

|                                      |                                                                                                                                |                            |                        |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|
| <b><u>No:</u></b>                    | <b>BH2021/01163</b>                                                                                                            | <b><u>Ward:</u></b>        | <b>South Portslade</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>                                                                                                           |                            |                        |
| <b><u>Address:</u></b>               | <b>Garages Opposite 6-10 St Johns Road Hove BN3 2FB</b>                                                                        |                            |                        |
| <b><u>Proposal:</u></b>              | <b>Demolition of existing garages (Sui Generis) and erection of a two storey building to form 4no. residential flats (C3).</b> |                            |                        |
| <b><u>Officer:</u></b>               | Russell Brown, tel: 293817                                                                                                     | <b><u>Valid Date:</u></b>  | 31.03.2021             |
| <b><u>Con Area:</u></b>              | Brunswick Town                                                                                                                 | <b><u>Expiry Date:</u></b> | 26.05.2021             |
| <b><u>Listed Building Grade:</u></b> | <b><u>EOT:</u> 02.06.2021</b>                                                                                                  |                            |                        |
| <b><u>Agent:</u></b>                 | Ms Julia Mitchell Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD                                               |                            |                        |
| <b><u>Applicant:</u></b>             | SRH (Hove) Ltd 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 as set out hereunder.

### 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 | TA 1213 /01      |                | 31 March 2021        |
| Proposed Drawing        | TA 1213 /10      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /11      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /12      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /13      | A              | 15 June 2021         |
| Proposed Drawing        | TA 1213 /15      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /16      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /17      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /18      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /19      | A              | 10 June 2021         |
| Proposed Drawing        | TA 1213 /20      | A              | 10 June 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. All new render finishes shall be smooth, lime-based, wet render without external beads, stops, bell drips or expansion joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 and DM29 of the emerging Brighton and Hove City Plan Part Two.

4. Apart from demolition, no construction works of any part of the development hereby permitted shall take place until 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 of the roofing materials;
  - b) a schedule of the proposed windows and doors (including 1:10 detailed elevations and sections, reveals, sills and lintels);
  - c) a product specification sheet for the hard surfacing, bollards and the studs or contrasting pavers to the front forecourt; and
  - d) samples of all other materials and finishes to be used externally.

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD5 and HE6 of the Brighton & Hove Local Plan, CP12, CP14 and CP15 of the Brighton & Hove City Plan Part One and DM18, DM26 and DM29 of the emerging Brighton and Hove City Plan Part Two.

5. A bee brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

6. Eight 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.

7. The hard surfacing hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, DM43 of the emerging Brighton and Hove City Plan Part Two and SPD16.

8. Access to the flat roof over the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.

9. No development shall take place until a scheme for protecting the dwellings hereby approved from noise generated by traffic or other external sources, including a noise impact assessment, has been submitted to, and approved in writing by the Local Planning Authority. The assessment shall be produced by a competent person (e.g. a member of the Institute of Acoustics). The assessment should inform a design a scheme that achieves acceptable internal noise levels in habitable rooms during the daytime and the night-time. All works that form part of the scheme shall be completed before the flats are occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post-construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00).  
**Reason:** To protect the amenity of future residents and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.
10. If relying on closed windows to meet the internal noise levels, appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be installed. If applicable, any room should have adequate ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.  
**Reason:** To protect the amenity of future residents and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.
11. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.
12. 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 and DM44 of the emerging Brighton and Hove City Plan Part Two.
13. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

