

<u>No:</u>	BH2016/00862	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	28A Crescent Road, Brighton, BN2 3RP (28 & Land Rear of including 28B, 28C & 28D Crescent Road Brighton)		
<u>Proposal:</u>	Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	15.03.2016
<u>Con Area:</u>	ROUND HILL	<u>Expiry Date:</u>	26.04.2016
<u>Listed Building Grade:</u>			
<u>Agent:</u>	DMH Stallard LLP Gainsborough House Pegler Way Crawley West Sussex RH11 7FZ		
<u>Applicant:</u>	Just Developments Limited Mr David Phillips Timbers Rookery Way Haywards Heath West Sussex RH16 4RE		

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
Location Plan	8717/201	C	10 March 2016
Block Plan Proposed	8717/204	H	9 August 2016
Floor Plans Proposed	8717/205	G	9 August 2016
Floor Plans Proposed	8717/206	E	15 July 2016
Floor Plans Proposed	8717/207	F	9 August 2016
Floor Plans Proposed	8717/208	J	9 August 2016
Elevations and sections proposed	8717/209	F	15 July 2016
Elevations and sections proposed	8717/210	H	9 August 2016
Elevations Proposed	8717/211	I	9 August 2016
Sections Proposed	8717/212	E	9 August 2016
Elevations Proposed	8717/213	D	9 August 2016
Elevations Proposed	8717/214	C	15 July 2016
Elevations Proposed	8717/215	D	15 July 2016
Elevations Proposed	8717/216	G	9 August 2016

- 3 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully

implemented 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 policy QD27 of the Brighton & Hove Local Plan.

- 4 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans 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.

- 5 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.

- 6 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.

- 7 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all hard surfacing materials
- c) Samples of the proposed windows, doors,
- d) Samples of all other materials to be used externally

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 QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 8 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.

- 9 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all hard surfacing;
 - b) Details of all boundary treatments and screening;
 - c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

- 10 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.

- 11 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.

- 12 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.

- 13 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority 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.
Reason: This pre-commencement 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.
- 14 No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the timber access doors on the Crescent Road frontage including 1.20 scale elevations and 1:1 sections have been submitted to and approved in writing by the Local Planning Authority. The doors shall be installed in full accordance with the approved details prior to first occupation of the dwellings and shall be retained as such thereafter.
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.
- 15 Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
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.
- 16 (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(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. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b)

using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2 SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application 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 currently 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 are currently vacant but have a B2 Use Class.
- 2.3 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.
- 2.4 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 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

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 for the following reasons,

- 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.

- 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.
- 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. 09/12/2014 for the following reason;

- 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 for the following reason,

- 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 Neighbours:

Seventeen (17) representations have been received from the occupiers of 22(x2), 22A, 24, 34, 38, 40 (x2) and 44 Belton Road, 46, 48, 64, 66 and 68 Crescent Road, 55 Princes Road, 74 Hythe Road, 110 Crescent Drive South and one unknown address objecting to the proposal on the following grounds;

- Loss of privacy and overlooking. Inaccurate to state that views from development of unit 28D would be blocked by existing boundary wall,
- Overlooking / loss of privacy,
- Increased noise and disturbance from the proposed dwellings and respective gardens,

