

<u>No:</u>	BH2020/01619	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	17.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	12.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.09.2020
<u>Agent:</u>	Absolute Town Planning Ltd Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	Deller Holdings Limited C/o Absolute Town Planning Ltd		

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 on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- 20% financial contribution (calculated at £238,750)

Sustainable Transport:

- £6,400 contribution towards improving transport infrastructure and services in the immediately vicinity of the development site.

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	03/2003772		17 June 2020
Proposed Drawing	04/2003772		17 June 2020
Proposed Drawing	05/2003772		17 June 2020
Proposed Drawing	06/2003772		17 June 2020
Proposed Drawing	07/2003772		17 June 2020
Proposed Drawing	08/2003772		17 June 2020

Proposed Drawing	09/2003772		17 June 2020
Proposed Drawing	10/2003772		17 June 2020
Proposed Drawing	11/2003772	A	12 August 2020
Proposed Drawing	12/2003772		17 June 2020
Proposed Drawing	16/2003772	A	12 August 2020
Proposed Drawing	17	A	17 June 2020
Proposed Drawing	18	A	17 June 2020
Proposed Drawing	19	A	17 June 2020
Proposed Drawing	20	A	17 June 2020
Proposed Drawing	21	A	12 August 2020
Proposed Drawing	22	A	17 June 2020
Proposed Drawing	23	A	17 June 2020
Proposed Drawing	24	A	12 August 2020
Location Plan			17 June 2020
Block Plan			17 June 2020

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place 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:
- a) physical samples of all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - b) specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means of drainage shall be provided); and
 - c) 1:20 drawings with materials and finishes annotated for the front balcony at roof level.

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 HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. A bee brick shall be incorporated within the external walls 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 SPD11.

5. A swift brick shall be incorporated within the external walls 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 SPD11.

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct

run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

7. Prior to the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures (if applicable) and confirmation of location, species and sizes; and
- c. details of all boundary treatments to include type, position, design, dimensions and materials.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies SU3, SU5, SU9, QD15 and QD16 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

8. Access to the flat roof to the building hereby approved shall be for maintenance or emergency purposes only and the flat roof 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 Policy QD27 of the Brighton & Hove Local Plan.

9. Notwithstanding the elevations hereby approved, no development above ground floor slab level of the development hereby permitted shall take place until 1:20 elevations of the windows to the living space on the south façade have been submitted and approved by the Local Planning Authority. These windows shall be obscure glazed and top-hung casements. The approved details shall be fully installed and thereafter retained.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Policy QD27 of the Brighton & Hove Local Plan.

10. 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.

11. The extended / relocated crossover and accesses shall be constructed / reinstated (by raising the existing kerb and footway) prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

12. Notwithstanding the drawings hereby approved, 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. The location of the cycle store shall not give rise to overlooking of the patios serving the bedrooms of the ground floor flats.

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.

13. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

14. 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;
- (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:** To protect amenity, manage highway safety and waste throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, 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 SPD03 Construction and Demolition Waste.

15. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
16. 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.
17. 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.

Informatics:

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. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local

Government document 'Guidance on the permeable surfacing of front gardens'.

5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. 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.
7. The water efficiency standard required under Condition 17 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.
8. If future occupiers of the flats hereby approved are minded to install rear balconies or terraces then this would require an application for planning permission to be submitted to the Local Planning Authority.
9. Tall and / or dense planting to the rear boundary of the application site should be included within the submission to discharge Condition 7 of this permission in respect of landscaping and boundary treatment.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two storey dwellinghouse built in brown brick with a front projecting element, a gabled roof form, a front porch with a portico, white uPVC windows with shutters and quoin detailing. It has a large hardstanding area to the front (west) used for car parking, with a sloped driveway leading up from a crossover constructed with 'Wealden Cream' Candy blocks. The boundary walls are also brown brick with white railings.

- 2.2. The subject property is located on the eastern side of Goldstone Crescent between the junctions of The Droveway to the south and Woodruff Avenue to the north. Hove Park is directly opposite to the west.
- 2.3. The building is not within a conservation area, not a listed building or in the vicinity of one, but is opposite the locally listed Hove Park. The site is also within Ground Source Protection Zone 2 and, whilst it is surrounded by Controlled Parking Zone (CPZ) P, it is not within a CPZ.
- 2.4. The current application seeks planning permission for the demolition of the existing house and the erection of a three storey building with accommodation in the roofspace to provide 2 x three bedroom flats and 5 x two bedroom flats (Planning Use Class C3) with associated landscaping and parking.

