

<b><u>No:</u></b>	<b>BH2021/00537</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>28-29 George Street Hove BN3 3YA</b>		
<b><u>Proposal:</u></b>	<b>Erection of a first-floor rear extension and the creation of 2no two-bedroom flats (C3) with first floor rear terraces &amp; cedar fence screen, addition of ground floor residential entrance to front elevation and associated works.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	16.02.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	13.04.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<b><u>Applicant:</u></b>	Geneva Investment Group C/o ECE Planning Worthing BN12 4AP		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	3962-01	-	16 February 2021
Proposed Drawing	3962-04	D	16 February 2021

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. Notwithstanding the requirements of condition 5, the relevant external finishes of the development hereby permitted shall be as follows:

- painted render upon the first floor rear wall to match the appearance of that found on the existing building.
- Shop front and rear fenestration (not including rooflights) in powder-coated aluminium.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to installation of the cedar screening hereby approved, full details of the colour and treatment to protect against weathering; and the method by which it is to be installed, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details, and thereafter retained.

**Reason:** To ensure a satisfactory appearance to the development, the preservation of the historic boundary wall, and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. One or more bee bricks shall be incorporated within the external rear wall of the development 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 Supplementary Planning Document SPD11 Nature Conservation and Development.

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 may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
3. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site comprises a double-width, two-storey, terraced building on the eastern side of George Street, on the edge of, but not within, the Cliftonville Conservation Area.
- 2.2. The property is in retail use (Use Class E), with the first floor in use as an ancillary space. A Lawful Development Certificate has confirmed that the change of use of the first floor of the property to two dwellings (planning use class C3 flats), from space ancillary to the retail premises on the ground floor, is 'permitted development' (ref. BH2020/01697).

- 2.3. There is also extant planning permission for alterations to the shop front to create a separate residential entrance (ref. BH2020/03503), and for external alterations at first floor level at the rear including new fenestration and obscure screening around the edges of the existing terrace (BH2020/01791).
- 2.4. Permission is now sought for the abovementioned works under a single application. In addition, a single-storey extension at first floor level is proposed, as well as a loft conversion that would create additional floor space for both proposed residential flats.

### **3. RELEVANT HISTORY**

- 3.1. **BH2020/03503** Installation of replacement shopfront, including separate residential entrance. Approved
- 3.2. **BH2020/01791** Installation of new window and door to the first floor rear elevation, removal of rooflights and erection of cedar fence screen to rear terrace. Approved
- 3.3. **BH2020/01697** Certificate of lawfulness for proposed change of use of first floor from retail (A1) to residential (C3) to create 2no flats. Approved

### **4. CONSULTATIONS**

#### **4.1. Heritage**

No Comment

#### **4.2. Private Sector Housing**

No Comment

#### **4.3. Transport - Verbal Comments**

No objection. The Highway Authority requests that the scheme be made car free. It is not considered that policy-compliant cycle parking could be accommodated on site; it is also noted that communal parking is available in the local vicinity. The proposal is not considered likely to result in a significant increase in trip generation.

### **5. REPRESENTATIONS**

- 5.1. **Twenty-two** letters have been received\*, objecting to the proposal on the following grounds:
- The proposed development is inappropriate
  - Loss of privacy and light for properties on Ventnor Villas
  - Impact on historic fabric on George Street, historic boundary wall, and character of Cliftonville conservation area
  - The principle of residential units on George Street
  - Lack of outside amenity space for the residential units

- Lack of off-street parking
- Lack of fire escapes from the rear terraces
- View of the sunset spoilt by neighbours using the rear terraces
- Noise nuisance from use of the rear terraces
- Overflowing bins on Ventnor Villas
- Detrimental impact on property value
- Lack of contamination assessment to support the application
- Access to outside amenity space on other recently approved development along George Street was restricted by condition.
- Restricting the use of the terrace is now possible as the scheme includes 'new build' elements
- There is 'no requirement' for the rear-facing rooflights
- Harm to local wildlife

5.2. It should be noted that of the twenty-two letters which have been received, only five are from residents who are considered likely to be directly impacted upon by the proposal.

