

<u>No:</u>	BH2016/02846	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Bampfield Street, Portslade		
<u>Proposal:</u>	Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	01.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Deacon and Richardson Architects	253 Ditchling Road	Brighton BN16JD
<u>Applicant:</u>	Mr Michael Shoulders	17 Bampfield Street	Portslade BN41 1SE

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

S106 Heads of Terms

- A Transport Contribution of £7,200 to be allocated towards pedestrian facility improvements on routes between the site and local facilities including parks and schools. This will include dropped kerbs and tactile paving at, but not limited to, the junction of Bampfield Street, Buckler Street and Hurst Crescent.
- A Residential Travel Plan to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
 - 2 month public transport voucher per household for first occupant;
 - The provision of welcome packs including public transport routes, timetables and walking and cycling maps for first occupant.
 - An affordable housing contribution of £87,500.

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	3598.PL.001 (PROPOSED)		29 July 2016

Location and block plan	3568.EX.001 (EXISTING)		29 July 2016
Floor Plans Proposed	3568.PL.100 (GFF)		29 July 2016
Floor Plans Proposed	3568.PL.101 (FF)	A	27 November 2017
Floor Plans Proposed	3568.PL.102 (SF)	A	27 November 2017
Sections Proposed	3568.PL.200 (AA AND BB)	A	27 November 2017
Elevations Proposed	3568.PL.300 (E AND S)	A	27 November 2017
Elevations Proposed	3568.PL.301 (N AND W)	A	27 November 2017
Streetscene elevation proposed	3568.PL.302		29 July 2016

- 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 above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or provision within the curtilage of the dwellings, as provided for within Schedule 2, Part 1, Classes A-E, other than those expressly authorised by this permission, shall be carried out within the curtilage of any dwelling house.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policy QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

- 6 No development 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:
- The phases of the Proposed Development including the forecasted completion date(s)
 - 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
 - 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)
 - A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - Details of hours of construction including all associated vehicular movements
 - Details of the construction compound
 - A plan showing construction traffic routes
 - An audit of all waste generated during construction works

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 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.

- 7 The dwellings hereby approved shall be completed in accordance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to the first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice or Initial Notice to enable building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 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 has achieved a water efficiency standard using not more than 11litres 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.
- 10 The development hereby approved shall not be first occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. They shall be retained as approved and for that use thereafter.
- 11 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) An intrusive site investigation report as per the recommendation contained within the Preliminary Ground Contamination Risk Assessment Report, Ashdown Site Investigation Ltd Report No. R16-11471/ds and dated June 2016.
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then:
 - (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 12 The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (11)b that any remediation scheme required and approved under the provisions of condition (11)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 site is potentially contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The local planning authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.

3. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received both during construction and after completion with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
4. 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.
5. The water efficiency standard required 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 application site relates to a corner plot on the junction of Bampffield Street and Buckler Street. The site comprises a part single and part two storey building which has been extended over a period of time to occupy the majority of the site with a small yard to the rear and an access alleyway running parallel to the western boundary. The existing building is used as a mixture of retail (Class A1) with a shop forecourt to the front of the building for and a light industrial workshop (Class B1) over the rest of the site.

- 2.2 The site sits within a low point of Bampfield Street which rises to the east and west. The area is residential in character with a mixture of two and three storey terraced properties of mixed styles. The site backs onto the gardens of a number of residential units on Elm Road.
- 2.3 The application seeks permission for the demolition of the existing unit and the erection a part two, part two and one half storey building comprising a studio flat, two one bedroom flats and three two bedroom houses. The flats would be set in a block located on the junction of Bampfield Street and Buckler Street whilst the houses would be terraced, adjoining the block to the south and fronting onto Buckler Street.
- 2.4 The application has been amended from the original submission by way of the internal alteration to the second floor flat to form a studio rather than the previously proposed one bedroom flat. Furthermore the fenestration has also been revised in order to improve the light and outlook of the rear bedrooms within each of the proposed terraced properties.

3. RELEVANT HISTORY

BH2016/00595 - Certificate of Lawfulness for existing use of property as a Sui Generis mixed use of retail (A1) and light industrial (B1). Approved April 2016.

3/86/0780 - Change of use to include garden machinery sales and servicing together with existing light engineering and alterations to front and side elevations. Approved November 1986.

