

<u>No:</u>	BH2021/02511	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	27 Palmeira Avenue Hove BN3 3GD		
<u>Proposal:</u>	Formation of additional storey to form 1no two-bedroom flat.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	07.07.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.09.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	03.12.2021
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	CCS Holdings C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	0506.PL.1000	-	18 October 2021
Proposed Drawing	0506.PL.1001	A	18 October 2021
Proposed Drawing	0506.PL.1002	A	18 October 2021

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

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

3. No development 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.

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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The following window hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above

the floor of the room in which the window is installed, and thereafter permanently retained as such.

- The window servicing the ensuite bathroom on the south elevation

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. 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.

6. Three or more swift bricks/boxes shall be incorporated within the external surface of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

- a) The phases of the Proposed Development including the forecasted completion date(s);
- b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- d) Details of hours of construction including all associated vehicular movements;
- e) Details of the construction compound;

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies TR7, QD27, SU9 and SU10 of the Brighton & Hove Local Plan, policy 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 Supplementary Planning Document 03: Construction and Demolition Waste.

8. The residential flat hereby approved shall not be occupied until it has achieved:
- a) an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
 - b) a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of energy and water 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. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
4. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
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 by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION

- 2.1. The application site is a recently-built, three-storey over basement block of (C3) self-contained flats on the west side of Palmeira Avenue. The Willett Estate conservation area is just west of the site, whilst the Brunswick Town conservation area is to the southeast.

3. RELEVANT HISTORY

- 3.1. **BH2020/03521** Non Material Amendment to BH2018/01845 to revise the application description to read: Application for variation of condition 1 of BH2017/01666 (Demolition of existing building and erection of new residential building containing 8 one and two bed residential units with associated landscaping and cycle storage) to allow amendments to the approved drawings. Approved
- 3.2. **BH2020/03211** Application for variation of conditions 1 (drawings), 10 (cycle parking) and 11 (landscaping details) of application BH2018/01845 (As amended by BH2020/03211) (Application for variation of condition 1 of BH2017/01666 to allow amendments to the approved drawings) to allow amendments to the approved drawings and to amend the cycle parking facilities and landscaping details. Removal of condition 12 (refuse and recycling). Approved
- 3.3. **BH2018/01845** Application for variation of condition 1 of BH2017/01666 (Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage) to allow amendments to the approved drawings. Approved
- 3.4. **BH2017/01666** Application for variation of condition 13 of BH2015/01066 (Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage) in order to comply with the current policy for sustainable buildings. Approved
- 3.5. **BH2015/01066** Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage. Approved
- 3.6. **BH2014/03417** Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage. Refused
- 3.7. The development, by virtue of its scale, bulk, footprint and design to the rear of the building and site, would represent an overly dominant addition that would relate poorly to adjacent properties and would fail to respect the local context. The development would fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2 and HO4 of the Brighton and Hove Local Plan.
- 3.8. The development, by virtue of its scale in close proximity to the boundaries of the 29 Palmeira Avenue and 30 & 31 Salisbury Road, would result in an increased sense of enclosure and a loss of outlook for occupants of these properties. The rear ground floor windows would also result in harmful overlooking for occupants of 31 Salisbury Road. The proposal would result in significant harm to neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

- 3.9. The development, by reason of the small and enclosed outdoor amenity areas and the internal layout, which would fail to incorporate Lifetime Homes standards in the design, would fail to meet the needs of future occupants and would be detrimental to their living conditions. The proposal is therefore contrary to policies HO5 and HO13 of the Brighton & Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey atop the block of flats, which would create a single two-bedroom (C3) flat.

5. REPRESENTATIONS

- 5.1. **Fifteen (15)** representations have been received, from a total of thirteen individuals, objecting to the proposal on the following grounds:

- Loss of light
- Loss of privacy
- Loss of view of the sky
- Noise nuisance when it rains on the metal cladding*
- Increased parking stress
- Increased pollution
- Impact on the highway due to the construction work
- Increased use of communal bins
- Increased demand on public services
- The proposed development is unsightly
- The roofline will no longer step down between Lansdowne Road and Eaton Road
- The additional height is inappropriate
- Lack of consultation
- Detrimental impact on property values

It should be noted that all the responses received were commenting on the initial proposal which included two additional residential flats. The scheme has since been amended to reduce the massing and result in only a single additional flat. A re-consultation was not carried out.

**It should also be noted that the amended scheme has replaced the metal cladding with a light-coloured brick finish.*

6. CONSULTATIONS

6.1. Private Sector Housing

No Comment

6.2. Transport

Generally, vertical hanging cycle parking is not supported; however, in this instance it is considered acceptable given the constraints of the development site. The recently constructed block of flats already provides a sufficient number of cycle parking spaces in the basement, additional cycle parking for the new flats would not be detrimental.

