

<b><u>No:</u></b>	<b>BH2016/01151</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Albion Court 44 - 47 George Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Creation of additional floor to create 2no one bedroom flats, 1no two bedroom flat and 1 no three bedroom flat with associated works.</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	01/04/2016
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	27 May 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	JMT Planning, The Limit Station Road Rotherfield East Sussex TN6 3HN		
<b><u>Applicant:</u></b>	Wildwood Properties Ltd, GEI House 141 Cricklewood Broadway London NW2 3HY		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a terrace of properties of 6 three storey properties on the eastern side of George Street in Brighton. The properties are within the East Cliff Conservation Area. They are also part of the setting of the green space of Dorset Gardens to the East.

## 3 RELEVANT HISTORY

**BH2015/02820:** Creation of additional floor to create 2no one bedroom flats, 1no two bedroom flat and 1no three bedroom flat with other associated works.  
Withdrawn.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of an additional floor to create 2 no. one bedroom flats, 1 no. two bedroom flat and 1 no. three bedroom flat with associated works.

**5 PUBLICITY & CONSULTATIONS**

**5.1 External**

**Neighbours:**

**Nineteen (19)** letters of representation have been received from **Flats 3, 9 (x2), 12 (x2), 14 (x2), 44a Albion Court 44-47 George Street, 4, Flat 8 Howells Court 11-15, 18, 22, 36, 41, 44 George Street, 4 Downland Close, 8 Little George Street, 6, 8 Dorset Gardens, Albion Court Residential Leaseholders Group** objecting to the application for the following reasons:

- Design not in keeping with character of area
- Scale and height
- Removal of architectural features
- Cladding in white render
- Affect visual amenity of Dorset Gardens
- Overlooking and loss of privacy
- Overshadowing and loss of light
- Overbearing
- Overpopulation and cramming
- Noise, vibration and disturbance
- Parking issues
- Traffic issues and congestion
- Potential hazardous materials
- Financial objectives and greed of developer
- No disabled access
- Foundations taking extra weight
- Lack of adequate fire escape facilities
- Fire hazard from congestion in rapid evacuation situation
- Inappropriate cycle parking provision
- Too many permissions for flats granted in locale
- Invalidation of home insurance during build
- Removal of roof could risk damage to existing flats
- Lack of consultation from developer
- Drain on local amenities
- Potential graffiti on white walls
- Health and safety issues if tenants refuse to leave flats
- Impact on residents during build
- Noise and disturbance during build
- Impact on commercial viability of local businesses during build
- Pedestrian safety during build
- Impact on local wildlife during build
- Health concerns from dust and dirt during build

**5.2 Councillors Barford and Chapman** have objected to the development. The letters of representation are attached to the report.

**5.3 Conservation Advisory Group:** No objection

**Internal:**

- 5.4 **Environmental Health:** Approve subject to contaminated land condition.
- 5.5 **Heritage:** Approve. It is not considered that the proposal will harm the character of George Street. The proposals for the East elevation will, however, amount to a noticeable increase in scale and will have an impact on the setting of Dorset Gardens. However the design has minimised the impact of the increase in scale.
- 5.6 **Sustainable Transport:** Approve subject to conditions relating to cycle parking provision and car free housing.
- 5.7 **Private Sector Housing:** No objection.

**6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove 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.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP12 Urban Design  
CP14 Housing density  
CP15 Heritage  
CP19 Housing mix

CP20 Affordable housing

Brighton and 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  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to issues such as the financial objectives of the developer, the potential impact and disturbance caused to residents and businesses from the implementation of works, and potential graffiti on walls are noted but are not material planning considerations. All other non-planning related issues raised by objectors are noted but are not taken into account in the assessment of the application. Structural issues and fire safety issues would be dealt with under a Buildings Regulations application.
- 8.2 The main considerations in the determination of this application relate to the principle of the development, the effect on the appearance of the building and surrounding conservation area, neighbouring residential amenity, the standard of accommodation creates, transport and sustainability.
- 8.3 **Principle of Development**  
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 24<sup>th</sup> 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.
- 8.4 Chapters 12 (Urban Design), 14 (Housing density) and 19 (Housing mix) of the City Plan set out aims to secure a high standard of design and development which pays respect to site constraints and the character of the area surrounding

the site. As such, a residential redevelopment of the site must be carefully assessed and considered.