3/82/0707 - Front extension to factory workshop to display goods for sale. Approved 23 December 1982.

3/79/0683 - Change of use from light engineering and manufacture of thermometers into light engineering and lawn mower servicing. Approved 30 November 1979.

4. REPRESENTATIONS

Sixteen (16) letters have been received objecting to the proposed development for the following reasons:

- Overlooking from end working
- Increase overstretched parking
- The area can't take more housing
- The street is narrow with limited parking
- No facility for car parking
- One storey higher than any other houses in the block
- Overshadowing
- Loss of privacy
- Increase in noise and disturbance from the construction

- Not in keeping with the area
- The change of use would not reduce traffic and parking, especially at night
- Too many properties
- On street parking is already a huge problem
- The balcony is out of character
- Ambitious for the size of the site
- New builds are not in character with the street
- Noise and mess in a very small road
- Increase in general noise and comings and goings
- Would prefer new homes of a size suitable for families
- Extra strain on drainage system, flooding in 2014 and 2015
- Would restrict access for emergency vehicles
- Other building works on Abinger Road have already caused ongoing disruption

Following an amended description and a second consultation period (28/12/16) a further **six (6)** letters have been received objecting to the proposed development for the following reasons:

- No clear indication of the amended documents
- Letter has not been sent to all of the residents who objected
- It is unbelievably ridiculous to build and homes in the space that would be left in the area.
- No space for garages in an already overcrowded area
- We still stand by our original objections
- 2 homes with gardens and parking would be far more reasonable.
- Associated traffic works would be a nightmare
- Too many small flats have been proposed
- Multiple flats is not in keeping with the rest of the street.
- Lack of parking
- Two of the buildings would be one storey higher than any other block.
- Overshadowing, overlooking, loss of privacy
- Increase in noise disturbance
- Are they affordable houses?

Following the additional consultation (28/12/16) a further **two (2)** letters have also been received providing the following comments:

- No clear indication of amendments
- No updates to comment on

5. CONSULTATIONS

5.1 Sustainable Transport: No objection

The Highway Authority would recommend that a £7,200 sustainable transport contribution is secured by S106 agreement. In addition, a scheme of Travel Plan measures, including public transport voucher, would be requested. It is considered that such measures are necessary in the context of forecast on-

street parking demand and will provide adequate mitigation for the associated impacts.

5.2 Environmental Health No objection

If the proposal is granted, in order to ensure that the measures detailed in the application and associated reports are implemented and effective, I would recommend applying conditions securing an intrusive site investigation report, a detailed scheme for remedial works and measures to be undertaken and a written verification report.

5.3 Planning Policy Comment

Policies CP3 and SR8 would still apply in this case. It would be preferable to see evidence of marketing of the site for continued employment use, however it is recognised that that the close proximity of residential premises and narrow streets would limit the range of industrial uses that the site would be suitable for.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 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
- CP3 Employment land
- CP4 Retail provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity

CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

Brighton & 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
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
SR8 Individual shops

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations material to this application are the principle of the development on the site, the impacts of the proposed dwellings on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability and traffic issues.

8.2 Principal of Development

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 Loss of Existing Use:

The application seeks consent for the change of use of the existing mixed use retail and light industrial into 6 residential units. The proposed construction of 6 new dwellings would make a meaningful contribution to housing supply in the

city however this must be weighed up against the loss of the existing use on site.

