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Planning, Heritage and Design Statement

Derwent Court, Dyke Road

April 2021



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Project Name: Derwent Court

Location Derwent Court, Dyke Road and 103
Buckingham Road, Brighton

Client: Geneva Investment Group Ltd

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Contents

Figures	3
1. Introduction	4
2. The Site	4
3. Planning History	5
4. The Proposal	6
5. Policy Overview	6
5.1. Introduction.....	6
5.2. National Planning Policy Framework (NPPF)	7
5.3. National Planning Practice Guidance (NPPG).....	7
5.4. Strategic Planning Policy – Brighton & Hove City Plan Part 1 (2016)	7
5.5. Strategic Planning Policy – Brighton & Hove Local Plan (2005) Saved Policies.....	8
5.6. Supplementary Planning Documents – Design Guide for Extension and Alterations Supplementary Planning Document (SPD)	8
6. Planning Appraisal.....	8
6.1. Introduction.....	8
6.2. Principle of Development	8
6.3. Design, Form and Appearance	9
6.4. Impact on Historic Environment	9
6.5. Residential Amenity	9
6.6. Highway Considerations	9
7. Conclusions	10

Figures

Figure 1 - Approved Site Layout Plan (Reference BH2015/04654)	5
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1. Introduction

- 1.1. This Planning, Heritage and Design Statement has been prepared on behalf of **Geneva Investment Group Ltd** in support of the following proposed application for Full Planning Permission and Conservation Area Consent at Derwent Court, Dyke Road & 103 Buckingham Road in Brighton:

‘Conversion of undercroft garages and part courtyard into 2no. self contained 1-bedroom flats (Use Class C3) with private amenity space and cycle parking. Erection of single storey rear extension and associated alterations (following consent of application reference BH2015/04654).’

- 1.2. In April 2016, an application was permitted on the site under reference BH2015/04654 for the:

‘Conversion of undercroft garages and part courtyard into 2no self-contained flats (C3) with patios, erection of single storey rear extension and associated alterations’.

- 1.3. Since the above application was permitted, the current Applicant is looking to improve the previous consent by enhancing the 2no. permitted residential units and enhancing the quality of accommodation for future occupiers. It is considered that the previously approved application established the principle of 2no. residential flats through the conversion of the undercroft garages, in addition to a single storey extension.

- 1.4. This Statement sets out the relevant background for the determination of the planning application, including a description of the site and its surroundings, the relevant planning history, relevant planning policy, details of the development proposed and an assessment of the relevant planning considerations including the impact of the proposed development on the surrounding Conservation Area.

- 1.5. This Planning, Heritage and Design Statement is accompanied by the following documents:

- **Planning Application Forms, CIL Forms and Notices**
- **Suite of Architectural Drawings, Plans and Elevations**
- **Location and Block Plans**

2. The Site

- 2.1. The application site comprises a block of residential flats on the corner of Buckingham Road and Dyke Road. The existing block of flats ranges from four to six storeys. The four-storey element of the building fronts Buckingham Road and is known as ‘Derwent Lodge’. The six-storey element fronts Buckingham Road and is known as ‘Derwent Court’.
- 2.2. To the rear of the site is a small car park with vehicular access achieved directly from Buckingham Road.
- 2.3. The site is situated within the West Hill Conservation Area.
- 2.4. Refer to Site Location Plan for further information.

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3. Planning History

- 3.1. The site has relevant planning history available on the Council's online portal. The relevant applications are set out below in chronological order with the most recent application first.
- 3.2. **Reference BH2015/04654. Conversion of undercroft garages and part courtyard into 2no self-contained flats (C3) with patios, erection of single storey rear extension and associated alterations. Permitted 7 April 2016.**
- 3.3. As set out previously within this Statement, the proposed application is directly relevant to the above approval which established the principle of 2no. residential flats through the conversion of the undercroft garages, in addition to a single storey extension. Please refer to Figure 1 for the approved Site Layout.

