

<u>No:</u>	BH2020/01466	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hill House 53 Western Road Hove BN3 1JD		
<u>Proposal:</u>	Proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all windows, improvement of the existing third floor residential accommodation and associated works.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	01.06.2020
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	27.07.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Hill House Investments Limited 8A Ship Street Brighton BN1 1AD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11.1 of this report:

Section 106 Head of Terms:

Affordable housing:

- 20% financial contribution (calculated at £477,500)

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	1967-P-021	A	30 July 2020
Proposed Drawing	1967-P-022	A	30 July 2020
Proposed Drawing	1967-P-023	B	21 August 2020
Proposed Drawing	1967-P-024	B	21 August 2020
Proposed Drawing	1967-P-025	A	30 July 2020
Proposed Drawing	1967-P-026	A	30 July 2020
Proposed Drawing	1967-P-027	A	30 July 2020

Proposed Drawing	1967-P-028	A	30 July 2020
Proposed Drawing	1967-P-029	A	30 July 2020
Proposed Drawing	1967-P-030	A	30 July 2020
Proposed Drawing	1967-P-031	A	25 August 2020
Proposed Drawing	1967-P-032	A	21 August 2020
Proposed Drawing	1967-P-033		01 June 2020
Proposed Drawing	1967-P-034		01 June 2020
Proposed Drawing	1967-P-035		01 June 2020
Proposed Drawing	1967-P-036		01 June 2020
Location Plan	1967-P-001		01 June 2020
Block Plan	1967-P-003		01 June 2020
Report/Statement	Daylight and Sunlight Assessment	Issue 4	21 August 2020

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

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

3. No development other than demolition shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) samples of all metal cladding and tiling; and
- b) specification documents for the balustrades and decking / hard surfacing to the terraces (which shall be porous or permeable, or adequate means or drainage shall be provided).

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

Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4.

- a) No development other than demolition shall take place until 1:20 scale elevational drawings and sections and 1:1 scale joinery sections of all new windows including their reveals and sills, and doors within the extension hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.
- b) No window replacements shall take place until 1:20 scale elevational drawings and sections and 1:1 scale joinery sections of them, their reveals and sills have been submitted to and approved in writing by the Local Planning Authority. The windows shall be metal framed. The works shall be carried out and completed fully in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14, HE3, HE6 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. Sixteen swift boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.
6. Access to the flat roof over the extension 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 Policies QD14 and QD27 of the Brighton & Hove Local Plan.
7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14.
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. 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.

9. No development, including demolition or 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.
10. 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.
11. 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. Swift 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.
3. The applicant is advised that the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Local Highway Authority (copied to the Council's Parking Infrastructure Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
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 11 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 & APPLICATION DESCRIPTION

- 2.1. The application relates to a four storey building known as Hill House, the central part of which features a mansard roof, with a pitched roof over the eastern part and curved bays. Several gaps are positioned through the roof of the building to provide central lightwells to the existing flats. The building is located on the southern side of Western Road (the B2066) between the junctions of Lansdowne Place to the east and Holland Road to the west, and opposite the junction with Lansdowne Street. Holland Mews is directly to the rear (west).
- 2.2. Hill House contains flats (Planning Use Class C3) over the first, second and third floors with the street address of 53 Western Road. There are also commercial units in a variety of use classes underneath the flats that do not form part of the proposals.
- 2.3. The building is within the Brunswick Town Conservation Area and subject to an Article 4 Direction, limiting 'permitted development' rights. It is not a statutory listed building, although it is locally listed. It is, however, in the vicinity of several Grade II listed buildings at 33-55 Lansdowne Place, 62 and 63 Western Road (The Wick pub) and 86 and 87 Western Road. The site is also within Controlled Parking Zone (CPZ) M.
- 2.4. The current application seeks planning permission for a roof extension to adapt the existing mansard roof and provide eight additional flats (Planning Use Class C3) comprising 2No. three-bed, 4No. x two-bed, 1No. x one-bed flats and a studio. The scheme provides terraces for the new flats and also incorporates new terraces for some of the third floor flats, replacement of front and side windows, improvement of the existing third floor residential accommodation and associated works. There have been minor changes made during the course of the application to the lower floor windows, to obscure glaze the dining room side-facing windows to Flat 8 and remove the greenery to the private terraces.