14. If during demolition or construction, contamination, including asbestos, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To prevent land contamination, To safeguard the health of future residents or occupiers of the site and ensure there is no risk to public health or water supplies in compliance with Policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan and DM20, DM40 and DM41 of the emerging Brighton and 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift 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.
4. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. 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.
6. The water efficiency standard required under Condition 12 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 four, modern, single storey garages and a double garage located on the eastern side of St Johns Road, opposite 6 - 10 St Johns Road, approximately 120m north of its junction with Kingsway (A259). The garages were constructed following bomb damage in the war and are currently used as general storage as well as for vehicles. The double garage was previously used in connection with a vehicle repair garage at 6-10 St Johns Road, but are now no longer associated.
- 2.2. The site is within the Brunswick Town Conservation Area and is subject to the Adelaide Crescent, Palmeira Square & Palmeira Mansions Article 4 direction, but does not contain a listed building, although it backs onto Grade II\* listed buildings (with attached walls and railings) on Adelaide Crescent. It is also within Controlled Parking Zone (CPZ) N.
- 2.3. Planning permission is sought for the demolition of the existing garages (Sui Generis – car parking) and the erection of a two storey building to form 4no. residential flats (Use Class C3). It follows the refusal of a similar, but larger application in 2020 (see below).

## 3. RELEVANT HISTORY

- 3.1. **BH2020/01432:** Demolition of existing garages (Sui Generis) and erection of a three storey building to form 4no residential flats (C3). Refused 30 July 2020 for the following reasons:
  1. The proposed development, by reason of its height, bulk, form, positioning, proximity to the shared boundary and window placement, would have an overbearing impact on occupiers of nos. 25, 26 and 27 Adelaide Crescent due to the combination of an oppressive increased sense of enclosure, loss of outlook, increased overshadowing and perception of overlooking. As such, the proposed development would be contrary to policy QD27 of the Brighton and Hove Local Plan.
  2. The proposed building, by reason of the combination of inappropriately narrow building widths, an alien roof form, and uncharacteristic detailing for the locality, would fail to pay sufficient respect to the prevailing character and appearance of the streetscene. For these reasons, the proposal represent a cramped and incongruous form of development that visually appears as an overdevelopment of the site. Furthermore, insufficient information has been submitted to form a full and proper assessment of the impact of the proposals on the special historic and

architectural character and significance of the adjacent Listed Buildings within Adelaide Crescent, their historic fabric or their setting. For these reasons, the proposed development [sic] would be contrary to policies HE1, HE3 and HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove City Plan Part One.

- 3.2. **BH2009/02105**: Construction of two-storey B1 office following demolition of existing garages. Approved 25 March 2010
- 3.3. **BH2007/02257**: Construction of two-storey B1 offices following demolition of existing garages. Approved 25 February 2009
- 3.4. **BH2007/02213**: Conservation area Consent for the demolition of garages Approved 25 February 2009
- 3.5. Also of relevance:  
**BH2019/03295**: Erection of single storey extension at ground floor and single storey extension at first floor. Change of use of ground floor from car sales & workshop (Sui Generis) to office (B1), and residential (C3) with conversion of existing building to create 3no new dwellings. Erection of cycle store, creation of roof terrace, 1no car parking space and erection of bollards to forecourt. Approved 27 December 2019

#### 4. REPRESENTATIONS

- 4.1. **Ten (10) objections** and **one (1) comment**, eight (8) from properties directly affected, were received raising the following concerns:
- No parking is proposed so presumably new residents will be using the sparse spaces at the end of the road as it is unrealistic to assume they won't have cars. They should not be able to apply for a residents permit.
  - St John's Road is already overloaded with traffic and parked cars and it is becoming ever more difficult to park in the area, especially due to the new cycle lane. The front patio area could be converted to parking.
  - Overdevelopment and oppressive
  - The sleeping areas should not be at kerbside level as the road is busy.
  - Non-retractable bollards or raised wall should be included in the design to prevent off-road parking.
  - It is unclear where the vehicles stored in the garages would be parked.
  - Any increase in height on this site would impede the outlook from the lower floors of the dwellings to the east, increasing the sense of enclosure.
  - The buildings should remain single storey and offer job opportunities.
  - Increased overshadowing and perception of overlooking
  - Significant reduction in daylight and sunlight to windows and gardens
  - Disregard for legal right of way for emergency escape from the back of Adelaide Apartments through existing garages, or access for fire brigade.
  - Preventing scaffolding erection to maintain the rear of the listed buildings.
  - No provision for rubbish bins.

