

<b><u>No:</u></b>	<b>BH2021/01841</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>45 And 46 Trafalgar Street Brighton BN1 4ED</b>		
<b><u>Proposal:</u></b>	<b>Reconfiguration of 2no. existing ground floor Studio flats to provide 1no. larger flat/maisonette and 1no. three bed, 3no. storey (plus room in roof) house erected at the rear of 45/46 Trafalgar street.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	29.06.2021
<b><u>Con Area:</u></b>	North Laine	<b><u>Expiry Date:</u></b>	24.08.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	09.02.2022
<b><u>Agent:</u></b>	Clive Hawkins Architects Ltd 114 Mackie Avenue Brighton BN1 8RD		
<b><u>Applicant:</u></b>	J Summers 2nd Floor Trafalgar House Quarry Road Industrial Estate Newhaven BN9 9DD		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1050-LOC PLAN		18 May 2021
Block Plan	1050-BLOCK PLAN		18 May 2021
Proposed Drawing	1050-05	F	16 November 2021
Proposed Drawing	1050-01	C	16 November 2021
Proposed Drawing	1050-02	B	15 December 2021
Proposed Drawing	1050-04	F	16 November 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 full details of all new windows and doors and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the

Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab level 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 (where applicable):
  - a) Samples/details of all render (including details of the colour of render/paintwork to be used)
  - b) samples/details of all hard surfacing materials
  - c) samples/details of the proposed window, door and balcony treatments
  - d) samples/details of the proposed roof tiles
  - e) samples/details of all other materials to be used externally

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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. The new-build house hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the new house have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

6. The new-build house hereby approved shall not be occupied until it 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.

7. The new-build house hereby approved shall not be occupied until it 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.

8. The development hereby permitted shall not be occupied until the new infill house hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence

of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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 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.
3. 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.

## **2. SITE LOCATION**

- 2.1. The application site is located on the south west corner of Trafalgar Street and Over Street. The Trafalgar Street elevation has a three-storey frontage with the ground floor containing shops. To the west of the site is the Grade II listed Prince Albert Public House and the Grade II\* Brighton Station. The sloping topography from west to east of Trafalgar Street has resulted in a gentle stepping down of buildings as the street descends. The buildings along Trafalgar Street have a largely consistent height, which is predominantly smaller scale, producing a varied roof-line (with chimney stacks, pots and party wall upstands adding to the street scene) which overall, contributes to the rich character of the North Laine.
- 2.2. The building is not listed but is situated within the North Laine Conservation Area.

## **3. RELEVANT HISTORY**

- 3.1. **BH2020/03021** Demolition and rebuilding of basement retaining wall and part of east facade incorporating new sash windows and associated works. Approved 08/12/2020
- 3.2. **BH2017/02927** Conversion and alterations of existing building comprising of 2no flats and 6 studio flats to form 1no three bedroom house, 1no four bedroom house, 1no five bedroom house and 3no studio flats incorporating four storey rear extension, additional floor, reduction of shop and café, revised fenestration and associated works. Refused 03/01/2020
- 3.3. **BH2013/02672** Subdivision of 2no existing first and second floor flats to create 4no studio flats and conversion of existing basement recording studio (B1) to 1no one bedroom flat. Replacement of existing outbuilding with cycle area and installation of rear access door. (Part retrospective). Refused 03/01/2014.
- 3.4. **BH2006/03812** Amendments to approved BH1999/02233/FP to Units 2 & 3 basement and ground floor layout and window arrangement. Approved 05/04/2007
- 3.5. **BH1999/02233/FP** Part conversion, part redevelopment and change of use of site to create three houses, two flats and a cafe/restaurant. Approved 18/05/2000
- 3.6. 96/0324/FP Change of use from basement store to B1 recording studio (Retrospective) Approved 16/07/1996

#### 4. APPLICATION DESCRIPTON

- 4.1. The application seeks the erection of a three-storey infill house between the application property and no. 25 Over Street and the amalgamation of 2no studio flats on the ground floor to one larger flat, including expansion into the basement. To facilitate the proposals an existing rear extension would be demolished, and new fenestration added to the recipient building.