3. RELEVANT HISTORY

- 3.1. **BH2020/01467:** Listed Building Consent for a proposed roof extension to adapt the existing mansard roof and provide 8no additional flats (C3) incorporating new terraces for the third and fourth floors, replacement of all

windows, improvement of the existing third floor residential accommodation and associated works. Awaiting determination (this Committee).

3.2. **PRE2019/00267:** Proposed roof extension to adapt the existing modern central mansard roof (flats numbers to remain unchanged) and provide an additional 8 flats (1, 2 & 3 bed) in a new set-back roof extension. Proposals will require associated alterations and extensions to circulation cores to connect to the new roof level accommodation. Response issued 30 January 2020 giving the following advice:

- The provision of eight flats contribute to the Council's housing target and are therefore supported in principle, but it must be demonstrated that the unit mix, type and tenure addresses an identified housing need;
- An affordable housing contribution in lieu of on-site affordable units must be provided;
- The demolition of the existing mansard is supported and the impact of the proposed two storey extension on the locally listed host building, the setting of nearby listed buildings and on the Brunswick Town Conservation Area would be negligible to beneficial;
- Numerous alterations could be made to the host building to improve its appearance, and should be considered as part of the forthcoming application;
- The additional storeys could overshadow and reduce natural light to adjacent dwellings, which will need to be tested with the finding presented within a report;
- The flats should provide adequate bedroom sizes, sufficient floor to ceiling heights and maximise daylight and sunlight;
- The proposal should deliver measurable biodiversity improvements; and
- The proposal should be car-free since given the very high levels of permit uptake within the CPZ.

4. REPRESENTATIONS

4.1. **Fifteen (15) objections**, five of which are from properties directly affected, have been received to the proposal for the following grounds:

- The balconies would be an invasion of privacy of properties and gardens.
- Construction vehicles along a one way road already very busy with cars will cause huge traffic congestion and endanger elderly people, pets and school children. It is unclear how and where will materials arrive at site.
- The design is very poor and will cause harm to the host building and devalue houses.
- The noise from building will cause disruption to businesses, inhibit working from home and poses a strain to mental health.
- There has been a woeful lack of consultation of residents of Holland Mews during the process.
- The proposal lacks a plan to address construction duration, site access for construction, parking for tradespeople, the level of noise and disruption to neighbours and the level of air pollution / dust caused.

- No thought has been given to access for emergency vehicles, particularly given the installation of the restricted access gates.
- The addition of another storey to the subject building will materially reduce the amount of sunlight properties will receive, which is already low.
- The proposal seems an obvious overdevelopment of the site, both in going against the character of the conservation area and with regards to the already extremely limited parking availability for the existing residents.
- The scaffolding covering the building will cause a loss of light for some time and will make social distancing difficult for pedestrians.
- The upheaval for the residents and the surrounding area does not warrant the development of just 8 new flats.
- This development would build over skylights, meaning that some rooms would be windowless, and would also mean the removal of both bedroom windows.
- The fourth floor would make the building shake even more when a bus / lorry goes past and when there are strong winds.
- While the application states there are no waiting lists for permits in CPZ M, all on-street parking spaces are filled in the evening and visitors often have to park many streets away.

4.2. **The Conservation Advisory Group (CAG)** have raised an objection (6 votes for refusal, 3 for approval and 1 abstention) for the following reasons:

- Harm may be caused to the setting of Holland Mews by the additional storey which could be set back to mitigate the impact.
- The replacement fenestration needs to be set back from the face of the building.
- More detail of the proposed windows is required, perhaps after consultation with a historic window specialist such as Charles Brooking.
- The pavement mosaic is not given sufficient attention.
- More information about access for construction traffic is required.
- The setting of Grade II listed 55 Lansdowne Place would be compromised.
- The design of the additional storey as viewed from the north was nevertheless praised.