3. RELEVANT HISTORY

- 3.1. **BH2002/02862/FP:** Rear conservatory. Approved 26 November 2012
- 3.2. **BH2007/00668:** First floor rear extension. Approved 14 May 2007
- 3.3. **PRE2020/00018:** Demolition of 2no existing detached dwellings and erection of 2no apartment blocks consisting of 4no 2 bed and 3no 3 bed flats per block, totalling 14 flats. Response issued 26 February 2020 giving the following advice:
 - Whilst the provision of 14 family sized dwellinghouses that contribute to the Council's housing target and address an identified housing need are supported in principle, the unit mix does still require justification and an affordable housing contribution is required;
 - The densification of the site is supported, but notwithstanding that, the proposed siting, roof typology, materiality, balcony design, widths and proportions of the buildings are all considered unacceptable without justification;
 - The scale and massing is otherwise considered acceptable, although care should be taken to avoid overshadowing, a loss of sunlight, outlook or privacy and the creation of a sense of enclosure;
 - The landscaping of the site requires further consideration, including SUDS, the use of and access to the rear garden, biodiversity gains and the car parking arrangement;
 - The dwellings should provide adequate floor space and bedroom sizes, sufficient floor to ceiling heights, maximise daylight and sunlight, and have usable balconies; and
 - The impact of the overspill parking generated by the proposal should be addressed, adequate cycle and bin storage should be provided and the LPA consider that a financial contribution towards improving transport infrastructure and services is required.
- 3.4. Of relevance at 57 Goldstone Crescent:

BH2020/01620: Demolition of existing house and erection of three storey building with accommodation in roofspace to provide 2no three bedroom flats and 5no two bedroom flats (C3) with associated landscaping and parking. Awaiting determination (this Committee).

4. REPRESENTATIONS

- 4.1. **Nine (9) objections and one (1) comment**, one of which is from a property directly affected, have been received to the proposal on the following grounds:
- A large proportion of houses around Hove Park are being or have been demolished, which is having a detrimental effect on the architecture and the style of the general area and of Hove as a whole.
 - The proposal is the overdevelopment of family houses into yet more small flats. This would decrease the property value of the road.
 - The additional numbers of cars will have a negative effect on an already busy and narrow street, and traffic and noise will inevitably increase. There will not be enough space to provide car parking for all the flats planned.
 - 'Temporary overspill' whilst waiting for car ownership to decrease is a weak mitigation for the under-provision of car parking. Getting in / out of the 3 spaces require manoeuvres that would block traffic and the proposed building should be positioned further back to prevent reversing.
 - There's a lack of high quality affordable family homes available in the area.
 - The traffic survey was conducted during the lockdown period and so there are currently significantly less cars parked and moving at present.
 - School places in local primary schools are already over-subscribed.
 - No reference is made to the Toads Hole Valley transport plans that will funnel a significant amount of traffic into Goldstone Crescent.
 - This block of flats is completely out of keeping with the row of large detached houses and will set a precedent in increasing the density of the area. The design is ugly, overbearing, out of proportion and will alter the pleasant outlook from the park.
 - If any of the flats are let to Airbnb the likelihood of them becoming a party venue by many people is extremely high and will probably cause a lot of loud noise.
 - There is no public transport nearby, thus increasing the probable use of private cars or taxis and the accompanying unavoidable noise, disturbance and pollution.
 - The kitchen windows on the southern elevation and balconies will cause a loss of privacy to a garden, kitchen and bedroom.
 - The proposed building will cause overshadowing and a loss of light due to its closeness. It has failed the light test in the test report submitted.
- 4.2. **Councillor Brown** has objected to the application. A copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. **Transport:** Recommend approval

No significant changes are proposed to the pedestrian access arrangements onto the adopted highway and this is deemed acceptable.

