

<b><u>No:</u></b>	<b>BH2021/03011</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>186 - 187 Lewes Road Brighton BN2 3LD</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development comprising 12no. one-bed flats (C3), with 1no. commercial unit at ground floor (Use Class E), with associated works.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	13.09.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	13.12.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Southdown Housing Association 2 Bell Lane Lewes BN7 1JU		

## 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 26 April 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

**S106 Heads of Terms:**

30% Affordable Housing provision on site.

**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>
Proposed Drawing	PA/005		9 December 2021
Proposed Drawing	PA/006		9 December 2021
Proposed Drawing	PA/007		9 December 2021
Proposed Drawing	PA/008		17 August 2021
Proposed Drawing	PA/009		9 December 2021
Proposed Drawing	PA/010		9 December 2021
Location and block plan	PA/001		17 August 2021
Report/Statement	AIR QUALITY ASSESSMENT		17 August 2021
Report/Statement	DESIGN & ACCESS STATEMENT		17 August 2021

Report/Statement	ENERGY STATEMENT REPORT		17 August 2021
Report/Statement	FLOOD RISK ASSESSMENT		17 August 2021
Report/Statement	LAND CONTAMINATION ASSESSMENT		17 August 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 above ground floor slab level of the development hereby permitted shall take place until samples/details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority, including (where applicable):

- a) All brick, render and tiling (including details of the colour proposed)
- b) All cladding to be used, including details of their treatment to protect against weathering
- c) All hard surfacing materials
- d) The proposed window, door and balcony treatments
- e) All other materials to be used externally

The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times for the life of the development.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

5. Prior to the first occupation of the residential element of the development hereby permitted the refuse and recycling storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times for the life of the development.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan  
Waste and Minerals Plan.

6. 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% CO<sub>2</sub> 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.
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard of using not more than 110 litres per person per day maximum indoor water consumption and the implemented measures shall remain operational for the lifetime of the development, unless agreed in writing by the local planning authority.  
**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.
8. Prior to the first occupation of the non-residential development, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good', or a detailed report as to why this has not been technically possible, shall be submitted to and approved in writing by the local planning authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
9. Mitigation measures, design criteria and specification with regards to glazing, sound insulation and mechanical ventilation contained within the document produced by Acoustic Associates Sussex Ltd, titled Planning Application Noise Assessment (2021), Date: 28 May 2021, Project: J3173 shall be fully implemented within the construction of the proposal. This includes a requirement that some form of mechanical ventilation shall be provided to the 1st Floor flats, units 4 & 5, 2nd Floor flats units 5 & 6 and 3rd Floor flats, units 11 & 12.  
**Reason:** To safeguard the amenities of the occupiers/end users and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. In the event that any potential contamination is found during the site clearance, no further development shall take place until an approved remediation scheme has submitted and the works have been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must also be produced, and be approved in writing of the Local Planning Authority.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

11. The non-residential use in the development hereby approved shall not be open to customers except between the hours of 09:00 and 23:30 on Sundays to Thursdays and between the hours of 09:00 to midnight on Fridays and Saturdays.  
**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. Deliveries and waste collections associated with the non-residential use in the development hereby approved shall only be taken at or despatched from the site between 08.00 and 18.00 on Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. Prior to first occupation of the non-residential development by a use that requires the fitting of odour control equipment, a detailed scheme of such equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures to control the odour emitted from the use together with sound insulation of the equipment. The approved details shall be implemented in full prior to the commencement of the use and shall be retained as such thereafter.  
**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. A bee brick and 12 swift bricks shall be incorporated within the external walls of the development hereby approved prior to first occupation 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.
15. Notwithstanding the submitted drawings, no development above ground floor slab level shall be carried out until details of the construction of a green biodiverse roof in the area annotated as 'sedum roof' shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and seed mix and a maintenance and irrigation programme. The green roof shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.  
**Reason:** To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

16. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

17. Notwithstanding the submitted drawings, no construction above ground floor slab level shall be carried out before revised details of the front boundary wall have been submitted and approved in writing by the local planning authority. The boundary shall then be constructed in accordance with the approved details and permanently maintained thereafter.

