

<u>No:</u>	BH2016/01757	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 - 19 Ship Street Brighton		
<u>Proposal:</u>	Creation of additional floor to create 1no three bedroom flat with associated alterations.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	16/05/2016
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	11 July 2016
<u>Listed Building Grade:</u> Adjoining Grade II and Grade II*			
<u>Agent:</u>	Yelo Architects Ltd, Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Mr Mark Woolley, 1 Olivier House 18 Marine Parade Brighton BN21TL		

Councillor Phillips has requested this application is determined by Planning Committee.

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 **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a double fronted 1970's building built over four floors (including basement) to the western side of Ship Street. The building comprises of hairdressers to ground floor with associated studio space at lower ground floor level. The first floor is in residential use with the second floor in office use. The rear section of the building, set out over two floors is solely in residential use, other than the roof terrace above the flat roof which is associated with the existing second floor office space.
- 2.2 The Old Town Conservation Area is characterised as an area of very tight knit urban grain in a largely informal street pattern with buildings of generally small scale but with some larger and later 19th century or early 20th century buildings in the main streets. It is also a very mixed use area with mainly commercial uses at street level and mixed uses above. Many of the buildings in the close vicinity are Grade II Listed, including numbers 15 and 16 immediately adjacent, numbers 14, 14A and 15 to the south, number 22 to the north and numbers 58, 59, 62, 63 and 64 on the opposite side of the road. To the west of the site is the Grade II* Listed Hippodrome on a much larger scale with later extension visible from Ship Street.

- 2.3 The site is located within an area which has an Article 4 Direction which prohibits the change of use from office to residential without planning permission.

3 RELEVANT HISTORY

BH2016/01756 - Erection of upper first floor rear extension to create one bedroom flat. Currently under consideration.

BH2015/03782 - Creation of additional floor to create 1no three bedroom flat with associated alterations. Withdrawn by the applicant 3 May 2016.

BH2015/03784 - Erection of upper first floor rear extension to create one bedroom flat. Withdrawn by the applicant 3 May 2016.

BH2015/00357 - Conversion of second floor office (B1) to residential (C3), erection of additional residential storey, roof extension, rear roof terrace and associated alterations to form 1no dwelling. Refused 14 August 2015 for the following reasons;

- 1. The proposal by virtue of its scale, bulk, height, materials and design would result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene. The enlarged building would result in significant detrimental impact to both the Old Town Conservation Area and the setting of the adjoining listed buildings, contrary to policies QD1, QD14, HE3 and HE6 of the Brighton and Hove Local Plan.*
- 2. The proposed extension above the existing two storey element to the rear, by virtue of its height, bulk and siting in close proximity and at a higher ground level to the adjoining properties to the south on Ship Street and Ship Street Gardens and Flat 1, 19 Ship Street to the west, would result in a significantly overbearing and oppressive impact and a detrimental sense of enclosure to these properties and their respective gardens. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.*
- 3. The raised terrace area, due to its elevated position, substantial size and inadequate screening would result in significant overlooking and loss of privacy towards the neighbouring properties to the south and west and their respective gardens to the detriment of the residential amenity of the occupiers of these properties. The residential nature of the terrace is considered to lend itself to a more intensive use resulting in the potential for harmful noise and disturbance and a further loss of amenity to neighbouring properties. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.*
- 4. The applicant has failed to adequately demonstrate that the existing Class B1 premises are no longer viable and are genuinely redundant, contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.*

BH2003/02834 - Formation of second floor roof terrace at rear enclosed by 1.8 metre high bamboo fencing (Retrospective). Approved 15 October 2003.

BH2000/03103/FP - Alterations to permission reference BH2000/01854/FP to change use of lower ground floor to retail, ground floor to retail and 1 no. 3 bed flat, and first floor to 2 no. 2 bed flats and 1 no. 1 bed flat (second floor to remain as a proposed 1 no. 3 bed flat). Approved 30 January 2001.

BH2000/01854/FP - Change of use from offices (use class B1) to three residential units (use class C3) and retail unit (use class A1), including erection of staircase enclosure to rear/side. Approved 20 September 2000.

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of additional floor to create a three bedroom flat with associated alterations.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Six (6)** Representations have been received from **16, 17 Ship Street, 13, 13A, (Flat 1 and Flat 2), The Chambers 16 Ship Street Gardens**, objecting to the proposal on the following grounds,

- Overlooking, loss of privacy,
- Overshadowing, loss of light to adjoining properties,
- Excessive scale and bulk,
- Design and materials out of character with the street and the conservation area,
- Overbearing and enclosing impact to adjoining properties,
- No party wall agreement offered,
- Drawings should not show the approved Hippodrome development (BH2013/04348) on the proposed drawings as this is now defunct,
- Without the Hippodrome development the proposal would be excessive in scale,
- Address is incorrect (should be 18-19 Ship Street),
- Residents in Ship Street Gardens were not consulted,
- Harmful impact on the adjacent listed buildings,
- The proposal is the same as a previously refused scheme,
- Proposal is out of proportion with the existing built form within the area,
- Loss of the open character of the area,
- Concerns that the penthouse would be used as a party house,
- It is misleading to present the two concurrent applications on the site (BH2016/01756 and BH2016/01757) as separate schemes as they are likely to be built out together and the cumulative impact of both proposals would need to be assessed.

