

<b><u>No:</u></b>	<b>BH2021/02934</b>	<b><u>Ward:</u></b>	<b>Hove Central</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Dolphin Court Hove Street Hove BN3 2DN</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey to provide 2no. two bedroom flats and 1no. one bedroom flat (C3) including roof terraces, new lift plant and overrun.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	07.09.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02.11.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Luke Carter Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Maxiwood Limited C/O Lewis And Co Planning SE 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 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	002-3-LCT PLNS	D	11 November 2021
Block Plan	002-3-(PP)-LVL0		09 August 2021
Proposed Drawing	002-3-(PP)-LVL6	D	11 November 2021
Proposed Drawing	002-3-(PP)-LVL7	D	11 November 2021
Proposed Drawing	002-3-(PP)-LVL8	D	11 November 2021
Proposed Drawing	02-3-(PSE)- 1& 3	D	11 November 2021
Proposed Drawing	002-3-(PSE)-2&4	D	11 November 2021
Proposed Drawing	002-3-(PE)-1.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-2.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-3.B	D	11 November 2021
Proposed Drawing	002-3-(PE)-4.B	D	11 November 2021
Proposed Drawing	002-3-(PS)-AA	D	11 November 2021
Proposed Drawing	002-3-(PS)-BB	D	11 November 2021

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 construction work in relation to the development hereby permitted shall take place until samples / details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) samples / details of all brick, including mortar, bonding, and pointing;
  - b) samples / details of the proposed window, door and balcony treatments / balustrades; and
  - c) 1:20 scale plan and section drawings of a diverse seeded plug-planted green roof, including depth of substrate and seeding mix.Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to enhance the biodiversity of the site in compliance with Policies QD14 and HE6 of the Brighton & Hove Local Plan, CP10, CP12 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM22 and DM26 of the emerging Brighton & Hove City Plan Part Two, and SPD11.
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 Policies CP10 of the Brighton & Hove City Plan Part One and DM22 of the emerging Brighton & Hove City Plan Part Two, and SPD11.
5. Prior to the first occupation of the development hereby permitted, further details of the type, materials and height of the privacy screens between the terraces of the new flats shall be submitted and approved in writing by the Local Planning Authority. The approved privacy screens shall be installed prior to the first occupation of the new flat, and shall be maintained as such thereafter.

**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton & Hove City Plan Part Two.
6. 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.

**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 Policies TR14 of the Brighton & Hove Local Plan and DM33 of the emerging Brighton & Hove City Plan Part Two, and SPD14.
7. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse 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.

8. 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. They shall include:
- (i) The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
  - (ii) A scheme setting out 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.
  - (iii) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
  - (iv) Details of hours of demolition and construction including all associated vehicular movements.
  - (v) Details of the demolition and construction compound.
  - (vi) A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
  - (vii) Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services, and provide for their continued operation during the works.
  - (viii) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
  - (ix) Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
  - (x) Details of employee and contractor parking.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

**Reason:** As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

11. No development, including demolition, shall commence until a Site Waste Management Plan 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.

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. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking should 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 usually support vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. The Highway Authority's preferred cycle parking is 'Sheffield' type stands, spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or 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.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