- It is not in keeping with the character of the conservation area or the style of the existing buildings.
- Flat roofs will encourage seagulls to nest, creating noise, mess, etc.
- No ecological building methods, materials or renewable energy sources are incorporated.
- The title for the property contains a number of covenants that the proposed plans do not comply with.

## 5. CONSULTATIONS

### 5.1. Conservation Advisory Group (CAG): Refusal

- Despite the reduction to two storeys it is still considered unacceptable to partially obscure the rear of the Grade 2\* house in Adelaide Crescent.
- The existing rooflines on this side of St John's Road should be maintained in order not to harm the character of this part of the conservation area.

### 5.2. Environmental Health: Recommend approval, subject to conditions (comments made on previous application, BH2020/01432)

### 5.3. Heritage: Approve with conditions

### 5.4. Southern Water:

- A formal application for a connection to the public foul sewer is required to be made by the applicant or developer.
- The adequacy of the proposals to discharge surface water to the local watercourse should be commented upon by the Council's technical staff and the relevant authority for land drainage.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.

### 5.5. Transport (verbal): Recommend approval, subject to conditions

## 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 One

SS1 Presumption in Favour of Sustainable Development  
 CP1 Housing delivery  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP10 Biodiversity  
 CP12 Urban design  
 CP13 Public streets and spaces  
 CP14 Housing density  
 CP15 Heritage  
 CP19 Housing mix

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

TR7 Safe Development  
 TR14 Cycle access and parking  
 SU9 Pollution and nuisance control  
 SU10 Noise nuisance  
 SU11 Polluted land and buildings  
 QD5 Design - street frontages  
 QD15 Landscape design  
 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  
 HE8 Demolition in 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



DM19 - Maximising Development Potential  
DM20 - Protection of Amenity  
DM22 - Landscape Design and Trees  
DM26 - Conservation Areas  
DM29 - The Setting of Heritage Assets  
DM33 - Safe, Sustainable and Active Travel  
DM40 - Protection of the Environment and Health – Pollution and Nuisance  
DM41 - Polluted sites, hazardous substances & land stability  
DM43 - Sustainable Urban Drainage

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage

Other Documents

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, density, the design of the proposal, landscaping and biodiversity, its impact on heritage assets, neighbouring amenity and on highways as well as the standard of accommodation created.

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:**

- 8.2. 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).
- 8.3. 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.

- 8.4. 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).
- 8.5. 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).
- 8.6. The proposal counts as a small 'windfall site', bringing the benefit of providing four additional housing units to the city, which would therefore make a small, but important contribution towards the Council's housing target, given the importance of maximising the use of sites.
- 8.7. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. Two of the dwellings proposed to be provided would have two bedrooms and the other two would have one bedroom (one of which would be a studio flat). Local assessments indicate that the greatest demand for market housing is for 2- and 3-bedroom properties (35% and 36% respectively). However, there is also a requirement for one-bedroom properties (a combined 24% of the overall need / demand for both market and affordable homes). Further, given that there is limited space to provide amenity areas or car parking spaces (hence none of the latter are proposed), the provision of smaller-sized dwellings on the site is considered appropriate.
- 8.8. Policy EM11 relates to mews properties and requires the retention of employment floorspace at ground floor level. However, greater weight is attached to City Plan Policy CP3 that protects unallocated employment sites, but only where they fall within B class uses, some of which now fall under Use Class E(g). Part 5 of this policy does not apply to Sui Generis uses such as these garages and, as such, there is no objection to the loss of these buildings, which no longer provide a means of employment in any case.
- 8.9. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the density, design, standard of accommodation, impact on neighbouring amenity and local highways network. This is discussed below.

