

<u>No:</u>	BH2022/02433	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	56 - 57 And 56A Boundary Road Hove BN3 5TD		
<u>Proposal:</u>	Erection of second floor extension to create 1no two bedroom flat (C3) above 56A Boundary Road with access from 57 Boundary Road, with associated internal alterations to existing flat.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	15.08.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	10.10.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.12.2022
Agent:	Turner Associates 2D St Johns Road Hove BN3 2FB		
Applicant:	Mr Greg Lester 56-57 Boundary Road Hove BN3 5TD		

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
Block Plan	TA 953/20	C	2 November 2022
Proposed Drawing	TA 953/21	A	1 August 2022
Proposed Drawing	TA 953/22	A	1 August 2022
Proposed Drawing	TA 953/23	A	1 August 2022
Proposed Drawing	TA 953/24	E	2 November 2022
Proposed Drawing	TA 953/25	B	1 August 2022
Proposed Drawing	TA 953/26	C	2 November 2022
Proposed Drawing	TA 953/27	C	2 November 2022

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. The relevant external finishes of the development hereby permitted shall be as follows:

- External walls in painted render
- Window and door frames with powder/coated aluminium frames painted/coloured white

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.

4.

- (i) The window servicing the ensuite bathroom on the south elevation shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room the window serves.
- (ii) The window servicing the hall/landing on the west elevation shall be obscure glazed and non-opening.
- (iii) The windows servicing bedrooms 1 and 2 of the dwelling hereby permitted on the west elevation shall be subject to the requirement that the bottom half of each window shall be (a) obscure glazed and (b) non-opening.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

5. Access to the area denoted as 'existing flat roof' outside the bedroom windows of the flat hereby approved shall be for maintenance or emergency purposes only and the area of 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 DM20 of the Brighton & Hove City Plan Part Two.

6. Three or more swift bricks/boxes shall be incorporated within the external surface 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, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.

7. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a) The phases of the Proposed Development including the forecasted completion date(s);
- b) 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);
- c) 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;
- d) Details of hours of construction including all associated vehicular movements;
- e) Details of the construction compound;
- f) A plan showing construction traffic routes;

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35 and DM40 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.

8. The dwellinghouse hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum 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 energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

9. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies CP9 of the Brighton & Hove City Plan Part One, and DM33 of the Brighton & Hove City Plan Part Two.

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 application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. 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.
The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.

5. The water efficiency standard required by condition 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.
6. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) 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.
7. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.
8. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
9. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.
10. The new building regulations will come into force for building regulation applications made on or after 15th June 2022. The new requirements will not apply to applications made prior to June 15th, providing building work have commenced before 15th June 2023 on all aspects of the application. This gives 1 year's grace to allow commencement.

2. SITE LOCATION

- 2.1. The application site is a pair of attached buildings on the east side of Boundary Road, near the junction with New Church Road. No.56 and 56A are both two-storey in height, with no.57 being three-storeys. Both buildings are in mixed uses

with commercial uses at ground floor (plus one (C3) flat at the back of no.57) with residential above.

3. RELEVANT HISTORY

- 3.1. **BH2016/01199** Erection of second floor extension to create 1no two bedroom flat (C3) with access from 57 Boundary Road. Approved
- 3.2. **BH2002/02405/FP** Change of use of rear part of ground floor of no. 57 (furniture showroom) and extension and alteration of buildings (involving two storey and three storey extension) to form a total of 6 no. new self-contained flats. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey atop no.56a to create a two-bedroom self-contained flat. Said flat would be accessed via a linkway into no.57; permission is also sought for the minor alterations to the second floor of no.57 including a reduction in the size of one of the existing flats.
- 4.2. The application has been amended during its lifetime. It was noted that the amendments to the layout of the second floor level of no.57 would reduce the area of the front flat on this level below what would be acceptable for a two-bedroom flat, so it is now proposed to be reduced to a single-bedroom flat. A further amendment was sought to reduce one of the bedrooms of the proposed flat (resulting in a three bed-space flat instead of a four bed-space) so the development would have an acceptable impact on the outlook from an existing side bedroom window to the rear flat.
- 4.3. Permission was granted for a very similar development under application BH2016/01199.

5. REPRESENTATIONS

- 5.1. Five representations have been received, objecting to the proposal on the following grounds:
 - The proposed extension is not in keeping with the character of the area
 - Loss of light/overshadowing
 - Loss of privacy
 - The proposed development will be overbearing
 - Noise nuisance from additional residential units
 - Noise nuisance from building works
 - Increased on-street parking pressure
 - Potential fire risk
 - Local residents were not properly notified for application BH2016/01199
- 5.2. One representation has been received, making the following comments on the proposal:

- The comments of the Highway Authority are incorrect with regards to local parking conditions.

