

<u>No:</u>	BH2020/00699	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 - 22 Gloucester Place Brighton BN1 4AA		
<u>Proposal:</u>	Erection of two storey extension to the roof to form 4no additional dwelling units and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	10.03.2020
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05.05.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	24.06.2020
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Ammar Investments C/O Turner Associates Ltd 19A Wilbury Avenue Hove BN3 6HS		

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	TA 1255/20	A	20 April 2020
Proposed Drawing	TA 1255/21		2 March 2020
Proposed Drawing	TA 1255/23		2 March 2020
Proposed Drawing	TA 1255/24		2 March 2020
Proposed Drawing	TA 1255/25	A	20 April 2020
Proposed Drawing	TA 1255/26	A	20 April 2020
Proposed Drawing	TA 1255/27	A	20 April 2020
Proposed Drawing	TA 1255/28	A	20 April 2020
Proposed Drawing	TA 1255/29	A	20 April 2020
Proposed Drawing	TA 1255/30	A	20 April 2020
Proposed Drawing	TA 1255/33		2 March 2020
Location and block plan	TA 1255/01		2 March 2020
Proposed Drawing	TA 1255/31	A	20 April 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. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
4. A bee brick shall be incorporated within the external 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.
5. No development 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 (where applicable):
- a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of the proposed window, door and balcony treatments
 - d) details of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. No development shall take place until full details of all new windows including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the 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. In addition to the cycle parking details this must include details of pedestrian access to the building and measures to protect the proposed visitor cycle parking from obstruction and conflict with other vehicles. 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 and SPD14: Parking Standards.

8. Notwithstanding the plans submitted, the development hereby permitted shall not be first occupied until revised details of disabled car parking provision for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

9. 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.

10. 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
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. Lombard House at 20-22 Gloucester Place is an early 1960s office block (now in part residential use) over 4 storeys above ground level, plus basement. The ground and lower ground floor are commercial premises, with 2 no. first floor flats and 3 no. second and third floor maisonettes, served by a communal stair accessed from the main ground floor entrance to the northeast corner of the building. To the rear of the site is a sloping driveway down to a private parking area accommodating up to 5 vehicles.
- 2.2. Immediately adjacent to the south is the locally listed 1903 Baptist Church, in knapped flint with red brick and terracotta dressings. To the north is the grade II listed number 26 Gloucester Place, an early 19th century house re-fronted in the mid-19th century, with a tented canopy over cast iron balcony and cast-iron front railings.
- 2.3. The site is in the Valley Gardens Conservation Area which is characterised by mostly grand Regency and Victorian terraces fronting onto a series of public gardens running north to south. The site also backs onto the North Laine Conservation Area.
- 2.4. The application seeks permission for the erection of a two-storey extension to the roof to form an additional 4no dwelling units (1x 2 bed flat, 1x 1 bed and 2x studio) and associated works. Amendments have been received during the life of the application to address Heritage advice that the proposed fifth floor should be contemporary in design and should have a more lightweight appearance. Additionally, 2no. proposed small one-bed flats have been amended to open plan studio flats.

3. RELEVANT HISTORY

- 3.1. Council Tax records show that the 3 no. second and third floor maisonettes have been in use as such since 1993. The first floor has been in residential use (2 no. one bed flats) since 2013, although there does not appear to be planning permission for the change.
- 3.2. **BH2013/00338** Change of use at ground floor and lower ground floor levels from financial services office (A2) to cafe/restaurant (A3) with associated external alterations including extract duct to rear and new sliding doors to front elevation. Application returned.

- 3.3. **BH2013/00338** Change of use at ground floor and lower ground floor levels from financial services office (A2) to cafe/restaurant (A3) with associated external alterations including extract duct to rear and new sliding doors to front elevation. Withdrawn.
- 3.4. **BH2012/03629** Demolition of 3no garages to rear (retrospective). Approved 21.01.2013
- 3.5. **BH2012/03093** Change of use of first floor office to 2no one bedroom flats and 1no studio flat with associated alterations including replacement of existing windows to first, second and third floors to front elevation and first floor to rear elevation. Refused 11.12.2012.
- 3.6. **BH2012/03092** Change of use at ground floor and lower ground floor levels from financial services office (A2) to café/restaurant (A3) with associated external alterations including extraction duct to rear and new sliding doors to front elevation. Refused 21.01.2013.
- 3.7. **BH1997/00371/FP** Change of use from B1 office to D2 place of worship. Withdrawn

4. REPRESENTATIONS

None

5. CONSULTATIONS

- 5.1. **Heritage:**
Comments 15 April 2020 No objection subject to condition relating to materials and finishes, including colour, and 1:20 scale window details. The proposal would better reflect both the historic and current rhythm of this group/terrace of buildings. The resulting building would not cause any harm to the setting of the locally listed Baptist Church and would have little impact on the setting of the listed building at number 26. The fifth floor should be contemporary in design to reflect the building below and should have a more lightweight appearance. It should have a flat - not sloped - frontage and be set back on the upper line of the roof as drawn on the south elevation.
- 5.2. *Amendments received 23 April 2020:* The design would achieve a more appropriate, contemporary design appearance. The visual heaviness of this storey could be mitigated by choice of a lighter colour cladding material.
- 5.3. **Sustainable Transport:** No objection subject to conditions relating to the retention of the parking area, cycle and disabled parking provision
- 5.4. **CAG:** Objection
 The proposal does not enhance this important streetscape or view from Valley Gardens CA and will dwarf the important Baptist Church to the immediate south. The increased height will visually jar the eye when looking from

Gloucester Road. CAG calls the application to be heard by the Planning Committee.

