

<u>No:</u>	BH2020/02762	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46 - 48 West Street Brighton BN1 2RA		
<u>Proposal:</u>	Erection of additional storey to form 3no. additional one bedroom residential units (C3), with associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	09.10.2020
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	04.12.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Clive Hawkins Architects Ltd 114 Mackie Avenue Brighton BN1 8RD		
<u>Applicant:</u>	Mr Essy Sharanizadeh 8 Overhill Way Brighton BN1 8WP		

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 and block plan		A	09 October 2020
Proposed Drawing	12	b	24 March 2021
Proposed Drawing	13	b	24 March 2021
Proposed Drawing	14	b	24 March 2021
Proposed Drawing	15		09 October 2020

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. No development of the scheme hereby permitted shall take place until details 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:

- a) physical samples of the slate tiles, lead and render (including details of the colour of render to be used);
- b) 1:20 elevation and section drawings of the new sliding sash windows and their reveals and sills plus 1:1 scale joinery sections;
- c) 1:20 elevation and section drawings of the front dormers; and
- d) 1:20 scale plan and section drawings of the sedum green roof, including depth of substrate and seeding mix

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, to enhance the biodiversity of the site, to tackle local air quality and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and SA2, CP8, CP10, CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Six swift boxes shall be incorporated within the external walls of the flats hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. All new and replacement rainwater goods, soil and other waste pipes shall be (painted) black and retained as such thereafter.

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

6. Details of the soundproofing of the party walls, ceilings and between the second and third floors of 46, 47 and 48 West Street, and of the mechanical ventilation to the windows and doors shall be submitted to the Local Planning Authority for approval as part of an acoustic report prior to the first occupation of the development. The approved details shall be implemented and be retained thereafter.

Reason: To safeguard the amenities of the occupiers of the development and to comply with Policies SU10 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. The applicant should be aware that whilst the requisite planning permission is granted, this does not preclude the Environmental Protection department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. Swift boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.

2. SITE LOCATION

- 2.1. The application site is comprised of 3, three storey terraced buildings with no. 46 (the western-most building) being slightly taller due to the distance between the second floor window heads and the parapet, and the parapet itself, being higher. They all feature low pitched roofs with front and rear gables and rear additions of various sizes. The buildings are on the east side of West Street, north of the junction with Duke Street and south of the junction with North Street. All have commercial units on the ground floor with shopfronts and it is understood that there are residential flats on the first and second floors of no. 47 and the second floor of no. 48. No. 46 is in sole commercial use.
- 2.2. The application site is within the Old Town Conservation Area, Prime Retail Frontage, an Archaeological Notification Area and Controlled Parking Zone (CPZ) Z. The Grade II listed Clock Tower and the attached railings on the North Street Quadrant are nearby, but the application site is not considered to be within its setting.

3. RELEVANT HISTORY

- 3.1. Pre-application advice (PRE2020/00143) was sought for the addition of mansard roof to form 6no studios and 1no one bed flat at 46-50 West Street and advice was issued on 17 August 2020 as follows:
- The provision of six studios and a one bed flat is not considered an appropriate unit mix;
 - An affordable housing financial contribution would be payable;
 - The extension to no. 46 would be too high and the two additional floors to nos. 49 and 50 would be inappropriate, thereby failing to preserve or enhance the special character and appearance of the Old Town Conservation Area;
 - A biodiversity net gain and air quality improvements / mitigation are required to be provided on site; and
 - Adequate sound proofing and mechanical ventilation are required to the new dwellings.
- 3.2. **BH2003/00294/FP**: Variation of Condition 2 application BH2002/01157/FP to allow opening of premises 0300hrs. Refused 24 March 2003
- 3.3. **BH2002/01157/FP**: Change of use of No. 46 from shop (A1) to food and drink (A3) and of No. 47 from food and drink (A3) to retail (A1) (Retrospective). Approved 27 August 2002
- 3.4. **BH2001/02483/FP**: Change of use A1 shop to A3 sandwich bar with internal seating area (retrospective). Refused 25 February 2002
- 49-50 West Street
- 3.5. **BH2020/01132**: Erection of mansard roof extension forming new third floor to accommodate 4no additional dwellings (C3). Approved 16 June 2020
- 3.6. **BH2019/02076**: Conversion and extension of existing retail storage (A1) into 4no studio flats (C3) incorporating part two storey extension with first floor infill and

second floor extension onto floor below and revised rear fenestration. Approved 27 August 2019