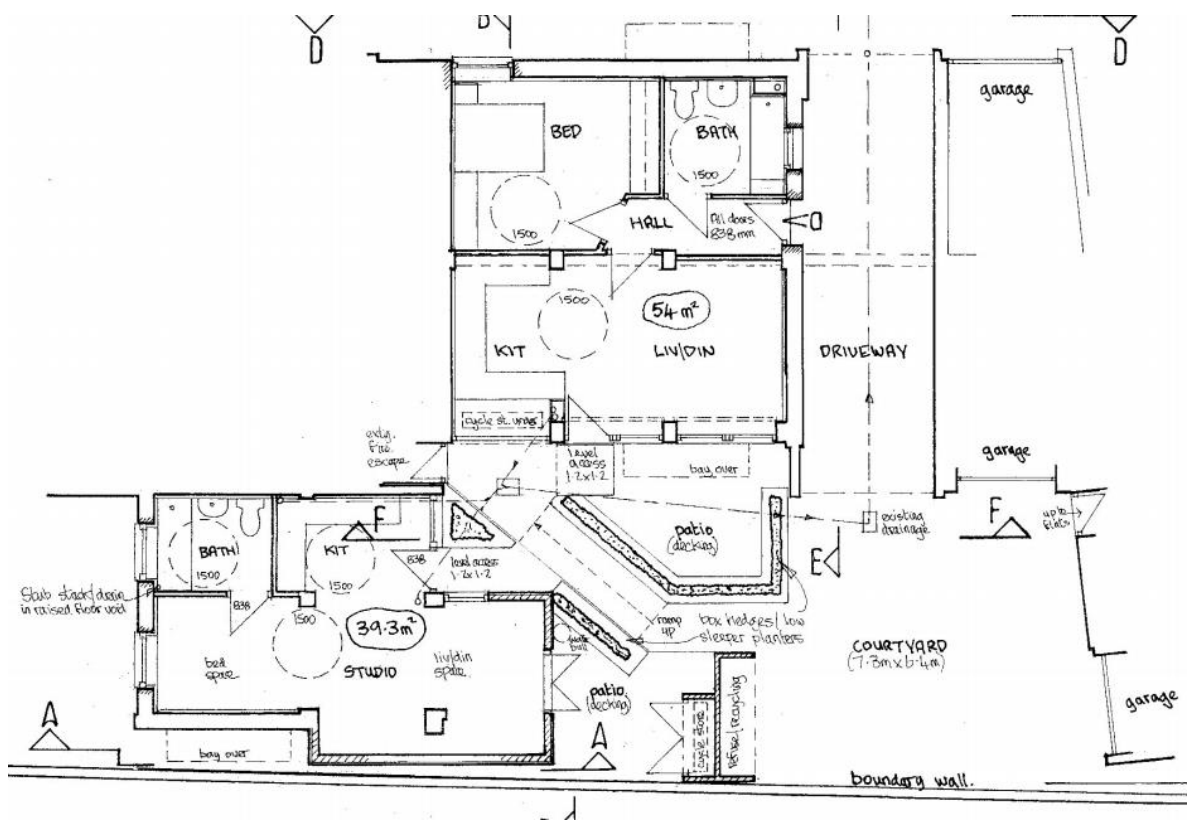


Figure 1 - Approved Site Layout Plan (Reference BH2015/04654)

- 3.4. This new application seeks consent for improved residential units, as discussed in detail later within this Statement.
- 3.5. **Reference BH2015/00281. Conversion of undercroft garages and part of courtyard into 2no self contained flats (C3) with patios and associated alterations. Refused 7 October 2015.**
- 3.6. The above application was refused in 2015 after the Planning Officer deemed the standard of accommodation, specifically the proposed studio flat, to be of a poor standard and provided cramped accommodation which would fail to provide satisfactory living conditions for future occupants. The proposed studio flat was proposed to be approximately 30sqm.

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4. The Proposal

- 4.1. This proposed application seeks consent for the conversion of the undercroft parking area into 2no. self-contained, 1-bedroom residential flats with private amenity space. In order to facilitate the residential units, the proposals also seek consent for the erection of a single storey rear extension which would be finished in a painted render, and associated alterations. The new residential units would both comply with Nationally Described Space Standards for 1-bedroom units.
- 4.2. In terms of the associated alterations, the proposals seek consent for the removal of the existing garage doors and insertion of powder coated aluminium windows and doors. The proposals additionally seek consent for external alterations such as cedar cladding to add more visual interest to the ground floor of the building.
- 4.3. As set out on the proposed drawings, the proposals seek the insertion of glass balustrades to the private amenity areas for the flats which would provide a modern, clean appearance to the building.
- 4.4. On the northern elevation, the proposals seek consent for the insertion of a bay window to the ground floor unit which would be a continuation of the bay windows on the upper floors. The new bay window would be designed to match the existing, as set out on the proposed drawings. The north elevation would also seek to insert a upvc window on the ground floor which would match the windows on the upper floors of the building and would allow natural light to enter Flat 1's kitchen/sitting room area.
- 4.5. As per the existing situation, there are communal bins located within Buckingham Road and Dyke Road. It is therefore proposed that the new residential units will use these bins.

