

<u>No:</u>	BH2019/02619	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Avalon West Street Brighton BN1 2RP		
<u>Proposal:</u>	Erection of additional storey to the North block to create 4no residential units (C3), comprising 3no one bedroom flats and 1no two bedroom flat.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	02.09.2019
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	28.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	18.12.2019
<u>Agent:</u>	Stickland Wright Ltd 4 Gloucester Passage Brighton BN1 4AS		
<u>Applicant:</u>	Moretons Investments 16 Ship Street Brighton BN1 1AD		

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
Proposed Drawing	19029-P-105		6 November 2019
Proposed Drawing	19029-P-110	A	2 September 2019
Proposed Drawing	19029-P-111	B	10 September 2019
Proposed Drawing	19029-P-112	A	2 September 2019
Proposed Drawing	19029-P-113	A	2 September 2019
Proposed Drawing	19029-P-114	B	10 September 2019
Proposed Drawing	19029-P-115	A	2 September 2019
Location and block plan	19029-P-001	A	2 September 2019

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

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

3. The external covered walkway hereby approved shall be for access purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste

5. The development hereby permitted shall not be commenced 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 cladding/ finish materials to be used, including details of colour and their treatment to protect against weathering
 - b) details of the proposed window and door treatments

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

Reason: To ensure a satisfactory appearance to the development 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.

6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

Reason: This 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 Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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.

8. 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 Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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 Brighton & 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 favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted under 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 of the restrictions upon the issuing of resident parking permits.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.

4. The water efficiency standard 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site, on the eastern side of West Street, is made up of a 4/5 storey residential development, with ground floor commercial, developed in 2004-06. The buildings contain mostly residential (C3) apartments with the addition of office units (B1) on Middle Street and two restaurant units (A3) to the ground floor on West Street. The residential units have access to private amenity space in the form of balconies and a communal courtyard, beneath which is a partially underground car park.
- 2.2. The site is located within the Old Town Conservation Area and falls within the 'West Street and North Street Character Area' but is not noted as being of any particular interest, beyond the contribution of private space within the central courtyard. Immediately opposite the site is the grade II* listed Church of St Paul and there are some listed buildings to the south and east of the site. Previously the site was occupied by light industrial use in the form of a General Post Office Garage.
- 2.3. Historically an entertainment district, the surrounding Old Town along West Street is characterised by a varied townscape, with the six storey former Sheridan Hotel to the south fronting the sea gradually stepping down to the predominately three storey stucco fronted 19th century properties to the north. These structures are interspersed within similarly scaled modern structures, resulting in a varied architectural character. The northern end of West street was widened in 1868, before the whole street was expanded west during the 1930s to create large office blocks.
- 2.4. The application seeks permission for the erection of additional storey to the North block to create a fifth floor consisting of 4no residential units (C3), comprising 3no one bedroom flats and 1 no. two bedroom flat. Alterations to the existing fourth floor include extending the existing staircase and lift which would lead to the new fifth floor accommodation. One flat is entranced via the staircase lobby, off which an external covered walkway would lead to the entrances of the further three flats.

3. RELEVANT HISTORY

- 3.1. There is extensive planning history for this site prior to the development of the existing buildings. The following is a list of the most recent and relevant applications:

- 3.2. **PRE2018/00275** Pre-application advice: Erection of an additional storey to west elevation.
- 3.3. **BH2007/01437** Variation of condition 10 of planning permission ref. no. BH2001/00848/FP to extend opening hours to between 0900 hrs & 0300 hrs every day. Refused 08.06.2007.
- 3.4. **BH2006/02066** Addition of windows to East elevation of apartments 52, 55 and 58 (retrospective). Approved 17.08.2006
- 3.5. **BH2001/00920/CA** Demolition of existing buildings. Approved 18.07.2003.
- 3.6. **BH2001/00848/FP** Redevelopment and change of use to provide 64 residential units, one live/work unit, offices (use class B1), food and drink (use class A3) and 46 parking spaces. Approved 18.07.2003.