- 5.2 **Councillor Phillips** supports the application. Email attached.

- 5.3 **Historic England:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal:

- 5.4 **Sustainable Transport:**

The applicant appears not to be proposing cycle parking spaces. For this size and type of development a minimum of 1-2 cycle parking spaces is required. There appears to be space on site therefore the Highway Authority does request that further details of the spaces are submitted and a condition is recommended requiring its provision.

- 5.5 The Highway Authority deems that the proposed development has good access and is near local services and public transport and is within a controlled parking zone; therefore a condition should be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

- 5.6 The creation of one additional residential unit is unlikely to generate any significant increase in trips to the site and the Highway Authority has no objection.

- 5.7 **Heritage**

The existing building is already a large one in the context of the Old Town, in terms of footprint, massing and volume. Traditionally in the Old Town conservation area larger scale buildings served more specific 'communal' uses such as church, town hall, post office or theatre, not shops and houses.

- 5.8 This proposal would add an additional storey to the main building and the design approach seeks to continue the semi-traditional design and materials of the existing building. The contextual street scene drawing shows the proposed parapet height to be in line with the listed buildings at 16/17 Ship Street but with a higher ridge line, though the roofs to 16/17 are hidden behind the parapet in street level views. However, 18 Ship Street is set substantially forward from its immediate neighbours (and a large first floor bay that projects further forward still). Consequently in views along Ship Street from the south the additional height of the side wall, together with the front of the roof slope, would be unduly prominent and would visually dominate the adjoining listed buildings. In current perspective views from the north, at the junction with Prince Albert Street, the height of the building appears consistent with the rest of the west side of the street, allowing the roofline to gently diminish in perspective. The additional height of the proposal would instead draw the eye unduly to number 18, particularly due to the uncharacteristic scale of the resulting north elevation.

- 5.9 The existing building is already unduly prominent and the proposal would make it the dominant building in the immediate locality, overwhelming the historic buildings in views along Ship Street in both directions. It would fail to preserve the character and appearance of the Old Town conservation area and would harm the setting of the nearby listed buildings in Ship Street mentioned above. As it is set forward of the listed buildings at numbers 16 and 17 it would have a

particularly harmful impact on the setting of those two buildings. The harm to the conservation area and the setting of the listed buildings would be very significant but would be 'less than substantial' in the terms of the NPPF.

- 5.10 It is acknowledged that the proposal would improve the design coherence of the rear elevation. The proposal also includes for railings on the street frontage to match the adjoining ones but such railings are only found on properties with a basement well so this is not considered to be a heritage benefit. The modest benefit to the rear elevation does not outweigh the identified harm to the heritage assets and their settings and that harm must be given great weight.

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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

Brighton & Hove Local Plan:

- TR7 Safe development
- TR14 Cycle access and parking
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the principle of the development, the impact on the character and appearance of the building, the Old Town Conservation Area and adjoining listed buildings, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- 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 It is noted that the drawings show details of a proposed scheme at the adjoining Hippodrome site approved under planning application BH2013/04348. Whilst the LPA is aware that works to this scheme have not commenced and may not be implemented it is considered that the drawings submitted are prejudicial to the satisfactorily determination of the application.
- 8.4 There are inaccuracies in the submitted plans with both the existing and proposed floor plans showing a residential use at second floor level. At the time of the site visit this space was in use as office. The application submission only relates to works to create an additional residential unit within the proposed extension and is not an assessment of any potential change of use from office to residential at second floor level which would likely require to come forward as a separate planning application.
- 8.5 It is noted that there is a concurrent application on the application site (BH2016/01756). It is considered that both applications could be undertaken independently and are not part of a single operational development. Whilst

regard must be had for the potential cumulative impact of both schemes they are both separate proposals in their own right and must also be assessed accordingly.

8.6 Impact on character and appearance of the area

The proposal follows the refusal of a previous scheme to add additional storeys to the main bulk of the building as well as the rear addition. This was refused as the proposed scale, bulk, height, materials and design was considered to result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene.

8.7 The current scheme proposes a single additional storey to the main building. The existing pitched roof to the front and side (north) elevations would be replaced with a vertical render wall with an additional pitched roofed storey above. A pitched roof would be added to the existing lift housing to the rear.

8.8 The proposal would result in a top heavy and awkward roof form that would be alien to the surrounding area and significantly harm the appearance and character of the building and the conservation area. The existing building is already larger in terms of footprint, massing and volume in comparison to the historic built form within the Old Town, and the proposal would be substantially greater still in the regard and wholly inappropriate in the context.