5. Policy Overview

5.1. Introduction

- 5.1.1. A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development plans, which seek to guide the decision-making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.2. In this case, the Development Plan comprises the Brighton & Hove City Plan Part 1 (2016) and saved policies from the Brighton & Hove Local Plan (2005). The National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and Supplementary planning Guidance are also material considerations.
- 5.1.3. The Council is preparing The City Plan Part 2 which will contain the remaining development management policies and site allocations. A consultation of the Proposed Submission City Plan ended Friday 30 October 2020. Council Officers are currently sorting through all comments received before the plan is submitted to the Secretary of State for formal examination and approval. Once this has been adopted, the saved policies within the Local Plan 2005 will fall away entirely.
- 5.1.4. This section considers how the proposed application complies with both National and Local Planning Policy.

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5.2. National Planning Policy Framework (NPPF)

- 5.2.1. The NPPF was adopted in 2012 with a revised version published in February 2019 and updated in July 2019. At its heart is the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (**paragraph 11**). There are three dimensions to sustainable development: *social, economic and environmental* which is identified at **paragraph 8**.
- 5.2.2. **Section 5** of the NPPF seeks to deliver a sufficient supply of homes. The proposed change of use to 2no. residential units should therefore be seen as acceptable.
- 5.2.3. **Section 9** of the NPPF is concerned about ‘promoting sustainable transport’ and states at **paragraph 109** that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’*.
- 5.2.4. **Section 11** of the NPPF requires developments to make ‘effective use of land’ and identifies at **paragraph 117** that *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’*. The proposals are considered to make efficient use of the existing undercroft parking, and therefore the proposals are in accordance with Section 11 of the NPPF.
- 5.2.5. The NPPF provides clear guidance to planning authorities on how to consider design in policy terms, with **Section 12** (Achieving well-designed places) providing the framework against which to consider design quality. The proposals are considered to comprise of a good architectural quality, significantly enhancing a building considered to be of low architectural merit.
- 5.2.6. **Section 16** of the NPPF is concerned about ‘conserving and enhancing the historic environment’ and recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. Specifically, **paragraph 189** states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to understand the potential impact of the proposal upon the significance of that asset. The impact of the proposal on the historic environment is discussed in Section 6 of this Statement.
- 5.2.7. To conclude the proposed development is considered to be in accordance with the relevant paragraphs from the NPPF.

5.3. National Planning Practice Guidance (NPPG)

- 5.3.1. The National Planning Practice Guidance (NPPG) was published by the Government in March 2014 and is updated regularly. The NPPG supplements those overarching objectives of the National Planning Policy Framework. The guidance provided by the NPPG has been fully considered in the creation of this application and the proposed development is seen to be fully compliant with it.

5.4. Strategic Planning Policy – Brighton & Hove City Plan Part 1 (2016)

- 5.4.1. The City Plan Part 1 was adopted in March 2016 and contains a range of strategic objectives for the economic, social and environmental well-being of the City. The relevant policies which are not explored in detail within this Statement but have been fully considered in the preparation of this application are set out below:

- SS1 Presumption in Favour of Sustainable Development

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- CP1 Housing Delivery
- CP8 Sustainable Buildings
- CP9 Sustainable Transport
- CP12 Urban Design
- CP14 Housing Density
- CP15 Heritage
- CP19 Housing Mix

5.5. Strategic Planning Policy – Brighton & Hove Local Plan (2005) Saved Policies

5.5.1. The Brighton & Hove Local Plan was adopted in July 2005 and now contains all those retained policies which were not replaced by policies in the City Plan Part One (as of March 2016). The relevant policies which are not explored in detail within this Statement but have been fully considered in the preparation of this application are set out below:

- TR7 Safe development
- TR14 Cycle access and parking
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE6 Development within of affecting the setting of Conservation Areas

5.6. Supplementary Planning Documents – Design Guide for Extension and Alterations Supplementary Planning Document (SPD)

5.6.1. This SPD was approved for adoption at Committee on 16 January 2020. The SPD is now used in decision making and has been considered in full in the preparation of this application.

6. Planning Appraisal

6.1. Introduction

6.1.1. The following areas are considered most pertinent in the consideration and determination of this application:

- **Principle of Development**
- **Design, Form and Appearance**
- **Impact on Historic Environment**
- **Residential Amenity**
- **Highway Considerations**

6.2. Principle of Development

6.2.1. The site is located within the built-up area boundary as designated in the Brighton and Hove's adopted Policy Maps. The site currently consists of undercroft garages and part of an enclosed courtyard associated with the residential block.

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6.2.2. As previously set out within this Statement, this application follows application reference BH2015/04654 which was permitted in 2016 and received consent for the conversion of the undercroft garages into 2no. residential flats. It is therefore considered that the principle of 2no. residential flats through the conversion of the undercroft garages, in addition to a single storey extension, is entirely acceptable.