- 5.2. The site is on National Cycle Network (NCN) Regional Route 84 and relatively close to the COVID-19 Transport Action Plan temporary measures cycle network route along the A270 Old Shoreham Road.
- 5.3. For this development the minimum cycle parking standard according to SP14 is 10 spaces (9 for residential units and a visitor space). The cycle store proposed is not policy compliant as its inconveniently located up a stairway and to the rear of the site. Furthermore, there are fewer than 10 spaces offered, no precise location and no details of the type, design, materials and dimensions of the cycle store and no lighted footpath to and from it. Cycle parking is thereby requested by condition.
- 5.4. There are somewhat limited opportunities for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, the lack of dedicated, for sole use only on-site disabled car parking is not considered to be an issue.
- 5.5. No significant alterations to the current servicing and delivery arrangements to this site are proposed and this is deemed acceptable in principle. However, amendments are sought to the location of the proposed bin store as it is behind car parking spaces so inconvenient to access for use and collection.
- 5.6. However, the design does not include a turning head, but features boundary walls over 600mm high (bad for visibility, security and view of the park) and vehicle swept path analysis drawings of vehicles entering into the site in a forward gear. It needs to be demonstrated through amended drawings that vehicles can safely reverse into and then leave the site in a forward gear to avoid refusal against Policy TR7.
- 5.7. Also, the existing vehicle access will not be correctly aligned and therefore a condition for the new / extended or relocated crossover is requested in order to make any necessary changes to the existing vehicle access arrangements onto the adopted highway, including construction in 'Wealden Cream' Candy blocks. Vehicle crossovers are only permitted up to 5.5m wide.
- 5.8. The driveway and hardstanding materials should be porous and / or permeable and no surface water should run-off onto the adopted highway. This should be conditioned.
- 5.9. Whilst the submission of a Transport Statement with a Lambeth Methodology survey is noted, being that the site is next to the park, the situation observed is normally very different during the day over the weekend and on a Sunday, which has probably been accentuated even more during the COVID-19 lockdown period. The implication is that future occupants and visitors to the

site may have difficulty finding an on-street car parking space nearby during the day and in particular on a Sunday.

- 5.10. For this development the maximum car parking standard according to SP14 is 10 spaces (1 per unit for residents and 1 per pair of units for visitors). Therefore, the three car parking spaces proposed are compliant.
- 5.11. A ‘retention of parking area’ condition should be attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.12. This section of Goldstone Crescent is located just outside Controlled Parking Zone (CPZ) P so any overspill cannot be controlled and the site cannot to be made ‘car free’. Like their neighbours, the future occupants of the flats will not be able to apply for any residents parking permits in any of the other CPZs.
- 5.13. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity.
- 5.14. However, there would be a cumulative increase in trip generation by all forms of transport and therefore a Sustainable Transport Contribution of £6,400 is sought via legal agreement.
- 5.15. **Southern Water:**
A formal application for a connection to the public foul sewer is required, and this should be attached to any consent as an informative.
- 5.16. The planning application form makes reference to using Sustainable Urban Drainage Systems (SUDS), which may be adopted by Southern Water if requested by the developer.
- 5.17. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.
- 5.18. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:
 - Specify the responsibilities of each party for the implementation of the SUDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.
- 5.19. It is possible that a public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation into its ownership will be required before any further works commence on site.

- 5.20. The proposed development lies within a Source Protection Zone and therefore consultation with the Environment Agency should ensure the protection of the public water supply source.
- 5.21. Should this application receive planning approval, the following condition is requested to be attached to the consent: "*Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*"
- 5.22. **Environmental Health:** no comment, concerns or conditions to recommend
- 5.23. **Private Sector Housing:** no comments

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 Joint Area Action 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. RELEVANT 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
CP7	Infrastructure and developer contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
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
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
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Other Documents

Urban Characterisation Study 2009
Developer Contributions Technical Guidance - June 2016
East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, affordable housing provision, density, design,

landscaping and biodiversity, their impact on neighbouring amenity, the standard of accommodation, the impact on the highway, and sustainability.

- 8.2. In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.

Principle of development:

- 8.3. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.4. 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 four years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5. The site counts as a small 'windfall site', bringing the benefit of providing six additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of six dwellings (such as that in this proposal) would represent a small contribution.
- 8.6. City Plan Part One Policy CP19 outlines that sites coming forward as 'windfall' development, such as this one, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. All new residential development shall have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.7. Paragraph 4.213 of the supporting text outlines that an estimated 65% of the overall need / demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively), 24% for 1 bedroom properties and 11% for 4+ bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively).
- 8.8. The housing mix is proposed to be 2 No. three bed and 5 No. two bed dwellings. It should be noted that 2 No. two beds, 2 No. three beds, 2 No. one beds and a four bed house would need to be provided in order to be fully compliant with paragraph 4.213.