**Reason:** In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy CP12 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 proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
3. 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.
4. The water efficiency standard required under condition 7 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.
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

7. 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 where appropriate.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

## 2. SITE LOCATION

- 2.1. The application concerns a site located on the east side of Lewes Road. The site recently contained a single storey building in use as a garage and storage use and a three-storey building containing a take away and vacant retail unit on the ground floor with 2 flats above. Partial demolition of the site has occurred following approval on appeal of application BH2015/01736 and subsequently planning application BH2020/00239 (approved 29.09.2020) each for a new four storey building.
- 2.2. The area is of mixed use, however, immediately adjoining the site to the south is a terrace of three storey residential properties, known as Gladstone Terrace. To the north of the site there is a pedestrian alley way and then a terrace of further residential properties. The site lies outside of the Lewes Road District Shopping Centre.

## 3. RELEVANT HISTORY

- 3.1. **BH2020/00239** Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development consisting of 9no. two bed flats (C3) over the four floors and 1no. commercial unit with A1-A5 use on the ground floor, with associated works. Approved 29/09/2020
- 3.2. **BH2015/01736** Demolition of existing building and erection of four storey building with 2no commercial units comprising retail, financial and professional services or take-away (A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 21/07/2016- Appeal Allowed 22/06/2017
- 3.3. **BH2013/00892** Change of Use from car sale and garage to garage and storage use (B8). (Retrospective) Approved 16/05/2013
- 3.4. **BH2012/02887** Demolition of existing building and erection of four storey building comprising of retail, financial and professional services and take-away

(A1/A2/A5) on ground floor and 8no two bedroom flats on upper floors with associated works. Refused 18/02/2013

- 3.5. **BH1997/00724/FP** Change of use from vehicle sales business to vehicle rental business (Retrospective). Approved 28/11/1997

#### 4. APPLICATION DESCRIPTION

- 4.1. The proposal is to develop the site with a four-storey building, attached to no. 19 Gladstone Terrace. The building would house a commercial unit and 1no one-bedroom flat at ground floor level. A further 11no one-bedroom flats would be provided on the upper floors. Extant permission BH2020/00239 permits 9no two-bedroom flats.

#### 5. REPRESENTATIONS

- 5.1. **Councillor Gibson** has commented on the application. The correspondence is attached to the report.

#### 6. CONSULTATIONS

##### External

- 6.1. **County Archaeology:** Comment  
The proposed development is not situated within an Archaeological Notification Area. However, the sites lies within an area of archaeological potential. It is recommended that the developer undertakes a desk-based heritage impact assessment to clarify the archaeological significance of the site.
- 6.2. **County Ecology:** Approve subject to condition for Ecological Design Strategy
- 6.3. **Southern Water:** Comment  
Comments provided regarding position of existing foul sewer, separation of drainage water and Sustainable Drainage (SuDS).
- 6.4. **Sussex Police:** No objections

##### Internal

- 6.5. **Environmental Health:** No objection subject to conditions
- i) Ensure compliance with recommended mitigation measures contained within submitted noise assessment.
  - ii) Remediation scheme if ground contamination found during site clearance.
- 6.6. **Heritage:** Comment  
The scale of the proposed development would be commensurate with the existing Victorian terraces to the north and south of the site and the use of yellow/brown brick as indicated would ensure that the development would integrate well with the existing street scene, whilst infilling the unattractive gap

part of the site. Overall the proposal would cause no harm to the setting of the listed church.

6.7. **Housing:** Comment

The layout of Flat 3, 7 & 11 are not ideal from a fire safety view as the bedrooms are inner rooms entered from the open plan kitchen/living room space.