4. REPRESENTATIONS

- 4.1. **Twelve (12)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
- Excessive height
 - Overdevelopment
 - Poor design
 - Overbearing
 - Impact on conservation area
 - Impact on outlook
 - Impact on views
 - Increased traffic
 - Impact on parking
 - Highway safety
 - Overlooking and loss of privacy
 - Overshadowing and loss of light
 - Noise
 - Increase in rubbish/ recycling
 - Inconvenience from build
 - Impact on property values and rental income
 - Loss of business to existing buy-to-let owners
 - Existing height appropriate re previous application
- 4.2. **Councillor Phillips** objects to the application; the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Historic England:** No objection
- 5.2. **Conservation Advisory Group (CAG):** No objection

- 5.3. **Heritage:** No objection
 20/09/2019: The development would be partially visible from West Street through the gap to the open courtyard but would not significantly impact on the street scene approach from the north and only to a limited degree in the approach from the south. At pre-application stage it was agreed that there would be potential scope for an additional floor on the lower part of the north wing. However it was advised that any impact of the additional height would need to be tested in longer views, including from the top and bottom of West Street and from Boyces Street. Any additional height should not be visible in these views. These views have not been provided so a full assessment cannot yet be made.
- 03/10/2019: Additional information received: There would be no harmful impact in views towards the site.
- 5.4. **Environmental Health:** No objection Subject to a Construction Environmental Management Plan (CEMP).
- 5.5. **Private Sector Housing:** No objection
- 5.6. **Sustainable Transport:** No objection subject to condition relating to 'car free' development and cycle parking provision.

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 Joint Action Area Plan (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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
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 Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principal of the development, design and appearance and impact on the conservation area and nearby listed buildings, impact on neighbour amenity and highways issues. Objections from neighbours relating to the impact on property values and rental income, and inconvenience caused by the build are noted, however are not material planning considerations.
- 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 is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied

to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Planning Policy:

- 8.4. The provision of 4 no. residential units on the site would make a small, but positive contribution towards meeting the City's housing target for a minimum 13,200 dwellings for the plan period as set out in City Plan Policy CP1.
- 8.5. Policy CP19 of the City Plan requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. The provision of 3 no. one bed dwelling and 1 no. two bed dwelling will help to enhance the housing mix and accord with policy.

Design, Appearance, Impact on Heritage Assets:

- 8.6. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.7. The existing development and roofline are prominent in West Street and the height of the existing development as it addresses West Street is considered to be the maximum appropriate to the site, having regard to its location within the tight urban grain of the Old Town conservation area. The roofline is, however, stepped up to 5 storeys at the street frontages only, with four storeys to the elements that run perpendicular to the streets. It is considered that there is scope for an additional storey on the lower part of the north wing.
- 8.8. The proposed additional storey would be flush with the existing frontage on the south elevation. The top floor of the existing north elevation is set in slightly from the lower floors and the development would also be similarly set back. The development would be partially visible from West Street through the gap to the open courtyard but would not significantly impact on the street scene approach from the north and only to a limited degree in the approach from the south. The increase in height of the north wing over the south wing would also reflect the rising topography of the land as it slopes up from the sea. The Council's Heritage officer is satisfied that there would be no harmful impact in views towards the site. Material samples can be secured by condition.

8.9. Therefore, for the reasons outlined above, it is considered that the proposed development would preserve the special character and appearance of the Old Town Conservation Area. Additionally it would not detrimentally impact on the setting of the nearby listed buildings.

Standard of accommodation:

8.10. Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015.

8.11. They provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.

8.12. The one-bedroom flats are proposed at 50m², with up to 2 no. occupants in a double bedroom. The two-bedroom flat is proposed at 62m² with one double bedroom (11.6m²) and one single bedroom (7.8m²) which could house up to 3 no. occupants. The units would comply with the Govt. space standards for a 1 no. bed two person dwelling and 2 no. bed three person dwelling. The dwellings would have good levels of light, outlook and circulation space.

