

<u>No:</u>	BH2018/00433	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	28A Crescent Road Brighton BN2 3RP		
<u>Proposal:</u>	Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (retrospective)		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	09.02.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	06.04.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN11RJ		
<u>Applicant:</u>	AMF Property Investments Ltd C/o Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN11RJ		

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.

Plan Type	Reference	Version	Date Received
Block Plan	D.009	-	5 July 2018
Floor Plans Proposed	D.001	A	5 July 2018
Floor Plans Proposed	D.002	A	5 July 2018
Floor Plans Proposed	D.003	A	5 July 2018
Floor Plans Proposed	D.004	A	5 July 2018
Elevations Proposed	D.008	A	5 July 2018
Elevations Proposed	AL06	-	5 July 2018

2. The refuse and recycling storage facilities, as approved under application BH2016/00862, shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. The cycle parking facilities, as approved under application BH2016/00862, shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.
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.
4. The two new build residential units hereby approved shall not be occupied until it 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 policy CP8 of the Brighton & Hove City Plan Part One.
5. The two new build residential units hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
6. The development shall be implemented in accordance with the material samples approved by the Local Planning Authority under application BH2017/03844.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
7. The development hereby permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays has been submitted and approved by the Local Planning Authority.
Reason: To ensure that the development provides for the demand for travel it creates and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
8. The development shall be implemented in accordance with the hard landscaping drawing C.01 Rev - approved by the Local Planning Authority under application BH2017/03844.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to protect the amenity of occupiers of adjoining properties and comply with policies CP12 of the Brighton & Hove City Plan Part One and QD27 and QD15 of the Brighton & Hove Local Plan.
9. No extension, enlargement, alteration or provision within the curtilage 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 QD14, HE6 and QD27 of the Brighton & Hove Local Plan.

10. Access to all flat roofs over the residential development 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.

11. All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

12. The development shall be implemented in accordance with the scheme for the restriction of resident's parking permits in accordance with the approved application BH2017/03844.

Reason: This condition is imposed 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.

13. The development shall be implemented in accordance with the Timber Access Gates Plan and Elevation Dwg C.004 Rev - ; Timber Access Gate Vertical Section detail Dwg C.006 Rev - ; Vehicular Access as Proposed Dwg C.1401 Rev - approved by the Local Planning Authority under application BH2017/03844.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

14. The development shall be implemented in accordance with the External Lighting Plan drawing .C.003 Rev - approved by the Local Planning Authority under application BH2017/03844.

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.

15. (i): The development hereby approved shall be carried out in accordance with the Contaminated Land Risk Assessment Phase 2 Environmental Site Investigation Report (Ref: PH2-2017-1133) prepared by STM Environmental Consultants Ltd dated 04th January 2018 as approved by application BH2017/03844.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- (ii): The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

17. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local 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 & APPLICATION DESCRIPTION

- 2.1 The application site relates to land located behind the Victorian properties of Nos. 24 to 66 Crescent Road and 20 to 44 Belton Road.
- 2.2 The site comprises both a south to north and east to west gradient. The site is accessed via a pair of modern timber doors, through a carriageway beneath 28 Crescent Road.
- 2.3 Construction work is underway on site. The site comprises 2 two storey buildings (known as 28B and 28D) connected by a first floor link, a single storey building (known as 28C) located to the north of 28B, a garage located to the

west of 28C and a workshop building located in the southern section of the site. The site and associated buildings have a B2 Use Class.

- 2.4 The site is located within the Round Hill Conservation Area. This area is characterised by residential streets. It was historically the base for many of the laundry businesses that served Brighton. This is evidenced by surviving industrial units to the rear of the residential streets, and the associated green spaces used as drying fields. 28 Crescent Road is an example of an early 20th century laundry.
- 2.5 Planning permission is sought for the variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings.
- 2.6 The original application approved the demolition of the existing garage, located within the northern part of the site and the construction of a new building to connect to the proposed converted part of 28C to provide a new two bedroom dwelling known as 28C,
 - The conversion of 28B to a two bedroom dwellinghouse, to remain known as 28B,
 - The demolition of the western section of 28D (suspended first floor) and the conversion of the retained building to provide a two bedroom flat dwellinghouse (to be known 28E), and
 - The demolition of the existing workshop located on the southern side of the site and the provision of a new building to provide a two bedroom dwelling, to be known as 28D.

3. **RELEVANT HISTORY**

BH2017/03844 - Application for Approval of Details Reserved by Conditions 7, 9, 13, 14, 15 and 16 (i) of BH2016/00862.

BH2016/00862- Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping. **Approved** 12.10.2016.

