

<u>No:</u>	BH2020/00895	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Erection of an additional storey and extension to fourth floor to provide 7no two bedroom flats & 1no one bedroom flat (C3), erection of 3 storey front extension to create a further 298sqm of office space (B1) together with associated external alterations, access, car parking and landscaping.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	31.03.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.05.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Nova Planning Limited Ground Floor Building 1000 Lakeside North Harbour Portsmouth PO63EZ		
<u>Applicant:</u>	Stonegate Homes (Hove) Limited C/o Nova Planning Limited Building 1000 Lakeside North Harbour Portsmouth PO63EZ		

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 satisfactory amended plans, 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 the **30th September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section **9.1** of this report:

Head of Terms:

- 1.2. In view of the considerations outlined above, a legal agreement with the following heads of terms will be sought.

Affordable Housing Contribution:

£364,500 commuted sum towards affordable housing.

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
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Location and block plan	EX01		23 March 2020
Proposed Drawing	PR01		23 March 2020
Proposed Drawing	PR10		23 March 2020
Proposed Drawing	PR11		23 March 2020
Proposed Drawing	PR12		23 March 2020
Proposed Drawing	PR13		23 March 2020
Proposed Drawing	PR14		23 March 2020
Proposed Drawing	PR15		23 March 2020
Proposed Drawing	PR16		23 March 2020
Proposed Drawing	PR17		23 March 2020
Proposed Drawing	PR18		23 March 2020
Proposed Drawing	PR20	B	30 March 2020
Proposed Drawing	PR21		23 March 2020
Proposed Drawing	PR22		23 March 2020
Proposed Drawing	PR23		23 March 2020
Report/Statement		Noise Impact Assessment	23 March 2020
Proposed Drawing	1678-GA-100		23 March 2020
Proposed Drawing	1678-GA-101		23 March 2020

- 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 details, which may include 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 (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 4 Prior to occupation of the development hereby approved, a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of the layout of the bays and access within the car park, and any other motor vehicle parking areas. Including resident, office, visitor and motorcycle bays.

- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of electric charging bays, inc arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.
- Details of servicing bays.
- Details of keep clear areas.

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 5 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

- 6 Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development have no entitlement to a resident's parking permit.

Reason: To ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 7 The development hereby permitted shall be carried out in accordance with the recommendations within the Acoustic Design Statement by RPS received 23rd March 2020, including the provision that noise associated with plant/machinery within the proposed B1 office space shall be controlled such that it does not exceed a sound level 5dB above measured background sound levels during daytime and nighttime periods. The approved recommendations once implemented shall be permanently retained.

Reason: To safeguard the amenities of future occupiers, and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

- 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 landscaping scheme detailed on drawing no. 1678-GA-100 and 101 received on 23 March 2020 shall be carried out in the first planting and seeding season following the first occupation of the building/use hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

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 scheme required to be submitted by Condition 7 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 that the development is car-free and that visitor permits will be limited to 25 per year per resident.
3. The applicant is reminded that an additional B1 use disabled bay is required from the general use and advised that the disabled car parking spaces should be designed in accordance with the Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
4. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets

section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the Police approved 'Secure By Design' cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate.

- 5 The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
- 6 The water efficiency standard required under condition 10 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site comprises a modern, purpose-built office development of between three and seven storeys with two adjoining blocks arranged at right angles to each other, the rear block set behind neighbouring Preece House, which is also a purpose-built office block. There is a small gatehouse type structure at the front. The main office building is set well back from the road. There are 110 car parking spaces at ground level and underneath the larger block behind Preece House.
- 2.2. The site is located on the northern side of Davigdor Road and backs onto the Peacock Industrial Estate. There are residential uses on the opposite side of Davigdor Road.
- 2.3. The site was granted prior approval in August 2019 for a conversion to 92 one bedroom flats. In March 2020 prior approval was granted for conversion of only the rear wing of the building to 78 one-bedroom flats, with office space retained to the front block of the building.
- 2.4. The current application proposes an additional storey to the rear block of the building, a three-storey front extension, and an additional storey at third floor, over the existing 3 storey front block. The extended front wing would accommodate office space at ground, first and second floors. The total provision would be 1035sqm of which 298sqm would be in the new front extension. The extension above this part of the building would accommodate 1no one bedroom flat and 2no two-bedroom flats. The additional storey to the rear block would accommodate 5no two-bedroom flats.

- 2.5. The submitted floor plans include the 78 one-bedroom flats with extant approval. Although these units do not form part of the current application, external alterations are proposed to those parts of the building and involves the removal of the current glass curtain system, which lends the building the appearance of being entirely glazed. The proposal is to remove this and replace with an alternative cladding system.