49 West Street

- 3.7. **BH2016/05116:** Change of use from financial and professional services (A2) to retail (A1) with new shopfront. (Retrospective). Approved 4 November 2020
- 3.8. **BH2015/01438:** Change of use from bank (A2) to ground floor shop (A1) and 4no flats (C3) on first and second floor, incorporating new shopfront, first and second floor rear extensions with balconies and associated alterations. Approved 4 November 2015

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the erection of additional storey to form 3no. additional one bedroom residential units (Use Class C3), with associated works.
- 4.2. Changes were made during the course of the application to set back the additional storey from the southern elevation and to feature a mansard-style front façade. Clarity was also sought on the retention of the large front chimney stack.

5. REPRESENTATIONS

5.1. Conservation Advisory Group (CAG):

The Conservation Advisory Group (CAG) recommends refusal and requests that the application be determined at Planning Committee if recommended for approval. The following comments were provided:

- The proposed “mansard” roof would obscure the separate character of the two buildings below (no. 46 and the pair nos. 47 and 48).
- Such a roof would be visible from Cranbourne Street and the Clock Tower especially and would fail to preserve the interest which the existing roofscape with its three original “pyramid” roofs provides on this western edge of the Old Town CA.

6. CONSULTATIONS

Internal

- 6.1. **Environmental Health:** No comment

6.2. **Heritage:**

The proposal would result in the loss of the original pitched roofs, which have historic interest, and this would cause some harm but the harm would be limited in this case. Policy HE6 refers to impact on roofscape and SPD09 states that “*where a roof is visible from the street, its form and shape must not be altered. Where a roof has a group or street value its ridge height must not be raised*”. As these roofs very largely cannot be seen from the street at all and do not form

part of a group value, there would be no objection in principle to mansard-style roof extensions to each property, particularly given the height of the adjoining building to the north. As proposed the new roofs of 46 and 47/48 would be appropriately distinguished by a step down in height, following the topography of the street. The proposed windows would align with those below and the chimney stacks would be retained and extended but further detail would be required by condition.

- 6.3. However, as proposed the 'mansard' extension to numbers 47/48 would have an awkward and uncomfortable relationship with the much lower building at numbers 49/50, creating a large expanse of blank wall in the key view from the junction of West Street and Cranbourne Street, from where the buildings are most prominent. It is therefore suggested that to mitigate this, the new storey should be set back slightly from the southern elevation and have a sloped, mansarded face similar to the front elevation. A southern elevation should also be provided to clarify this and the retention of the large front chimney stack, as the submitted drawings are somewhat conflicting and ambiguous in this respect (e.g. the 3rd floor plan) and there is no roof plan for clarity.
- 6.4. Amendments have been received during the course of the application to address the Heritage comments.
- 6.5. **Transport:** Recommended approval subject to the inclusion of the necessary condition

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.3. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.4. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA2	Central Brighton
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix

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

SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM40	Protection of the Environment and Health – Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, the impact on neighbouring amenity, the proposed standard of accommodation and the impact on highways.

- 9.2. Due to COVID restrictions, Officers did not undertake a site visit in relation to the present application, but it is considered that the context of the development and the planning considerations relating to this are well understood from the information that is available including aerial imagery and streetview.

Principle of development

- 9.3. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the City until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.4. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The proposal provides three additional housing units to the City, although this would only be a relatively minor contribution to the City's ongoing five year supply requirements. Whilst this contribution is noted, this should not be to the detriment of the surrounding area. The impact of the proposal on the character and appearance of the area, the impact on heritage assets, neighbouring amenity and on highways, and the proposed standard of accommodation are discussed below.
- 9.6. Whilst all of the dwellings would have one bedroom, the constraints of the site and the adverse impact on the conservation area of building higher restrict the amount of residential floorspace that can be created, and therefore the lack of a unit mix is considered to be acceptable in the circumstances.