5. The water efficiency standard required under Condition 10 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

## **2. SITE LOCATION**

- 2.1. The application relates to a six storey tall residential block of 33 flats. It is located on the northern side of the junction of Hove Street (A2023) with Vallance Road. It is L-shaped to front the two roads facing the junction, but set back with landscaped communal amenity areas. The building itself is constructed of yellow and brown multi-stock brick, and features balconies, uPVC casement windows and a flat roof with a relatively large lift overrun and staircase for maintenance access, which is readily visible in views from the south. The main pedestrian access is via recessed metal doors within a portico on Hove Street.
- 2.2. Dolphin Court is already prominent in the streetscene, especially compared with the low scale semi-detached dwellings on the north side of Vallance Road, and is particularly set apart from its immediate surroundings by its scale and form, the colour of its brickwork and the materials used for the balconies. On Hove Street, however, the buildings are more mixed in use and style including other tall, purpose-built blocks of flats. Of these blocks, two are also currently six storeys, one of which (Hove Manor) has permission for an additional setback storey (ref. BH2020/00727).
- 2.3. The site is within the Old Hove Conservation Area with the eastern boundary of the Pembroke and Princes Conservation Area running down the middle of Hove Street. However, it is not subject to the associated Article 4 direction removing 'permitted development' rights for alterations, extensions, hardstanding, satellite antenna, external painting and new boundary treatments, and is not a listed building or in the vicinity of one. Regent House and Audley House to the south are locally listed buildings. The site is within Controlled Parking Zone (CPZ) N and an Archaeological Notification Area.

## **3. RELEVANT HISTORY**

- 3.1. Pre-application advice **PRE2020/00248** was sought for a two storey extension at roof level to create six residential properties. Advice was issued on 14 December 2020.

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of an additional storey to provide 2no. two bedroom flats and 1no. one bedroom flat (Use Class C3) including roof terraces, new lift plant and overrun.
- 4.2. Changes have been made during the course of the application to increase the setback of the additional storey from the existing east façade of the building (from 2.1m to 2.545m) and therefore the width of the roof terrace to Unit 1.

## 5. REPRESENTATIONS

- 5.1. **Nineteen (19) objections were received, fifteen (15)** of which are from individuals directly affected raising the following concerns:
  - The impact upon the existing services in the building is unclear, as is whether they would be able to support the proposed development.
  - Three new dwellings is likely to increase demand for parking in the area given the difficulty to find parking spaces within the vicinity.
  - The building works would cause significant noise and disruption to existing residents for a substantial period of time when many are working from home.
  - Dolphin Court is already 6 storeys and a prominent building so more needs to be done to reduce the negative impact on the neighbourhood and the conservation area.
  - No confidence that the development would be of a high standard.
  - Taking the lift out of service for any length of time will severely restrict access and quality of life.
  - Who will pay for all the refurbishment works?
  - Significant devaluation in property prices.
  - Noise from the proposed roof terraces
  - Insufficient notice or communication of this application given to residents
  - Increase in traffic
  - The additional floor is out of keeping / character with the conservation area.
  - Scaffolding works would block out natural light to the existing residents and have a negative effect on the building's security.
  - More consideration needs to be given to fire safety
  - There is no benefit to the development, other than to the freeholder
  - Dwellings in the adjoining roads would have restricted light or a view
  - The Right To Manage (RTM) group said no to the proposed cycling parking spaces to the rear.
  - This project detrimentally impacts the overcrowded local community and there are no school places available.
  - Long-lasting detrimental effects to the health and wellbeing of residents.

## 6. CONSULTATIONS

- 6.1. **Conservation Advisory Group (CAG):** Recommended refusal and that it goes to Planning Committee for the following reasons:

- Although the proposal is for an additional storey, it is in fact two storeys as the plant and lift over-run add to the height.
- The proposal would have a negative impact on the character of the Old Hove Conservation Area even if it was set back.
- Detrimental effect on the scale of housing in Vallance Road and the public realm generally, i.e. Hove Street, Sackville Road and New Church Road.
- Overlooking from the proposed balconies.

6.2. **Environmental Health:** No concerns, comments or conditions to recommend

6.3. **Heritage:** Recommend for approval subject to a condition on materials

6.4. **Health and Safety Executive:** Significant concern

6.5. **Private Sector Housing:** No comments to make

6.6. **Southern Water:** A formal application for any new connection to the public sewer is required. Where surface water is being considered for discharge to our network following the hierarchy in part H3 of the Building Regulations is required. If a public sewer is found during construction works, an investigation of the ownership of the sewer will be required before any further works commence on site.