6.3. Design, Form and Appearance

6.3.1. The proposed residential units are considered to provide suitable flats which would comply with Nationally Described Space Standards and would provide layouts with acceptable circulation space. As illustrated on the proposed plans, each principal room would have a suitable outlook and access to natural light.

6.3.2. The proposed external alterations at ground floor are considered to be entirely appropriate in facilitating the change of use to 2no. residential units. Where possible, the materials and fenestration has been carefully designed to match the existing building which successfully integrates the design.

6.3.3. As set out within Section 4 of this Statement, the proposals seek consent for the insertion of cedar cladding to add more visual interest to the ground floor of the building.

6.3.4. The proposed extension is considered to be small and would not be particularly visible from the public realm due to the existing boundary fence which will be retained as a result of the proposals.

6.3.5. To conclude, the proposals are considered to be entirely acceptable in terms of design, form and appearance, and would comply with local and national planning policies.

6.4. Impact on Historic Environment

6.4.1. The site is situated within the West Hill Conservation Area. As set out within Section 6.3. of this Statement, the proposals, in particular the proposed extension, would barely be visible from the public realm due to the retention of the existing boundary fencing. It is therefore considered that the proposed extension would not have a detrimental impact on the surrounding Conservation Area.

6.4.2. Furthermore, the proposals have been carefully designed to match the existing building where possible including using similar materials and similar window proportions. In this regard, the proposals are considered to be acceptable.

6.5. Residential Amenity

6.5.1. As set out under application reference BH2015/04654, *'The proposed use would not generate a level of activity significantly greater than the existing use as five garages. The proposed physical alterations would not result in overshadowing or overlooking of neighbouring properties.'*

6.5.2. The current proposals seek consent for extensions and alterations similar to the previous application. It is therefore considered that the same conclusion would apply and that the proposals are entirely acceptable in terms of residential amenity.

6.5.3. The provision of a small area of private amenity space for each flat is considered to be acceptable in this location and is relative to the scale of development.

6.6. Highway Considerations

6.6.1. The previous application (reference BH2015/04654) included the following conclusion within the Officers Report:

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'As existing there are 8 car parking spaces on site of which 3 would be retained. The Traffic Engineer has advised that given the central and sustainable location the loss of parking in this location is acceptable and would accord with standards in SPGBH4. The application site is within a controlled parking zone and if necessary the proposed units could be 'car free', through removing the right to apply for resident permits, in order to prevent any localised pressures for on-street parking.

The applicant is proposing a store to provide a secure and covered space for 2 bikes within the rear courtyard, adjacent to the proposed residential units which would be acceptable.'

- 6.6.2. The proposals seek to incorporate secure and covered space for bikes associated with the new residential flats, in the rear courtyard and adjacent to the units.
- 6.6.3. To conclude, it is considered that the proposals remain consistent with the previously approved application in terms of the loss of the undercroft parking spaces, and are therefore entirely acceptable.

7. Conclusions

- 7.1. This Planning, Heritage and Design Statement has been prepared on behalf of **Geneva Investment Group Ltd** in support of the following proposed application for Full Planning Permission and Conservation Area Consent at Derwent Court, Dyke Road & 103 Buckingham Road in Brighton:

'Conversion of undercroft garages and part courtyard into 2no. self contained 1-bedroom flats (Use Class C3) with private amenity space and cycle parking. Erection of single storey rear extension and associated alterations (following consent of application reference BH2015/04654).'

- 7.2. This application follows application reference BH2015/04654 which received consent in 2016 and established the principle of 2no. residential flats through the conversion of the undercroft garages, in addition to a single storey extension.
- 7.3. This revised application seeks to enhance the 2no. permitted residential units and enhance the quality of accommodation for future occupiers. The proposals seek consent for a small rear extension and appropriate alterations which will visually enhance the building.
- 7.4. As set out in detail within this Statement, the proposals are considered to be minor in nature and have been carefully designed to match the existing building where possible including using similar materials and similar window proportions. In this regard, the proposals are considered to be acceptable and would not have a detrimental impact on the surrounding Conservation Area.
- 7.5. This Statement has found that in terms of residential amenity and highway considerations, the proposals would remain relatively consistent with the previous application (reference BH2015/04654) which found such matters to be acceptable.
- 7.6. Overall, the application is located in a sustainable location and accords fully with the Development Plan and the NPPF, in particular the presumption in favour of sustainable development.
- 7.7. It is strongly contended that all relevant issues have been satisfactorily addressed, such that the application is acceptable. We respectfully request therefore that planning permission is granted.