Design and Heritage

- 9.7. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.8. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.9. The proposed extension would result in the loss of the original roof forms, which are relatively low pitched roofs covered in tiles with front and rear gables set behind a high front parapet, which prevents them being visible in angled views from Cranbourne Street. SPD09 applies, outlining that "*Where a roof has a group or street value its ridge height must not be raised*". In this case, whilst nos. 47 and 48 are a pair, the buildings do not form part of a group value and, as such, there is no in-principle objection to additional storey to each of these buildings. Whilst there would be less than substantial harm caused by the removal of roof

forms with historic interest, this is outweighed by public benefits in the form of three new residential units.

- 9.10. The adjoining building to the north, no. 45, is four storeys high and in this context nos. 46-48 would still step down from it towards the south. Additionally, nos. 47-48 would step down from no. 46 following the topography of the street. It is noted that nos. 49-50 have been granted permission (ref. BH2020/01132) for an additional storey, which would just sit above the bottom of the parapet of no. 48. Although there is no guarantee that this permission would be implemented, the proposed additional storey would relate well to those properties, whether extended or not.
- 9.11. During the course of the application and to address the concerns raised by the Heritage team, amended plans were sought to introduce a slight pitch to the mansard roof on the southern elevation. As a result of the amendment to provide a mansard-style front façade and the degree of sloped set back from the southern elevation. In the event that BH2020/01132 was not implemented, the latter amendment would reduce the expanse of blank wall in the important view from the junction of West Street and Cranbourne Street.
- 9.12. The use of a mansard-style roof form, at least to the front elevation, would fit in with the mansards at 38 and 39 Duke Street as well as the more historic part of 36 Ship Street, as well as the eclectic roofscape of the immediate surrounds. As such, the introduction of this roof form is considered acceptable. The set back from the front parapet of 40cm and degree of front and side roof pitches are considered to be acceptable in order so the addition would be adequately subordinate to the host building. The rear elevation would project directly upwards from the rear building line, but is not visible from any publicly accessible areas and therefore this design approach, as opposed to a pitched roofslope, is considered acceptable.
- 9.13. The additional storeys would feature seven front dormers (three to no. 46 and two each to nos. 47-48) to line up with the windows below, and which avoids it appearing overly top heavy. The addition would be clad in natural slate tiles with lead dormers and sash windows to the front elevation and white render to the rear to help tie it in with the existing building. A condition is recommended to secure details of the slate tiles, lead, sedum green roof, render and windows as well as detailed elevations at 1:20 scale showing the exact design of the dormers and therefore securing a high quality finish. This also applies to the altered and extended chimney stacks, shown as retained on the drawings.
- 9.14. Therefore, the additional storeys are considered acceptable in design terms and would preserve the appearance and character of the Old Town Conservation Area. As previously mentioned, the harm to the significance of designated heritage assets is considered to be less than substantial and is outweighed by the public benefits of the proposal in the form of three new residential units and the biodiversity measures. As such, the application is considered to be compliant with Policies CP12 and CP15 of the City Plan Part One and QD14 and HE6 of the Local Plan.

Biodiversity

- 9.15. In compliance with City Plan Part One Policy CP10 the provision of swift boxes and bee bricks would be conditioned. The proposed green roof is supported, although details are recommended to be secured by condition to ensure that it would successfully contribute to biodiversity, sustainable drainage and environmental objectives.
- 9.16. Strategic Area SA2 outlines that new development proposals take into account impact on local air quality and that improvements and / or mitigation are sought wherever possible. In this case, the proposal would not have a detrimental impact on local air quality, and therefore no mitigation is required. However, Central Brighton is designated within an Air Quality Management Area (AQMA) with North Street, Queen's Road and Western Road exceeding the annual nitrogen dioxide air quality objectives. New development proposals within the AQMA should minimise increased exposure to existing poor air quality, and improvements / mitigation are sought wherever possible. As such, the seeding mix for the sedum green roof should include plant species for their benefits in this respect.
- 9.17. As such, this development has the potential to achieve the requisite criteria in City Plan Part One Policy CP8 in that it helps to address climate change mitigation, reduces heat island effect and surface water run-off, enhances biodiversity and reduces air pollution.