- 6.3. There is no existing off-street parking on the site, and none proposed. The site lies within a Key Public Transport Corridor; the public transport provision is judged to be good. The proposed development is not considered likely to result in any significant uplift in trip generation. The site utilises communal bins on the street. Pedestrian access to the site will be unchanged.

6.4. Urban Design

The prevailing roofscape on this section of Palmeira Avenue steps down as it goes northward to address the scale of the smaller dwellings more sensitively. It is considered that the development on this site is already at the maximum height that could be considered sensitive to these dwellings; therefore, any increase in height is likely to cause harm.

7. MATERIAL CONSIDERATIONS

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

- 7.2. The development plan is:

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

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

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP19	Housing mix

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

TR7	Safe development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part Two 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 23rd 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
DM21	Extensions and alterations
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; the standard of accommodation that would be provided to future residents; and the potential impacts on the amenities of local residents; on heritage assets in the vicinity; and on highway safety.

Principle of Development

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

- 9.3. However, on 24th March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16th June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. There is no concern with the principle of additional residential accommodation in this location; the area is primarily residential in character.

Design and Appearance

- 9.7. The proposed development is set in from all sides and appears as a subservient addition to the existing building, with fenestration that complements that on the lower storeys. Although one or more representations received from members of the public have described it as unsightly, it is not considered that with the set in that the structure would appear overly dominant and inappropriate above the existing structure.
- 9.8. However, the context of the site leads to concern, as the additional height that the development would create would jar with the rhythm of the streetscene. The application site sits between Lansdowne Court (a part three, part four-storey block of flats with a maximum height of 10.6m, dropping down to 7.8m adjacent to the application site) and no.29 Palmeira Avenue (a two-storey over basement residential unit with a maximum height of 7.0m) - all measurements are approximate and taken from the height of the highway in front of each building, which gently rises in a northerly direction. The existing site sits reasonably comfortably in terms of height within the wider streetscene, fitting between the 10.6m maximum height of Lansdowne Court and the 7.0m height of no.29 Palmeira Square; the rhythm of the streetscene is maintained.
- 9.9. The proposed development would disrupt the abovementioned rhythm, raising the height of no.27 to appear greater than that of Lansdowne Place, leading to a more significance drop to meet the roofscape of no.29 - both Lansdowne Court and the application site would reach to a height of approximately 10.6m above the highway; the application site appears taller as the land level itself rises along the Avenue.

- 9.10. Policy CP12 of the CPP1 requires development raise the standard of architecture and design in the city.
- 9.11. Policies QD14 of the BHLP and DM21 of the CPP2 require extensions to existing buildings be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
- 9.12. Policy DM18 of the CPP2 requires that development demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment; the scale and shape of buildings should also be considered. It should be noted however that this policy can only be given limited weight in the planning balance.
- 9.13. It is considered that by failing to maintain the rhythm of the streetscene in terms of height and massing, the proposal would cause a degree of harm to the character and appearance of the streetscene; this would be contrary to the aims of the abovementioned policies. Notwithstanding this concern, it is not considered that this issue in itself would justify refusal of the application.

Impact on Heritage Assets

- 9.14. When considering whether to grant planning permission for development that might affect the setting of a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.15. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.16. The site lies in the general vicinity of the boundaries of both the Willett Estate and Brunswick Town conservation areas; there are several similarly-scaled blocks of flats closer to both conservation areas (including in site-adjacent plots) and it is considered that the proposed development would have a neutral impact on the significance of these designated heritage assets. There are no concerns in this regard.

Impact on Amenities

- 9.17. The potential impact caused by the building works themselves is not a material planning consideration to be given any weight in the assessment of this proposal. Although some level of disruption is very likely, this would be in the short-term only and is not reason to withhold planning permission.
- 9.18. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space could cause a harmful sense of overlooking for neighbours in the vicinity.
- 9.19. Concerns have been raised that the proposed development would cause a harmful loss of light/overshadowing, loss of privacy, and loss of view of the sky for neighbouring residents. These issues shall be addressed in turn.