8.9 The front elevation of the existing building at first floor level overhangs the ground floor level, extending to the edge of the pavement and well beyond the frontages of the adjoining properties to the south at 16 and 17 Ship Street and as such dominates this section of the streetscene. The proposal would extend up the front facade to second floor level significantly increasing the amount of the building which extends beyond adjoining frontage and exacerbating the bulk on the street

8.10 The prominent siting of the building which is highly visible in longer views from the north increases the dominance and harmful impact of the proposal.

8.11 The height and bulk has a significant detrimental impact upon the setting of the listed buildings within the immediate vicinity, particularly Nos. 16 and 17 to the south.

8.12 The Heritage Team objects strongly to the scheme stating that the inappropriate proposal would result in significant harm to the conservation area and the setting of the surrounding listed buildings.

8.13 The addition of a pitched roof to the rear lift housing is considered to be acceptable in design terms and would not result in significant harm to the appearance or character of the building of the rear terrace.

8.14 To conclude, the proposal detracts significantly from the appearance and character of the building and the wider surrounding area. It would fail to preserve the Conservation Area and would significantly harm the setting of the adjoining listed buildings.

8.15 Amenity

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.

8.16 Policy HO5 requires the provision of private useable amenity space in new residential development.

8.17 For future occupiers

The proposed dwelling appears to have room sizes appropriate for their function, all having acceptable levels of natural light, outlook and ventilation. The scale of the proposed dwelling is such that it could be easily altered to provide accommodation for future occupiers with mobility issues.

8.18 Whilst no external amenity area would be provided the proposal is close to a number of public open spaces and the lack of amenity space would not be so significant as to warrant refusal.

8.19 The proposal includes sufficient space internally for recycling storage.

8.20 Adjoining occupiers

The additional storey would be sited above the main bulk of the building. It would not extend significantly beyond the rear elevations of the existing terraced properties to the south and as such there would not be any harmful overshadowing, loss of light, outlook or privacy to the neighbouring properties. The pitched roof proposed to the existing extension housing the lift to the rear would be set well in from the side boundaries of the site and as such would not result in any significant harm to the amenity of the adjoining property, No.17 Ship Street.

8.21 There are existing high level windows to the front and rear and the new windows proposed are not considered to result in any significant increase in overlooking to neighbouring properties.

8.22 It is acknowledged that there is an existing terrace above the second floor flat roof to the rear. This was approved retrospectively in 2003. A condition was added stating that the existing screening should be retained at all times to prevent the loss of privacy to neighbouring properties. This screening has now been removed with the terrace affording views into neighbouring properties although it is not known when the breach of this condition occurred.

8.23 It is not clear in the submission whether the proposed residential unit would have access to the rear terrace above the two storey rear extension. It is considered that if this terrace were to be in association with a residential rather than commercial use this would increase the potential for evening and weekend use and could give rise to an intensification of the use of this outdoor space resulting in a significantly detrimental impact to neighbouring properties by reason of noise and disturbance and overlooking / loss of privacy. If the

application were otherwise acceptable a condition would be attached to ensure that the proposed flat did not have access to this space.

8.24 It is not considered that the proposal would result in any significant noise or disturbance to adjoining properties.

8.25 Highway issues

The additional residential unit would not likely result in any significant increase in trip generation or any other detrimental impacts upon the highway network and the application would be acceptable in this regard.

8.26 It is noted that the applicant is not proposing cycle parking spaces. There does not appear to be an obvious space to locate adequate storage on-site and as such in this instance, the lack cycle storage provision is considered to be acceptable.

8.27 The proposed development is sited within a controlled parking zone, has good access and is near local services and public transport. If the application were otherwise acceptable, a condition would be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

9 CONCLUSION

9.1 The proposal by virtue of its scale, bulk, height and design would result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene. The enlarged building would result in significant detrimental impact to both the Old Town Conservation Area and the setting of the adjoining listed buildings. Whilst acknowledging the need for additional housing in the city it is not considered that a modest gain of one residential unit outweighs the significant harm outlined above.

10 EQUALITIES

10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposal by virtue of its scale, bulk, height and design would result in an incongruous development that would appear overly dominant and out of character within the context of the immediate Ship Street streetscene. The enlarged building would result in significant detrimental impact to both the Old Town Conservation Area and the setting of the adjoining listed buildings, contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove 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

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favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Block and location plan	Y072-A01	-	16 May 2016
Existing plans	Y072-A02	-	16 May 2016
Existing plans	Y072-A03	-	16 May 2016
Existing elevations	Y072-A04	-	16 May 2016
Existing streetscene	Y072-A05	-	16 May 2016
Proposed plans	Y072-D01	-	16 May 2016
Proposed plans	Y072-D02	-	16 May 2016
Proposed elevations	Y072-D03	-	16 May 2016
Proposed streetscene	Y072-D04	-	16 May 2016