6.8. **Sustainable Transport:** No objection subject to conditions

6.9. **Sustainability:** No objections

6.10. **Sustainable drainage:** No objections

**7. MATERIAL CONSIDERATIONS**

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

7.1. 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 JAAP (adopted October 2019).

7.2. 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. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP14 Housing density



CP19 Housing mix  
CP20 Affordable housing

Brighton and Hove Local Plan (retained policies March 2016):

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD5 Design - street frontages  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HO15 Housing for people with special needs

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. 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  
DM5 Supported Accommodation (Specialist and Vulnerable Needs)  
DM18 High quality design and places  
DM20 Protection of Amenity  
DM33 Safe, Sustainable and Active Travel  
DM40 Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the suitability of the site to accommodate the proposed development having regard to the amenity requirements for the dwellings, affordable housing, the affect upon the character of the area and neighbouring residential amenity, traffic impact and sustainability.

**Background:**

9.2. The application follows the approval of BH2020/00239 which permitted the construction of a four-storey building with a commercial unit on the ground floor

and 9no two-bedroom flats. The key difference between BH2020/00239 and the current application is that 12no one-bedroom flats are now proposed, albeit the building itself would be largely the same in terms of height, bulk, width, footprint, position and general design approach. The lesser differences comprise:

- Revised fenestration to the front elevation. The number of windows is similar, although the windows would be larger (wider). The overall balance of solid to void would be comparable.
- Revised fenestration to the rear elevation. Similar to the front elevation, the amount of opening would be similar to BH2020/00239, but the windows would be larger (wider). Balcony doors would have less subdivisions (2 panel sliding doors rather than 4-pane units).
- Revised boundary treatment to the front of the building.
- There would be a modest overall increase in overall height of the building (0.3m).
- Addition of solar panels and air-conditioning plant to the flat roof (mechanical ventilation is required by condition 9 of BH2020/00239, but those details have not been submitted for approval to the Local Planning Authority to date).
- Introduction of additional roof terrace to front projection flat roof, and parapet/railing details to the front elevation.
- The commercial aspect of the scheme would be occupied by the Housing Association and would comprise office space and a meeting room to support occupiers of the flats. A further meeting room would be introduced on the first floor.

9.3. The key similarities are as follows:

- The overall positioning, building lines, footprint, height, bulk and form remains substantially the same, other than a modest increase in overall height (0.3m).
- The overall design approach and materials are similar, although there are some variations in fenestration as detailed above.
- The shopfront design for the retained commercial unit is similar.
- Bin and cycle storage is retained in position at the rear of the building, although this is supplemented by additional cycle storage and a smaller bin store within the front yard.

**Principle of Development:**

9.4. Policy CP3 seeks to resist the loss of employment uses unless the site can be shown to be redundant in some way. The existing uses on the site are a car showroom and sales (sui generis) and take away (A5) at ground floor with 2 flats above. The proposals would retain a commercial use at ground floor comprising 188sqm in Use Class E.

9.5. The proposed mixed use of residential and retail is considered acceptable in this location, where there are also other nearby examples of existing development with commercial uses at ground floor and residential over.

9.6. The existing building on the site is of no particular merit and its removal raises no concerns or objections.

**Provision of Housing:**

- 9.7. 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).
- 9.8. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.9. 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).
- 9.10. 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).
- 9.11. Policy CP1 sets out that a key objective of the City Plan is to provide people with a choice of decent quality housing to meet their needs for a stable home at a cost they can afford, whilst policy CP19 aims to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city. The supporting text to the policy outlines the key priorities as:
- To improve housing supply to make sure that the city has the right type of housing to meet the needs of the residents;
  - To improve the quality of housing so that residents are able to live in decent homes suitable for their needs; and
  - To improve housing support to make sure residents are supported to maintain and increase their independence.
- 9.12. Policy HO15 states that planning permission will be granted for the provision of residential accommodation for people with special needs, including supported housing.
- 9.13. Emerging policy DM5 of the City Plan Part 2 (which can be given significant weight) states that the council will seek to ensure there is an appropriate range and supply of residential accommodation for people with special needs, including supported housing.