8.13. Private outdoor amenity space is not provided however the constraints of the site are recognised. Despite the proposed two bed dwelling, given the proposed upper floor living and the size of the units, it is recognised that they may not be particularly suitable as family accommodation. Furthermore the occupants would have use of the communal courtyard and the beach and seafront amenity facilities are very close by. Given the above the lack of private outdoor amenity space is not considered to warrant refusal of the application in this case.

8.14. The primary access for refuse removal is from West Street and this justifies the current bin store locations. Currently there are three locations for refuse storage which are considered to be of sufficient capacity for the development as proposed. There is also a communal refuse area proposed at fifth floor near the stairs/ lift. Objectors have commented with regard to an increase in refuse lately and question the capacity of provision. The managing agent has noted that local authority collections had been a little erratic which caused them to make alternative arrangements, to maintain desired collection frequency. It is advised that this event appeared to be a blip and has since improved.

Impact on Amenity:

8.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it

would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.16. Other than one window which serves a hallway, there is no fenestration proposed to the northern elevation. Therefore there would be no overlooking of the rear of the properties in Boyce's Street to the north. With regard to the proposed covered walkway to the flats, a condition is recommended to ensure that it is not used as an amenity area to prevent overlooking. The proposed dwellings would have views of the existing dwellings in the adjacent block to the south. However given the existing situation, and the distances involved there is not considered to be any significant harm to privacy levels.
- 8.17. A Daylight Study has been submitted using industry standard BRE methodology. The study assesses all the worst case scenario windows in Boyce's Street and the Avalon building opposite to the south. The report concludes that in relation to daylight and sunlight, BRE guidelines would be satisfied. Given that the windows would meet 90% of their former daylight value and the effect on levels of daylight would be negligible, the impact is considered to be acceptable.

Sustainable Transport:

- 8.18. The site has an existing vehicular access from West Street to a partially underground car park. On Middle Street the through access is pedestrian or cycle only. The commercial premises have use of the row of parking to the southern boundary of the site for 9 car parking spaces. The rest of the 37 spaces are used for the residential apartments. The agent has confirmed that individual spaces for both commercial and residential spaces have been individually negotiated within the leasing of properties.
- 8.19. The application states that the proposed residential apartments would not have access to on-site car parking. The Council's Highways officer has recommended that the new residential development is made 'car free'. This can be secured by condition.
- 8.20. An 8-space cycle shelter has been proposed which would contain Sheffield stands. This provides covered cycle parking in accordance with TR14. Ideally, cycle parking would be located in a store to provide maximum security, however it is noted that providing a store in this location would mean that the Sheffield stands would not be accessible. Therefore, in this instance due to site constraints, the proposed cycle parking is considered acceptable, subject to details of the shelter to be secured by condition.

Sustainability:

- 8.21. Policy CP8 requires new residential 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.

Conclusion:

- 8.22. It is considered that, having regard to the prevailing character of the site, the proposed development would not appear out of character with the surroundings and would not detrimentally impact on the character and appearance of the Old Town Conservation Area or on the setting of the nearby listed buildings.
- 8.23. It is noted that an objection has been received with regard to the fact that the existing height was deemed to be appropriate during consideration of the original approved application for the Avalon development (BH2001/00848/FP). This is a material planning consideration; however the proposed scheme should be assessed on its own merits and with regard to current planning policy and guidance. Given that the original scheme has now been built and can be viewed in situ, it is considered that the proposed development would not have an overbearing impact on its neighbours and has been carefully designed to take account of any potential overlooking and daylight issues.
- 8.24. Subject to conditions it is considered that the proposed development is appropriate in terms of design, scale and impact on amenity, and would provide four new dwellings for the City, of an acceptable size and standard.

9. EQUALITIES

- 9.1. Step free access is offered via the lift which would give access to all proposed flats.