#### 5. REPRESENTATIONS

##### Original consultation:

- 5.1. **Four (4)** letters have been received including from the **North Laine Community Association** objecting to the proposed development for the following reasons:
  - Rooflights are inappropriate within conservation area
  - Overdevelopment, build is too big and out of scale with neighbouring properties
  - Inappropriate massing
  - Impact on parapet and rooflines
  - Potential use as an HMO
  - Parking stress
  - The proposal is for 4 storeys not 3
  - Structural concerns

- Increased noise from property and patio

Second consultation:

- 5.2. **Five (5)** letters have been received supporting the proposed development for the following reasons:
- Good design
  - Current building is an eye-sore
  - There is a lack of housing in Brighton
  - Better use of the available space
  - The back yard of the building is dark and full of pigeons
- 5.3. **Three (3)** letters have been received including from the **North Laine Community Association** objecting to the proposed development for the following reasons:
- noise
  - overdevelopment
  - poor design
  - inappropriate height
  - the current building is in a poor state
- 5.4. A letter of representation has been received from **Councillor Deane** objecting to the proposed development. A copy of the representation is attached to the report.

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection subject to conditions
- No car parking is proposed so there is a risk of overspill parking/parking stress.
  - There could be an uplift in vehicle trips from the development, although not significant.
  - There is a shortfall in cycle parking. Minimum of 2 cycle parking space required for the new house and one for the studio flat. Level cycle parking may not be available however this is preferred to none.
  - The applicant is proposing a new door, this is acceptable in principle subject to it not having a negative impact on drainage on the footway that is in the same vicinity.
  - The applicant is proposing a new light well on the highway for which Approval In Principle (AIP) is required from the Highway Authority (add informative to any consent to this affect)
- 6.2. **Private Sector Housing:** Comment
- If the application is approved, the applicant may need to apply for a HMO Licence for the 4 bed/3 storey flat if it is rented out in the future.
- 6.3. **Heritage:** Final comment following amendments: No objection subject to conditions

- No outstanding issues, apart from the details of materials and windows/doors which can be secured by condition.

## 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 JAAP (adopted October 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. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. 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
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### 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
CP15	Heritage
CP14	Housing density

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD09	Architectural Features

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed dwellinghouse and other external alterations and the impact on the character and appearance of the site and wider conservation area, the impact on the amenity of occupiers of neighbouring properties, the standard of living accommodation to be provided for the new house and flat, the impact on the highway network, and whether the proposed development would meet the transport needs of future occupiers.

**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 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.
- 9.4. 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). 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).

- 9.5. Whilst there would be no net increase in residential units, there would also be no loss, and there would be an increase in overall bed spaces provided. There is no objection to the principle of the proposed development.

**Design and Appearance:**

- 9.6. 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.
- 9.7. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight."
- 9.8. The proposed infill house would be three storeys, plus additional accommodation within the roofspace. The building would be a similar width to the houses within the terrace of properties which would adjoin and run south from the new house. The height and bulk would also relate favourably. The new house would match the roof profile and ridge height of the adjoining house to the south. The detailing of the front elevation would suitably reflect the detailing of the terrace, with windows and front door of similar height and horizontal alignment, as well as matching render rustication at ground floor. Subject to full details of materials and window/door joinery specifications which shall be secured by condition, the proposed infill house would not have a detrimental impact on the character and appearance of the site or the wider Conservation Area.
- 9.9. The alterations to the main building to facilitate the creation of one larger flat from 2 studios, including the conversion of the basement, amount to the introduction of an access door, and two windows at pavement level below existing bay windows. Subject to full joinery details, which shall be secured by condition, there are no objections to these proposals, and no harm to the Conservation Area has been identified.

**Standard of accommodation:**

- 9.10. 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. Emerging policy DM20 (which can be given more weight than retained policy QD27) restates the need for development to safeguard the amenities of proposed, existing and/or adjacent occupiers.
- 9.11. The Technical housing standards- nationally described space standard (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.

#### New House

- 9.12. The proposed house would have 3 bedrooms and a study room and an open-plan living/kitchen/dining room. There is a study room proposed at first floor would be considered too small for use as a bedroom and has not been annotated as such on the submitted floor plans. It is therefore accepted as a study. It is noted that the bedroom within the roofspace is also annotated as a study. This room is 12.75m<sup>2</sup> with 7.75m<sup>2</sup> at full height (2.3m) and 9.2m<sup>2</sup> over 1.8m. This room could readily be used as a single bedroom, and is considered as such for the purposes of this assessment. The proposal is therefore for three bedrooms comprising one single sized room (within roofspace) and two double bedrooms (15.5m<sup>2</sup> and 15.0m<sup>2</sup>). The expected occupancy of the building would be by 4-5 persons.
- 9.13. The 3-bedroom, dwelling over four storeys with a Gross Internal Area (GIA) of 95.25m<sup>2</sup> is marginally below the recommended GIA figure in the NDSS of 99m<sup>2</sup> for 5 occupiers, but exceeds the recommendation for 4 occupiers (90m<sup>2</sup>). The bedrooms are sufficiently sized (over 11.5m<sup>2</sup> for a double and 7.5m<sup>2</sup> for a single). The provision of communal living space on the ground floor is considered to be adequate for the likely level of occupation.
- 9.14. Habitable rooms for the house would all benefit from satisfactory outlook and adequate provision of natural light and ventilation.
- 9.15. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. The proposed patio area, whilst modest, is not unusually small within this city-centre setting.
- 9.16. For the reasons outlined, the proposed dwellinghouse would provide an adequate standard of living accommodation for future occupiers. Compliant with policies QD27 and DM20.

