

No:	BH2019/02548	Ward:	Goldsmid Ward
App Type:	Full Planning		
Address:	Rear of Cornwall Court, 56 Wilbury Avenue, Hove, BN3 6GJ		
Proposal:	Demolition of existing garages and erection of 2no two storey three bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.		
Officer:	Russell Brown, tel: 296520	Valid Date:	11.09.2019
Con Area:	N/A	Expiry Date:	06.11.2019
Listed Building Grade:	N/A	EOT:	09.12.2019
Agent:	Mr Joseph Pearson Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
Applicant:	328 Developments C/o Lewis And Co Planning SE Ltd		

1. RECOMMENDATION

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

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	TA1147/ 01	B	6 November 2019
Proposed Drawing	TA1147/ 10	C	6 November 2019
Proposed Drawing	TA1147/ 11	A	27 August 2019
Proposed Drawing	TA1147/ 12	D	6 November 2019
Proposed Drawing	TA1147/ 13	C	6 November 2019
Proposed Drawing	TA1147/ 14	A	27 August 2019
Proposed Drawing	TA1147/ 15	B	11 September 2019
Proposed Drawing	TA1147/ 16	A	27 August 2019
Proposed Drawing	TA1147/ 17	A	11 September 2019
Proposed Drawing	TA1147/ 18	B	6 November 2019
Report/Statement	Sunlight Report	Revision 1	31 October 2019
Report/Statement	Transportation Noise Assessment	Issue 1	27 August 2019

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 any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
- Physical samples of all brick, relief panels and tiling (including the window cills and lintels); and
 - Specification sheets / product brochures for the proposed windows, doors and fascias.

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 QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to the first occupation of the development hereby permitted a scheme for landscaping, including the shared surface, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- a schedule detailing sizes and numbers of all proposed trees / plants including details of, as relevant, tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
- details of all boundary treatments to include type, position, design, dimensions and materials; and
- details of any external lighting.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with Policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. Prior to the first occupation of the development hereby permitted, details of an acoustic fence in the position shown on the approved on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. It shall be shown as being constructed from a minimum of 20mm thick butt jointed timbers with 12-20mm cover strips fitted over the whole of the butt joint compliant with BS 5589: 1989, Sections 1-6 and Specification of Highway Works Volume 1, Sections 304, 310 and 311. It shall be implemented prior to the first occupation of the proposed dwellings and be retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity, particularly with regard to noise,

and to comply with Policies SU9 and SU10 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

6. The shared surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CP8 of the Brighton & Hove City Plan Part One and SPD16 Sustainable Drainage.
7. The vehicle parking spaces shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with Policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have 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.
11. The ground floor west-facing window to House 1 and the first floor north-facing landing window to House 2 of the development hereby permitted shall

not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

12. The development hereby permitted shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. They shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

13. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

14. Within six months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

15. No extension, enlargement, alteration of the dwellinghouses or provision of buildings, etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

16. A bee brick shall be incorporated within the external wall 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.

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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 11.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under condition 9 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.
6. The applicant is advised that the scheme required to be submitted by Condition 14 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Planning permission is sought for the demolition of four existing garages to provide 2, four bedroom semi-detached dwellinghouses (Use Class C3) of three storeys, together with hard and soft landscaping, two car parking spaces, cycle storage and the re-covering of the access road to provide a shared surface.
- 2.2. The application site is located to the rear (south) of Cornwall Court and Somerset Court, both of four storeys, on the south side of Wilbury Avenue just to the west of the junction with Wilbury Villas. The site is bounded to the south by the railway line in-between Brighton and Preston Park train stations and that of Hove. The application site comprises land currently used for garaging separated from the car parking pertaining to Cornwall Court by a boundary wall. The access to the garages is shared with that for the parking area, and it passes immediately to the north of the garages. The area is predominantly residential with flatted blocks and semi-detached houses.
- 2.3. It is located within Controlled Parking Zone (CPZ) O.

3. RELEVANT HISTORY

- 3.1. BH2002/01383/OA: Outline application for demolition of 4 existing garages and erection of 3 town houses with on-site parking. Refused 19 September 2002 due to the proposal, by virtue of its proximity to residential buildings, being detrimental to the amenities of the occupiers of surrounding properties by way of loss of sunlight and daylight, overshadowing and overlooking, contrary to policies BE1 of the Hove Borough Local Plan and HO4 and QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

- 4.1. **Nine (9)** representations have been received objecting to the proposed development for the following reasons:
 - The access road is owned by the leaseholders of Cornwall Court and cannot be sold.
 - Lack of notice to an adjoining landowner who have rights of access over part of the site.
 - Considerable disruption and noise from the building works. Prevention of Cornwall Court residents parking in the car park thus incurring parking permit charges and problems with finding an on-street space.
 - Potential overspill parking into the parking spaces for Cornwall Court.
 - The size of the houses means the density and the occupancy would be too high, causing nuisance in terms of noise, parking, rubbish, etc.
 - The sewers, drains and plumbing for Cornwall Court are insufficient so the new houses should not connect to these.
 - The new houses are too close to the bedrooms and living rooms of Somerset Court taking away natural light, causing overshadowing, reducing views from balconies and privacy, and creating a sense of being hemmed in.