- 9.14. The proposal is for 12no one-bedroom flats (net increase of 10 units from existing on site). The ground floor and part of the first floor would include support services for the residents run by the housing association and includes a training room, meeting rooms etc. The flats would be for people who are moving from a more intensive form of supported living to one with more independence. Whilst policies seek developments to provide a mix of accommodaton, given that the scheme seeks provide supported housing on the site and the lack of a mix in this instance is considered acceptable as it provides a need identified in saved policy HO15. The proposal is not considered to conflict with policies CP1 and CP19, and is complaint with the strategic aims of HO15 and DM5.

**Affordable Housing:**

- 9.15. CP20 of the City Plan Part One requires 30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution. In this instance the proposal is for 100% affordable housing. The policy requirement would be for 3 units to be affordable, based on a net increase of 10 units, and this provision can be secured by s106 agreement. The agent has proposed for the affordable housing allocation to include one larger unit suitable for dual-occupation, and two single occupancy units. This appropriately reflects the ratio of dual to single occupancy flats of the development.

**Design and Appearance:**

- 9.16. City Plan policy CP12 requires new development to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged. Policy QD5 requires new development to pay particular attention to street frontages.
- 9.17. The application follows the grant of BH2020/00239 which remains extant. The key difference is the internal layout of the building, and minor changes as set out in the 'background' section above. The overall size, height, form, positioning and bulk of the building would remain otherwise largely the same.
- 9.18. The acceptability of the introduction of a four-storey building on this site of substantially similar design has been established. There have been no material changes in the character and appearance of the site and surrounding area which would warrant taking a different view on this proposal, particularly whilst BH2020/00239 remains extant and a viable fall back for implementation.
- 9.19. The current application introduces a higher front boundary treatment than the extant permission. The boundary is considered excessively tall, being notably taller than neighbouring boundaries on Gladstone Terrace (although it is appreciated there are examples of tall piers). The boundary as presented would have a heavy and stark appearance. Any significant height increase over that previously approved would be expected to reduce the visual impact by breaking up the boundary with open railings or similar. It is considered appropriate to secure a revised front boundary design by condition.

**Impact on Amenity:**

- 9.20. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.21. The overall bulk, height and positioning of the building remain as per BH2020/00239 where the LPA raised no concerns in terms of overlooking, overshadowing, loss of light or increased sense of enclosure to occupiers of neighbouring properties. The changes to fenestration would not give rise to any significantly harmful new views towards neighbouring properties.

**Standard of Accommodation:**

- 9.22. Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers.
- 9.23. The proposed flats would offer living space of between 39 and 62sqm. This would be supplemented by roof terraces/balcony areas for some flats, and a communal laundry room on the ground floor. The individual flats would offer the following living spaces (unit numbers referred to are as per the submitted floor plans). Bedrooms of 11.5m<sup>2</sup> are considered to be double rooms suitable for dual-occupation:

Ground Floor Flat:

- Flat 1: 52m<sup>2</sup> overall; bedroom 1- 11.5m<sup>2</sup>; (1 bedroom; 2 occupants)

First Floor Flats:

- Flat 2: 39m<sup>2</sup> overall; bedroom 1- 8.3m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 3: 39m<sup>2</sup> overall; bedroom 1- 7.8m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 4: 44m<sup>2</sup> overall; bedroom 1- 7.6m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 5: 51m<sup>2</sup> overall; bedroom 1- 12.2m<sup>2</sup> (1 bedroom; 2 occupants)

Second Floor Flats:

- Flat 6: 62m<sup>2</sup> overall; bedroom 1- 14.2m<sup>2</sup> (1 bedroom; 2 occupants)
- Flat 7: 39m<sup>2</sup> overall; bedroom 1- 7.75m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 8: 43m<sup>2</sup> overall; bedroom 1- 7.5m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 9: 51m<sup>2</sup> overall; bedroom 1- 12.6m<sup>2</sup> (1 bedroom; 2 occupants)