- Noise and disturbance during construction,
- Increased security risk,
- The building site could pose a danger to pets during the construction phase,
- Design out of keeping with the Conservation Area and the surrounding streets,
- The revisions to the windows in comparison to the previously refused scheme would still result in overlooking,
- Light pollution,
- The loss of the employment is contrary to policy,
- The proposed sunken dwelling (28D) is particularly out of character with the adjoining properties,
- Completely alien in design terms as a residential development,
- Developer maximising profit over acceptable housing density,
- A refuge to wildlife would be lost,
- Insufficient natural light for proposed dwellings,
- Poor standard of accommodation for proposed dwellings,
- Design out of character with this historic backland site,
- It is not clear how waste / recycling will be stored and collected,
- The applicant has not fully assessed the structural implications of the development on neighbouring properties,
- The commercial space is highly sought after in this area and should be retained,
- Raised nature of the site results in a development that is overbearing to adjoining residents,
- Developers suggestion that deep excavation is the solution to limiting loss of privacy as a result of the development does not mitigate the overcrowding, it simply emphasises the developers understanding that this is overcrowding,
- Creating two gardens from the open space would result to excessive noise, disturbance, overlooking and loss of privacy to adjoining properties,
- Proposed dwellings could be occupied 24 hours a day rather than 9-5 weekday routine of a commercial property,
- Area already too densely populated. Development of further housing in an area that has such high density of housing will remove one of the last remaining open spaces in the Conservation Area,
- Over-development of an area already over-developed and over-crowded area which is not suitable for more residential development.
- The proposed units could not all comply with policy Lifetimes Homes, contrary to policy HO13.
- Light pollution,
- Screen planting proposed along the boundaries could mature and block light into neighbouring gardens. No indication of spaces has been given.
- No site investigation has taken place in accordance with the NPPF, to safeguard structural stability of the existing building, nearby buildings and other infrastructure. This should be done given the proposed excavation for the basement of no. 28C,
- Would not be totally car free as residents could bring cars into area after CPZ restrictions finish in the evening meaning extra parking pressure on already very crowded streets. No on-street parking survey as recommended

by SPD13 has been submitted. Applicants who offer car-free development will need to demonstrate capacity for on-street parking in the immediate vicinity of the site and surrounding area. It has been recognised by Planning Inspectors who have dismissed appeals in the Round Hill neighbourhood on the grounds of limited supply of on-street parking spaces, that completion for space reaches its peak in the evenings. Although proposed to be car free deliveries etc. would simply drive in at any time of the day or night,

- Nature of making this an area of conservation should be considered fully as the development does not in any way 'conserve' the local area. Whilst residents of existing houses are subject to very tight planning and conservation rules, makes no sense to grant full planning for development in an already overcrowded location,
- Inadequate amenity space for future occupiers,
- Inadequate emergency vehicle access, the gateway into the site is narrow and low and is constrained by the walls of neighbouring properties. Concerned that emergency vehicles, especially fire engines, would not be able to access the site and that a fire could be a hazard to neighbouring properties,
- Security of neighbouring houses would be compromised.

4.2 Roundhill Society: Objects on the grounds of;

- Overlooking and loss of privacy - would be on land that is raised above the majority of the large number of dwellings that are adjacent to the site. Many neighbours would be overlooked in their gardens and lines of sight into their homes.
- Disturbance - would be in 24 hour use whereas it has until now been used only during office hours and only in irregular use at weekends for many years. Noise and light disturbance to neighbours would increase. Use of outdoor spaces would lead to noise from a previously largely unused area,
- Overdevelopment - represents overdevelopment in the Conservation Area where open spaces are a valued aspect of the character of the area. Developer justifies the overdevelopment by referring to the footprint of existing buildings. Offers poor conditions for new occupants. There is an insufficiency, unsuitability and meanness of private outdoor amenity space for new occupants. Proximity of the 'sunken courtyards' to neighbours and necessity for amount of subterranean accommodation are indicative of overdevelopment.
- Unsuitability of Materials and Design - canted windows and the proposed detailing are features certainly not in keeping with the design and materials of the Conservation Area. Proposed view from Crescent Road up the entrance drive is not in keeping with the character and appearance of the Conservation Area. Materials, box-shaped, flat-roofed homes are inappropriate and far too close to existing period-homes.
- Poor access to street for 28D and 28C. Difficulties for waste collections and deliveries,
- Unlikely that the proposed car-free condition can be maintained so will mean a demand for extra parking spaces