6.7. **Transport:** Approve with the inclusion of conditions

## 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.

66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix

### Brighton & Hove Local Plan (retained policies March 2016)

TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

### 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
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health – Pollution and Nuisance

### Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

### Other Documents

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e



## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to:

- Principle of development
- Design and Heritage
- Biodiversity
- Impact on Neighbouring Amenity, including fire safety
- Impact on Highways
- Standard of Accommodation
- Sustainability

Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

### **Principle of development:**

9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).

9.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.

9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).

9.5. 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).

9.6. The scheme brings the benefit of providing three additional housing units to the city, which would therefore make a minor, but important contribution towards the Council's housing target given the importance of maximising the use of sites due to land availability constraints. It is noted that a couple of two bed flats would help to provide small family sized housing, which is an identified need in Brighton & Hove.

9.7. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to design, impact on heritage assets, neighbouring amenity, the local highways network and biodiversity as well as the standard of accommodation and sustainability. This is discussed below.

**Design and Heritage:**

9.8. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

9.9. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given “considerable importance and weight”.

9.10. The LPA does not have an in-principle objection to the upward extension of this building, this being supported by part (e) of paragraph 120 of the NPPF where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed and can maintain safe access and egress for occupiers.

9.11. The additional storey to this building would have an impact on both the Old Hove and the Pembroke and Princes Conservation Areas. However, as previously noted there are already two six storey purpose-built blocks of flats on Hove Street, one of which has permission for an additional setback storey, as proposed here. The additional storey at Hove Manor was set back 2.5m from the edges of the existing building.

9.12. In this case the additional storey would be set back approximately 2m on all sides, with the exception of the eastern side where the setback would be 2.545m. The additional setback is considered to provide a better transition in scale with the Vallance Road properties and to reduce the impact in views along the road from the east where the impact on the streetscape and skyline would be most prominent. The proposed set backs are considered acceptable, particularly since it is not a pastiche attempt at extending the building directly upwards.

9.13. It is noted that the subject property is already prominent and relatively incongruous in terms of its scale, form and materiality, particularly in views from the south and east. The proposal would not change that fact and therefore is not considered to be a reason to refuse this application. It is, however, important to ensure that the additional storey is a high quality addition in itself and relates well to the existing building.

9.14. The proposed fenestration to the additional storey generally lines up with the existing, at least to the most visible elevations. The fixed glazed units to the lift plant and overrun responds solely to the internal layout, so alignment with the existing is not considered necessary. The proportions and details of the existing balconies are also followed through into the additional storey.

- 9.15. The proposed material palette is largely in keeping with the existing. As previously mentioned, it is mainly constructed of two colours of multi-stock brick, although there is a vertical element of dark brown bricks to the south elevation. A light sand brick is proposed to complement all three and would be used to the main external walls in addition to as part of the balustrades, which helps to tie it in with the existing building. To add visual interest, panels of sand brick laid in English and stock bond with half protruding bricks are proposed. This is supported, subject to a condition being recommended to secure high level design detailing.
- 9.16. The existing rooftop structure is 3.4m high and visible in views from the south on Hove Street. Whilst this would be the case for the proposed additional storey, it is considered to be of an improved design quality and the new lift plant and overrun would be lower at 2m high. The height is approximately the minimum necessary to ensure acceptable floor to ceiling heights for future occupiers. As such, it is considered that no significant harm is caused by its visibility from certain viewpoints.
- 9.17. Access to and from the proposed dwellings at sixth floor level would be via the existing staircase and lift being extended upwards. As such, it is considered that access and egress would be safe for future occupiers.
- 9.18. The LPA considers that the proposed development does not causes any harm to designated heritage assets and therefore NPPF paragraphs 200, 201 and 202, which cover harm to or loss of a designated heritage asset, are not invoked. In terms of assessing the impact on non-designated heritage assets as required by NPPF paragraph 203, this involves the locally listed buildings Regent House and Audley House to the south. Although the additional storey would be visible from outside these building, given the distances of 47m and 67m respectively from Dolphin Court, the effect of the proposal is not considered to be significantly harmful.
- 9.19. As such, the proposal would make an efficient use of an existing building with a high standard of design whilst not causing harm to heritage assets in compliance with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14 and HE6, emerging Policies DM18, DM21 and DM26 of City Plan Part Two, SPD12 and SPD17 and paragraphs 120, 130, 134, 199 and 203 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture and landscaping; to be sympathetic to local character and the surrounding built environment while not preventing appropriate change; to optimise the potential of the site to accommodate an appropriate amount of development; to reflect local design policies; to raise the standard of design more generally in an area; to conserve heritage assets and to consider the effect on non-designated heritage assets.