- 8.4 The premises are being used for a combination of light industrial and retail uses with ancillary storage and office space which has been confirmed under application **BH2016/00595** as a mixed B1 and A1 (Sui Generis) use. The retail element occupies the front of the premises and includes a showroom/shop frontage including a range of garden equipment and machinery for sale. The light industrial element covers the majority of the site with areas of impromptu storage interspersed with machinery for the maintenance and servicing of garden equipment.
- 8.5 The site is located within a street consisting of entirely residential uses. The site is surrounded by residential uses and backs onto a number of residential gardens adjoining the site to the south and west.
- 8.6 Part 5 of Policy CP3 of the Brighton and Hove City Plan Part One states that loss of unallocated sites or premises in employment use will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.7 Policy SR8 of the Brighton and Hove Local Plan relates to individual shops. This policy states that planning permission for changes of use of individual shops will only be permitted provide that the following criteria are met;
- a) The shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
 - b) It has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and
 - c) The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.
- 8.8 The proposed scheme would result in the loss of 355sqm of A1 and B1 (Sui Generis) floorspace. As stated above, policy CP3 seeks the protection and retention of employment uses on unallocated sites and policy SR8 seeks the retention of individual shops outside of the defined retail areas. Whilst the existing site does include elements of both retail and light industrial, the use as a whole does not fall entirely into either use class. As the site does not fall wholly under either use class the policy therefore does not clearly apply in this instance.
- 8.9 If the view is taken that the policy does apply, both criterion (a) and (c) of SR8 have been met as set out below. In relation to criterion (a) of policy SR8 the existing site is located within easy walking distance (0.7m) of the retail area of Boundary Road which includes a multitude of retail uses which would cater for potential future residents. Furthermore the applicant has provided details of a

comparable shop providing a similar service which is also located within walking distance (0.7m) of the site. In addition the applicant has identified that the premises has been reducing activity in recent years and will be closing down regardless of the outcome of the application.

- 8.10 Further details relating to criterion (c) are outlined in more detail below.
- 8.11 There is a lack of evidence in order to address policy CP3 as none has been submitted in order to demonstrate redundancy of the site with regard to employment uses.
- 8.12 It would have been preferable see evidence of marketing of the site for continued employment use, however it is recognised that the close proximity of residential premises and narrow streets would limit the range of industrial uses that the site would be suitable for. Furthermore given the size of the property, it would most likely meet the needs of a small or medium-sized enterprise (SME).
- 8.13 The Employment Land Study (2012) identifies that SMEs play an important role in the economic vitality of the city, and that there is a need for affordable premises for such firms. However, it also recognises that such firms - particularly those in the creative, design and information technology sector - have a strong preference for city centre locations, close to public transport links and other city centre facilities. It identifies that vacancy levels for industrial floorspace is low in the city, but that this is largely driven by the inability of existing firms to find suitable space of a reasonable quality and size for expansion or relocation.
- 8.14 On balance therefore, given the nature and limited usability of the existing site, the residential location in addition to the circumstance that the business will cease to operate regardless it is considered that the proposed construction of 6 new dwellings would overcome the loss of employment space in this instance.
- 8.15 **Design and Appearance:**
The application site comprises a part single, part one and half storey and part two storeys building which has been extended over a period of time to encompass the entire site, having previously been two separate units, and as a result has a somewhat disconnected appearance with various roof forms, pitches, materials and fenestration. The existing building is not considered of architectural merit and in its current form fails to respect the character of the streetscene and its demolition is therefore welcome, however design implications of the proposed building are considered in more detail below.
- 8.16 The existing character of the street is varied consisting of two storey terraced buildings to the north of Bampfield Street in addition to the west and south of the street, whilst to east of the site is a terrace of three storey properties with projecting bay windows and dormer windows set at eaves level. Bampfield Street is set on a moderate gradient which rises to the east and west away from the application site, which rests at a low point within the street. The street consists of a mixed palette of materials ranging from exposed brickwork of

various finishes, rendered brick, and pebbledash. The properties to the south of Bampfield Street are set hard onto the pavement with no setback whilst the properties to the north are setback from the pavement with front gardens and low garden walls.