#### Proposed Flat

- 9.17. The proposed internal works to the main building are would amalgamate two studio flats into one larger studio flat including the provision of living space within the basement with an overall floorspace of 50.2m<sup>2</sup>. The basement rooms are allocated to a kitchen and bathroom. Whilst the outlook and provision of natural light would be less than afforded the ground floor living area, it is considered adequate, and acceptable for the intended use of the rooms especially when the standard of the unit is considered as a whole. The ground floor would house the primary studio living and sleeping space and would benefit from acceptable outlook and natural light from existing windows. The NDSS does not provide a recommended floor space for studio flats spread over 2 floors. In this instance, the provision of floor space would be acceptable, in particular the large 39m<sup>2</sup>

ground floor studio room. On balance the standard of accommodation proposed is considered acceptable.

**Impact on Amenity:**

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given greater weight than the retained policy) state 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.
- 9.19. 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.
- 9.20. The proposed development would give rise to an increase in activity, although it would not be significant nor present a likelihood of any substantial increase in noise and disturbance in this city-centre location.
- 9.21. The proposed house is largely contained between the built form of nos. 45-46 Trafalgar Street and no. 25 Over Street. It would project rearwards such that it would cut across windows at no. 45-46 Trafalgar Street, albeit at a distance, and it is understood the windows in question serve kitchens, which would not be as intensely used as the primary living spaces. No significantly harmful views have been identified from the proposed windows on the new house, and it is appreciated that mutual overlooking is more commonplace in more densely developed areas such as city-centres.
- 9.22. Overall, the proposed development would not give rise to any significantly harmful increased sense of enclosure, loss of outlook or overshadowing to windows at neighbouring properties. New windows introduced would not give rise to any overlooking beyond what could reasonably be expected from mutual-overlooking in this close residential setting.

**Sustainable Transport:**

- 9.23. The submitted drawings show bicycle parking within the rear garden for one cycle. SPD14 guidance recommends 2 spaces and would also 1 space for the new flat. Whilst the site is constrained, there does appear to be the opportunity to add an additional space adjacent the proposed within the rear garden of the new house. Whilst the location is not ideal, it would be preferable to no or less provision. Further details of this could have been secured by condition had the development been otherwise acceptable. There does not appear to be any option for cycle parking for the flat, other than informally within the flat itself. The lack of formal/dedicated cycle parking for the flat is accepted in this instance given the constraints of the site.
- 9.24. The building doesn't currently benefit from off-street parking and this wouldn't change. The street and surrounding roads are covered by a Controlled Parking Zone (CPZ). The proposal to replace 2 residential units, with 2 larger residential units is not considered to result in any significant uplift in vehicle trips. It is not

considered reasonable to restrict occupiers of the proposed development to permits given that applications for permits would be considered by the council, and excess/overspill parking controlled in that way.

**Sustainability:**

- 9.25. City Plan Part One policy CP8 requires new residential development to demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Emerging policy DM44 (which can be given limited weight) states that the council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city by 2030.
- 9.26. Measures to secure efficiency in the use of water and energy shall be secured by condition.

**Conclusion:**

- 9.27. The proposed development would not result in an increase in the number of residential units, therefore the council's housing supply shortfall would not be impacted by these proposals. Notwithstanding this, the proposals would result in larger units. The introduction of a 3-bedroom unit suitable for family occupation, in particular, meets an identified need within the City. The new build dwelling is considered appropriately designed, and the overall development would not be harmful to the character and appearance of the site or wider Conservation Area. The standard of accommodation for both units would be acceptable, and no significant harm to the amenity of occupiers of neighbouring properties has been identified.
- 9.28. In this case, no harms have been identified which would outweigh the benefits and approval is therefore recommended.

**10. EQUALITIES**

- 10.1. Step-free access would be available to the new house, and compliance with Requirement M4(2) of the optional requirements in Part M of the Building Regulations shall be secured by condition.

**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 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The proposed development would provide less than 100sqm of new internal floorspace and would not result in a net increase in the number of residential units at the site. As such, the development would not be liable for a CIL charge.

## **12. CLIMATE CHANGE/BIODIVERSITY**

- 12.1. The proposed development makes more efficient use of the 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. Future occupiers of the new house 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.