5 CONSULTATIONS

- 5.1 **Environmental Health:** No objection
Recommend approval subject to full land contamination condition.
- 5.2 **Heritage:** No objection
- 5.3 The proposal retains 28B (the earliest laundry building on the site), and seeks to demolish and rebuild 28C and D to the same/similar footprint and scale. The retention of the main building and the ratio of built form to open ground is appropriate. It is appropriate that the scale and massing of the buildings does not exceed the current level.
- 5.4 28C and 28D are of lesser architectural and historic interest, and their demolition is not resisted.
- 5.5 Historic research has been undertaken to establish the original layout, with particular reference to the front entrance gateway. Originally this appears to be a pair of timber vertically boarded ledged and braced doors. It is proposed to reinstate these, which is appropriate (subject to details).
- 5.6 A modern approach to elements of the design has been considered appropriate. The design and material palette have appropriately been toned down relative to the previously refused application. Some elements require further consideration, including the inner courtyard.
- 5.7 A parapet detail would appropriately be added to all flat roofs, to provide a better quality detail to the proposed.
- 5.8 Solar panels should only be included where they can be accommodated discreetly. The parapet detail may help achieve discreet accommodation on the flat roofs.
The glazed link between 28B and 28C should be as lightweight as possible. In particular, the frame to the door could be slimmer.
- 5.9 The panelled door shown in E-11 View North 28E appears out of place in relation to the remaining industrial-style fenestration.
The door shown in E-07 View South 28E is appropriately indicated as being retained. The door design should be shown accurately or no door design should be shown in this location. The ground floor window to the far right of this elevation relates poorly to both the windows above and to the other ground floor windows.
- 5.10 Further revisions were received on 15 July 2016 addressing some of the concerns outlined above and as such the Heritage Team would not object to the proposal.
- 5.11 **East Sussex Fire Rescue:** Comment

Access and facilities for the fire service should be provided in accordance with Building Regulations whereby there should be vehicle access for a pump appliance to within 45m of all points within each dwellinghouse.

5.12 Planning Policy: No objection

A similar application BH2015/03013 was refused in late 2015. Policy comments for the 2015 proposal concluded that the marketing information was sufficient. In view of this the application was not considered to raise any policy concerns in relation to policy CP3.5. The benefit of the proposal in providing new housing was considered to out-weigh any harm of the loss of the employment floorspace (which has not been operating on this site for some 2-5 years). In view of this it is considered that the new application BH2016/0082 raises no additional policy issues.

5.13 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.

5.14 City Regeneration Objection

City Regeneration recommends refusal of this planning application, due to loss of employment floor space.

5.15 We therefore consider the marketing evidence insufficient to prove the site's redundancy for commercial purposes.

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

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 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.

6.2 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 main considerations in the determination of this application relate to the loss of the existing commercial use and the impacts of the proposed development upon the character and appearance of the site, the Crescent Road and Belton Road streetscenes and the surrounding area especially the Round Hill Conservation Area. The impacts upon the amenities of neighbouring properties, standard of accommodation proposed, sustainability and transport issues must also be assessed.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016.

The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 Loss of Existing Commercial Use:

Within the current application permission is sought for the loss of approximately 424m² of employment space.

8.4 Part 5 of Policy CP3 of the City Plan states that "unallocated sites or premises in employment use will not be released to other uses unless the site or premises can be demonstrated to be both redundant and incapable of meeting the needs of modern employment uses."

8.5 The supporting text to CP3 Part 5 (paragraph 4.38) sets out the criteria that are considered including the length of vacancy, marketing efforts, location and quality of the buildings.

8.6 In the recently refused application (BH2015/03013) information relating to marketing and the condition of the buildings were submitted. The Local Planning Authority accepted the loss of the commercial space which has been vacant for 3-5 years.

8.7 Comments from the Planning Policy Team state that they are satisfied that the loss of the employment space was assessed in the earlier application and considered acceptable and as such would not object to the current application.

8.8 It is considered that the loss of the employment floorspace has been established and the proposal is acceptable in this regard.

8.9 Design and Appearance:

The previously refused design failed to reflect the character of the historic backland site within the Roundhill Conservation Area. The palette of materials, including timber cladding and fibreboard cladding resulted in a development that jarred with the traditional neighbouring buildings and harmed the setting of the Conservation Area.