**Density:**

- 8.10. City Plan Part 1 Policy CP14 outlines that residential development should be determined on a case-by-case basis. New residential development is expected to achieve a minimum net density of 50 dwellings per hectare (dph), provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within the policy can be satisfactorily met. However, a lower density will be accepted where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood.

- 8.11. In this case, by virtue of falling within one of the central conservation areas, and acceptability in heritage terms being paramount, the density of this neighbourhood has not been calculated. The proposed development would have a density of 40 dph.
- 8.12. The positive characteristics of the Brunswick Town Conservation Area are the Regency and early Victorian planning and architecture, although the original character and appearance been diluted by commercial uses in the mews street, such as St Johns Road. More specifically, to the southern end of this road, extended views of the rear of the Grade II\* listed Adelaide Crescent are an interesting characteristic. By reason of being two storeys - or 6.95m - high and having a limited first floor footprint, the proposal would retain views of the listed buildings.
- 8.13. The proposal would meet the housing needs of small families, couples and individuals, in accordance with Policy CP14. In terms of maintaining a sustainable neighbourhood, the proposal would accord with Policy SA6 by providing environmentally sustainable new buildings, housing compliant with the nationally described space standards and by promoting healthier lifestyles through the provision of cycle parking spaces.
- 8.14. As such, the proposal would be compliant with NPPF paragraph 122 that supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.
- 8.15. It is therefore considered that the proposal is acceptable in terms of proposed density and broadly in compliance with Policy CP14.

**Design:**

- 8.16. In considering whether to grant planning permission for development 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. Moreover, 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.
- 8.17. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "*considerable importance and weight*".
- 8.18. The existing garages are considered not to make a positive contribution to the character and appearance of the conservation area, and therefore the proposal is considered to accord with Local Policy HE8 and emerging policy DM26 of City Plan Part 2 (which can be given significant weight), both of which seek to retain buildings, structures and features in conservation areas that do make a positive contribution in this regard. However, it is important in policy

terms that the proposal still preserves the area's character and produces substantial benefits.

- 8.19. As previously established, the original character and appearance of this conservation area been diluted by commercial uses in the mews street. It is, however, characterised by consistent plot widths, broad ground floor openings and smaller domestic scale first floor windows. The overall height of the proposed buildings step down from the parapet height of the building to the north (no. 1), thereby following the gentle slope of St Johns Road towards the south. The proposed elevational treatment in respect of the glazed juliette balconies and façade division also overcomes concerns about the narrow frontages. Whilst the vertical linking of the ground and first floor openings contrasts with the established buildings and therefore causes 'less than substantial harm' to the conservation area as per NPPF paragraph 196, this proposal responds well to established character and local context. Both of the aforementioned policies require a proposal to provide benefits to outweigh the harm caused and it is considered that four dwellings and new buildings of an improved design than the existing, optimising the use of the site, can be given significant weight in the decision-making process.
- 8.20. It is considered that no harmful impact is caused to the Grade II\* buildings to the east given the two storey height and the first floor footprint being less than that of the ground floor, set in by between 3m and 4.63m from the rear elevation building line as shown on the proposed plans.
- 8.21. In terms of materiality, white render is proposed, which is acceptable so long as it is lime based as opposed to through-colour. It is recommended that the appropriate render is secured by condition. An additional condition is recommended to be added in respect of the timber doors and windows, glass guarding to the juliette balcony, metal spandrel panels and rainwater goods, and the roofing materials (zinc or slate for the pitched section and a pebbled finish to the flat section). This would require details prior to commencement (excluding demolition).
- 8.22. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12, CP14 and CP15, Local Plan Policies QD5, HE3 and HE6, City Plan Part 2 policies DM26 and DM29, and paragraphs 127, 130 and 192 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, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area.

**Impact on Neighbouring Amenity:**

- 8.23. 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.