## 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019);

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

SA6 Sustainable Neighbourhoods

CP1 Housing delivery

CP2 Sustainable economic development

CP8 Sustainable buildings

- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage
- CP19 Housing mix

Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

- TR7 Safe development
- TR14 Cycle access and parking
- SU11 Polluted land and buildings
- QD5 Design - street frontages
- QD10 Shop Fronts
- 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

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

- WMP3 Implementing the Waste Hierarchy

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd 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, Accommodation and Community
- DM18 High quality design and places
- DM19 Maximising Development Potential
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM23 Shop Fronts
- DM29 The Setting of Heritage Assets
- DM33 Safe, Sustainable and Active Travel
- DM36 Parking and Servicing
- DM37 Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of external alterations; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents and business-users; on the significance of the Cliftonville conservation area; and on the safety and capacity of the public highway.

### Principle of Development

- 8.2. 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.
- 8.3. 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).
- 8.4. Much of the work required to bring forward the proposed development benefits from extant planning permission:
- The change of use class of the first floor level from commercial to residential has been confirmed as in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) under application BH2020/01697.
  - The installation of timber screening along the eastern elevation has been granted planning permission under application BH2020/01791.
  - The alterations to the existing shop front including the provision of a separate residential entrance, have been granted planning permission under application BH2020/03503.
- 8.5. Therefore, the principle of the change of use of the upper floors to residential, the alterations to the shop front, and the installation of screening have all been approved.
- 8.6. Concerns have been raised in representations over the principle of properties along George Street being converted to residential use. These objections are noted but the wider principle cannot be considered in relation to this application which must be considered on its merits; and the conversion of shops to a mixed shop/flat use can, at any rate, be undertaken under 'permitted development' rights.
- 8.7. Other objections have been raised that the development will cause harm to the character of George Street as a busy shopping street. However, given that a commercial use would be retained at ground floor level, along with an improved

shop front, these concerns appear to be without merit. It is noted that there would be a loss of ancillary storage space on the upper level, but the ground floor is of sufficient size for a retail unit to operate without this area.

- 8.8. On this basis, the principle of the development is considered acceptable.

#### Design and Appearance

- 8.9. The proposed shop front and timber screening has previously been found acceptable and both benefit from extant planning permission; it is not considered necessary to reassess these aspects of the development at this time however it should be reiterated that they have an acceptable appearance and impact on the local built environment. The shop front would replace a non-original, low-quality shop front and is considered to represent an improvement to the George Street streetscene.
- 8.10. The two proposed rooflights on the front elevation would be small in scale and centrally located, and would not clutter, or otherwise harm the appearance of the building.
- 8.11. Objection has been raised to the three small rooflights on the rear roof slope, claiming that they are not required. However, the need for the rooflights is not a material consideration given significant weight in determining this application, given they would not be highly visible from the public realm and would not be considered to cause any harm to the character or appearance of the host building. Further, it is clear from the drawings that the rear rooflights provide necessary additional natural light to the proposed loft-level bedrooms and a staircase.
- 8.12. One objection has stated that an additional storey is proposed but this is not the case, and the proposed development would not increase the maximum height of the existing property. The existing loft level is proposed to be converted into habitable space, with the inclusion of a rooflight, to provide a second bedroom for both residential units proposed.
- 8.13. The proposed rear extension at first floor level would emulate the form of the existing non-original extension. It would not be visible from the public realm or any gardens on Ventnor Villas, and would add only 1.5m in depth to the existing building. It is considered that the additional visual impact, even when taking into account the large fenestration, would not be significant over what has previously been found acceptable on this site.
- 8.14. On this basis, the design and appearance of the scheme is considered acceptable.
- #### Impact on Heritage Assets
- 8.15. When considering whether to grant planning permission for development within the setting of 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.