**8.5 Design and visual impact:**

Front elevation

The eastern side of George Street has a mix of two and three storey buildings. However the eaves/ parapet levels are very consistent for most of the length of the street, although there is a mix of eaves and parapet treatment, and flat frontages and bays. The application property is considered to make a positive contribution to the character of the conservation area.

8.6 The addition of accommodation at roof level would be in the form of dormer windows and by retaining a pitched roof on the front elevation. Due to the narrow street width, the height of the properties and the shallow pitch of the roof, the roofslope of the site is not highly visible from street level. Additionally the development is considered to preserve the general scale of the street. Given this, it is not considered that the proposal would harm the character and appearance of George Street.

**8.7 Rear elevation**

The frontage to Dorset Gardens is mainly two storeys with pitched tiled roofs. The application property is clearly visible across the gardens and is in keeping with the general scale and materials; however the existing design of this elevation is not considered to be noteworthy.

8.8 The proposals for the east elevation would amount to a noticeable increase in scale and would have an impact on the setting of Dorset Gardens. However the proposed design would give the appearance of accommodation in the roof, rather than an additional storey, and as a result the impact of the increase in scale would be minimised.

8.9 The proposal to render the eastern elevation would have a further impact on Dorset Gardens. This streetscape is varied and has a mix of brick and render. The existing brick on this property is modern and does not match other brickwork therefore the change in material is not resisted.

8.10 There is a mix of window designs and materials on the rear of these properties and the proposed windows on the east elevation are considered acceptable in principle, subject to further consideration of details and colours. This can be secured by condition.

8.11 The Council's Heritage Officer and The Conservation Advisory Group support the scheme in design terms.

**8.12 Standard of accommodation**

Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. Overall it is considered that the proposed units would provide an adequate standard of accommodation; the units would benefit from adequate natural light and outlook.

- 8.13 It is noted that the unit size of the 1 bed flats would be slightly below the Government recommended space standards; this is due to the design constraints to provide a scheme that is acceptable in Heritage terms. On balance, given that additional residential units would be provided in the City, it is deemed to be acceptable in this case.
- 8.14 Policy HO5 requires the provision of private useable amenity space in new residential development. There is no private outside space proposed to the one and two bed flats, however it is recognised that the existing built form of the property restricts its provision. Given the above, that additional residential units would be provided in the City, and that the site is very close to public amenity spaces, the lack of provision of amenity space proposed is deemed to be acceptable in this case. It is proposed that the three bed unit would have a balcony to the rear bedroom which is considered to be appropriate.
- 8.15 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. Generally in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations. However step-free access to the (new-build) dwellings are not achievable due to the proposed residential accommodation being located above ground floor level.
- 8.16 In terms of refuse and recycling the application confirms that the existing residents use the communal bins on the street; it is proposed that the residents of the new units would do the same. However the LPA does require that new residential development has a dedicated area for refuse and recycling; this can be secured by condition.
- 8.17 Impact on Amenity**  
Policy QD27 states that planning permission for any development 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.
- 8.18 The additional fenestration to the front of the building would give views across the street similar to the existing fenestration and would not warrant refusal in terms of overlooking or loss of privacy. The fenestration to the rear would overlook a park and is some distance from the nearest residential properties. There are no significant issues in terms of overbearing impact or loss of light or outlook from the development. Given the modest size of the proposed balcony to the three bed unit, and that it serves a bedroom, there is not considered that there would be a significant noise impact.
- 8.19 A resident has stated that there would be a privacy issue from occupants passing on the proposed stairwells gaining views into an existing flat. This is noted, however it is not considered to warrant refusal of the application.