BH2015/03013 - Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 3 no. two bedroom houses, 1 no. two bedroom flat and 1 no. one bedroom flat. Refused on 30.11.2015. The reasons for the refusal were as follows:

1. Notwithstanding the lack of detail submitted the proposed development, by reason of its design, detailing, form and materials, would fail to provide a suitable standard of design and appearance, resulting in a development that would fail to reflect the character of historic backland sites within the Round Hill Conservation Area. As such the proposal would compromise the quality of the local environment. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.
2. The proposed development would lead to increased noise disturbance and

significant levels of actual and perceived overlooking and loss of privacy to neighbouring properties located on Crescent Road and Belton Road. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

3. The applicant has failed to demonstrate that the proposed basement level accommodation would receive adequate levels of daylight / sunlight. Some of the habitable rooms would also suffer from a poor outlook as result of the proposed vertical fixed brise soleil, which would result in a sense of enclosure. As such it is considered that the units would provide a poor standard of accommodation harmful to the amenity of future occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/03343 - Prior approval for change of use from offices (B1) to residential (C3) to form 5no self-contained flats. Prior Approval Required and is Refused on 09/12/2014. The reason for the refusal was as follows:

1. The applicant has failed to demonstrate that the application site was used for a use(s) falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 either immediately before the 30 May 2013 or when last in use and that such a use(s) were lawful. Accordingly, the proposed development is not permitted under Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") and the application is refused pursuant to paragraph N. (2A) of the aforesaid Part 3.

BH2014/01815 - Certificate of lawfulness for existing use as offices (B1). **Withdrawn** 16/07/2014.

BH2014/00841 - Prior approval for change of use from offices (B1) to residential (C3) to form 5no self-contained flats. **Prior Approval is required and is refused on** 13/05/2014. The reason for the refusal was as follows:

1. The applicant has failed to demonstrate that the application site was used for a use falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 either immediately before the 30 May 2013 or when last in use. Accordingly, the proposed development is not permitted under Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") and the application is refused pursuant to paragraph N. (2A) of the aforesaid Part 3.

BH2014/00124 - Conversion of building from financial and professional services (A2) to form 5no self-contained flats with associated alterations. **Withdrawn**.

BH2009/01665 - Erection of infill extension to ground floor. **Disposed** 18/08/2010.

89/2263/F - Change of use from workshop (picture framing) to workshop (purpose made joinery). **Refused** 20.02.1990.

70/2068 - Change of use to designing and lithographic plate makers (Section 43 Determination). No change of use 22/10/1970

68/1831 - Installation of warm air heating. **Approved** 01/10/1968.

68/1246 - Alterations to enable premises to be used as wine blending and processing. **Approved** 23/07/1968.

65/1926 - Use of existing buildings as a builders works, together with the enlargement of the access for lorries and private cars, and the reinstatement of 1 private dwelling. **Refused** 05/10/1965.

65/1776 - Outline application for demolition of existing laundry premises and the construction of buildings for use as warehousing and storage purposes. Existing residential on frontage to be reconstructed. **Refused** 21/09/1965.

65/1442 - Change of use from laundry to builder's workshop, stores, parking space, access road and offices. **Refused** 13/08/1965.

65/1341 - Demolition of existing laundry premises and the construction of buildings for use as light industry. Existing residential on frontage to be reconstructed. **Refused** 05/08/1965.

65/1241 - Use for the manufacture of component parts and assembly of temperature control instruments, flow meters and tool making. **Refused** 06/07/1965.

63/2228 - Change of use from laundry building with open ground and miniature rifle range to wholesale photographic developing and printing works. **Refused** 08/01/1964.

4. REPRESENTATIONS

4.1 One (1) letters of representation have been received commenting that:

- A site plan and 3D image should be shown
- Errors on application form

4.2 Twenty Four (24) letters of representation have been received objecting to the proposal for the following reasons:

- Increase in bedrooms constitutes overdevelopment and overcrowding
- Extra traffic and parking issues
- Overbearing
- Loss of light and privacy
- Disturbance and noise nuisance
- Loss of green space and use for wildlife
- The plans do not show the proposed development and lack detail
- Fenestration should not increase in size
- Unclear on size and type of windows
- Relocated bins
- Not accessible for disabled use

- Building work disruption
- Internal layout result in disturbance
- Attempt to maximize profit
- Adversely affects conservation area

4.3 Councillor Pete West has raised concerns. The letter is attached to the report.

4.4 The Round Hill Society have requested that the application be heard at Planning Committee.

5. CONSULTATIONS

5.1 Economic Development: No Objection

The recent application is a variation to the original application, a replacement floor plan drawing to include internal alterations and alteration to a window. As planning permission has already been granted City Regeneration has no further comment.

5.2 Sustainable Transport: No Objection

The Highway Authority has no objections to the application subject to the inclusion of conditions regarding cycle parking implementation and redundant double yellow lines.

5.3 CAG: Objection

The Group recommends REFUSAL. Whilst noting the lack of information in this application the Group considers the proposal an increased overdevelopment which will harm the character of the Round Hill Conservation Area.

6. MATERIAL CONSIDERATIONS

6.1 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

6.2 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);

6.3 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.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP3 Employment land
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP15 Heritage
CP16 Open space

Brighton & Hove Local Plan (retained policies March 2016)

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of the provision of the part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping on the site has been established by the previous consent BH2016/00862.
- 8.2 The main considerations in the determination of this application relate to the acceptability of the variation of condition 1 of application BH2016/00862 to allow amendments to the approved drawings. In addition, it is necessary to take into account any changes since the approved scheme in respect of policy or material considerations.