8.10 The current application proposes a white render finish or buff brick finishes to the development and this is considered to result in an acceptable appearance and impact on the Conservation Area.

Further revisions have been submitted during the life of the application, addressing concerns set out by the Heritage Team. These include;

- Glazing to the inner courtyard of 28B has been refined.
- A parapet walls added to some of the flat roofs where it will not significantly increase building heights,
- Solar panels have been reconfigured / re-sited.
- The glazed link in 28C has revised,

- The rear door to 28E has been changed to an industrial style and the retained front door has been corrected to show panelling as per existing.
 - The far right ground floor window to the front of 28E has also been revised.
 - The Heritage Team are satisfied that the proposal is acceptable in design terms and would preserve the Conservation Area.
- 8.11 The overall amount of built form is a reduction in 5% over the existing layout. The open character of the site would be retained with garden areas providing a break between the built form to the north of the site and the proposed new-build dwelling to the south (28D).
- 8.12 A condition to remove permitted development rights is proposed to ensure that the Local Planning Authority has control over future development on the grounds of both design and amenity.
- 8.13 Full details of the proposed landscaping are to be sought by condition.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 The previous scheme was refused on the grounds that 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.
- 8.16 The current scheme has reduced the density from the 5 units proposed in the previously refused scheme to 4 units. The application submission states that techniques have been utilised in the proposal to reduce overlooking including omitting some existing windows, the use of canted and high-level windows, creation of internal voids and the insertion of sun-pipes and rooflights.
- 8.17 It is acknowledged that a residential use, with activity in the evenings and the weekends has the potential to have a much greater impact on neighbouring amenity than the lawful commercial use, which is likely to operate during the week in daytime hours and be of a more limited nature at weekends.
- 8.18 It is considered that the revisions to the fenestration which include the reduction in size of some windows, the removal of some windows and further canting of windows would provide satisfactory mitigation in regards to a loss of privacy for neighbouring occupiers.
- 8.19 The overall amount of glazing and the potential for overlooking has been reduced significantly in comparison to existing levels and whilst it is noted that a residential dwelling is likely to be used more intensively in the evenings and weekends it is not considered that any loss of privacy would be so significant as to warrant refusal. It should also be noted that the proposed development is set

within a tight urban grain and mutual overlooking currently exists between the existing properties neighbouring the site.

- 8.20 In the previous scheme an area of communal open space was proposed. In the current scheme this land has been split to form private gardens for 28D and 28E. It is considered that these areas can now be sufficiently screened to provide any significant harm to amenity in regards to loss of privacy or noise and disturbance.
- 8.21 Subject to satisfactory screening on the boundaries of the site the path to 28D, (which is set back from side boundary) would not result in any significant overlooking to neighbouring properties or harmful disturbance.
- 8.22 The removal of the upper terrace to 28D would reduce the potential for overlooking and noise and disturbance at this level. Whilst the sunken terrace would be retained this would be set below ground level and on its own would not result in a significantly harmful impact in regards to noise and disturbance.
- 8.23 Overall, the reduction in the number of proposed units, revisions to fenestration, the creation of private garden areas and proposed satisfactory screening would ensure that the development would not result in unacceptable noise or disturbance or a harmful loss of privacy to adjoining properties.
- 8.24 The proposed garden area of unit 28C would be enclosed by a 2m high boundary wall. Whilst it is noted that the provision of an external amenity area in the northern part of the site (which is already more built up than the southern section) could result in some increased noise disturbance to neighbouring properties it is considered that the boundary treatment would mitigate noise disturbance and prevent overlooking and loss of privacy from the proposed amenity area towards neighbouring properties.
- 8.25 Given the built form, scale and massing of the existing buildings on the site, their relationship with surrounding neighbouring properties and the design and height of the proposed new/altered buildings it is not considered that the proposed height, bulk and massing of the proposed new buildings would have a significant adverse impact upon the amenities of neighbouring properties with regards to overshadowing, loss of light/daylight.
- 8.26 **Standard of Accommodation:**
The proposed development would in principle provide a small but welcome contribution towards meeting the City's considerable unmet housing need, in accordance with policy CP1.
- 8.27 The proposed residential units would provide the following floor space;
- Unit 28B (2 bedroom dwelling) - 114sqm,
 - Unit 28C (2 bedroom dwelling) - 100sqm,
 - Unit 28D (2 bedroom dwelling) - 102sqm,
 - Unit 28E (2 bedroom dwelling) - 134sqm,