3. RELEVANT HISTORY

- 3.1. **BH2020/00781:** Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping. Under Consideration
- 3.2. **BH2019/03783:** Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats. Approved 10/03/2020
- 3.3. **BH2019/01739:** Prior Approval for change of use from offices (B1) to residential (C3) to form 92no one bedroom flats. Approved 07/08/2019
- 3.4. **BH2019/01619:** Prior Approval for change of use from offices (B1) to residential (C3) to form 86no flats, comprising 49no one bedroom units and 37no two bedroom units. Withdrawn 04/07/2019
- 3.5. **BH2014/03006:** Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats. Approved 20/10/2014
- 3.6. **BH2008/00919:** Smoking shelter at third floor level on roof podium. Approved 23/05/2008

4. REPRESENTATIONS

- 4.1. **Thirteen (13)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
 - Pressure on local amenities (schools, GOs etc)
 - Overdevelopment
 - Overcrowding of the area
 - Intrusive/dominating to surrounding area
 - Design and scale are out of proportion with surroundings
 - Overshadowing of neighbouring properties
 - Light and noise pollution
 - Overlooking
 - Family houses are needed instead of flats

5. CONSULTATIONS

5.1. **Planning Policy: Comment**

The application site comprises c4,100 sqm vacant B1 office and ancillary floorspace, however all of this is subject to Prior Approval for conversion to residential. The current application proposes additional storeys and a front extension to the existing building for residential and B1 office use. The applicant states that these proposals are intended to accompany the most recent Prior Approval (BH2019/03783) agreed by the Council on 10 March 2020 which allows for the conversion of the existing 7-storey rear block to 78 residential flats but retains the 3-storey front block as B1 office space.

5.2. The application site forms part of a larger area at Lyon Close which is proposed for allocation in CPP2 Policy SSA3 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sq.m B1a office space (of which 1,000 sq.m is proposed for the application site). The proposed additional residential and B1 office space would accord with the Council's overall aspirations in Policy SSA3.

5.3. There is already sufficient residential provision in the form of completions and extant commitments at Lyon Close to meet the overall Policy SSA3 target of 300 residential units. However this application would potentially contribute a small amount of additional housing which would help to meet the overall City Plan housing target and the current 5-year housing supply shortfall.

5.4. The recent Prior Approval for office to residential conversion would create 78 small one bedroom flats, so the addition of 7 two bedroom units would expand the housing mix to a limited degree. As such, the application is considered to meet the housing mix requirements in Policy CP19 and draft Policy SSA3.

5.5. The unit sizes shown on the proposed floorspace plans would exceed the minimum Nationally Described Space Standards (NDSS) and provide private balconies/ terraces meeting the private outdoor amenity requirements in saved Policy HO5.

5.6. The applicant is proposing a financial contribution of £364,500 towards off-site affordable housing. This meets the requirement in Policy CP20 and follows the Council's technical guidance on calculation of affordable housing commuted sums.

5.7. The proposed 3-storey front extension providing 298 sq.m additional B1 office space would help towards the B1 office requirements sought in draft Policy SSA3. However, it would be helpful for the applicant to confirm the total amount of existing B1 office space that would be retained following implementation of BH2019/03783 in order to demonstrate that the minimum 1,000 sq.m B1 office space sought for this site in Policy SSA3 would be achieved.

5.8. The applicant has not provided a Tall Building Statement, nor provided any assessment of the potential wider visual impact of adding an extra eighth storey on the rear block of the building. This is a key policy requirement that

will need to be addressed in order to demonstrate compliance with Policy CP12 and SPG15 Tall Buildings. In terms of assessing the overall design, consideration should also be given to the Design Principles for Lyon Close which have been published as evidence to support Policy SSA3 in CPP2.