- 8.17 The proposed built form would be set in an 'L' shape at the junction of Bampfield Street and Buckler Street. The section fronting onto Buckler Street would consist of three two storey terraced buildings with two storey mono-pitch roof projecting outriggers with a single storey infill section to the rear. The two storey terrace would step up to a two and a half storey block fronting onto Bampfield Street, leaving an exposed brick gable wall facing to the south. The block would include dormer windows at roof level and a projection to the western end in addition to a projecting bay to the north elevation. The building footprint would be reduced when compared to the existing footprint in order to create external space to the western edge of the site.
- 8.18 The terraced houses would have a ridge height of 7.4m (with a projecting firewall) compared to the 6.4m / 5.3m ridge of the existing site. The taller block would have a ridge height of 9.5m compared to the 5.3m ridge height of the existing section of the building in this area of the site. The terraced buildings to the west of the site have a ridge height of roughly 8.8m which rises steadily with the topography to the west. The three storey terrace to the east of the site would have a ridge height of approximately 10.4m which also rises with the slope to the east. The proposal at 9.5m would therefore sit between the two structures.
- 8.19 The proposed buildings would be finished in a mixture of rendered and exposed brick with a brick corbel detail at eaves level. The roof would be finished in fibre cement slate effect tiles and the windows would be powder coated aluminium. Full details of materials can be sought by condition.
- 8.20 It is considered that the overall design, form and massing of the proposal would respond well to the varied height, form, material finish and topography of the area and would be an improvement over the existing harmful building, is therefore considered acceptable.
- 8.21 **Landscaping:**
The majority of the site would consist of the built form itself with small gardens with some planting provided to the rear of the terraced properties which would be an improvement compared to the lack of existing biodiversity. The landscaping is therefore considered acceptable.
- 8.22 **Impact on Amenity:**
The level of separation between the application site and the properties to the north of Bampfield Street in addition to three storey properties to the east and Elm Court to the south-west is considered sufficient in order to avoid any detrimental impact on terms of loss of outlook, loss of light or overlooking.
- 8.23 The main area of concern relates to the properties to the west, 19-25 (odd) Bampfield Street and 104 to 112 (even) Abinger Road, and the properties to the

south 6-20 (even) Elm Road. The application site adjoins several rear gardens adjacent in addition to a side and rear access alleyway.

- 8.24 The ridge height of the terraced properties would measure approximately 1m taller than the tallest part of the existing building and as a result would be visible when viewed from the rear elevation and rear gardens of the neighbouring properties. Whilst the height and bulk of the building would be increased on the boundary, the properties would be setback from the western boundary in comparison to the existing building. This is considered sufficient in order to reduce any overbearing impact or loss of light to the majority of impact to the adjacent properties.
- 8.25 Whilst the block of flats would be set closer to the boundary, it would be set level with 19 Bampffield Street which would restrict impact on the adjacent property. It is noted that the structure would result in a loss of light and outlook to the first floor eastern side elevation window of no. 19 however it has been confirmed that this window serves a stairwell. The resultant impact therefore is not considered significant.
- 8.26 The southernmost terraced property would be set on the southern boundary of the site and therefore would be visible from the rear windows and gardens of nos. 6-12 (even) Elm Road. Whilst the proposed structure would increase the height and bulk on the boundary there is an existing level of impact from the current structure and mixture of roof forms with fenestration which directly overlooks neighbouring gardens. Furthermore the main private amenity areas directly adjacent to the properties on Elm Road would be retained and the outlook would be largely maintained. The resultant relationship is not dissimilar to other residential arrangements within the vicinity.
- 8.27 Turning towards overlooking and loss of privacy, the windows proposed at first floor level to the western rear elevation of the terraced properties would be high level which would restrict views towards neighbouring properties. The first floor windows to the southern elevation of each terraced property would look towards the adjacent outrigger, allowing only for oblique views towards neighbouring properties whilst the first floor window to the southern property would be obscure glazed. Furthermore the proposed 1.8m privacy screen to the south and west sides of the balcony would restrict overlooking.
- 8.28 On balance therefore, and in addition to the nature of the proposed residential use which is likely to result in less of an impact in comparison to the existing retail / light industrial use in terms of noise and general neighbouring amenity, the proposal is considered acceptable in terms of neighbouring amenity, in accordance with Policy QD27.
- 8.29 **Standard of Accommodation for Future Occupiers:**
The scheme results in the formation of six residential dwellings. The proposed layout and floor area of the new units has been designed in line with the Governments Technical Housing Standards - Nationally Described Space Standards Document. Following amendments including the revision of the second floor one bed flat to a studio apartment and the installation of additional

glazing, the proposed development would provide appropriate sized units with adequate light and outlook to all habitable rooms.

