

<u>No:</u>	BH2021/02475	<u>Ward:</u>	Hove Park
<u>App Type:</u>	Variation of Condition		
<u>Address:</u>	55 Goldstone Crescent Hove BN3 6LR		
<u>Proposal:</u>	Variation of Condition 1 of application BH2020/01619 (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) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	05.07.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.09.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Ian Coomber 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 **3rd February 2022** the Head of Planning is hereby authorised to refuse planning permission.

Section 106 Head of Terms:

Affordable housing:

- A commuted sum of £238,750

Sustainable Transport

- A financial contribution of £6,400

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 plan			5 July 2021
Block plan	2107793/10		31 August 2021
Proposed Drawing	2107793/01		31 August 2021
Proposed Drawing	2107793/02		31 August 2021

Proposed Drawing	2107793/03		31 August 2021
Proposed Drawing	2107793/04		31 August 2021
Proposed Drawing	2107793/05		31 August 2021
Proposed Drawing	2107793/06		31 August 2021
Proposed Drawing	2107793/07		31 August 2021
Proposed Drawing	2107793/08		31 August 2021
Proposed Drawing	2107793/30		31 August 2021

2. The development hereby permitted shall be commenced before 1 October 2023.

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:
- physical samples of all brick (including details of its bonding, mortar colour and pointing), lintels, quoins and tiling;
 - specification documents for the proposed window, door and balcony balustrades and decking / hard surfacing (which shall be porous or permeable, or adequate means or drainage shall be provided); and
 - 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. 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

- 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 Drove way 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.

3. RELEVANT HISTORY

- 3.1. **BH2021/02275:** Approval of Details reserved by Conditions 3 (Materials and External Finishes), 9 (Side Windows), 14 (Construction Environmental Management Plan) and 15 (Site Waste Management Plan) of application BH2020/01619. Under consideration
- 3.2. **BH2020/01619:** 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. Approved at Committee 30 September 2020 and issued on 1 October 2020
- 3.3. **BH2007/00668:** First floor rear extension. Approved 14 May 2007
- 3.4. **BH2002/02862/FP:** Rear conservatory. Approved 26 November 2012
- 3.5. Of relevance at 57 Goldstone Crescent:
BH2021/02478: Variation of Condition 1 of application 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) to permit amendments to approved drawings to locate the proposed building on the boundary, change the fenestration and to add an internal lift. Awaiting determination (this Committee).
- 3.6. **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. Approved at Committee 30 September 2020 and issued on 1 October 2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the variation of Condition 1 of application BH2020/01619 to permit amendments to approved drawings to locate the proposed building on the shared boundary with 57 Goldstone Avenue, change the fenestration and to add an internal lift.

5. REPRESENTATIONS

- 5.1. One objection has been received outside the consultation period as follows:
- The proposed building would be too close to a boundary wall.
 - The proposed building would be overbearing in size next to a bungalow and out of keeping with the existing houses and area.
 - The proposed building would cause overshadowing and a loss of privacy from balconies and side elevation windows.
 - The noise would be considerably increased with 14 flats
 - The recycling area next to a boundary wall would be smelly and noisy.

- The added traffic to an already busy road would create traffic jams to a crossing used to enter Hove Park.

5.2. **Councillor Bagaen** has objected to the application. A copy of the correspondence is attached to the report.

6. CONSULTATIONS

6.1. **Private Housing Sector:** No comments

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. 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)

7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP7	Infrastructure and developer contributions
CP9	Sustainable Transport
CP12	Urban design
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

SU10	Noise nuisance
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2:

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM40	Protection of the Environment and Health – Pollution and Nuisance

Other Documents

Developer Contributions Technical Guidance - June 2016

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the changes on design, neighbouring amenity and the standard of accommodation.