- 8.9. Nonetheless, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Two and three bed dwellings are in most demand within the city and this site is across from Hove Park, has ample green space and aims to be a family friendly development. In terms of not providing a four bed dwelling, future occupiers would reasonably expect a substantial external amenity space, usually in the form of a private garden, and at least one private car parking space, neither of which can be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family-sized housing.
- 8.10. Accordingly, no in-principle objection is raised to the proposal, and which is considered to be compliant with Policies SS1 and CP19.

Affordable Housing:

- 8.11. It is noted that the applicant is willing to pay the 20% financial contribution (calculated at £238,750) as set out in City Plan Part One Policy CP20 for development of between 5 and 9 dwellings. This contribution can be provided in the form of a Unilateral Undertaking or a Section 106 Agreement.

Density:

- 8.12. To make full, efficient and sustainable use of the land available, new residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dph (dwellings per hectare), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the above criteria can be satisfactorily met.
- 8.13. However, residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. Development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal meets all the criteria listed in Policy CP14.
- 8.14. The site is within the Tongdean neighbourhood where the average gross density is 11 dph. The density is higher for the flats, but consistently lower elsewhere. The proposal would provide approximately 90 dph, which is therefore well in excess of the average for the neighbourhood.
- 8.15. In terms of compliance with CP14, the proposal is considered to be of a high standard of design and would help to create a coherent townscape; it would respect the overall character of the neighbourhood and contribute positively to its sense of place; it would include a mix of dwelling types and sizes that reflect identified local needs; the site is easily accessible by sustainable transport; it is well served by local services and community facilities; it would provide outdoor recreation space appropriate to the demand it would generate. These matters are expanded upon within the relevant sections of this report.

Design:

- 8.16. The immediate surrounds are largely characterised by two storey buildings, albeit they are relatively tall for two storeys, with steep pitched roofs allowing for the loftsphere to be habitable, effectively providing a third floor of living accommodation. There are three storey blocks further to the south near the junctions with Old Shoreham Road and Fonthill Road, including five storeys on the corner itself. However, corners provide strong design rationale for additional height, providing wayfinding points and local landmarks.
- 8.17. It is recognised that the proposal optimises the potential of the site for number of storeys by using the ground levels to partially sink the lowest floor into the land and incorporate the top floor into the roofspace.
- 8.18. As made clear by the streetscene elevations and visuals, the buildings between the junctions of Woodruff Avenue and The Droveway step down towards the south. The proposed building would also drop in height from no. 57, whether as existing or as currently proposed by BH2020/01620, which is supported. Contextual townscape analysis (as part of an Additional Information document) covering building line, materials and architectural style, roofscape has now been provided to support the proposed design, which is considered to be adequately justified. The massing is no longer considered monolithic to the side elevation in views from the south through providing visual relief in the form of brick patterns and windows.
- 8.19. The proposed building's siting within the plot has also been justified. It is sited behind, rather than in line with the building line between 59 Goldstone Crescent and 71 The Droveway, although the building line is generally quite fluid on this part of Goldstone Crescent. The reasons behind this are to protect neighbouring amenity by closely following the footprint of the existing built form and to provide amenity areas, screening and car parking to the front of the buildings.
- 8.20. The housing in the area is generous with the main coherent character being in the general use of red brick and clay tile. Therefore, it is considered more congruous to use a reddish brown brick as the prevalent facing material for this development, as is proposed. The use of brick is supported as a robust material that does not discolour the way render does. It also facilitates the introduction of articulation for some visual relief to the side elevations. A condition is recommended to secure samples of the brick (including its bonding, mortar colour and pointing), lintels, quoins, roof tiles, windows and doors.
- 8.21. The provision of balconies to the front elevation is considered acceptable given the pleasant outlook it would offer the flats onto Hove Park and the use of solid, opaque balustrading. As such, the balconies would not be particularly intrusive, nor would they draw the eye.
- 8.22. It is considered that the front balcony at roof level would be more likely to draw the eye. However, following further design development, materials to match the colour, finish and texture of the roof would be used to integrate it into its immediate surroundings. As with the other materials, it is recommended that

these and the detailed finish be secured by a pre-commencement condition. To the rear the proposed dormers would be set away from the edge of the roof slopes and set down from the roof ridge, thereby appearing as subordinate additions.

- 8.23. As such the proposal is considered to be compliant with City Plan Part One Policies CP12, CP14 and CP15, Local Plan Policy HE10.