- 8.30 Policy HO5 requires the provision of private outdoor amenity space for residential development. The scheme includes a small patio area with bicycle storage and refuse at ground floor level to the rear for each terraced dwelling. Furthermore the ground floor flat would include a small outdoor area with bicycle storage and refuse. The first and second floor flats would each include a balcony area.
- 8.31 The outside areas to the terraced properties would be restricted in size; however, due to the restrictions of the site and the urban context, there is limited scope for the formation of any larger areas and the rear garden would be comparable to other units within the vicinity. Furthermore the proposed areas would allow an outside area, with bicycle storage and refuse for each of the houses which although limited would be usable. On balance therefore, and in conjunction with the standard provided within the properties, the scheme is considered appropriate in relation to policy HO5.
- 8.32 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. As it appears that a level access is feasible, it will be secured by condition that the proposed development would meet the relevant optional building control standard to comply with current national standards.
- 8.33 **Affordable Housing:**
CP20 of the City Plan Part One (adopted 24 March 2016) requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper (approved by Economic Development & Culture Committee on 16 June 2016) the 6 new the representative provision of affordable housing would be a 1bedroom flat which in Zone 3 equates to a total contribution of £87,500.
- 8.34 The general approach to the calculation is set out in the Council's Developer Contributions Technical Guidance. The commuted sum payment is based on a sum equal to the difference between Open Market Value and Affordable Housing Value.
- 8.35 The applicant has agreed to pay the required contribution which will be sought via a Section 106 Agreement.
- 8.36 **Sustainable Transport:**
Pedestrian access would be directly from Bampffield Street and Buckler Street which is acceptable. It is noted however that facilities for pedestrians within the vicinity of the site would benefit from improvement with a number of junctions

not having dropped kerbs and tactile paving. It is recommended that the applicant be required to contribute to such improvements, further details of which are provided below.

- 8.37 No car parking is proposed. Whilst the Highway Authority would not be opposed in principle, it would have been beneficial if the applicant had submitted a parking survey in order to fully assess the impacts of the development on surrounding streets.
- 8.38 Average car ownership for South Portslade ward according to the 2011 Census is 1.02 per household, though this would typically be lower for flats. This would suggest that the proposed development could be expected to generate additional on-street parking demand by up to five vehicles, particularly as there are limited on-street parking controls within the vicinity of the site. Although there will be some demand associated with the existing retail use, this is likely to be during the day. In contrast, the proposed residential use will generate demand at a time when parking stress on surrounding streets is at its highest.
- 8.39 In order to mitigate this, it is recommended that the applicant be required to submit a scheme of Travel Plan measures, including a two month public transport voucher per household, in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.
- 8.40 It is noted that no disabled parking is proposed with SPD14 requiring one space per ten dwellings. However, the area of public highway on Buckler Street adjacent to the development could accommodate a disabled bay without a reduction in general provision were a future resident to request one. Given that the site is located outside of a Controlled Parking Zone and individual bays would not be marked, it is not considered appropriate to revise current restrictions and provide unrestricted general parking in this area.
- 8.41 SPD14 requires a minimum of one cycle space per dwelling plus one space per three for visitors. This would equate to seven spaces for the proposed development.
- 8.42 The plans indicate that cycle storage will be provided to the rear of each of the houses. This appears to be means of a secure cycle locker which would be accessed via the rear passageway. This would be acceptable in principle, though further details of the stores are requested by condition.
- 8.43 In addition, three spaces are shown within the ground floor common area of the flats although the design is unclear. It is therefore recommended that further details again be obtained by condition.
- 8.44 Whilst it is not considered that the total number of trips will increase substantially from the existing use, the timing of trips will vary. However, it is not considered that this could be deemed in itself to amount to a severe impact and no objections are raised.

- 8.45 The nature of trips will however change and it is considered that there is a need for the applicant to contribute to improvements to footways in the immediate vicinity of the site. This is to help provide for the needs of those of all abilities accessing the development on foot in accordance with policy CP9 of the Brighton & Hove City Plan Part One. A S106 contribution of £7,200 is therefore requested in accordance with the council's standard contributions formula
- 8.46 Given the location within a residential area with narrow streets, and scale of the development including demolition, it is recommended that a Construction Environment Management Plan be secured by condition.
- 8.47 **Sustainability:**
Policy CP8 of the City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This shall be secured by condition.
- 8.48 **Conclusion:**
The proposal of 6 new dwellings within a residential setting would make a meaningful contribution to housing supply in the city whilst and would enhance the character and appearance of the streetscene whilst preserving the wider setting, in addition to providing an acceptable standard of accommodation for future residents. The development would not result in significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance. On balance therefore, the overall benefits of the scheme are considered to outweigh the loss of employment space in this case.

9. EQUALITIES

- 9.1 None identified.