- The new houses will need their own dustbins and recycling bins as the current provision is currently over-stretched / overflowing.
- The access road is currently not maintained and is in a poor state of disrepair, and therefore it and the car park should be resurfaced as part of the proposal.
- Access to the Cornwall Court car park would be disrupted during construction.
- There is no covenant stopping students renting the houses or being advertised on Airbnb, which can cause disturbances and noise.
- No site waste management plan, no low and zero carbon technologies, no provision for food growing, no gardener and no composting are proposed.
- No planning notices were seen posted outside.
- The decision for this scheme should not be any different from the previous refusal.
- Adverse impact on property prices / values of Cornwall Court.
- The building is close to the railway so the new residents will undoubtedly be affected by the noise. A year old noise report may not still be valid.
- No environmental impact study has been submitted to consider the loss of wildlife habitat through the recent removal of many old trees on the plot. Bats have been seen living on-site in the last 5 years so they must be roosting locally. The trees provided privacy from the nearby road bridge and noise mitigation from the railway.

5. CONSULTATIONS

5.1. Highway Authority:

Original comments: Recommended refusal on the basis of insufficient pedestrian access arrangements to the new dwellings unless an amended plan was submitted showing a widened and segregated access for pedestrians.

Further comments: No objection following the submission of amendments was raised subject to a recommended condition relating to details of secure cycle storage.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (October 2019)

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents and Guidance:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPGBH 9	A guide for Residential Developers on the provision of recreational space

8. CONSIDERATIONS & ASSESSMENT

8.1. The main planning considerations material to this application are the principle of development, the design of the dwellinghouses, their impact on neighbouring amenity, the standard of residential accommodation created and the impact on the highways network.

Principle of development

8.2. There are no local planning policies that protect garages, although any subsequent impact on the local area, particularly on the availability of parking

spaces, through the loss of parking spaces must be acceptably mitigated. This will be discussed in more detail within the highways section of this report.

- 8.3. The application form states that they are vacant and it has been clarified that they have been continuously used for vehicle storage, although in recent years this appears to have mostly happened on the forecourt with little use of the actual garages.
- 8.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings. The Council's most recent land supply position was published in the 2018 SHLAA Update (February 2019) which showed a marginal surplus (4.5 years supply) assuming a 20% buffer as per NPPF paragraph 73 given that there has been significant under delivery of housing over the previous three years. 4130 of these new homes will be delivered within the built up area. The site also counts as a small 'windfall site', and the gain of two dwellings contributes towards meeting the planned housing requirements for the city and ongoing five year supply requirements. The impact of the proposal on the character and appearance of the area, the design of the proposed development, the impact on neighbouring amenity, the standard of accommodation created and other matters are discussed below.

Density

- 8.5. The Wilbury neighbourhood has a gross density of approximately 42 dwellings per hectare (dph), which is considered to be moderately high, although it varies considerably. The proposed development would provide approx. 50 dph.
- 8.6. On the basis that the proposal would be of a high standard of design, would respect the character of this largely residential neighbourhood and would make full, efficient and sustainable use of the land available, Officers consider the proposed density acceptable in line with City Plan Part One Policy CP14. Whether it would better contribute towards creating a sustainable neighbourhood shall be discussed later on in this report.

Design, appearance and landscaping

- 8.7. The existing garages could not be described as positive contributors to the character and appearance of the area. As such, their demolition is considered acceptable.
- 8.8. Brighton & Hove City Plan Policy CP12 and Local Plan Policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.

- 8.9. With the exception of Aynsley Court, Cornwall Court, Somerset Court and Janeston Court, the prevalent height in the vicinity is two and three storeys, and many of the former feature roof extensions creating a third floor of habitable accommodation. As such, the provision of 2.5 / 3 storeys is considered acceptable in this location.
- 8.10. Whilst the proposed building would cover more of the plot than the existing garages, space is left to the sides and rear in order to provide an appropriate amount of external amenity space. As such, the amount of plot coverage is considered acceptable.
- 8.11. The roof form is pitched with two gables, one facing the site entrance and one facing west. Where this roof form has not been lost through hip-to-gable extensions, it is prevalent within the area and is therefore considered acceptable to these new dwellings.
- 8.12. Officers consider the materials to be contextual, robust, largely traditional and they appear to be high quality. Further details of samples are recommended to be secured by condition. In the case of the contrasting aluminium relief panels, these are a modern interpretation of the weatherboarding between windows on Cornwall Court and the vertical hanging tiles on some of the inter-war properties on Wilbury Avenue. Subject to further details, these are considered appropriate and therefore acceptable.
- 8.13. In terms of landscaping, indicative details have been shown on the drawings and materials / treatments given. Officers consider that the ratio between hard and soft landscaping is in favour of the latter, which is supported. The rear lawns would help to encourage biodiversity and food growing. Officers would require the trees proposed to be native and mature, but details of these can be provided within a comprehensive landscaping scheme as secured by condition.
- 8.14. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.15. It is considered necessary to restrict permitted development rights to avoid any adverse impact upon the architectural form of the new dwellinghouses and the appearance of the area from any kind of extension, outbuilding or new opening.
- Impact on neighbouring amenity**
- 8.16. 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.

