

<u>No:</u>	BH2020/01823	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages At 2A Lowther Road Brighton BN1 6LF		
<u>Proposal:</u>	Demolition of existing garage & storage sheds and erection of a three storey building to form 3no one-bedroom flat (C3).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	06.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	31.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Stickland Wright Ltd. 4 Gloucester Passage Brighton BN1 4AS		
Applicant:	Glenvale Investments C/o Stickland Wright Ltd. 4 Gloucester Passage Brighton BN1 4AS		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	20029-P-012		6 July 2020
Proposed Drawing	20029-P-110	B	9 September 2020
Proposed Drawing	20029-P-111		6 July 2020
Location and block plan	20029-P-001		6 July 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 (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments

e) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover outside the site in Lowther Road back to a footway by raising the existing kerb and footway.

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.

5. The hard surface hereby approved (other than the areas of retained red brick pavers) 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 & CP11 of the City Plan Part One.

6. Prior to first occupation of the development hereby permitted, three secure, covered cycle spaces shall be provided on site and 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.

7. The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the existing red pavers will be reused to pave the forecourt of the new house have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the pavers shall be retained onsite thereafter.

Reason: To ensure the satisfactory appearance of the building and to comply with policy HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
10. Six (6) swift bricks/boxes 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 Supplementary Planning Document SPD11 Nature Conservation and Development
11. 11. Prior to 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, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants and confirmation of location, species and sizes
 - 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 QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
12. 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
13. 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.
14. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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 the 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.

15. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay.
3. 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' which can be accessed on the DCLG website (www.communities.gov.uk).
4. 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.
5. The applicant is advised that the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to

notify potential purchasers, purchasers and occupiers that the development is carfree.

6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, 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. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
8. 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.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is upon rising ground on the eastern side of Lowther Road between a contemporary three-storey dwelling and rear gardens belonging to houses in Preston Drove. Lowther Road, in the main, comprises terraced housing constructed at the turn of the 20th Century. The area is primarily residential.
- 2.2. Existing buildings comprise an end garage (bounding Lowther Road), with storage sheds behind and extending the depth of the site. The buildings are all formed along the south boundary. The application site does not lie within the Preston Park Conservation Area but lies immediately north of the designated area boundary.
- 2.3. This application seeks to demolish the existing garages and sheds and erect a three-storey building with three flats: a two-bedroom flat on the ground floor, and one-bedroom flats on each of the first and second floors.

3. RELEVANT HISTORY

- 3.1. **BH2020/02209:** Demolition of existing garage & storage sheds and erection of a three storey building to provide 1no. two-bedroom flat and 2no. one bedroom flats (C3). (Under consideration).

- 3.2. **BH2019/01214:** Demolition of existing garage & storage sheds and erection of a three storey 4 bedroom single dwelling (C3). (Approved 8/3/20).

4. REPRESENTATIONS

- 4.1. Thirteen (13) letters have been received from neighbours, objecting to the proposed development for the following reasons
- Potential impact on parking
 - Impact of development on people while they are working at home
 - Impact on conservation area
 - Loss of light to properties on Hythe Road
 - Overdevelopment of a small space
 - Overshadowing and overlooking of property on Preston Drive
 - Insufficient cycle parking
 - Insufficient bin storage

5. CONSULTATIONS

5.1. **Environmental Health:**

No objection

Approve with condition for 'discovery' - if during construction contamination is found.

5.2. **Heritage:**

No objection

The site is outside but immediately adjacent to the Preston Park Conservation Area. The footprint and scale of the proposed development is acceptable and would cause no harm to the conservation area. The retention of the red brick pavers is welcomed. The proposed development should be subject to a condition requiring materials samples and a condition detailing how the red brick pavers will be re-used.

5.3. **Southern Water:**

Comment

Provided advice about connection to sewers.

5.4. **Sustainable Transport:**

No objection

No changes to pedestrian access proposed and this is acceptable. Insufficient detail of cycle storage which should be secured by condition for a minimum of three spaces. There are on street disabled parking opportunities so the lack of disabled parking as part of the development is acceptable. Loss of vehicular access is acceptable but should be accompanied by reinstatement of the crossover, secured by condition. All hard standing should be porous. No parking provision is proposed and this is acceptable. The site is in CPZ F which has a permit uptake rate of 90% and being over the threshold of 80% indicates that the property is likely to increase demand on parking permits. Therefore the new flats should be restricted from the right to apply for parking permits.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR14	Cycle access and parking
QD16	Trees and hedgerows

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD 09	Architectural Features
SPD 12	Design Guide for Extensions and Alterations
SPD 14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity, sustainability and the impact on the highways network.
- 8.2. Because of Covid restrictions, Officers did not undertake a site visit specifically for this application but undertook a site visit related to a previous application BH2019/01214. In conjunction with aerial photos and streetview it is considered the context of the development is well understood. Further, given the acceptability of the built development has been approved in principle previously, this is not considered to prevent a robust planning assessment being made.
- 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 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of development:

- 8.5. The site has an extant permission for development of a three-storey house on essentially the same footprint and with the same impact in terms of scale, albeit a single dwelling rather than the three now proposed. This established that the principle of residential development on this site is acceptable, and the consideration of that remains unchanged in that respect. Determination of this application will rest on the consideration of other matters related to other elements of the main considerations as set out above.