6. CONSULTATIONS

6.1. Private Sector Housing No Comment

6.2. Transport

No Objection. The proposal will result in an increase of trips generated by the site and the existing step-free access route will intensify; however, this level of trips is considered non-material and is not expected to have an impact on the surrounding highway network.

6.3. No car parking is proposed. The site is situated within CPZ L which has an average residential permit uptake of 64% indicating there is still capacity on-street for additional car parking should this be required.

6.4. The proposal does not include cycle parking provision. Cycle parking compliant with Supplementary Planning Document 14: Parking Standards should be secured by condition, in the interests of encouraging and promoting travel by active and sustainable modes.

6.5. Given the site's proximity to a number of bus stops, bus routes, existing residential properties and the fact that it is situated within a busy retail area with relatively high levels of footfall, a Construction Management Plan (CMP) should be secured by condition. The CMP could be in the form of a statement and should provide details of the construction vehicles required, including type and where they will load/unload. If on-street loading/unloading is required, the CMP should confirm whether parking suspension will be required, where materials will be stored on-site and whether the footway width will be impacted by hoarding lines.

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 City Plan Part Two (adopted October 2022);
- 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 Joint Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces
CP19	Housing Mix

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
------	----------------------------------

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; and on highway safety.
- 9.2. A site visit has not been undertaken in this instance; however, the impacts of the development can be clearly assessed from the plans and photos provided and from recently taken street-level and aerial imagery of the site.

Principle of Development

- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24th 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 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 proposed development would add a single flat to the City's housing stock, though it would require an existing flat to be down-sized from a two-bedroom to a single-bedroom unit. The proposed development would still deliver a net gain of housing at a time when the city cannot demonstrate a five year housing land supply; therefore, it is considered acceptable in principle.

Design and Appearance

- 9.7. The proposed development is very similar in appearance to the scheme approved under permission BH2016/01199, which expired in July 2019.
- 9.8. Boundary Road is formed of a fairly even mix of two- and three-storey buildings without much design coherence and from a variety of twentieth century building periods. The existing first floor parapet at no.56A is lower than the adjoining parapet at no.57 (which is topped by a mansard). No. 56 (which 56A adjoins) is the other half of a matching pair. South of 56 is the building on the corner with New Church Road which, like no.57, is two storeys plus mansard. North of no.57, no.58/59 is three storeys (no mansard). Given it that it is set back and within the context as aforementioned it is considered that the development would have an acceptable impact on the streetscene. The additional level of the 'bridge' is set a long way to the rear of the street frontage and would not generally impact on street views.
- 9.9. The proposed external materials for the development include painted render walls and powder-coated aluminium fenestration. It is considered white frames for the fenestration (to match the main building) would be most appropriate. This shall be secured by condition.

Impact on Amenities

- 9.10. At the rear of the premises there is a relationship with buildings in both Boundary Road and New Church Road. The nearby nos.251, 253 and 255 New Church Road are wholly residential and there is a flat above 56 Boundary Road. The set-in of the proposed additional storey from the rear boundary, the fact that the application site is to the north of these premises and the partial obscuring of the

rear windows of the proposed flat are considered to minimise potential amenity impacts on residential neighbours and there are not considered to be substantive amenity reasons for refusal in terms of privacy or the development appearing overbearing.

- 9.11. The proposed windows shall be subject to a condition requiring the
- 9.12. Concerns have been raised that the proposed development would cause overshadowing (loss of daylight) to rear gardens of properties east of the application site in the late afternoon/early evening hours. Given the proposed development would not be substantially higher than the adjacent properties (nos.57 and 58, which are both three-storeys in height) it is not considered that the proposal would be significantly impactful in this regard.
- 9.13. Concerns have been raised that the increase in residential density will cause noise nuisance. It is not considered that the additional noise generated by a single residential unit would be significant, particularly in the context of the busy shopping street of Boundary Road. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.14. A condition will be attached restricting access to the rear flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in adjacent properties.