4.3. **Councillor Clare** has objected to the proposal and although her representation referred to the listed building application it raised other amenity issues. Therefore, a copy of the correspondence is attached to this report too.

5. CONSULTATIONS

5.1. Heritage:

This proposal is very similar to the scheme previously submitted for pre-application advice.

5.2. As advised previously, it is considered that the 1980s mansard roof is clearly visible over the middle section of the block and makes no positive contribution to the appearance of the building or the character of the conservation area,

and its removal and replacement with a roof extension that better enhances the 1920s re-styling of this terrace is supported.

- 5.3. It has been demonstrated that a reduction in the existing top floor depth can be achieved as part of the removal of the mansard, and therefore the increased overall height of the two new floors would amount to an increase overall of less than a full storey height. These new floors would also be set back from the existing facades thereby moderating the impact.
- 5.4. The Heritage Team considers that the replacement of the mansard roof with the proposed roof extension would not cause harm to the significance of the locally listed building.
- 5.5. The impact of the increased height on surrounding views is shown in the wider viewpoints submitted and demonstrates the impact of the increase in height on the conservation area generally. The Heritage Team considers that this is favourably balanced by the improved design approach when compared to the existing mansard and the impact would be negligible to beneficial.
- 5.6. The impact on 55 Lansdowne Place is also illustrated, which is the closest listed building to the proposal and potentially the historic asset that would be most affected by the alteration.
- 5.7. The 'Lansdowne Place South view 3' in the Design & Access Statement (DAS) shows that the silhouette of no. 55 will be affected by the proposed additional floor, but from more distant viewpoints and this is not the case from immediately opposite the property, and that these other views also demonstrate that the impact on more distant listed buildings would be low. It is considered that this would amount to less than substantial harm and could be adequately balanced by other enhancements discussed at pre-application stage.
- 5.8. It is considered that the opportunity to improve the poor appearance of the bland and poorly detailed rear elevation should be taken as part of this proposal. This appearance, made worse by its scale, has a detrimental impact on Holland Mews to the south. The re-configuration of the windows may be possible to improve natural light levels for the existing flats.
- 5.9. The existing north, east and west facing windows were also identified at pre-application stage as having a poor impact on the building. Slim metal-framed windows taking influence from those that previously existed in the building, or other similarly styled 1920s buildings would be encouraged.
- 5.10. In addition, the filled-in southern, east-facing coffee shop window was identified as detrimental and improvements were encouraged, along with the restoration of the damaged floor mosaic on the area between the building and the footpath.
- 5.11. Enhancement measures are mentioned in the DAS, but no mention of the restoration of the mosaic is made, and this is of concern. None of these works

are included on the proposed drawings and the DAS states that improvements to the existing building are shown indicatively and are subject to viability assessments. As a result, the likelihood of these works taking place is uncertain. It is considered that enhancements are required to balance the identified harm to 55 Lansdowne Place. Therefore, more certainty is required before full heritage support is possible.