Design and Appearance:

- 8.6. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by

respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.

- 8.7. When considering whether to grant planning permission for development affecting a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.8. The site adjoins a conservation area and as such Policy HE6 of the Local Plan will apply, which states that proposals should 'preserve or enhance the character and appearance of the conservation area'. As already established by the extant permission under planning application number BH2019/01214, an acceptable development is possible on this site.
- 8.9. The current proposal is for a building that would be similar to the extant permission (BH2019/01214) in terms of footprint, height, depth and proximity to the site boundaries on Preston Drove. On that basis, it is not considered that the proposed building can be considered an overdevelopment of the site.
- 8.10. The proposed external appearance is also broadly similar, although there would be some differences in windows and material finish. However, the extant permission does include a condition which has not yet been discharged for the submission of samples and details of materials to be used, so this element of the approved scheme remains uncertain. Notwithstanding that, the appearance of the proposed new building for the current application does differ in impact from the approved plans and the difference between the two schemes requires further consideration.
- 8.11. The proposed front elevation would replace the approved pattern of fenestration with Juliet balconies to the first and second floors. The potential amenity impact of this will be discussed below. In design terms, it would result in a simpler design than the approved scheme and would be considered acceptable in appearance, and to not harm the streetscene. The front elevation also has a different appearance on the ground floor to the approved, so that the line of the building no longer reflects that of the street, but has a stepped footprint so that the northern part of the building is set back from the southern part. This would create a different relationship to the street than seen in the extant permission, but is not considered in itself harmful to the appearance and would not warrant refusal.
- 8.12. Another new element has been proposed in the current scheme with a fence around the front garden of the proposed ground floor flat, effectively isolating the building from the street at this point. The typical pattern of properties in this area is to have a more open frontage such that the building retains a relationship with the street. However, there are also a number of nearby properties which have installed higher fences or otherwise enclosed their front gardens, so the proposed design is not considered to be so out of character as to warrant refusal. Additional details of the boundary treatment will be secured by condition along with other elements of the landscaping as discussed below.

- 8.13. All other alterations on the other elevations are considered to be minor and to not materially impact on the design and appearance of the proposed development.
- 8.14. As set out above, the proposed new building for the three flats would be similar to the approved scheme under BH2019/01214, and where the proposals differ, it is not considered that the resulting appearance would be detrimental to the streetscene or the wider area. It is therefore considered that it would not be reasonable to refuse the proposed development on the basis of the appearance of the scheme, subject to amendments to the front boundary treatment. These details would have been secured had the scheme been otherwise acceptable.

Landscaping:

- 8.15. The proposed ground floor flat includes a front and rear garden, which although limited in extent, provide some opportunity for landscaping. The rear garden can be accessed from the rear bedroom and the living area of the flat and would be 21msq with an additional 9msq patio at the rear of the living area. The front garden, accessible only through the front bedroom, would be 7.5msq of which 2.5msq would be patio. Details of landscaping for this area will be secured by condition.
- 8.16. Heritage officers have asked for the retention and reuse of the red brick pavers currently on the site. The applicant has agreed to this, and a separate condition will be attached requiring details of how this will be achieved. In addition though the locations where the red brick pavers will be utilised should be included in the landscaping proposal.
- 8.17. Other areas of hardstanding that have been indicated on the plans approved here should be porous and the landscaping proposals should include these details also.
- 8.18. The proposed scheme introduces boundary features at the front of the property separating the garden, the bike and bin store area and the forecourt/entrance to the flats from the pavement. Details of these boundary features will be required as part of the landscaping scheme to be secured by condition..

Standard of Accommodation:

- 8.19. 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

- 8.20. The proposed layout includes a two-bedroom flat on the ground floor, with front and back gardens. The ground floor flat offers 70msq, with the two bedrooms being 10.3msq and 10.8msq. The NDSS guidance for room sizes sets out that these rooms should be considered as single rooms. The NDSS does not consider a dwelling of this layout suitable for only two people, so no direct comparison can be made against the guidance in that respect. However it is noted that the guidance does advise that the minimum floor area for any configuration of two-bedroom single-storey dwellings would be 70msq, which is what this flat offers. This is therefore considered acceptable
- 8.21. The ground floor flat also provides a kitchen and dining/living space with an open plan feel. The kitchen area towards the front of the property would have no natural light other than from a skylight, and the more distant rear patio doors from the living room. Despite the lack of outlook at the furthest point of the kitchen, it is considered that this would be acceptable. The degree of space in the ground floor flat, in conjunction with access to the front and rear gardens is considered to offer a satisfactory standard of accommodation.
- 8.22. The first and second floor accommodation was originally proposed as being two identical one-bedroom flats. The floor area offered by each of the flats is 41msq. It was considered that the layout proposed at the outset would have provided substandard accommodation due to the layout of the floorspace, resulting in poor flows between the rear bedroom and front living room, and limited space for movement and arrangement of furniture within the living accommodation. Following discussion of these issues with the applicant, a revised layout was provided which it is considered addresses the concerns and the first and second floor units are now considered to provide a satisfactory standard of accommodation.
- 8.23. The revised proposed layout created more space for the kitchen/dining area and a more defined space for the 'living room' component of that space, without creating pinch-points for movement between the different areas. The opening out of the defined hall/landing by the entrance door has created a layout that appears more spacious than first proposed. Although the sleeping area remains separated from the living accommodation by the central stairwell in the building, the more open route from the front to the back of the unit creates more of a studio feel which is consistent with the limited floor area.
- 8.24. The proposed accommodation on the first and second floors of the proposed development are now considered to be suitable in terms of size and layout to provide a good standard of accommodation as single occupancy studio flats.