**Impact on Neighbouring Amenity:**

- 9.20. 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.
- 9.21. The main properties that would be affected by the proposed development would be 208-216 Church Road to the north and 25 Vallance Road to the east. However, it is also important that the windows of the existing dwellings within the building are not adversely affected, specifically to the courtyard elevations.
- 9.22. In terms of daylight there is only one measure that is relevant in this case, known as Vertical Sky Component (VSC), which 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.
- 9.23. It should be noted that the VSC of nine of the existing flats in Dolphin Court currently fails to meet the BRE guidance and four have their VSC reduced below 27%, but not beyond the 80% threshold. Some of the windows of 210, 212, 214 and 216 Church Road also fail to meet the BRE guidance for VSC, but only one (no. 212) would have its VSC reduced below 27%, albeit not beyond the 80% threshold. Therefore, the proposed development will not negatively impact daylight to any of the adjacent windows.
- 9.24. In terms of sunlight, the only measure that is relevant in this instance is Annual Probable Sunlight Hours (APSH). This is the number of hours each day a window receives sunlight. The BRE guidance states that APSH should be determined for living room windows only, although all windows to 208-216 Church Road have been assessed because the internal layouts are unknown.
- 9.25. The BRE guidance for APSH is met for all windows demonstrating that there would be no noticeable impact to the sunlight received by the surrounding windows annually or during the winter months.
- 9.26. In terms of overshadowing, the relevant test is whether less than 50% of a garden is found to receive direct sunlight for at least two hours as a result of the development and the total area that still receives direct sunlight is less than 80% of the former value. If both of these are the case, then it indicates that the garden would be significantly overshadowed.
- 9.27. In this instance there would be no change to the overshadowing in any adjacent garden. Those that have been assessed are 208-214 Church Road and 25 Vallance Road, but not no. 216 because it is used for car parking.
- 9.28. Whilst all the windows and gardens comply with the BRE guidelines, it is, however, important to acknowledge that there is no formal requirement to comply with the BRE Report advice 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. In any case, the LPA considers that there are no grounds on which to refuse this application on sunlight, daylight or overshadowing grounds.

- 9.29. The height of the proposed additional storey, combined with the distance to neighbouring windows, precludes any material impact on outlook, nor would it create a sense of enclosure, particularly given its setbacks from the edge of the building.
- 9.30. As requested at pre-application stage, section drawings have been provided within the submitted Design and Access Statement to demonstrate that the windows and balconies of the proposed dwellings would not cause an adverse privacy impact. It is noted that these only show views from the ground floor windows of neighbouring properties rather than from the windows and balconies of the additional storey. Given the 2.3m setbacks of the windows of Units 1 and 3 from the edge of the building, it is considered that no overlooking downwards would ensue. The terrace would be bounded by a metal balustrade designed to let the maximum amount of light through, but it would also allow intrusive views. However, the overlooking that could take place to the rear of the Church Road dwellings and their gardens would be no greater than what can currently occur and therefore it is condoned.
- 9.31. As a result of the proximity and setback from 25 Vallance Road, it is considered that the proposal would not cause overlooking to that property or its garden. To the other side and to the rear the proposed windows and terraces would be too far from the neighbouring properties to cause a material impact on privacy.
- 9.32. It is, however, considered that further details of the type, materials and height of the privacy screens between the terraces of the proposed flats are required and it is recommended to secure this via a pre-occupation condition.
- 9.33. It is not considered that the noise and disturbance created by a maximum of nine additional occupiers would cause a detrimental impact on neighbouring amenity, especially given that the existing building houses 33 flats.
- 9.34. As such, the overall impact on neighbouring amenity would be acceptable, subject to the condition outlined above, and compliant with Local Plan Policies SU10 and QD27 and emerging CPP2 Policy DM20 (which can be given significant weight).