- 9.20. The proposed development would represent increased height and massing around the rooftop level; this would inevitably lead to the building casting a greater shadow. It is not considered though that this would lead to harm significant enough to warrant refusal; the additional scale of the building would not lead to significant additional overshadowing. Moreover, the most valuable sunlight, that received in the afternoon and early evening, would not be largely reduced for any residential properties. After midday the shadow of the building would fall mainly across the highway of Palmeira Avenue itself, and partly across the front gardens of Crown Close in the winter months; it is not considered that this would represent a significant detrimental impact upon any person's amenities.
- 9.21. It is also not considered that the proposed development would lead to any significant loss of privacy; the existing property is three storeys in height and the additional storey would not create any compromising vantage points that provide views not already possible from the existing windows of the building.
- 9.22. One side window on the south elevation shall be fitted with obscure glazing and be fixed shut to an internal height of 1.7m in order to prevent any potential loss of privacy to neighbouring residents; this is labelled as such on the proposed drawings and should not prejudice future occupants of the proposed flat.
- 9.23. Concerns have been raised that the proposal would lead to a loss of view of the sky for one or more persons. These views are not protected under the planning system and would not be reason to withhold planning permission.

Impact on the Public Highway

- 9.24. The proposed development would add a single residential unit to the city's housing stock in this area; the associated comings and goings from this unit are not considered to have the potential to have a significant impact on the public highway, either in terms of increased parking pressure or in air pollution. The site lies within a Controlled Parking Zone; any overspill parking that would result from the development would be managed.
- 9.25. Adequate secure cycle parking is included in the proposal; were permission minded to be granted then the installation and retention of said parking facilities could be secured by condition.
- 9.26. Although the impact of building works on residential amenity is not a planning consideration, there is the potential that the development process could cause highway disruption. However, the scale of the development does not merit the imposition of a Construction Environmental Management Plan.

Standard of Accommodation

- 9.27. 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 & Hove City

Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.

- 9.28. The new residential unit would provide a gross internal area (GIA) of approximately 86.8m². This GIA is measured in conjunction with a qualitative assessment of the usability of the total space in terms of layout and circulation, and the provision of natural light and outlook to determine if a good standard of accommodation would be enjoyed by future residents.
- 9.29. The proposed flat would exceed the requirements of the NDSS for a two-bedroom, four bed-space unit (which is 70m²) and the proposal is considered to provide a good standard of accommodation in terms of GIA and circulation space. Whilst the main living area does benefit from a dual aspect (with east and west-facing windows) the building does not provide any south-facing windows (aside from a small bathroom window) and the main living area is on the north side of the building - this reduces the potential for passive design benefits through natural light intake. Overall, though, the standard of accommodation is considered to be good and there are no significant concerns in this regard.

Other Considerations

- 9.30. Concerns have been raised that residents were not adequately consulted with as part of the application process. Public notices were displayed within the streetscene and the application was advertised on the Council website; furthermore, letters were sent to adjacent properties (excluding blocks of more than ten flats), in accordance with the Council's standard consultation procedure. Amendments to the proposed development were received during the lifetime of the application; since these resulted in a reduced impact on all parties, it was considered unnecessary to carry out an additional consultation.
- 9.31. The site appears to be in an area serviced by on-street communal refuse and recycling bins; it is considered therefore that the new residential flat could make use of these facilities and further details are not required. It has been raised by local residents that existing on-street facilities are inadequate for the volume of rubbish already deposited, and an increase of residential units in the area will exacerbate this issue. This would appear to be an issue that needs to be addressed by the relevant Council department and is not a planning matter; it would not be reasonable to withhold planning permission for all new residential properties in the area on this basis.
- 9.32. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as swifts. A suitably-worded condition will be attached to secure an appropriate number of swift boxes within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.33. A planning condition shall be included requiring that the development meet sustainability targets in terms of water and energy efficiency.

Conclusion

- 9.34. It is considered that the proposal would cause some harm to the visual amenity of the streetscape by disrupting the rhythm of the streetscene in terms of building height. However, this harm is not considered sufficient to warrant refusal of the application and in view of the fact that the Local Planning Authority has a significant shortfall in housing land supply, the benefits of the scheme would outweigh the minor harm caused in this instance. The proposal would cause no significant harm to the amenities of local residents and would have a neutral impact on nearby heritage assets and highway safety; it would also provide a good standard of accommodation. For these reasons the proposal is considered to be in accordance with policies QD27, HO5 and HE6 of the Brighton and Hove Local Plan; and CP1, CP8, CP9, CP15 and CP19 of the City Plan Part One.
- 9.35. It is also considered that the proposal would also be in accordance with policies DM1, DM20, DM29, DM33 and DM36 of the Proposed Submission City Plan Part Two which is gathering weight. These policies are considered to have significant weight at this stage.

10. EQUALITIES

- 10.1. The proposed development would not have level access. Given the existing layout of the block of flats (which does not include a passenger lift) it is not considered that level access could reasonably be expected, and this would not warrant planning permission being withheld in this instance.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. The exact amount of CIL liability will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development would make more efficient use of an existing brownfield site which is well-served by public transport services and has private cycle parking facilities.