- 8.24. The main impact of the proposals would be on 25, 26 and 27 Adelaide Crescent to the east (the rear of the site), as specified in the previous first reason for refusal.
- 8.25. The proposed building would abut / form the shared boundary with these properties on Adelaide Crescent. No. 25 features rear projections at one, two and four storeys. The single and the two storey projections would be between 5.3m and 8.6m from the proposed building (the curve of the road varies the separation distances). The four-storey rear projection is between 12.7m and 15.5m from the site. Windows facing the site are present at ground floor level and above. In between is external amenity space accessed via a bridge. No. 26 features similar additions. The single storey basement addition would be approx. 2.7m from the nearest part of the new building and the two-storey projection approx. 5.3m at the nearest point. The four-storey projection is 10.7m from the site. Again, there is external amenity space between these additions and the proposed building. No. 27 has a rear projection of two storeys in height in the northern part of the rear garden extending up to the application site and abutting the existing garage. This rear projection has three south facing windows. Adjoining this is a single storey addition which extends up to the existing garages. A four storey rear projection is separated from the site by approx. 7.5m. Adjacent to the single storey addition and the garages is external amenity space.
- 8.26. The proposed development would involve the second storeys being slightly set in from the rear elevation and then pitched away from the rear of the Adelaide Crescent properties. This would undoubtedly reduce the impact on the amenity of those properties, particularly when compared with the previous application. Whilst this would increase residents' sense of enclosure when using the external amenity spaces and the rooms with rear-facing windows, the scale of the development and its impact is not considered to be significantly adverse such that refusal is warranted.
- 8.27. It is noted that the applicant has submitted a Daylight, Sunlight & Overshadowing Report. Whilst the report concludes that, overall, the development enables good levels of daylight and sunlight to still be received by the majority of the rear windows of 24 - 27 Adelaide Crescent inclusive, it does highlight three ground floor windows that would suffer loss of sunlight (window numbers as specified in report):

26 Adelaide Crescent Windows 3 & 4

- 8.28. Both are north west-facing and although referred to as windows, 'window' 3 is an obscure glazed door providing access to the external amenity space. They would be affected in terms of their Vertical Sky Component (VSC), which is the amount of skylight that reaches the windows measured as a ratio of direct sky light that reaches a vertical plane to the amount of sky light that reaches the horizontal plane (i.e. the ground), although it is expressed as a percentage. For reference a VSC of above 27% should give reasonable daylight results and the maximum VSC that could be achieved for a completely unobstructed window is almost 40%. In this case, they would be reduced from a VSC of 30% for window 3 and 33% for window 4 to 23% and 25% respectively. The BRE

guidance states that a reduction to less than 27% VSC and less than 0.8 times its former value would mean that the residents are likely to notice the loss of sky light. As they serve the same room, which also has a south-facing window that would not be affected by the proposal, the impact upon it would be less harmful than had they been the only source of light.

#### 25 Adelaide Crescent Window 3

- 8.29. This is also north west-facing and it would be affected in terms of its Annual Probable Sunlight Hours (APSH). The BRE guidance states that a dwelling shall appear reasonably sunlit if the centre of a main living room window can receive 25% of APSH, including at least 5% of APSH in winter months between 21 September and 21 March. The impact may also be acceptable if the window receives more than 80% of its former sunlight hours during either period and it has a reduction in sunlight received over the whole year greater than 4% of APSH. In this case, it receives 26.94% of APSH and 6.79% of APSH in winter months and this would be reduced to 19.59% APSH and 3.43% respectively. Given that the 80% threshold is 21.55% and 5.43% respectively and the reduction in sunlight is greater than 4% of APSH, there would be an adverse impact. However, there are two south-facing windows (one of which is within a bay) that serve the same room and which therefore mitigate for the loss.
- 8.30. No rear elevation windows are proposed and therefore the proposal would not cause any overlooking or loss of privacy for neighbouring residents. The flat parts of the roofs would be subject to a condition in the event of an approval restricting their use as any kind of amenity area.
- 8.31. Officers are aware that there are benefits in terms of the removal of the existing garages in terms of noise, disturbance and vehicles coming and goings. As such, and given the conclusion that the impact on privacy, daylight / sunlight, and in terms of a sense of enclosure, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9 and QD27 and emerging CPP2 Policy DM20.
- Standard of Accommodation:**
- 8.32. 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.
- 8.33. 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.