#### Fire Safety

- 9.35. A Fire Statement was submitted with the application, setting out the principles, concepts and approach to fire safety that applies to the building, as it relates to land use planning matters. In response, the Health and Safety Executive (HSE) has raised 'significant concern' about the application in relation to fire safety issues.
- 9.36. However, it is for the planning authority to determine which of these relate to land use planning, noting detailed issues relating to fire safety are managed through the Building Control process, which the planning process should not, and cannot duplicate. It is for the applicant to manage subsequent amendments to the planning permission if this is needed to meet those requirements.

- 9.37. In this case, the applicant has highlighted that the existing internal staircase would be extended within a fire protected lobby to form the main means of escape in the event of fire, with the external fire escape to be retained and extended to the additional floor to provide an alternative means of escape. This would also mitigate the issue with the travel distance to the nearest fire escape. If, during the Building Regulations process it is apparent that ventilated lobbies to the internal staircase require new windows or alterations, this can be addressed by subsequent amendments to the planning permission.
- 9.38. The applicant has confirmed that smoke ventilation measures would be implemented in the event the application is approved and the development built out. This would be secured by resolved through the Building Regulation process. The need for fire hydrants in close proximity to the site would be established during the Building Regulation process.
- 9.39. A detailed drawing of the proposed external walls and cavity wall construction has subsequently been provided showing the installation of 100mm of Celotex FR5000 PIR fire resistant insulation. It also states that all external doors to the flats would be 60 minute fire-rated.
- 9.40. It is not considered that there would be any implications for the design, layout and appearance of the building resulting from installing sprinkler systems and / or smoke ventilation or on landscaping from any additional hydrants which may be required to overcome the HSE's concerns.
- 9.41. As such, the development is acceptable in land use planning terms with regards to fire safety.

**Standard of Accommodation:**

- 9.42. 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.
- 9.43. 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, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.44. Two, two bedroom flats (one for four persons and one for three) and a one bedroom flat are proposed. The Gross Internal Areas (GIAs) for each residential unit are in excess with the figures in the NDSS. All the bedrooms would also be compliant with the NDSS. The internal floor to ceiling height of 2.4m throughout is considered acceptable.

- 9.45. All but Unit 2 would be triple aspect (it having dual aspect instead), which therefore provides future occupiers with sufficient outlook, natural light and cross-ventilation.
- 9.46. The provision of external amenity space in the form of terraces for all the flats is supported, and they are considered of an adequate size to be useable. All are proportionate to the size of the flat i.e. Unit 1 has more than Unit 2 and Unit 2 and more than Unit 3. It is considered that any noise created from the use of the roof terraces would be akin to that within a residential garden and therefore would not cause a materially adverse impact.
- 9.47. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 and emerging CPP2 Policy DM1 (which can be given significant weight).