- 5.12. Drawing no. 1967-P-031 (Proposed South Elevation) appears to show a broken frontage at third and fourth floors with two broad recesses that would provide relief at high level on this otherwise plain façade. However, the reconfiguration of the third-floor level shown on drawing no. 1967-P-022 does not appear to show these breaks. Clarification should be sought on this point.
- 5.13. **Transport: Recommend approval**
No changes are proposed to the pedestrian access arrangements onto the adopted (public) highway and this is deemed acceptable.
- 5.14. Cycle parking compliant with SPD14 Parking Standards is not requested as the site appears to be constrained and unlikely to be able to accommodate any spaces. It is also noted that there is several secure cycle parking and Bike Share facilities available to the general public on-street in the vicinity of the site.
- 5.15. There are somewhat limited opportunities for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, the lack of dedicated, for sole use only on-site disabled car parking is not considered to be an issue.
- 5.16. No significant alterations to the current servicing and delivery arrangements to this site and this is deemed acceptable.
- 5.17. No changes are proposed to the existing vehicle access arrangements onto the adopted (public) highway in Holland Mews and this is deemed acceptable.
- 5.18. No changes are proposed to the existing basement car parking arrangement and no car parking spaces are proposed for the 8 flats, which is in line with the maximum standards and therefore deemed acceptable.
- 5.19. This section of Western Road Hove is located in Controlled Parking Zone (CPZ) M. The proposed development will generate overspill parking on nearby streets, but a parking survey was not provided to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. The average 12 month percentage permit uptake for this CPZ is 99% and it is considered that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold). This leads to a legitimate concern that there is insufficient spare capacity below the transport planning industry standard 85% bay occupancy threshold to accommodate the amount of overspill generated, leading to circulating traffic and higher road safety risks. As such, this site should be made “car-free” by restriction of on-street parking permits by condition.

5.20. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity. Developer contributions for carriageway related improvements will not be sought.

5.21. **Environmental Health:**

Approve with conditions relating to a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP)

5.22. **Private Sector Housing:**

It might be worthwhile at the design stage making the requirement for a water mist system to be installed in Unit 4, mitigating the fire safety risk of combined living / sleeping area to an acceptable level.

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP12 Urban Design
CP15 Heritage
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
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
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest

Supplementary Planning Documents:

SPD09 Architectural Features
SPD11 Nature Conservation and Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

Supplementary Planning Guidance

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

Other Documents

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, affordable housing, design and heritage, biodiversity and landscaping, the impact on neighbouring amenity, the standard of accommodation created, the impact on the highway, and sustainability.

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

Principle of development:

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to four years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The site counts as a small 'windfall site', bringing the benefit of providing eight additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of eight dwellings (such as that in this proposal) would represent a small contribution.
- 8.5. City Plan Part One Policy CP19 outlines that sites coming forward as 'windfall' development, such as this one, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. All new residential development shall have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.6. Paragraph 4.213 of the supporting text outlines that an estimated 65% of the overall need / demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively), 24% for 1 bedroom properties and 11% for 4+ bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively).
- 8.7. The housing mix is proposed to be 2 x three bed, 4 x two bed and 2 x one bed (one is a studio). It is noted that 3 x two beds, 2 x three beds, 2 x one beds and a four bed would need to be provided in order to be fully compliant with paragraph 4.213. Another three bed flat has been provided compared to the pre-application scheme and it is considered that the provision of more two beds, which are in most demand within the city, would be more appropriate than a four bed dwelling which tend to be large family units where future occupiers would reasonably expect a substantial external amenity space, usually in the form of a garden, and at least one private car parking space, neither of which can be achieved on this site. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family-sized housing.

- 8.8. As such, no in-principle objection is raised to the proposal, and which is considered to be compliant with Policies SS1 and CP19.

Affordable Housing:

- 8.9. It is noted that the applicant is willing to pay the 20% financial contribution (calculated at £477,500) as set out in City Plan Part One Policy CP20 for development of between 5 and 9 dwellings. This contribution can be provided in the form of a Unilateral Undertaking or a Section 106 Agreement.

Design and Heritage:

- 8.10. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.11. 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.
- 8.12. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.13. The modern mansard roof is clearly visible over the middle section of the block and makes no positive contribution to the appearance of this locally listed building or the character of the Brunswick Town Conservation Area, and its removal and replacement with a roof extension that better enhances the 1920s re-styling of this terrace is supported. No objection is raised to the demolition of the existing pitched roofs and parts of the parapets.
- 8.14. The proposals would involve a reduction in the existing top floor depth and therefore the increased overall height would be less than the equivalent of two full storeys. These new floors would also be set back from the existing facades to the front and side at both floor levels thereby moderating the impact on the host building and in views from the surrounding area. This also results in the retention of the feature curved corner walls.
- 8.15. The impact of the increased height on surrounding views is shown in the submitted information, and this was tested on site with particular reference to 55 Lansdowne Place, which although incorporated internally into Hill House, externally is visibly distinct and is separately listed at Grade II. This is the closest listed building to the proposal and the historic asset that would be most affected by the extension. However, Officers are satisfied that the proposed roof extension would only be glimpsed above the parapets of nos. 53 and 55 from acute views at ground level on Lansdowne Place. It is therefore considered that the proposal would not have a harmful impact on the setting of the listed building and would be favourably balanced by the improved design approach and the enhancements to the existing windows.

