbouring amenity or highway safety.

10 EQUALITIES

- 10.1 The proposed lower ground floor level would incorporate a ramped access from street level with provision for a disabled accessible WC indicated on the proposed plan.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Site Plan	LH11-001-100		04/05/2012
Existing Ground Floor Plan	LH10-209-101		26/04/2012
Existing Front Elevation	LH11-001-102		26/04/2012
Existing Rear Elevation	LH11-001-103		26/04/2012
Existing Side Elevation	LH10-209-104		26/04/2012
Existing Side Elevation	LH10-209-105		26/04/2012
Proposed Floor Plan	LH11-001-401		26/04/2012
Proposed Front Elevation & Street Scene	LH10-209-402		26/04/2012
Proposed Front Elevations	LH10-209-403		26/04/2012

- 3) The use hereby permitted shall not be in use except between the hours of 08:00 to 19:00 on Monday to Friday, and 09:00 and 17:00 on Saturday and Sundays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the hereby approved lower ground floor level shall only be used within Use Class B1 and for no other purpose.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policies TR1, SU10 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 QD1 and QD14 of the Brighton & Hove Local Plan.

- 6) No development shall take place until a scheme for soundproofing between lower ground and upper ground floor levels has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and be maintained as such thereafter.

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.

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- 7) No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy and water. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 8) The hereby approved development, at lower ground floor level, shall not be occupied until the cycle parking facilities, as shown on drawing nos. LH11-001-401 & 403, have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 policy TR14 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The development would create additional employment opportunities in the City without detriment to the character or appearance of the building and surrounding area, including the adjoining Conservation Areas, neighbouring amenity or highway safety.