- 8.16. 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".
- 8.17. Concerns have been raised as to a loss of historic fabric on George Street. However, George Street is not within a conservation area and the host building has already been extended to the rear and lost its original shop front so it is not considered any 'historic fabric' would be lost, or that the works would cause any harm to the property in terms of its consideration as a heritage asset.
- 8.18. Issues regarding the impact of the development on the structural wellbeing of the historic boundary wall have again been raised by local residents. However, the impact of the proposed development is considered to be no greater on the wall than the approved development and this is not considered reasonable grounds for objection. Furthermore, safety of construction is a matter for Building Regulations and is not a material planning consideration.
- 8.19. The proposal would not have any significant additional impact on the character and appearance of the Cliftonville conservation area over that which currently benefits from extant permissions. The additional works to the rear (facing the conservation area) are not visible from the public realm and would preserve the significance of the designated heritage asset.
- 8.20. With regards to the screening to the rear of the proposed terrace areas, the officer report for BH2020/01791 states:

*It is considered that some slight harm to the Conservation Area might occur as a result of introducing the cedar screening. However, any harm would be less than substantial, and in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits of the proposal.*

*In this instance, it is considered that the benefit of ensuring that the two additional residential units added to the City's housing supply are of a sufficiently high standard of accommodation, and improve the amenity of the occupants, in accordance with policy QD27, is a public benefit which outweighs the slight impact upon the Conservation Area.*

*Concerns have been raised that by affixing the screening to the historic wall it would be more vulnerable to the wind. Whilst issues relating to safety of construction are a matter for Building Regulations and are not a planning consideration, maintaining the condition of the historic wall is desirable and details of the method of fixture of the screening (which may be to the floor level of the terrace rather than the wall itself) will be secured by condition.*

- 8.21. These conclusions remain valid for the present scheme.

#### Impact on Amenity

- 8.22. As aforementioned, use of the entire terrace as amenity space associated with the lawful conversion of the first floor to residential use would be 'permitted development'. It is not disputed that such use may lead to a loss of privacy to

those using the gardens on Ventnor Villas, but the inclusion of the timber screening would mitigate this harm to an acceptable level. The benefit of reduced overlooking is considered to be outweigh the potential harm caused by overshadowing due to the additional height of less than 1m so the screen is, on balance, considered acceptable.

- 8.23. Objections based on noise nuisance have been received, but it is not considered the increase in noise would be sufficient to warrant refusal. and this is not reason to refuse planning permission. In addition, the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.24. One objection has stated that their view of the sunset would be spoilt by the presence of residents of the proposed units making use of their rear terrace. Views such as this are not protected by the planning system and no weight is given to this issue.

#### Standard of Accommodation

- 8.25. 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 CPP2 proposes to adopt them and can now be given significant weight.
- 8.26. Each new residential unit would have a gross internal area (GIA) of approximately 73m<sup>2</sup>. This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 8.27. Both flats are laid out with one bedroom at first floor level and another in the loft-space. There are concerns about the latter bedrooms as the sectional drawing shows that the maximum internal ceiling height within the loft is approximately 1.8m underneath the roof-ridge. This would make the space uncomfortable for anyone not of very short stature and would not normally be acceptable as a habitable bedroom on its own merits. However, this must be weighed against the fact that use of the building for residential purposes is allowed as 'permitted development', and the scheme is considered to provide an improved standard of living over the extant permission. It is not, therefore, considered reasonable to refuse the planning application on these grounds.
- 8.28. One letter objection raises the lack of outdoor amenity space for first floor flats along the west side of George Street, and also on the grounds that the proposed extension would reduce the outside amenity space of the application site. As abovementioned, each planning application is assessed on its own merits. The application site benefits from the existing rear terrace which offers acceptable outside amenity space even with the slight reduction in overall area brought on by the rear extension. Concerns that future residents would suffer from a lack of outside amenity space are not shared by the LPA.

