

<u>No:</u>	BH2016/05662	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Russell House Russell Mews Brighton BN1 2HZ		
<u>Proposal:</u>	External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	18.11.2016
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	13.01.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Tetlow King Planning, Mr Stephen Hinsley, 32 High Street, West Malling, ME19 6QR		
<u>Applicant:</u>	Edgewater Brighton Ltd, C/o Agent, 32 High Street, West Malling ME19 6QR		

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	H4488.0.PL000		12 October 2016
Elevations Proposed	H4488.0.PL008	A	1 February 2017
Elevations Proposed	H4488.0.PL009	A	1 February 2017
Roof Plan Proposed	H4488.0.PL007		12 October 2016
Floor Plans Proposed	H4488.0.PL001		12 October 2016
Floor Plans Proposed	232_01	C	12 October 2016
Floor Plans Proposed	232_02	D	1 February 2017
Floor Plans Proposed	232_03	E	1 February 2017
Floor Plans Proposed	232_04	G	1 February 2017
Floor Plans Proposed	232_05	F	1 February 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 3 The windows in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be

opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4 Access to the flat roofs on the north and south elevation close to the proposed windows and doors 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.

- 5 The glass privacy screen hereby approved to the existing south elevation balcony shall consist of obscured glass and shall be fully installed in accordance with the approved drawing before the balcony is first brought into use. The screen shall be permanently retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 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 relates to a part four and part five storey building with some attic rooms situated via gated accesses between Regency Mews and Russell Square. The site is in the Regency Square Conservation Area and the northern part of the building adjoins 33 and 34 Castle Street, which are Grade II Listed.

- 2.2 Regency Mews is used for vehicular access and parking and runs alongside the rear of buildings in Regency Square. Russell Mews is a gated residential development.

- 2.3 Russell House itself has previously been occupied as office space (Class Use B1) and is currently vacant.

Planning permission is sought for external alterations and additions to fenestration, including access doors to existing balconies, following prior approval application **BH2016/05439** for change of use from offices (B1) to 52no flats (C3).

3. RELEVANT HISTORY

BH2016/06580 Application for Approval of Details Reserved by Conditions 1(i) & 6 of application **BH2016/05439** - Under Consideration

BH2016/05439 Prior approval for the change of use from offices (B1) to 52no flats (C3) with associated car parking, cycle parking and bin storage - Approved 18/11/2016

BH2016/02454 Application for Approval of Details Reserved by Condition (s) 1 of Application BH2016/00109 - Split decision 25/08/2016

BH2016/00109 Prior approval for the change of use from offices (B1) to 54no flats (C3) with associated car parking, cycle parking and bin storage - Prior Approval Required and Approved 07/03/2016

BH2006/02603 Removal of condition 6 of approval 89/2299/FP to allow car parking area at ground floor level to be used as office floor space. External alterations - Approved 09/07/2007

89/2299/F Erection of a 6 storey office block on Regency Mews site, 4 storey office block fronting Castle Street and associated parking. Erection of eight 3 storey townhouses and 4 maisonettes fronting Russell Square. (Amendments to consents **BN85/347/F** and **BN86/669/F** for office and residential development) - Granted 30/01/90

4. REPRESENTATIONS

4.1 **Twenty (20)** letters have been received objecting to the proposed development for the following reasons:

- Overlooking and loss of privacy from windows, spiral staircase, balconies, and roof terraces
- Increase level of noise nuisance
- Safety concerns of using Russell Mews as a traffic exit
- Not clear if existing obscure glazed south elevation windows will still be conditioned as such
- Should not be used for short term lets
- Concerns over level of access required during construction.

4.2 **One (1)** letter of comment was received, commenting as follows:

- Serious risk of increased noise
- Clear covenants against noise and against short-term sub-letting should be required.

5. CONSULTATIONS

5.1 None

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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
CP9 Sustainable transport
CP12 Urban design
CP15 Heritage

Brighton and Hove Local Plan (retained policies March 2016):

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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 impact on visual amenity of the building, the street scene, and the wider conservation area, and the impact on neighbour amenity.