8.20 The issue of noise transference between the new units and the existing flats would be dealt with under a Building Regulations application.

**8.21 Sustainable Transport**

Cycle parking

The City Council's parking standards SPG04 states that a minimum of 1 no. cycle parking space is required for each dwelling plus 1 space per three dwellings for visitors. For this development of four residential units the minimum cycle parking standard is 6 cycle parking spaces in total. The application proposes 8 cycle parking spaces which is above the minimum required and is therefore acceptable.

8.22 It is noted that the cycle stands can only be accessed via steps; this is not ideal however it is acknowledged that the site is constrained and in this instance the Council's Sustainable Transport team has no objections. Further details of cycle provision can be secured by condition.

**8.23 Car-free housing**

The site is near local services and public transport, and is within a controlled parking zone. Therefore the Sustainable Transport team recommends that a condition is attached which prohibits residents from being eligible for parking permits to encourage the development and the surrounding area to be genuinely car free.

**8.24 Sustainability**

Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

**8.25 Other Considerations**

City Council records have identified the application site George Street as being potentially contaminated land as it is referenced as having an historical use as a Motor Engineers and a Coal and Coke Merchants. Similarly properties in the local vicinity are listed as having historical uses as Motor Engineers and Coachbuilders and Wheelwrights. These local uses may have also had the potential to cause localised contamination over time.

8.26 It is acknowledged that the proposed works involve the creation of an additional storey to the building with some alterations to the elevations; there are no works at ground floor or basement level. However the water supply could still be potentially contaminated

8.27 Therefore due to the above the Council's Environmental Health officer has recommended that a phased contaminated land condition is applied to ensure safe development of the site.

**9 CONCLUSION**

- 9.1 The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. Subject to compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.

**10 EQUALITIES**

- 10.1 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 the (new-build) dwellings is not achievable as the residential accommodation is above ground level.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan and block plan	4220-001		
Existing first floor plan	4220-001	C	
Existing second floor plan	4220-003	B	
Existing west elevation	4220-004	A	
Existing east elevation	4220-005	B	
Proposed third floor plan	4220-006	F	
Proposed west elevation	4220-007	I	
Proposed east elevation	4220-008	I	
Proposed section A-A	4220-009	E	
Existing ground floor plan	4220-010	A	
Existing roof plan	4220-011	A	
Proposed second floor plan	4220-012	B	
Proposed roof plan	4220-013	G	
Proposed section B-B	4220-018	B	
Existing and proposed street elevations	4220-014	C	
Site plan showing communal bins	4220-019		
Existing first floor showing cycle store	4220-020	A	
Proposed section C-C	4220-021	A	

Pre-Commencement Conditions:



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- 3) No 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 cladding to be used, including details of their treatment to protect against weathering
  - c) details of the proposed window, door and balcony treatments
  - d) details 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 policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 4) No development hereby permitted shall take place until elevational drawings showing full details of all cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

- 5) No development hereby permitted shall take place until full details of all new windows, doors, dormers and balconies etc, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

- 6) 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 City Plan Part One.

- 7) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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- (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.

Pre-Occupation Conditions:

- 8) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

- 9) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full

as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 10) None of the residential units hereby approved shall be occupied until each residential unit built 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 City Plan Part One.

- 11) None of the residential units hereby approved shall be occupied until each residential unit built 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 City Plan Part One.

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. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposal would make an effective and efficient use of the site by providing the City with additional dwellings without significantly compromising the quality of the local environment. Subject to compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to traffic and sustainability issues.
3. The applicant is advised that the new render should be a traditional smooth textured wet system, without visible expansion joints, metal beads or stops or bell moulds.
4. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to

the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

5. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); 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.
7. The water efficiency standard required under condition 11 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.