- 8.34. The GIA of the proposed dwellings would be 65m<sup>2</sup> for the more northerly two bedroom flat, 62m<sup>2</sup> for the more southerly two bedroom flat, 51m<sup>2</sup> for the one bedroom flat and 42m<sup>2</sup> for the studio. These are all in excess of the relevant minimum space standard in the NDSS. The bedroom sizes are also compliant. The internal floor to ceiling heights would be approx. 2.4m on both floors, which is in excess of the required 2.3m.
- 8.35. With the exception of the lightwell to the second bedroom in the more southerly two bedroom flat, the dwellings would be single aspect to the west. Given the constraints of the site, it is not possible for windows to be installed in the north and south elevations, and any in the east-facing elevation would give rise to a significantly harmful intrusion on privacy. As such, the dwellings would receive sufficient natural light, outlook and ventilation. The outlook from the aforementioned bedroom is not ideal given that the lightwell would be 1.2m deep and would be enclosed by 2.6m high walls, but the bedroom would have full-height glazed doors and the outlook from the flat as a whole would be acceptable and it is in the future occupiers' best interest to maintain it to maximise their outlook.
- 8.36. Local Plan Policy HO5 and emerging Policy DM1 of City Plan Part 2 (which can be given significant weight) require the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. Only the aforementioned bedroom would have amenity space, and even that is limited at 2.6m<sup>2</sup> in size. A hard paved forecourt is also provided for the ground floor flats, but this would not be private, nor is any boundary treatment proposed. The use of the flat roof as a terrace would be unacceptable on design and heritage grounds. The proximity of the site to The Lawns, an extensive grassed area, and the beach, both of which are a 2-3 minute walk away to the south is also given weight in considering whether outside amenity space is sufficient.
- 8.37. Given the site is in close proximity to the commercial car garages opposite, future occupiers of the proposed dwellings would likely be exposed to frequent, prolonged and varying levels of noise caused by that use. As residential is a noise-sensitive use, its introduction here should not cause the existing business(es) to have unreasonable restrictions placed on them as a result. It is therefore recommended that a condition be imposed requiring soundproofing to be incorporated into the design of the new residential building. The extent and degree of soundproofing would need to be informed by sound tests prior to development starting, which would otherwise be an additional noise source, and therefore the condition is pre-commencement.
- 8.38. If keeping windows closed is required to ensure an acceptable internal acoustic environment (and this should only be considered as a last option), an alternative means of ventilating the dwellings would need to be specified in order to provide a satisfactory standard of accommodation. Therefore, an additional condition is also recommended.

- 8.39. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU10, QD27 and HO5, emerging CPP2 Policy DM1 as well as point 6 of CP14.