- 8.17. It is noted that the previous proposal on this site, although for three dwellings, was refused on the grounds of the loss of sunlight and daylight, overshadowing and overlooking. The nearest blocks of flats existed at that time and the site surrounds remain materially similar. As such, those issues are still a consideration for this proposal.
- 8.18. In terms of sunlight the proposal would cause a loss since the buildings would be situated within 90° due south of windows within Cornwall Court. However, as shown within the submitted report, only ground floor windows 2 and 3 to the eastern-most side of the south elevation would receive less than 80% of their former sunlight hours during the period between 21st September and 21st March. This impact is not considered to be significant enough to warrant refusal of this application.
- 8.19. As regards daylight the proposed development is unlikely to have a substantial effect on the Vertical Sky Component (VSC) received by the ground floor kitchen window within Cornwall Court. This is the only window affected since the other rear window is already setback underneath a balcony. VSC measures the amount of potential light reaching a vertical surface, specifically windows, with obstructions in the way and compares the outcome with the amount of light available in that location under unobstructed conditions.
- 8.20. Annual Daylight Factor (ADF) gives a notional idea of how much natural light is distributed within a space when room layouts are known and therefore applies to new development only. As such, it does not need to be considered here.
- 8.21. The proposal would cause an increase in overshadowing, but it is considered that this would be to the car parking area for the new dwelling and access to the existing parking spaces.
- 8.22. It is considered that the proposed dwellings would be too far away from both flatted blocks to cause a reduction in outlook or create a sense of enclosure.
- 8.23. The lower ground floor kitchen window and first floor bedroom windows would be just over 12m from the windows of the eastern-most rear flats at Cornwall Court. However, given that the former would sit at a lower level than the ground floor kitchen window at Cornwall Court and that the latter serve bedrooms, it is not considered that this would result in a harmful impact on privacy. The first floor landing window to House 2 would be obscure glazed as secured in perpetuity by condition.
- 8.24. Officers are unsure exactly when the garages were last in use, but it is considered that four vehicles and their users would cause more noise and disturbance than up to 16 people and two vehicles. Furthermore, eight vehicles are shown parked spaces associated with Cornwall Court in aerial views and these would use the access, and there is capacity for six more vehicles. This would result in 16 vehicles using the access road.

- 8.25. It is considered necessary to restrict permitted development rights to avoid any adverse impact upon neighbouring amenity from any kind of extension, outbuilding or new opening.

Standard of accommodation

- 8.26. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.27. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.28. The proposed houses would feature four bedrooms, at least two of which would be ensuite, and a bathroom to the upper floors, and an open-plan living room / kitchen / dining / study area at lower ground floor. House 1 would have a Gross Internal Area (GIA) of 142m² and House 2 a GIA of 140m², which both comply with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that 100% of the GIA would have an internal floor to ceiling height of above 2.3m or above. Bed 2 in House 1 has a GIA of 10.3m² and therefore has to be considered on the basis of single occupancy, but otherwise all of the bedrooms can accommodate double beds. The GIA of Unit 1 allows it to be acceptable both as a seven person dwelling and as an eight. The houses would allow adequate room for furniture and circulation.
- 8.29. Both are family sized dwellinghouse and have substantial external amenity space, which is welcomed and in accordance with Policy HO5. Furthermore, the quality of this is considered to be of a high standard, subject to further detail on landscaping. It is noted that the gardens allow for local food growing and tree planting that improve the environment as encouraged by SA6 Sustainable Neighbourhoods.
- 8.30. The site is quite open in nature and makes good use of its orientation to the south with the gardens located to the rear and lots of glazing. Both are dual aspect (and triple aspect at lower ground floor level of House 1) and therefore both dwellinghouses have sufficient outlook, ventilation and natural lighting.
- 8.31. It is noted that no space within the dwellinghouses is allocated for a lift, but it has been confirmed that the staircases would be sufficiently wide for a stairlift. Furthermore, a power supply has been added to allow for the future installation of a stairlift to the entrance to both dwellinghouses since entry

would be via a staircase with six steps. Compliance with the submitted drawings is recommended to be secured by condition.