Third Floor Flats:

- Flat 10: 41m<sup>2</sup> overall; bedroom 1- 10.3m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 11: 39.5m<sup>2</sup> overall; bedroom 1- 9.0m<sup>2</sup> (1 bedroom; 1 occupant)
- Flat 12: 52m<sup>2</sup> overall; bedroom 1- 13.4m<sup>2</sup> (1 bedroom; 2 occupants)

- 9.24. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS. A single bedroom should be no less than 7.5m<sup>2</sup> and a double no less than 11.5m<sup>2</sup>. It is welcomed that the proposed bedrooms would exceed these sizes. The NDSS also sets out that for 1-bedroom flats 39m<sup>2</sup> should be provided

for single occupancy and 50m<sup>2</sup> for 2 occupiers (one double rooms). All 12 flats would meet or exceed the floorspace recommendations of the NDSS.

- 9.25. All bedrooms and living rooms would benefit from acceptable natural light and a reasonable outlook. It is noted that the outlook at the rear of the ground floor flat would be restricted, looking onto a small courtyard. The main living area, however, is double aspect, and it is considered that fenestration to the front elevation would prevent the overall standard of accommodation for this flat from feeling unacceptably gloomy. A similar arrangement was considered acceptable for a similar ground floor flat as permitted by BH2020/00239.
- 9.26. Some of the flats would all benefit from a small terrace or courtyard, and there is an additional shared outside space to the front of the building. Whilst much of the individual provisions are small-scale, it is commensurate with what can reasonably be expected from a flatted development in this location.
- 9.27. A noise assessment has been submitted, which assesses noise from the heavily trafficked Lewes Road. Mitigation is proposed, including Mechanical Ventilation (to prevent the frequency of windows having to be opened) and enhanced glazing. An air quality assessment has also been submitted to address vehicle emission pollution. This report also recommends mechanical ventilation, with extract away from the road (rear elevation). The Environmental Health officer has confirmed that the submitted documents appropriately assess the specific challenges of the locality. Subject to compliance with these recommendations, the proposals are considered to adequately address the issues of noise and pollution for future occupiers. The mitigation measures shall be secured by condition.
- 9.28. BH2020/00239 includes conditions specifying that a further submission shall be required if a use requiring odour controlling equipment intends to occupy the ground floor commercial unit. The submission should include details of odour control and sound insulation. Further conditions restrict operation hours of the commercial use to between 09:00 and 23:30 Sundays-Thursdays, and 09:00 and midnight on Fridays and Saturdays; and deliveries to the premises to only be between 08:00 and 18:00 on Mondays to Saturdays, and not at any time on Sundays and Bank Holidays. If granted, it is proposed that these conditions shall be reapplied to the current application.

**Sustainable Transport:**

- 9.29. Policy CP9 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport.
- 9.30. Nineteen cycle parking spaces are proposed which is in accordance with guidance within SPD14. The cycle storage provision would include a store to the rear, and racks within the front garden area. Further details of the cycle storage, including details of how bicycles would be appropriately secured and covered shall be secured by condition.

- 9.31. SPD14 sets out maximum parking standards. In this development, no off-street car parking is proposed.
- 9.32. It is not considered that additional dwellings would result in a significant uplift in person and vehicle trips compared to the extant permission, given that bed spaces would be reduced. The development is not considered to have a severe impact on the highway and surrounding transport network. The site is located within Controlled Parking Zone (CPZ) V which will ensure any additional on-street parking in the immediate vicinity is managed.
- 9.33. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. On the basis that BH2020/00239 makes no restriction on resident access to parking permits, and that the expected parking demand would be similar, it is not considered reasonable in this instance to restrict parking access beyond the previous permission.
- 9.34. There would be a redundant vehicle crossover following the development which served the former car showroom on the site. The reinstatement of the crossover back to pedestrian footway shall be secured by condition.
- 9.35. The Transport Officer raised a concern about the scheme as originally presented, due to the hazard presented by a bin store with doors opening over the public footway. It is welcome that the bin store to the front of the site has been reconfigured so that the door open into the front yard.
- 9.36. In conclusion, it is considered that the transport issues are acceptable subject to a condition requiring further details of the cycle parking and reinstatement of the redundant vehicle crossover.