- 8.3 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.4 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5 Given the previous permission for four residential units, the current scheme does not alter the provision of the number of units and the overall contribution to the housing supply is welcomed subject to the considerations below.
- 8.6 The following amendments to the approved scheme are proposed:
- 28B- Reconfiguration of the first floor replacing the library/office and bathroom to create a further bedroom; reconfiguration of the ground floor to amend the wc and cupboard to create a smaller cupboard and bathroom
 - 28C- Reconfiguration of the basement floor to relocate the master en-suite to create a larger bedroom; reconfiguration of the ground floor to introduce an additional bedroom in place of the bathroom and relocation of bathroom
 - 28D- Reconfiguration of the upper ground floor to create an additional bedroom
 - 28E- Reconfiguration of the first floor to create a larger master bedroom with a smaller bedroom no.2 and relocated bathroom
 - 28C- Additional window at ground floor level (north side) to serve new bedroom (originally smaller and obscure glazed)
 - 28D- Amendment to the position of the upper ground floor south facing window- part obscure glazed
 - Would result in 4 x 3 bed units
- 8.7 Design and Appearance:**
The revisions to the window openings would have minimal impact on the appearance of the host buildings with these alterations not resulting in harm to the appearance of the building, site or wider area.
- 8.8 Reconfiguration of internal layout/ standard of accommodation:**
The reconfiguration of the layout of the buildings from the original application are as follows; the overall footprint has not changed:
- (28B)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 114sqm
 - (28C)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 100sqm

- (28D)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 102sqm
- (28E)- from a 2no bedroom dwelling to a 3no bedroom dwelling - 134sqm

8.9 In considering the bedrooms, the approximate measurements are as follows:

(28B)- bedroom 1- 13.2sqm; bedroom 2- 10.2sqm; bedroom 3- 16sqm (2 double beds and 1 single bed- 5 person)

(28C)- northern bedroom- 9.2sqm; southern bedroom- 7.3sqm; master bedroom 19sqm dwelling (1 double bed and 2 single beds- 4 person)

(28D)- bedroom 1- 11.1sqm; bedroom 2- 8.8sqm; master bedroom- 19sqm (2 double beds and 1single bed- 5 person)

(28E)- bedroom 1- 12.6sqm; bedroom 2- 11.8sqm, master bedroom 18.2sqm (3 double beds- 6 person)

8.10 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document lists minimum gross internal floor areas. All 4 units overall footprint would meet the government's Technical Housing Standards for 4 to 6 person, 3 bedroom, 2 storey properties.

8.11 There are however, a number of deficiencies in respect of some of the proposed bedrooms. The bedroom located to the southern side of 28C, would measure approximately 7.3sqm. This is below the governments Technical Housing Standards for a single bedroom and as such has been carefully considered. The room is of a standard square shape providing good, uninterrupted circulation space and would comfortably accommodate furniture needed for a single bedroom. Bedroom 1 within unit 28D, would measure 11.1sqm. This is below the governments Technical Housing Standards for a double bedroom and as such has been carefully considered. The room would provide good circulation space and would comfortably accommodate furniture needed for a double bedroom.

8.12 Furthermore, the plans detail a double bed within (bedroom 2 28D and north and south bedroom 28C) and whilst undersized for double bedrooms would be adequate as single bedrooms.

8.13 Whilst the deficiencies are noted, the application is a resubmission of a scheme that has previously been granted, and whilst the alterations have resulted in a reduction in the usable space of some bedrooms, this is not considered to warrant refusal on the standard of accommodation.

8.14 It is detailed on the plans that the window opening located within unit 28D would feature obscure glazing within the lower panels. It is not considered necessary to obscure glaze this window as a similar positioned window was granted on the original permission, which was not restricted as obscurely glazed. The revisions to the window opening on the south elevation of unit 28D to create a third bedroom would result in the window serving bedroom 1 with a non traditional outlook and relationship. Whilst concern is raised regarding this arrangement, this is not considered sufficiently poor to justify refusal of the application.

8.15 Impact on Amenity:

The additional bedroom within unit 28D results in a revised window opening within the void area at upper ground floor level within the southern elevation. The plans detail the lower panels as obscure glazed. Application BH2016/00862 detailed a window opening at this level facing south to the west of this proposed window. This window was proposed as clear glass and therefore it is not considered necessary to obscure glaze the new window opening as the views would be comparable to the window opening approved under application BH2016/00862.

8.16 The revised window opening within unit 28C at ground floor level within the northern elevation would face the northern boundary of the site and therefore no loss of privacy would result. It is considered that the boundary treatment would prevent overlooking or loss of privacy.

8.17 The proposal to add additional bedrooms to create 4no 3 bedroom dwellings is not considered to result in an excessive increase in noise or disturbance or an over intensification of the site.

8.18 Transport:

The changes would not alter the comments and recommended conditions made within the original application.

8.19 Other Matters:

Issues regarding building works are not material planning considerations.

9. EQUALITIES

9.1 None identified