Impact on Neighbouring Amenity

- 9.18. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.19. It is not considered that there would be an impact in terms of loss of outlook, sunlight or an increase in overshadowing or enclosure from the extensions due to the building to the south (no. 51-53) being significantly taller even with the proposed extensions in place. Any overlooking from the new dormer windows would be to the street and the new rear windows would be to Duke's Court.
- 9.20. There would be a potential for an increased level of noise to be generated from the upper floors as a result of the introduction of three new dwellings. As such, sound proofing will need to be considered, which will be discussed in the next section.
- 9.21. As such, the proposal is considered to be in accordance with Policies SU10 and QD27 of the Brighton and Hove Local Plan.

Standard of Accommodation

- 9.22. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

- 9.23. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.24. All of the new dwellings meet or exceed the Gross Internal Areas (GIAs) outlined in the NDSS of 50m² for a one bed, two person flat. The bedroom sizes exceed the GIA figures in the NDSS, which is welcomed. The internal headroom height on the third floor is 2.35m, which is considered acceptable.
- 9.25. Given the east - west orientation of the building, all units would be served by front and rear windows to provide adequate levels of natural light, outlook and ventilation.
- 9.26. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. It is not considered that it is necessary for one bed flats to have external amenity area so its non-provision is considered acceptable. It is noted that the site is a four minute walk to the beach and six minutes to St. Nicholas Church Green Space.
- 9.27. Given the commercial nature of the very busy West Street and the numerous late night establishments, adequate sound proofing will be required. It is recognised that the opening of windows to provide ventilation could allow significant levels of noise into the dwellings at anti-social hours. As such, trickle vents and mechanical ventilation will also be needed, and to ensure the latter operates at 5dB below background levels. On the application to discharge Condition 8 of BH2019/02076 (an application to convert retail storage on the first and second floors into four studios through extensions) regarding soundproofing and mechanical ventilation, it was accepted by Officers that historical noise data can be used in lieu of a current test for background noise given the current restrictions as a result of the Covid-19 pandemic.
- 9.28. It is therefore recommended that an acoustic report covering sound reduction measures should be secured by a condition to include compliance with its recommendations and details of the soundproofing to the party walls, ceilings and floors. This is considered to necessary to ensure that the occupiers of the dwellings would not be subject to excessive levels of noise if their windows are closed and that all the studios have access to fresh air through mechanical ventilation when windows are closed.
- 9.29. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and SU10.

Highways:

- 9.30. It is anticipated that the creation of three new dwellings would lead to insignificant trip generation and parking stress on surrounding street, particularly

since no car parking spaces are proposed, which is considered acceptable in light of the site's central location within the city, and that residents would be unlikely to have their own vehicle. It is not considered that the use would lead to overspill car parking given that residents would be unlikely to have their own vehicle. It is not considered appropriate to impose the car-free condition requested by the Local Highways Authority (LHA) because parking in the local area and limiting the issue of parking permits is already covered through the management of Controlled Parking Zone (CPZ) Z. Furthermore, the buildings are located less than half a mile from Brighton train station and a few minutes' walk from several bus stops, and is therefore considered to be in a sustainable location.

- 9.31. No cycle spaces have been proposed to be provided, but in this instance Officers accept that the site is too constrained and there exists secure on-street cycle parking and a Bike Share facility nearby.

Sustainability:

- 9.32. It is recognised that both maximum indoor water consumption and CO2 improvement over Building Regulations requirements are only applicable to new build dwellings and therefore cannot be added as conditions. However, a sustainability checklist has been submitted and there is a commitment to a water efficiency standard of 110litres per person per day as well as a reduction in carbon emissions of 19% against 2013 Part L Building Regulations. Furthermore, triple glazing would be installed and the materials would be derived from sources within 50km of the site, which is welcomed.

10. CONCLUSION

- 10.1. This application is considered acceptable since the additional storeys would preserve the character and appearance of the conservation area and would be a subordinate, well-designed addition to the host buildings providing three new good quality dwellings. The extensions would not cause harm to neighbouring amenity or to the highways network but would provide an acceptable standard of accommodation. As such, this application is recommended for approval.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £28,125.54. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. EQUALITIES

- 12.1. These dwellings would not be suitable for wheelchair users given their location on the third floor and no lift exists, nor is one proposed since it is considered unreasonable to provide one given the scale of the application.