**Sustainability:**

- 9.37. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This shall be secured by condition. It is welcomed that the development incorporates ground source heat pumps and solar panels.
- 9.38. CP8 also requires non-residential development to achieve a BREEAM rating of at least 'Very Good'. This can also be secured by condition.

**Ecology:**

- 9.39. It is noted that the County Ecologist has recommended an approval subject to a condition for a full ecological design strategy (EDS). It is noted that the currently extant consent for a building of very similar scale, bulk and mass does not include a condition for an EDS and therefore it is not considered that the differences in this application would be sufficient to warrant this requirement. It is however considered that matters to secure bee bricks, an appropriate number

of swift boxes and details for the green roof could be secured by condition and is recommended as such.

**Other Considerations:**

- 9.40. A land contamination assessment has been submitted with the application. The investigation concludes that further investigation will be required once all the buildings on the site have been demolished and removed. At present, no remediation is required but this is subject to the further site investigation. The recommended additional investigation can be secured by condition.
- 9.41. The development is not situated within an Archaeological Notification Area. However, the County Archaeologist has provided comments which suggest that the site lies within an area of archaeological potential and recommended the applicant provides an exploratory desk-based heritage impact assessment. Given the site is not within a designated notification area, and that there is an extant permission to develop the site with a building of similar footprint and scale, it is not considered reasonable to condition exploratory works in this instance.
- 9.42. Policy CP10 states that the council will develop programmes and strategies which aim to conserve, restore and enhance biodiversity and promote access to it. Two such initiatives are the requirement for new development to incorporate bee bricks and swift bricks/boxes. In addition, the County Ecologist has recommended that further details of the green roof are sought. The provision of 12 swift bricks, a minimum of 1 bee brick and full green roof specification shall be secured by condition.
- 9.43. The Environmental Health Officer has recommended conditions to secure the submission a Construction Environment Management Plan and a Site Waste Management Plan. Given that there is an extant permission to construct a building of similar size and nature to that currently proposed which does not make this requirement, it would not be considered reasonable to apply such conditions to the current development.

**Conclusion:**

- 9.44. The proposed scheme is considered acceptable, the scale and bulk is largely the same as the previous consent and the provision of additional supported housing in the city is welcomed. Therefore the application is recommended for approval.

**10. EQUALITIES**

The scheme would provide supported housing.

**11. LEGAL AGREEMENT**

- 11.1. In the event that a signed agreement has not been submitted by the applicant agreeing to enter into necessary obligations in relation to Affordable housing by the date set out above, the application shall be refused for the following reasons:



1. The proposed development fails to provide affordable housing in accordance with Policy CP20 of the Brighton and Hove City Plan Part One.

**12. COMMUNITY INFRASTRUCTURE LEVY (CIL):**

Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The applicant has indicated that the proposal is for affordable housing which qualifies for mandatory or discretionary Social Housing relief. This type of development is exempt from CIL charging.

**13. CLIMATE CHANGE / BIODIVERSITY:**

The proposed development makes more efficient use of a redundant mixed-use site. The building would be well situated for future occupants to have good access to travel options other than motor-vehicle, including nearby public transport and cycle lanes. Future residents would benefit from access to cycle storage, full details of which are secured by condition. Suitable conditions would ensure efficient use of energy and water, and it is welcomed that the applicant would utilise solar panels and ground source heat pumps within the development.

- 13.1. As stated above, the introduction of swift and bee bricks is secured by condition as are details of the green roof.