- 8.28 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 a minimum gross internal floor areas. The proposed residential accommodation would exceed the minimum standards set out in this document.
- 8.29 Local Plan policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. The following private amenity spaces would be provided;
- 28B - a courtyard area in the centre of the built form,
 - 28C - a garden area to the north of the building,
 - 28D - a sunken courtyard and a private garden to the north.
 - 28E - private garden area to the south.
- 8.30 It is considered that the proposed amenity areas are appropriate and the development would accord with policy HO5.
- 8.31 In the previous application the applicant had failed to demonstrate that the basement level rooms in units 28C and 28D would provide an acceptable standard of accommodation for future occupiers by way of satisfactory levels of sunlight and daylight.
- 8.32 In the current application the lightwell to 28C has been increased in depth to provide more lighting to the basement area. A daylight and sun lighting report has been submitted with the application which outlines that the habitable rooms at basement level in 28C and 28D would exceed the minimum requirements set out in BRE guidance and the proposal is considered acceptable in this regard.
- 8.33 The fixed brise soleil attached to some of the windows on the previously refused scheme have been removed and this would improve outlook and levels of natural light.
- 8.34 Overall, the proposed residential units are of acceptable size with adequate levels of outlook and natural light and the living conditions for future occupiers are considered to be acceptable.
- 8.35 **Sustainable Transport:**
The existing pedestrian access from Crescent Road would be retained. It is stated in the application that the applicant is not intending to provide any on-site car parking provision and as such no vehicular access to the site is proposed. The change of use would not result in a significant increase in on street parking pressure or a significant uplift in trip generation.
- 8.36 Following interrogation of the TRICS database the Council's Transport Officer does not consider that the proposal would increase trip generation above existing levels. The permitted employment use is considered to have more total person trips than that of the proposed 4 residential units. As such in this

instance no S106 Contribution in relation to an increase in transport impact is sought.

- 8.37 The site is located in a sustainable location in close proximity to modes of public transport such as bus services and the London Road train station.
- 8.38 The proposed development is sited within a CPZ and does not include any vehicular parking. As such a condition is proposed to restrict future occupier's rights to resident parking permits in the interests of highway safety and public amenity.
- 8.39 Further conditions are proposed relating to the implementation of the proposed cycle storage and the removal of the existing yellow double lines over the existing vehicular entrance to create an additional parking space.
- 8.40 **Accessibility:**
Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to all the (new-build) dwellings does not appear to be achievable due to the gradient of the site and as such a condition specifying Requirement M4(2) of the optional requirements in Part M of the Building Regulations is not applied.
- 8.41 **Sustainability:**
City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Conditions are proposed to ensure that the two new build units meet these standards as set out in policy CP8.
- 8.42 **Environmental Health:**
The proposed development relates to and is sited adjacent to premises with a long history of use as laundries. There was also a miniature rifle range on the site, which during its use may have caused some localised lead contamination of the soil. As a result a full land contamination condition would be required.
- 8.43 **Ecology:**
As part of the application a Biodiversity Checklist has been completed and submitted in which no indicators of impact upon ecology/biodiversity have been identified. In addition no evidence to highlight ecology matters was identified during the Case Officer's site visit and as such overall it is considered that the proposal is unlikely to have any significant impacts on biodiversity or ecology.
- 8.44 **Other Considerations:**
Issues regarding the potential damage to neighbouring properties and boundary walls are not material planning considerations.

9 EQUALITIES

9.1 The gradient of the site is such that accessible access cannot be easily provided for throughout the development.