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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
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):

TR4	Travel plans
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
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to principle of the development, the impact on the character and appearance of the streetscene, conservation area and on the setting of nearby listed buildings, neighbour amenity, highways and sustainability issues.
- 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 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 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).

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 proposal provides 4 new units comprising of 1 no. one bed dwelling, 1 no. two bed dwelling and 2 no. studios. Whilst the proposed housing mix provided is limited, given the restrictions of the application site in terms of amount of extra development the site can contain whilst ensuring that the character and appearance of the Conservation Area is preserved, it is considered that the proposed housing mix in this instance is acceptable.

Design and Appearance:

- 8.6. 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. Likewise, 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. Case law has held that the desirability of preserving the character or appearance of a conservation area or listed building and/ or its setting must be given "considerable importance and weight".
- 8.7. Lombard House at 20-22 Gloucester Place is an unattractive early 1960s office block (now in part residential use) over 4 storeys which was identified in the Valley Gardens Conservation Area Study and Enhancement Plan as detracting from the appearance and character of the conservation area due, in particular, to its undue horizontal emphasis.
- 8.8. The proposed additional storeys would enable the redesign of the front elevation to provide a more vertical proportion, with divisions to form four 'bays' and more consistent fenestration. It is considered that this would better reflect both the historic and current rhythm of the group of buildings. Following comments from the Council's Heritage officer the proposed top storey has been amended from a sloping to a flat frontage and is set back on the upper line of the roof. This fits in with the character and appearance of neighbouring properties, some of which have similar inset top storeys.
- 8.9. It is acknowledged that the resulting building would exceed the height of the locally listed Baptist Church, however it is not considered that this would cause any harm to its setting. The Church is modest, has never been a landmark building and its setting in this respect does not contribute greatly to its significance. Gloucester Place has been much more significantly redeveloped in the 20th century than other frontages in the area, with buildings of generally larger scale; therefore, the historic setting of the Church has already been significantly altered. Furthermore, it is considered that the change in scale of the application site would provide a greater contrast that would emphasise the qualities of the Church.

- 8.10. The proposal would have little impact on the setting of the listed building at number 26. From Gloucester Road in the North Laine the additional scale, where glimpsed, would cause no significant harm.
- 8.11. The concerns of the Conservation Advisory Group (CAG) with regard to the impact of the proposal on the streetscape, the Valley Gardens Conservation Area and the Baptist Church are noted. However, the Council's Heritage officer does not object to the scheme for the reasons outlined above which provide, subject to conditions relating to materials, finishes and colour, persuasive arguments in support of the design approach.
- 8.12. It should also be noted that although CAG state that the Baptist Church is a Grade II listed building, this is incorrect - the Church is, in fact, a locally listed heritage asset.
- 8.13. Overall, for the reasons outlined above, it is considered that the proposal would cause no harm to the building, surrounding streetscape or conservation area, and would not detrimentally impact on the setting of nearby listed buildings.

Standard of accommodation:

- 8.14. 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).
- 8.15. The government has published room and unit sizes which are considered to represent the minimum acceptable size for rooms and units, in the form of the 'Technical housing standards - nationally described space standard', March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standard of accommodation. They provide a useful reference point in assessing standard of accommodation for dwellings size and no. of occupants. 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.
- 8.16. Proposed Flat 5 on the fourth floor would have two bedrooms and at 62m² complies with the Government space standards for a two bed, 3 person flat (61m²). Proposed Flat 7 on the fifth floor would have one bedroom and, at 50m², with a double bedroom, also complies with the Government space standards for a one bed, 2 person flat (50m²). The 2 no. studios (nos. 4 and 6) would measure 39m² and, again, are in line with Government guidance for a single person dwelling (39m²). All units would benefit from good levels of light, outlook and circulation space.
- 8.17. There is one balcony on each floor, each shared between two of the proposed units. It is recognised that this is not fully private outdoor space and is therefore not ideal; however, the constraints of the site are recognised. Additionally, the site is in a central area within the city, easily accessible to public amenity spaces.

- 8.18. The new units would share the existing on-site communal refuse and recycling facilities which is considered to be acceptable.

Impact on Amenity:

- 8.19. 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.
- 8.20. The property is adjoined by a Church building immediately to the south. To the rear, the car park is enclosed by the blank flank wall of the six-storey property immediately to the north. The predominantly east-west aspect of the proposed fenestration would not cause significant overlooking, given the orientation of the site in relation to its immediate neighbours and, moreover, the distances involved to the nearest residential properties to the east (in excess of 30m) and west (some 70m). Likewise, the increased height and bulk would cause no harmful overshadowing or overbearing impact on neighbours.
- 8.21. Overall there would be no significant impacts on adjoining occupiers in terms of loss of privacy, light and outlook.

Sustainable Transport:

- 8.22. The proposal would increase the number of trips to the site, however the impact is not likely to be significant enough to warrant refusal of the application.
- 8.23. The proposed cycle parking provision (12 spaces) is welcomed subject to further details of the spacing, stands and shelter design. This can be secured by condition.
- 8.24. The applicant is proposing 5 standard parking spaces and 2 disabled parking spaces for the site which is deemed acceptable and is in line with the City Council's maximum Parking Standards SPD14.
- 8.25. However, the Council's Highways Officer has noted that the disabled parking bays are not designed as per government guidance (TAL 05/95, Manual for Streets, Inclusive mobility) or BS8300. All disabled bays must have 1.2m hatched areas on both sides of the spaces. It is therefore requested that the parking area is amended to accommodate this. Again, this can be secured by condition.

Sustainability:

- 8.26. 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.
- 8.27. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site. A condition requiring a bee brick has been attached to improve ecology

outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. EQUALITIES

- 9.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings is not achievable as they would be located on upper floors without lift access. 2 no. disabled parking spaces are proposed.