Officers have previously undertaken a site visit to this site in relation to the previous application and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Design:

- 9.2. The purpose of this proposal is for the two buildings to share a party wall between them and to avoid installing first and second floor windows which would be redundant as a result. This would also involve the minor relocation of the footprint of each building.
- 9.3. Following discussions that preceded the submission of this application, Officers agreed that joining the buildings cannot reasonably be avoided without leaving a gap between them that a child or person could squeeze into and potentially get stuck. This would also present security and maintenance concerns. Given that this is the case, adjoining the buildings with a continuous brick façade was considered preferable.
- 9.4. Officers recognise the objectors' concerns about the variation of the approved scheme merging the two approved buildings so they would have the appearance of a single block of flats. It is important to note that the demolition of two family homes has already been approved and that the extant permission provides seven family sized dwellings, which is still the case with this application. Whilst the two buildings are proposed to adjoin, they would still function as two separate sites with distinct entrances to each building, boundary treatment, external amenity space and parking spaces. There are

examples of semi-detached properties along Goldstone Crescent, such as nos. 59 and 61, 143 and 145, 147 and 149, 151 and 153, 155 and 157, and more further along this road. As such, this application would not break the pattern on buildings on the street.

- 9.5. Both objections refer to the profile and height of the buildings and its resultant impact on the skyline, but the height is not proposed to change. The density was also previously considered to be acceptable and would not be increased (or reduced).
- 9.6. No design-related objections are raised to the omission of the windows. Given that the gap between the buildings would render the windows to the north façade redundant, Condition 9 is proposed to be amended to refer to the windows on the south façade.
- 9.7. It has been confirmed that there will be no change to the roof plan as a result of the proposed internal lift.
- 9.8. In summary, it is considered that the proposal would not cause any harm to the character and appearance of the surrounding area compliant with Policy CP12 as well as emerging CPP2 Policy DM18.

Impact on Neighbouring Amenity:

- 9.9. Paragraph 130 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.
- 9.10. The proposed changes are considered not to materially affect the amenity of neighbouring amenities beyond the impact assessed as part of the extant permission. The changes to fenestration relate to the removal of first and second floor windows to the north elevation facing no. 57. As such, the application would be compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

Standard of Accommodation:

- 9.11. 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.
- 9.12. 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.

- 9.13. 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.
- 9.14. Seven dwellings are still proposed as follows: two 3b4p (3 bedroom, 4 person) flats, a 2b4p flat and four 2b3p flats. All continue to be compliant with the Gross Internal Areas outlined within the NDSS, as are the bedrooms sizes. The floor to ceiling heights would not change.
- 9.15. The kitchen / living rooms of Flats 3 and 5 are now proposed to be single aspect, but this is to the east and therefore these rooms would still receive sufficient daylight and outlook. There are no objections raised to the removal of the window to the shower room / ensuite to Bedroom 1 of these flats, which would now need to be mechanically ventilated.
- 9.16. The proposed internal lift is welcomed from an inclusivity perspective and would allow an unaccompanied wheelchair user or three people at once to access the upper floors. Following amendments, the lift has been moved away from Bedroom 2 in Flats 1, 3, 5 and 7 to avoid noise disturbance. It is now adjacent to hallways, which are less noise sensitive.
- 9.17. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27 and emerging CPP2 Policy DM20 which can be given significant weight.

Financial Contributions:

- 9.18. It has been confirmed that the Sustainable Transport contribution of £6,400 and the Affordable Housing contribution of £238,750 previously secured have been paid.

10. CONCLUSIONS

- 10.1. The proposal would not cause a material impact to the design of the building or on the surrounding area, neighbouring amenity and the standard of accommodation compared with the approved application. Therefore, it would be compliant with City Plan Part One Policy CP12, Local Plan Policies SU10, QD27 and HO13 as well as emerging CPP2 Policies DM1, DM18, DM20 and DM40. As such, this application is recommended for approval.

11. EQUALITIES

- 11.1. The proposed internal lift would provide easier access to the upper floors and would be able to accommodate a single unaccompanied wheelchair, although

it is noted that the ground floor flats would be M4(3) compliant and therefore more suitable for wheelchair users or those with a mobility-related disability.