Biodiversity and Landscaping:

- 8.24. Bee bricks will be included within the proposed development. It is noted that the proximity of the proposed shrubbery and 'bee hotels' would encourage bees to use the brick. Conditions in respect of swift bricks are also recommended to be added. The provision of vegetables planters is welcomed.
- 8.25. The landscaping proposed is mostly of the soft variety, two fruit trees and shrubbery being shown on the (3D) Proposed Site Plan. The hardstanding is largely to the front of the site for the car parking as existing. However, it is considered important to ensure that this is porous and / or permeable and therefore a relevant condition is recommended. Particularly since a sustainable drainage system would be the main way surface water is to be disposed of, a condition for a landscaping scheme is considered necessary.

Impact on Neighbouring Amenity:

- 8.26. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.27. The main impact of the proposal would be on 71 The Droveway and 57 Goldstone Crescent, which it is recognised would be demolished if application BH2020/01620 is approved. It is not considered that the proposal would have any significant impact on the properties to the rear, 17 and 19 Hove Park Way, given the distances involved (over 60m). If the rear boundary treatment is to be replaced, the height of this could be controlled by condition. No. 69 The Droveway, although closer to the application site than the properties directly to the rear, would similarly notice the increased mass of the building and additional fenestration but the impact would be lessened due to being off-set and therefore not directly in line with the new building.
- 8.28. The main potential impact of the development on amenity is considered to be in terms of sunlight, daylight, overshadowing, outlook and sense of enclosure. The use of the site would intensify through comings and goings, given the increase in dwellings and residents, but it is not expected that any impact would be significantly harmful to amenity or out of keeping with the residential area.
- 8.29. A daylighting study has been provided to assess the impact on 71 The Droveway. This is a part one, part two storey dwellinghouse with a high-level obscure glazed bathroom window, a part-glazed door serving a dining room / kitchen and french doors to the rear of the garage that face north. Given that

none of the windows serve habitable rooms, a No-Sky Line (NSL) test is not relevant in this case.

- 8.1. The daylight study (based on BRE guidelines) has been assessed by Officers and discussed with the agents for the applicant. The Vertical Sky Component (VSC) is the same post-development as pre-development and there is no significant impact in respect of loss of light to no. 71. VSC is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it. It is noted that the proposal has been designed to be similar to the building that is there currently in respect of eaves height and footprint.
 - 8.2. It is, however, important to acknowledge that there is no formal requirement to comply with the BRE guidelines and the NPPF advises that LPAs should take a flexible approach in applying this guidance on housing schemes where it would otherwise inhibit making efficient use of a site. The standard of accommodation is assessed in the next section of this report.
 - 8.3. Overshadowing is assessed to external amenity areas, which in the case of no. 71 are to the south of the property and therefore unaffected. Given the fenestration identified as facing the application site, it is not considered that there would be a significant loss of outlook or the creation of a sense of enclosure to no. 71.
 - 8.4. In terms of overlooking, views from the rear Juliette balconies and dormers, which serve bedrooms and a study on the third floor, would not be out of keeping in a built up area such as this. It is worth noting that views are already had of neighbouring gardens from the existing rear fenestration. Notwithstanding the proposed elevations submitted, it is recommended that a condition be added to secure the secondary windows to the living space on the south façade as obscure glazed with top lights for ventilation only. It is also recommended that a condition is imposed to prevent the flat roof from being used as any kind of external amenity area.
 - 8.5. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the proposed additional flats would be materially harmful to amenity.
 - 8.6. As such, the proposal is considered to be in accordance with Policy QD27.
- Standard of Accommodation:**
- 8.7. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
 - 8.8. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish

acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 8.9. Seven dwellings are proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All are compliant with the Gross Internal Areas outlined within the NDSS, as are the bedrooms sizes, and this is therefore considered acceptable. The floor to ceiling heights to all floor levels would be 2.35m, which is considered acceptable.
- 8.10. All of the units are dual aspect to the east and west and would therefore benefit from cross-ventilation. It is considered that all would have sufficient outlook too. Given the depth of the units (approximately 14m) it is considered that insufficient natural lighting would reach the centre of the dwellings, but since bathrooms, hallways and staircases would be located in these areas, the layout is considered acceptable.
- 8.11. Communal access to the front is considered acceptable. The depth and width of all balconies and other private external spaces would be a minimum 1.5m and therefore they are considered suitably usable. The planting to the front of those to the ground floors would need to be sufficient to mitigate light spill, general disturbance and overlooking from the communal car parking area and this can be dealt with by the recommended landscaping condition.
- 8.12. The rear garden would be used as communal external amenity space for all the flats, which would be more practical than dividing it. Hove Park is just across from the site, providing further external amenity space, albeit it is public. The use of the communal garden area immediately adjacent to the patios serving the bedrooms of Flats 1 and 2 causes concern, but this can be dealt with by the recommended landscaping and boundary treatment condition to ensure that future occupiers are not overlooked.
- 8.13. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Impact on Highways:

- 8.14. The site is considered to be in a sustainable location given the proximity to Hove and Aldrington train station by all means of transport, bus stops on Old Shoreham Road and local shops and services on George Street. As such, development is supported in principle in highways terms.
- 8.15. The level of car parking is lower than the maximum standards set out by SP14 and given the Council is looking to reduce the reliance on the private car and encourages sustainable means of transport, this is support. The retention of the hardstanding area for car parking is recommended to be secured by condition. The provision of a disabled parking bay is welcomed.

- 8.16. Whilst the site is not within a CPZ, it is surrounded by CPZ P so any overspill cannot be controlled and the site cannot to be made 'car free'. The applicant has submitted a Transport Statement with a Lambeth Methodology parking survey and it is noted that visitors would have difficulty finding a parking space over a weekend. However, as established the site is within a location easily accessible by public transport.
- 8.17. In terms of the highways safety of the three proposed car parking spaces, revised swept path analysis has been submitted showing that cars could safely reverse over the pedestrian footway into each space and also leave in a forward gear. It appears that the existing vehicle access would not be completely aligned with the entrance into the site and therefore any changes to the existing crossover, including if it is to be slightly relocated, are recommended. Application would be also need to be made to the Local Highways Authority for a licence.
- 8.18. The level of cycle parking (nine) would be lower than the minimum standards set out by SP14 of 10 spaces, albeit few details have been submitted of the cycle store at this stage other than its location. Its location may involve users encroaching close to the patios serving the bedrooms of Flats 1 and 2 and therefore it is recommended that a condition be added. It is, however, noted that the applicant has proposed a cycle ramp alongside the steps to ensure that access from the front to the rear of the site and vice-versa for cyclists can be achieved.
- 8.19. The only alterations to the current servicing and delivery arrangements proposed to this site are to the refuse and recycling bins, which are shown behind car parking space 2. It has been confirmed that at the standard dimensions of 1.37m high by 1.37m wide by 0.78m depth the bins could be accessed from the end of car parking space 3 on collection days. A condition is recommended to secure these arrangements in perpetuity.
- 8.20. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £6,400 and would go towards improving transport infrastructure and services in the immediately vicinity of the development site, such as dropped kerbs, tactile paving and nearby bus stop improvements.
- 8.21. In terms of access for construction, the use of Goldstone Crescent would be the only option but has the potential to cause significant highways safety issues. As such, it is recommended that a condition be added requiring a Construction Environmental Management Plan (CEMP) to be submitted and approved by the LPA prior to commencement. Given the extent of demolition, a Site Waste Management Plan (SWMP) is also recommended to be secured by a pre-commencement condition.

Sustainability:

8.22. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that photovoltaic panels, timber from certified sustainable sources and rainwater butts are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.

Issues raised by consultation:

8.23. Issues regarding the property value of the road, places in local primary schools, the Toads Hole Valley scheme and the proposed flats being rented out on Airbnb or similar short-term let websites are not relevant planning considerations and therefore have not been taken into account in the determination of this application.

9. CONCLUSIONS

9.1. The scheme makes a small contribution to the Council's housing targets, which in conjunction with the high quality of architecture, good standard of accommodation, lack of a significant impact on highways safety and neighbouring amenity as well as a net gains in biodiversity is considered to allow the application to be recommended for approval subject to conditions.

10. EQUALITIES

10.1. It is noted that the ground floor flats would be M4(3) compliant, which is supported. Furthermore, with the provision of a stairlift with a wheelchair platform stairlift to the side access between the front and rear of the site, in addition to a wheelchair car parking space, the proposal is considered to have fully considered the need for development to be inclusive.

11. S106 AGREEMENT

11.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:

1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide adequate sustainable transport measures and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.