- 8.16. The wider viewpoints in the submitted Design Statement demonstrate the impact of the increase in height on the conservation area generally. It is considered that this is favourably balanced by the well-considered design approach and the impact would be negligible to beneficial.
- 8.17. The resulting form is appropriate to the existing roofscape and whilst views cannot be had of the buildings on the south side of Western Road between Palmeira Square and Brunswick Place, it has been demonstrated that its height in relation to the neighbouring roof forms is appropriate.
- 8.18. The proposed additional storeys employ a 'layered' roof profile to unify the whole building and incorporates vertical elements along the northern facade that reflect the existing colonnade spanning across below. This design approach ties in with picking up more subtle elements with an alternative palette of materials and lightweight design with more glazing, which have been developed since pre-application stage.
- 8.19. The pre-application advice outlined that the proposed additional storeys should be of an alternative material to a rendered finish in order to enrich the architectural quality of the existing building. The predominant materials are proposed to be anodised light grey / 'champagne' colour ppc (polyester powder coated) metal to the external walls and grey coloured curved ceramic tiles to the column features in-between the glazing, which are considered appropriate subject to samples that will be secured by condition. The light grey aluminium window, doors, soffit and roof trims would tie in with those materials, and the use of single ply membrane for the flat roof is considered acceptable because it would not be visible. Similarly, the lift overrun that would be finished in either light grey ppc cladding or single ply membrane. The balustrading would mostly be non-transparent with aluminium trims that fits with the modern design approach.
- 8.20. The glazing picks up the alignment of the large lower floor windows and follows the symmetrical arrangement found on the Lansdowne Place and Western Road façades. The west-facing window to the kitchen of Flat 3 has been enlarged to provide more natural light, but still follows the hierarchy of windows on the lower floors.
- 8.21. The proposed configuration of units in a manner similar to the existing floors is considered appropriate. The private terraces, particularly to four of the re-provided third floor flats, are a welcome addition.
- 8.22. The scheme is considered to elevate the appearance of the existing building and has been designed in conjunction with improvements to the existing building, those predominantly being the replacement of the windows on lower floors in addition to the removal of internal corridor steps to improve accessibility on the third floor and the aforementioned terraces. It is also worth noting that the stepped profile of the proposed fourth floor would add much-needed depth, shadow and interest to the somewhat dull rear elevation.

- 8.23. The existing north, east and west facing windows to the host building are clumsy, modern, but dated replacements with side opening casements set centrally within fixed glazing. The revised elevations show that these windows would be replaced as part of these proposals. The window design inherits clues from the old 'Hills of Hove' department store and those to the middle floors would be higher since the windows for each floor are different sizes to create an interesting hierarchy up the building. Photos from the 1980s appear to show slim metal framed windows with margin lights and therefore uPVC would not be acceptable. It is recommended that detailed drawings be secured by condition.
- 8.24. It is considered that only a few of the improvements suggested at pre-application stage would be sufficient to outweigh the 'less than substantial harm' caused to the Grade II listed building at 55 Lansdowne Place identified by the Heritage Officer. NPPF paragraph 196 requires that the harm should be weighed against the public benefits of the proposal. Whilst ideally all of these works would be undertaken, it is considered that window replacements to the north, east and west-facing elevations would be the most important improvement that could be undertaken.
- 8.25. Officers note the problems faced in terms of improving the appearance of the rear elevation with multiple tenancies in place. It is recognised that the tenant of the premises that has been identified as having a filled-in southern, east-facing window has recently vacated and therefore Officers consider that this and the damaged floor mosaic should be revisited once occupancy of the unit has taken place and the needs of the new tenant have been assessed.
- 8.26. As such the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15, Local Plan Policies QD14, HE3, HE6 and HE10.