**Impact on Highways:**

- 8.40. The site is easily accessible by sustainable transport given it is seven minutes by bike and 21 minutes by foot from Hove train station as well as four minutes from 17 bus routes, including two night bus routes. Therefore, it is suitable for further development in transport terms.
- 8.41. The pedestrian access along the road, and therefore to the application site, is a strip of beige coloured surfacing separated by the vehicular road by a white line. However, in reality, this is relatively unsafe as previously noted. Because this is already the situation for the existing building, Officers do not object to this situation remaining as is for the four proposed dwellings, and access is not considered to warrant a refusal of this application.
- 8.42. The addition of four residential units would be expected to increase demand for on-street parking. The site is within CPZ N, which prevents on-street parking, and there are no nearby streets than are either outside a CPZ or that do not have some kind of parking control. As such, the proposal would be unable to cause overspill parking. It is not considered appropriate to impose the car-free condition requested by local residents because parking in the local area and limiting the issue of parking permits is already covered through the management of the CPZ. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in Hove, or create parking stress on surrounding streets. The four garages are in separate, private ownership and therefore each owner, none of whom reside in the local area, would seek to store their motor vehicles elsewhere as opposed to applying for car parking permits in this CPZ.
- 8.43. As previously mentioned, it is considered that the proposed bollards would prevent vehicles from parking on the front forecourt, which is considered beneficial, both on conservation and highways grounds.
- 8.44. Six cycle parking spaces are proposed; two each for the two bedroom flats and one each for the one bed dwellings, which is compliant with the SPD14 minimum requirements and therefore welcomed. However, given the site constraints (minimal private outside areas and the conservation area setting), the provision of compliant cycle spaces cannot be achieved and is therefore acceptable in the circumstances.
- 8.45. In terms of refuse and recycling, there are communal on-street bins at the northern end of the street. This is considered acceptable.
- 8.46. No alterations are proposed to the deliveries and servicing situation, which is considered acceptable.
- 8.47. As such, the impact on road safety and highway capacity would be acceptable.



**Sustainability:**

- 8.48. 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 met those standards.
- 8.49. Given the scale of the proposals, both in respect of the demolition and construction works, it is recommended that a Site Waste Management Plan (SWMP) is secured by a pre-commencement condition. This would maximise the sustainable management of waste and minimise the need for landfill capacity as well as secure the re-use of materials where possible.

**Contamination:**

- 8.50. Officers are not aware of a historically contaminating use of this site as it was previously used as garages for vehicle storage before being rebuilt after bomb damage during the war. However, it is possible that the garages contain asbestos and that contaminants may have seeped into the land from the use opposite the site. At this stage, it is unclear if either exists and therefore it is considered reasonable to add a condition requiring development to cease until a method statement identifying and assessing the risk and proposing remediation measures has been submitted to and approved in writing by the LPA, if contamination is found.

**Biodiversity and Landscaping:**

- 8.51. Given that the Environment Bill and City Plan Part One Policy CP10 require net gains for biodiversity, the provision of a bee brick (which can be white to match the render) and eight swift boxes would be secured by condition. It is worth noting that these measures would be sufficient to ensure a net gain for biodiversity given the existing nature of this hard-surfaced site.
- 8.52. In terms of landscaping, only hard surfacing is proposed. Whilst it would be preferable if soft planting could be introduced, this is a hard frontage, which is frequently traversed by pedestrians when vehicles are travelling down this narrow road, often made harder to navigate for pedestrians by parked cars. The character and appearance of St Johns Road is also not one of planted frontages and therefore pavers with permanent (i.e. not demountable) bollards to prevent car parking on the forecourts and studs or contrasting pavers to mark the boundary between the units are acceptable. It is recommended that further details of these items are conditioned as would the hard surfacing being porous and / or permeable.

**Other matters raised by consultation:**

- 8.53. Matters of right of way, access in the event of an emergency or for scaffolding, use of the flat roofs by seagulls and covenants / title plans are not relevant planning considerations and have not been taken into account in the determination of this application.

**9. CONCLUSIONS**

- 9.1. The proposals would provide four dwellings to meet an identified local need, sustainability and biodiversity net gains, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to the proposals, the LPA can support the design of the buildings, which would not have a significantly adverse impact on heritage assets, neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposed development is therefore recommended for approval.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. 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. It is estimated that the amount of CIL liability for this application is £16,208.82. 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.

## **11. EQUALITIES**

- 11.1. The proposed ground floor flats would have level access from St Johns Road, which is welcomed. At a slightly larger size than the minimum spaces standards, the first floor dwellings may be suitable for occupants of limited mobility were a stairlift to be installed in the future.