**Impact on Highway:**

- 9.48. The site is considered to be in a sustainable location close to schools, local shops and services with bus stops served by several routes, including to Brighton train station. Hove train station is easily accessible by bicycle or on foot. This is illustrated by it being in a 'Key Public Transport Corridor' of the city as set out in SPD14. In these areas, SPD14 permits a maximum of 0.25 parking spaces per dwelling. No spaces are proposed, which is therefore compliant and considered acceptable.
- 9.49. It is considered that the creation of three new flats would not lead to increased traffic generation or parking stress on surrounding street, particularly as no car parking spaces are proposed. Given the site's location within CPZ N, which prevents on-street parking, and that there are no nearby streets than are either outside a CPZ, the proposal would not cause overspill parking. It is not considered appropriate to impose a car-free condition because parking in the local area and limiting the issue of parking permits is already covered through the management of the CPZ.
- 9.50. Cycle storage is proposed to the north east corner of the building and this location is considered acceptable given access can be had from the street, but it would not be visible from there. For this development the minimum cycle parking standard is 3 long stay / resident spaces. Further details of the store are recommended to be secure by condition. It is worth noting that there exists public cycle hire facilities at Hove Town Hall and at the train station as well as Sheffield stand on Hove Street.
- 9.51. Although it has been calculated that the entire waste requirement for the proposed flats could be catered for in the form of a 1100 litre wheelie bin for refuse and a 360 two wheel bin for recycling, no details of these arrangements have been submitted with the application and therefore it is considered appropriate to recommend that this matter be dealt with by way of condition.
- 9.52. Given the context, characteristics and quantum of development, it is recommended that a Construction Environmental Management Plan (CEMP) is secured by a pre-commencement condition. Further reasoning is provided

within the LHA's comments. A CEMP would address concerns about highway safety, amenity, noise and construction traffic.

- 9.53. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

**Sustainability and Biodiversity:**

- 9.54. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Therefore, conditions are recommended to ensure the development meets those standards.

- 9.55. As previously mentioned, all units are at least dual aspect to allow for adequate ventilation, daylight and enhanced orientation, thereby making the best use of site orientation, building form and layout.

- 9.56. Additionally, the applicant has committed to on-site sorting and recovery of waste materials from the demolition and the use of construction methods commensurate with the scale of the scheme to minimise the use of raw materials and maximise the use of secondary aggregates, recyclable and recycled materials, thereby reducing the embodied energy of this scheme. Further details are recommended to be secured through a Site Waste Management Plan condition. The principle of the development in terms of re-using, adapting and retrofitting an existing building would have substantial environmental benefits in terms of reducing the associated CO2 emissions.

- 9.57. There is scope for the development to result in a biodiversity net gain in accordance with the Environment Bill, Policy CP10 and SPD11. The flat roof of the proposed additional storey would be planted with a sedum or another suitable green roof. It is noted that the former does not provide a biodiversity net gain so a diverse seeded plug-planted green roof is recommended by condition. The applicant is proposing swift bricks to the structure, which are welcomed. A further condition is commended in respect of a bee brick.

**Other matters:**

- 9.58. Matters regarding impact upon existing building services, payment for the development, property prices, applicant communication with residents, and scaffolding are not valid planning considerations and therefore have not been taken into account in the determination of this application.

## **10. CONCLUSIONS**

- 10.1. The proposal would provide three dwellings within an extension to an existing building, which is considered a significant benefit in a time of housing need, particularly in combination with sustainability and biodiversity net gains, and economic activity during construction. The LPA supports the high quality design of the additional storey, which would not have a significantly adverse impact on heritage assets, neighbouring amenity or on highways safety whilst



providing a good standard of accommodation. The proposal is therefore recommended for approval.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for C3 use in Charging Zone 1 is £175 per m<sup>2</sup>. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **12. EQUALITIES**

- 12.1. Access to the proposed flats is via the existing internal lift and staircase with entry from and exit to Hove Street, which is considered acceptable. In terms of on-street disabled parking spaces, these are available free on Vallance Road and outside both The Connaught public house and the public library on Church Road. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to three hours. None of the flats would be fully wheelchair accessible, but this accords with planning policy in this regard.

## **13. CLIMATE CHANGE / BIODIVERSITY**

The site is considered to be in a sustainable location with good links to facilities including shops, it is well served by public transport and cycle parking is proposed, reducing reliance on cars. The proposal would make a more efficient use of the building and the new flats would receive ample daylight and sunlight as a result of being well orientated. A diverse seeded plug-planted green roof as well as a bee brick are recommended to be secured by condition.