Biodiversity and Landscaping:

- 8.27. The greenery indicated on the proposed terraces has been removed in order to make them more usable and therefore in order to provide a net gain in biodiversity on the site it is considered that 16 swift boxes should be secured by condition. It is noted that there is no existing biodiversity on site.
- 8.28. The material for the new areas of decking to the proposed terraces is recommended to be secured by condition to ensure it is porous or permeable, or that adequate drainage is provided to the terraces.

Impact on Neighbouring Amenity:

- 8.29. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.30. The main impact from the proposal would be on the properties below and opposite; the first and second floor flats within Hill House and 83-90 Western Road respectively. However, it is noted that the daylight and sunlight assessment submitted has also assessed the impact on Palmeira Grande at 82 Western Road to the north west; 57 Holland Road, 60 and 62 Western Road

to the west; and, to the south, 44-48 and 49-53 Lansdowne Place plus 21 and 49 Holland Mews. As expected, the main impact in terms of sunlight and daylight is to the properties identified by Officers. There are not any external amenity areas to overshadow to the north.

- 8.31. Since the size of the lightwell-facing windows to 12 of the flats over first and second floor levels are being increased to 1.8m wide, effectively doubling their size, the reduction in Vertical Sky Component (VSC) would be outweighed by the increase in daylight distribution, otherwise known as No-Sky Line (NSL). VSC is the ratio of the direct, unobstructed sky illuminance falling on the outside of a window, and which is a good measure of the amount of daylight entering it. NSL effectively measures the area from which occupiers can and cannot see the sky. It is noted that more light would enter these rooms even with the roof extension in place.
- 8.32. Loss of daylight and sunlight would largely be within the BRE guidelines for the habitable room windows of the properties assessed. Only a kitchen on the second floor of one of the existing flats within Hill House, where it is impractical to enlarge the window, and three living rooms within Enterprise House at 83-85 Western Road would not comply with the guidance. 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. The standard of accommodation is assessed in the next section of this report.
- 8.33. It is recognised that representations have been received objecting to the terraces providing opportunities for overlooking to properties on Holland Mews. The rear gardens of 47 and 49 Holland Mews and 51-53 Lansdowne Place are 18.7m, 11.6m and 6m away respectively from the closest terrace at Flat 8. The terrace to Flat 1 would only have the potential to overlook the rear garden of 49 Holland Mews at 11.5m away. In reality, the terraces would be much higher than the gardens and the acute angle of viewing is such that views are unlikely to be had into the gardens, and it is not considered that any views had would be unusual in a built up area such as this. It is worthy of note that 51-53 Lansdowne Place is comprised of 12 flats and the area to the rear is not used as an amenity area as such, more for storage. However, Officers recommend that a condition is imposed to prevent the new flat roof from being used as an external amenity area of any kind.
- 8.34. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the proposed additional flats would be materially harmful to amenity.
- 8.35. As such, the proposal is considered to be in accordance with Policy QD27.

Standard of Accommodation:

- 8.36. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation

space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

- 8.37. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.38. Eight dwellings are proposed, as follows: a 3b5p (3 bedroom, 5 person) of 86.8m²; a 3b4p of 74.9m²; four 2b3p flats of 69m², 65.7m², 63.6m² and 61m², a 1b2p of 50.6m²; and a 1b1p of 39.8m². All are compliant with the gross internal areas (GIAs) outlined within the NDSS as are the bedrooms sizes, and this is therefore acceptable. The floor to ceiling heights at third and fourth floor level would be 2.4m, which is considered acceptable.
- 8.39. The corner dwellings, Flats 3 and 7, would have dual and triple aspect respectively, ensuring sufficient outlook, ventilation and natural lighting. Whilst Flats 1, 2 and 8 only have single aspect and would therefore not benefit from cross-ventilation, this is to the south allowing for ample natural light and views of the sea.
- 8.40. However, Flats 4, 5 and 6 would be single aspect north flats and would therefore be more difficult to ventilate naturally and more likely to overheat. The design of single aspect flats will need to demonstrate that all habitable rooms and the kitchen are provided with adequate ventilation, privacy and daylight and the orientation enhances amenity, including views. In this case, given that Flats 4 and 5 make use of the lightwell, all have shallow floor plans, all of the living spaces are close to windows and doors, and with large portions of glazing, their single aspect is condoned in the circumstances. It is noted that the hall in the studio (Flat 4) is a fire lobby and is necessary to comply with fire regulations.
- 8.41. In terms of external amenity space, each of the new flats are provided with a terrace (and in the case of Flat 1, two terraces) that are at least 1.5m deep making them usable for future occupiers. This is also the case for the four third floor flats which would be retrofitted with a terrace. It is noted that the GIAs of the third floor flats would remain much the same with any GIA lost negligible, and the space would become more usable with a straightened wall allowing for greater floor to ceiling heights.
- 8.42. The objection received regarding one of the current occupant's skylights being built over and bedroom windows being removed is acknowledged, but it is important to note that all of the third floor flats (occupied on short-hold tenancies) would be demolished and re-provided with occupiers having to move, and that all would be provided with windows providing sufficient levels of natural light, ventilation and outlook.

- 8.43. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Impact on Highways:

- 8.44. The site is considered to be in a sustainable location given the proximity to Brighton train station by all means of transport and bus stops on Western Road. As such, development would be supported in principle.
- 8.45. It is not anticipated that the proposal would lead to increased traffic generation or parking stress on surrounding streets given that the site is within CPZ M, which would therefore prevent overspill parking. No car parking spaces are proposed, but since this is residential development and there is very high demand for car parking permits, a condition is recommended to be added to prevent future occupiers from applying for a parking permit.
- 8.46. It is not considered that SPD14-compliant cycle parking spaces could be provided on site and therefore are not required. There is several secure cycle parking and Bike Share facilities available to the general public on-street in the vicinity of the site.
- 8.47. Refuse and recycling facilities exist at basement level of the host building and collection arrangements are already in place, so no condition is required.
- 8.48. In terms of access for construction, numerous representations have been received objecting to the potential use of Holland Mews for this purpose. It should be noted that this is not proposed within any of the information submitted with this application. It is evident that this is unsuitable for construction traffic due to its width, lack of turning around space and potential for disturbance to residential occupiers through noise, vibration and dust. As such, in the circumstances it is recommended that a condition be added requiring a Construction Environmental Management Plan (CEMP) be submitted and approved by the LPA prior to commencement.

Sustainability:

- 8.49. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is, however, noted that three sets of 12 low-profile photo voltaic panels have been proposed on the roof to help contribute to the electricity used within the dwellings, which is welcomed.

Issues raised by consultation:

- 8.50. Issues regarding health of neighbouring residents, lack of consultation by the applicant, disruption from building works (including to working from home arrangements), scaffolding and building stability are not relevant planning considerations and therefore have not been taken into account in the determination of this application.

9. CONCLUSIONS

- 9.1. The scheme makes a small contribution to the Council's housing targets, which in conjunction with the high quality of architecture is considered to outweigh the less than substantial harm caused to heritage assets. The scheme otherwise satisfactorily addresses the pre-application advice and would provide a good standard of accommodation without causing a significant impact on neighbouring amenity or highways safety. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the existing steps to the corridor at third floor level would be removed allowing their occupation by those with a mobility-based disability. Furthermore, the lift overrun would be extended allowing for step-free access to the new dwellings on the fourth floor too. These measures are supported. Officers recognise that the significant size of Flats 5 and 7 would be suitable for wheelchair users.

11. S106 AGREEMENT

- 11.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