- 8.32. The provision of residential units, which are a noise sensitive use, within a noise generating location next to four railway tracks would result in future occupiers being exposed to frequent and prolonged noise, which could be deemed a statutory nuisance.
- 8.33. Noise levels in external amenity areas should not be above the recommendations in the WHO Guidelines for community noise during the daytime period at 50dB, which would be classed as moderate annoyance. However, it is predicted that the daytime (07:00-23:00) noise level at the residential façade would be 58dB and 52dB at night time (23:00-07:00).
- 8.34. A 2.3m high acoustic fence is proposed to be erected to the rear (southern) and side (eastern and western) boundaries to mitigate against this impact. In order to achieve sufficient acoustic benefits, it must be an acoustic fence rather than a close boarded fence or feather edged construction and therefore constructed from butt jointed timbers (minimum of 20mm thick) with 12-20mm cover strips fitted over the whole of the butt joint. Detailed drawings can be secured by a condition prior to the first occupation of the dwellinghouses.
- 8.35. To ensure that noise levels within the dwellinghouses themselves are sufficiently low, a specific specification of double glazing is required. This has been shown on the floor plans, but to clarify, a RRAIL of 29dB is required for bedrooms and a RRAIL of 28dB is sufficient for living areas / studies and dining areas. A through the wall ventilator would allow windows to be closed, but would still allow background ventilation commensurate with Approved Document F of Building Regulations.
- 8.36. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU9, SU10, QD27 and HO5 as well as City Plan Part One Special Area Policy SA6.

Highways

- 8.37. The proposal could cause the displacement of four cars onto the street. Even if the garages were in use for vehicle storing, it is unlikely that any of the vehicles would be parked on the street as they are likely one or more of the following:
- are not in daily use;
 - do not have a parking permit;
 - do not have an MOT;
 - do not have insurance;
 - are waiting to be repaired;
 - or are waiting to be sold.

- 8.38. As such, Officers do not consider that the proposal would significantly add to the problems with car parking in the wider Brighton and Hove area, or create parking stress on surrounding streets.
- 8.39. The site is easily accessible by sustainable transport as it is 10 minutes walking or 3 minutes cycling from Hove train station and a 3-4 minutes' walk to the nearest bus stop. Furthermore, it is relatively well-served by local services and community facilities in that Trinity Medical Centre is a 13 minute walk away and the Post Office, a supermarket, a gym and other services on Blatchington Road are 15 minutes away and Hove library is a 20 minutes' walk away. King Alfred Leisure Centre is 25 minutes walking distance. As such the proposal is within a sustainable location.
- 8.40. The proposed off-street car parking spaces are within the maximum standards for a Key Public Transport Corridor and therefore this is considered acceptable. Since car parking would be available off-street, and the area retained in perpetuity by condition, and parking permit uptake within this CPZ is at 91% (a clear sign of excessive parking stress), a condition is recommended to be imposed preventing future occupiers from applying for a parking permit. As such, there could not be any overspill parking from the removal of the four garages.
- 8.41. The site shares an access road with the rear parking court serving Cornwall Court. Given the introduction of further dwellings, this would increase the use of this access road, which is in a poor condition and does not have a separate path for pedestrians, therefore being unsafe. It is noted that occupiers of Cornwall Court do need to use this for pedestrian access once they have exited their vehicles in the car park. Following negotiations, a pedestrian priority shared surface is now proposed as part of this scheme. This would prevent conflict between vehicles and between vehicles and both cyclists and pedestrians. As such, the access road would be re-laid, or more likely re-covered. Given the nature of a shared surface, it is important to use contrasting pavers to informally delineate between pedestrian and vehicle spaces as suggested. The exact materials and lighting are recommended to be secured through a condition prior to the first occupation of the dwellinghouses.
- 8.42. Eight parking spaces are proposed for bicycles, which is welcomed as this is above the requirement of four and, as such, no concerns are raised to the space appearing cramped. Locations for the storage and collection points of the refuse and recycling bins have also been shown on the plans.

Sustainability

- 8.43. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

- 8.44. The site is within Source Protection Zone 2 and therefore surface water run-off should be managed and water supplies safeguarded, and an energy efficiency condition would achieve the latter objective. In terms of the former, SUDS will need to be considered and should form an integral part of the landscaping scheme, particular on this site where land levels step down towards the rear.

Summary

- 8.45. The proposed development would provide two new units of accommodation in the city and would generate some economic activity during construction work. The standard of design, accommodation and amenity space to be provided is considered to be high quality and there would be no significant harm to the character or appearance of the area or to neighbouring amenity. The impact on the highway network can be managed by condition. Furthermore, the proposal would contribute to a sustainable neighbourhood. The application is therefore recommended for approval.

9. EQUALITIES

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