Impact on Amenity:

- 8.25. The proposed new building would be on the same footprint and size as the approved scheme and as such the principle of the development in terms of its relationship to neighbouring properties is accepted. However, it would result in flatted development rather than a single dwelling, and various amendments to the built scheme set out above which may result in material changes to impacts on amenity. Further, as part of the determination of this application comments have been received from neighbours which merit consideration.

- 8.26. A number of concerns have been raised with regard to the overshadowing that the property would cause to 2 Hythe Road. The proposed development would not extend further than the back of the existing building at 2 Lowther Road. The relationship between the flats at 2 Hythe Road and the existing and proposed developments is such that the proposed building would cause an increase in the loss of light but of a very limited nature considered against the loss of light that results from the existing building at 2 Lowther Road.
- 8.27. There would be potentially greater impact on residents of 4 Hythe Road. However, it is considered that the loss of light resulting from the proposed dwelling would not be significantly more than from the existing building, and certainly not to such an extent that this would warrant refusal. This principle has been accepted in the past in relation to planning permission BH2019/01214, which is near identical in this regard, but the material differences in the present scheme have been acknowledged in reaching this conclusion.
- 8.28. The addition of Juliet balconies to the front elevation would facilitate a greater degree of overlooking onto neighbours on Lowther Road. However, this is not considered to cause harm to the amenity of those properties as they are on the opposite side of the road, at least 15m away, with street trees obscuring much of the line of site, and notwithstanding those considerations, the windows opposite face the public highway and other buildings facing them. Whatever additional harm may arise to the amenity of neighbours opposite would not be significant enough to warrant refusal in this case.
- 8.29. No other concerns with regard to overlooking have been identified.
- 8.30. The development would result in increased disturbance over the approved scheme by virtue of there being three households living on the site, rather than a single household in one dwelling. However, the impact on neighbouring amenity is not considered to be significant, or out of keeping with the location where purpose-built or converted flatted development is common.
- 8.31. The proposed development would otherwise have the same impact on amenity as the approved scheme. The height and scale of the proposed development are consistent with the pattern of development on Lowther Road, and the degree to which the upper floors is set back from the rear boundaries on Lowther Road is considered to create sufficient distance such that the increased height would not result in an overbearing structure.
- 8.32. It is therefore considered that the scheme is acceptable in terms of its impact on amenity.
- Heritage:**
- 8.33. The proposal is adjacent to the Preston Park Conservation Area but not within it. It is not considered that the proposed development would cause harm to the setting of the Conservation Area.

- 8.34. The retention of the red brick pavers in the proposed development is welcomed. Details of how this will be achieved will be secured by condition.

Sustainable Transport:

- 8.35. No changes to pedestrian access is proposed and this is acceptable.
- 8.36. The proposed flats should provide a minimum of three cycle parking spaces, and this is shown on the proposed plans. However, it is not clear whether the space is sufficient for three cycles and there are no details provided regarding the nature of these in terms of security and cover which SPD14 requires. It is recommended that the provision of cycle storage is secured by condition. It is noted that Highway Officers sought a condition requiring approval of a cycle storage scheme, but this is not considered to be justified in order to secure sufficient cycle parking on the site.
- 8.37. The loss of the existing garages is not considered to be problematic and has already been approved in the extant scheme. However the current application removes the garage that was included in the extant permission under BH2019/01214, resulting in no parking provision on site. This allows for an increase provision of residential accommodation on the site as is welcomes, and being within the guidelines of SPD14, would be acceptable. Nonetheless, to the parking pressure in the area and in the absence of any specific parking pressure surveys, it is considered that the proposed flats, should be restricted from being able to apply for parking permits. This will be secured by condition.
- 8.38. The removal of all parking from the site results in the existing crossover becoming redundant and as such, a condition will be attached to reinstate the pavement here.

Sustainability:

- 8.39. Policy SU2 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One require 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. These standards will be secured by condition.

Biodiversity:

- 8.40. The council now requires provisions to be made for biodiversity in all applications. While none have been specifically proposed as a part of this application, such measures will be secured by condition, with a requirement to include bee bricks and swift boxes in the final scheme.
- 8.41. Further biodiversity benefits may be achieved through the proposed landscaping scheme which will be secured by condition.

9. EQUALITIES

- 9.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major

structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.