Impact on the Public Highway

- 9.15. The increase in the number of residential units and lack of off-street parking means the proposed development has the potential to result in overspill parking, though it is considered this would not be on a significant scale. The site lies within Controlled Parking Zone (CPZ) L which has a relatively low permit uptake rate according to the most recent data held by the Highway Authority. It is noted that a local resident has questioned the veracity of the Highway Authority Officer's comments but nevertheless it is considered that any harm caused by overspill parking can be controlled through general management and distribution of resident parking permits, and it would not be reasonable to withhold planning permission on these grounds.
- 9.16. There is cycle parking to the rear of no.57 and it is clarified in the Design and Access Statement that residents of the proposed development will be able to make use of these facilities. Limited details of these facilities have been submitted and it is considered necessary to secured details by condition to ensure that policy-compliant cycle parking is provided.
- 9.17. The site is upon the busy shopping street of Boundary Road that also has bus routes and high levels of pedestrian traffic. The physical development necessary to erect an additional storey has the potential to cause significant disruption to the public highway; it is considered necessary that permission be granted only subject to a condition requiring a Construction Environment Management Plan be submitted to the LPA for approval prior to the commencement of

development. The CEMP can also secure information to mitigate the impact of the development on the amenities of local residents in terms of noise, which was raised as a concern.

Standard of Accommodation

- 9.18. 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. These standards have been formally adopted into policy DM1 of the CPP2 and can be given significant weight.
- 9.19. The new residential unit would provide a gross internal area (GIA) of approximately 70.9m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.20. The proposed flat is laid out as a two-bedroom, three bed-space property, for which the NDSS requires a minimum GIA of 61sm²; the proposed development comfortably exceeds this. The layout itself is also considered to be good, with a front terrace (approximately 11.7m²) providing some external amenity space.
- 9.21. The existing second floor front flat within no.57 is a two-bedroom, three bed-space property with a GIA of approximately 62.1m². The proposed development would reduce this flat down to approximately 55m². In order to be in compliance with the NDSS, this flat will be reorganised into a one-bedroom, two bed-space property.
- 9.22. The existing second floor rear flat within no.57 has a window servicing 'bedroom 2' which will be impacted upon by the proposed development. Daylight levels are considered to be acceptable within the room, but the development initially proposed the rear part of the proposed additional storey to extend partway across this window. This was not considered acceptable, and amendments were secured. Though the outlook from bedroom 2 will still be detrimentally impacted upon, it is not considered now that it would be to a degree that would justify planning permission being withheld.

Other Considerations

- 9.23. Concerns have been raised that the proposed development could constitute a fire risk. Fire safety is a matter that is addressed through Building Regulations and as such a qualified Building Control Body will need to assess the scheme and confirm the proposed development is acceptable in terms of fire safety. It is not therefore necessary for further consideration to be given at the planning stage.
- 9.24. Concerns were raised that during the course of the previous application (ref: BH2016/01199) local residents were not properly consulted upon. Council records indicate that a consultation was carried out in accordance with correct procedure, with all properties that share a site boundary with the application site being posted a letter, and the scheme being advertised online, via a site notice

displayed in the area, and in 'The Leader' local newspaper. It is not considered that there were any procedural mistakes made during this 2016 application and regardless this issue is not afforded any weight in the determination of the current application. It should be clarified that the consultation process for the current application has been carried out correctly and in accordance with Council procedures.

- 9.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as swifts. A suitably worded condition will be attached to secure an appropriate number of swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2.

Conclusion

- 9.26. The proposed development is considered to be acceptable in terms of appearance and the impacts it may have on the amenities of local residents and the public highway. Planning conditions shall be included in the interest of visual and residential amenity, safeguarding the smooth running of the public highway, securing biodiversity improvements and secure cycle parking on the site, and ensuring water efficiency targets are achieved. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP7, CP8, CP9, CP10, CP12, CP13 and CP19 of the Brighton and Hove City Plan Part One, and DM1, DM12, DM18, DM20, DM21, DM33, DM35, DM37 and DM40 of the City Plan Part Two.

10. EQUALITIES

- 10.1. The proposed residential unit would only be accessible using the existing access through no.57 Boundary Road and as such would not be suitable for any persons requiring level access. This is regrettable but it is not considered that alterations to the building (i.e. to install a passenger lift) would be practical in this instance and the LPA does not wish to raise strong objection.

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 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £ XXX. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. Biodiversity improvements including swift bricks shall be secured by condition within the approved development. The intensification of development on an

existing building to provide an additional flat will slightly reduce the pressure on green-field sites to provide housing. The site is in a highly sustainable location in terms of public transport, with bus routes along Boundary Road and Portslade Railway Station a short walk north of the site. Permission will be granted subject to a condition requiring the development meets water efficiency targets, to reduce the potential for water wastage and mitigate the impact of an additional household on water resources.