- 8.29. It should also be reiterated that the principle of the change of use has been agreed and it would not be reasonable to withhold planning permission on grounds of the standard of accommodation, given that the majority of the changes can take place without express planning permission from the Local Planning Authority. The proposed layout would provide additional internal floor space and therefore an improved standard of accommodation than would be provided under the extant permissions or as 'permitted development'.

#### Impact on the Highway Capacity and Road Safety

- 8.30. The increase in the number of residential units and lack of off-street parking may exacerbate existing reported parking stress in the area. It is not considered appropriate to impose the car-free condition requested by the LHA because an increase in residential units has already been allowed under 'permitted development' rights, and parking in the local area and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone.
- 8.31. Policy-compliant cycle parking does not appear to be possible on this site given that both residential units are located at first floor, and there is no ground floor space great enough to accommodate cycle parking. However, it is noted that communal cycles are available in the area and the lack of cycle parking is not reason to withhold planning permission.

#### Equalities

- 8.32. Neither residential unit would be suitable for occupation by persons with a mobility-related difficult but given the small scale of the development and the fact that it is conversion of an existing building, this is not reason to withhold planning permission in this instance.

#### Other Considerations

- 8.33. One letter of objection has raised an issue that no contamination report has been received to support the application. No significant below-ground works are proposed; moreover, as abovementioned, safety during construction including the handling of dangerous building materials such as asbestos would be managed through other legislative regimes and is not a reason to withhold planning permission.
- 8.34. One letter of objection has stated that, according to their understanding of the Officer Report for application BH2020/01697, access to the rear terrace could not be restricted by condition as the proposal was not a 'New Build', The rear flat roof, proposed to be used as a roof terrace, is an existing structure and unrestricted use of it for residential purposes would be lawful as part of the residential conversion allowed through 'permitted development' rights. A condition cannot therefore be imposed.
- 8.35. Concerns have been raised over the increased pressure on rubbish bins in Ventnor Villas, but the scheme would not exacerbate this issue, particularly as the site is accessed from George Street.

- 8.36. Concerns have again been raised that the proposed residential units lack means of escape in the event of a fire. but this is a matter for Building Regulations.
- 8.37. Concerns have again been raised that the proposal will threaten the continued existence of the green corridor running down the rear of Ventnor Villas. This was rejected as a reason to withhold planning permission for the timber screening under application BH2020/01791 and no evidence has been submitted that would suggest this position requires reassessment at this time.
- 8.38. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably-worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

#### Conclusion

- 8.39. The principle of the creation of two flats at first floor level is granted automatic planning permission under the provisions of the GPDO. The changes to the shop front and the installation of timber screening to the rear benefit from extant planning permission. The additional works, namely a 1.5m rear extension and the installation of several rooflights, are not considered to cause any harm to the character and appearance of the building or wider streetscene, including the Cliftonville conservation area. The works are not considered to cause any significant additional harm to the amenities of local residents; nearly all the issues raised as a result of public consultation repeat what were raised under a previous application that was approved by the Planning Committee.
- 8.40. The standard of accommodation is considered to be substandard due to the low ceiling of the bedrooms within the loft-space. However, the conversion to residential accommodation is allowed under 'permitted development' rights, and the current proposal would result in an improved standard of living over the extant permission. This is not therefore considered reasonable grounds to withhold planning permission.
- 8.41. All previous planning conditions attached to extant permission that remain relevant shall be attached to any new permission in order, among other things, to ensure a good quality appearance and mitigate as far as possible the detrimental impacts on local residents.
- 8.42. For these reasons the proposal is considered to be in accordance with policies QD5, QD10, QD14 HO5 and HE6 of the Brighton and Hove Local Plan; CP1, CP2, CP9, CP10, CP12, CP13 and CP15 of the City Plan Part One; and DM21, DM23, DM29 and DM36 of the City Plan Part Two.

## **9. COMMUNITY INFRASTRUCTURE LEVY**

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and

began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £8419.72. 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.