8.2 **Design and Appearance:**

Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited designed and detailed in relation to the host property. Policy HE6 of the Brighton & Hove Local Plan states that

development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area

- 8.3 The existing building has been in use as an office premises since 1990, although in recent years it has remained vacant. This application follows a Prior Approval application (**BH2016/05439**) to convert the building into 52 no. flats.
- 8.4 During the application, amended plans were received, which removed new terraces, spiral staircases, and dormers from the proposal.
- 8.5 At roof level, existing steel louvre doors and vents would be replaced with windows to provide light and ventilation into the roof level accommodation. Also proposed is an additional rooflight on the south elevation.
- 8.6 On the south elevation, an opaque glass screen is proposed for the existing fourth floor balcony. Existing windows would be replaced with new doors to enable further access onto the balcony. In some cases, existing glazing will be replaced with obscure glazing.
- 8.7 On the north elevation (which faces the rear of properties on Castle Street), new windows are proposed on all elevations alongside existing. On the north elevation which forms part of Castle Street, the existing ground floor doors would be replaced with new timber glazed doors. At roof level, new double doors would include Juliet balconies.
- 8.8 On the west elevation, existing windows on all upper floors would be replaced with wider windows, and new windows are proposed on the third and fourth floors. On the east elevation, new windows are proposed on the second, third and fourth floors on the existing brick wall which currently has no windows.
- 8.9 Overall the proposed alterations would relate appropriately to the existing fenestration and features on the existing building, which is of a non-traditional appearance and has limited architectural merit. Most alterations would not be visible from public view. The more prominent roof alterations, following the removal of roof terraces and dormers, are now considered appropriate alterations.
- 8.10 It is therefore considered that the development would not detract from the character and appearance of the building or the Regency Square Conservation Area. For the reasons outlined the proposal would comply with Local Plan policies QD14 and HE6.
- 8.11 **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.

- 8.12 The south elevation faces towards the rear gardens and windows of flats on Regency Square. The existing south elevation windows currently overlook these neighbouring properties, albeit many of the windows are currently obscure glazed. Conditions restricting the use of clear glass and the use of the existing balcony were attached to the original planning application of the building and the office use **(89/2299/F)**
- 8.13 The proposed fourth elevation doors would enable further access onto the existing balcony. This would enable a more intensified use of this balcony, however as this is an existing balcony and existing doors already enable access, it is considered that new access doors themselves would not result in significantly increased noise and disturbance levels. The proposed 1.5m high screen would be of a sufficient height to restrict the majority of overlooking when this existing balcony is in use.
- 8.14 The proposed north elevation windows would face towards the boundary wall that forms the rear of the properties on Castle Street. It is considered that no additional overlooking and loss of privacy would occur here. The proposed north elevation roof doors and Juliet balconies would be on a roof slope that is set back within the site and would not result in significant amenity issues for neighbours.
- 8.15 The proposed new and replacement windows would provide views across the neighbouring properties on Castle Street. However the views would prominently be of their roofslopes, and they would provide similar views to that of the existing north elevation windows.
- 8.16 The proposed east elevation windows would be in a position where no existing windows exist. They would face directly towards the rear gardens and windows of nos. 33 and 34 Castle Street. However the windows are proposed to be obscure glazed and fixed shut apart from fanlights which would be 1.7m above internal floor level. Subject to a condition to ensure this is the case prior to occupation, it is considered that the proposed windows would not result in significant overlooking or loss of privacy to neighbouring properties.
- 8.17 **Other Considerations:**
Objections have been raised relating to transport concerns, the proposed residential use, and noise and disturbance relating to the use. However these issues cannot be considered in this application. Prior Approval for a change of use to residential has been granted under **BH2016/05439**.
- 8.18 Objections have been raised in relation to construction noise and access requirements during construction. However these issues are not material planning considerations.

9. EQUALITIES

- 9.1 None identified