- 5.9. *Subsequent to these comments, the applicant has submitted a Tall Building Statement. The applicant has also confirmed 1035sqm total office space of which 298sqm would be in the new front extension.*
- 5.10. **Sustainable Transport:** Comment
The site has been subject to the following previous submission which was approved: BH2019/03783 - Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats.
- 5.11. This application is proposing eight additional flats and 298sqm of office (B1) floorspace. In combination, these developments would provide 86no. residential units (mixture of 1-bedroom and 2-bedroom units) and 298sqm of Class B1(a) floorspace.
- 5.12. The primary access is directly off Davigdor Road which offers a stepped access up to the main door and an alternative ramp for step free access which will make the site accessible to disabled users. The ramp appears to be no steeper than 1:12 for less than 5 metres, leading to a landing platform before continuing up to the main entrance. This meets BS8300 standards as an accessible ramp for disabled users and is deemed acceptable.
- 5.13. The secondary access is via the car park to the east of the main entrance. This compromises only of steps but is also acceptable due to the ramp provided as an alternative. Any disabled parking provided on site will need to be kept to the south of the car park, to minimise the distance users are required to travel. These details can be secured through a car parking management plan as a condition, which is covered in greater detail later in these comments.
- 5.14. The existing vehicular access is off Davigdor Road which is to remain as existing as part of these proposals. Therefore, we have no objection. Delivery and Servicing Access The main vehicle access off Davigdor Road will remain unchanged; this will allow service vehicles and refuse vehicles to enter the site and conduct all servicing on site and away from the public highway. This is the same situation as existed when the office use of the site was in operation. Drawing ITB15172-GA-004 shows a swept path analysis of an emergency vehicle, refuse vehicle and large box van satisfactorily entering and exiting the site.
- 5.15. In accordance with SPD14 the following cycle parking provision would be required for this development:
o 8 x 1-2 bedroom flat = 8 long stay and 2 short stay
o 298 sqm B1 office space o Staff = 1 space plus 1 space per 100m² = 4 long stay
o Visitors = 1 space plus 1 spacer 500m² = 2 short stay
- 5.16. This is in addition to the 78 short stay and 26 short stay spaces required for application no. BH2019/03783. The proposed office cycle storage has been

outlined on the proposed site plan but it is unclear where the residential parking would be located. It is our preference for 50% of residential cycle parking and 25% of office cycle parking to be in the form of Sheffield stands. Whilst we are satisfied that the 6 cycle spaces could be accommodated in the allocated office storage, it is unclear whether there is sufficient space to accommodate residential cycle parking. We therefore require further clarification on this. There is significant space across the site that is currently allocated for car parking that can be utilised to provide the required parking and shelters. As such we are confident that good quality cycle parking can be provided and can be secured through condition if planning permission is granted.

- 5.17. In accordance with SPD14, the following car parking provision is permitted. o Residential units: 0.5 spaces per dwelling for 1-2 bedroom units o Residential units: 1 space per two dwellings for visitors o Office: 1 space per 100m². Therefore, the 8 additional dwellings would be permitted 8 car parking spaces and a maximum of 3 car parking spaces would be allowed for the office use.
- 5.18. The previous application proposed 39 spaces to serve the 78 residential dwellings which was deemed acceptable. This application proposes 45 car parking spaces including 3 for the proposed office use to serve 86 dwellings and 298sqm of office use. This remains in accordance with SPD14 in principle; however, the impact of any overspill parking is discussed in the 'operational impact' section below.
- 5.19. Under application reference BH2019/03783, it was requested that at least 5% of the maximum total car parking standard to be allocated for motorcycle parking. Therefore, it would be required for 2 spaces to be provided. This can be secured under the car parking management plan condition.
- 5.20. In accordance with SPD14, it is required that 10% of car parking provision has electric vehicle charging provision and 10% of car parking has passive provision to allow conversion at a later date. This would require 5 spaces to have electric charging provision and 5 spaces to have passive provision. Notwithstanding the policy compliance, this level of provision is required to future proof the development and we encourage a commitment to provide ultra-rapid charging points with 100% of bays to be active from the start.
- 5.21. 2 disabled spaces are proposed for the B1 office use which is in accordance with SPD14. The layout of the spaces provided is not acceptable. Brighton & Hove Local Plan policy TR18 requires disabled bays to be laid out in accordance with DfT Traffic Advisory Leaflet 5/95 which requires a 1.2m buffer zone on both sides of the parking space. However, it is considered that this could be addressed through a disabled car parking condition.
- 5.22. The Transport Assessment submitted as part of this application has provided a trip generation estimate for the existing B1 use and the proposed C3 and B1. While we have a number of reservations on the filters and parameters set through the TRICS system, and the full 24 hour impact has not been provided, we accept the basic premise that the proposed site will generate fewer trips

than the existing and therefore will not have a significant impact on the highway network. In cases such as this, a Sustainable Transport Contribution is not required, due to there being no net uplift in trips.

- 5.23. Visitor parking demand must also be taken into consideration. Our estimates for residential units are based on the value of 0.2 spaces per unit as recommended in the DCLG 2007 'Residential Car Parking Research' document. Based on 86 units, the demand for this site is likely to be 17.2 (86×0.2), therefore, 17 visitor parking spaces would be adequate for this site to provide for visitors and this will need to be reflected in the Car Parking Management Plan.
- 5.24. The census super mid-level output area for this site shows that the average car ownership for flats is 59.1%, with 12.6% of the total owning 2 or more cars. If we make a conservative estimate that the 12.6% of units only own 2 cars with the other 46.5% owning 1, this gives an estimated 71.6 cars owned per 100 units in the area. Applying that to the proposed 86 units, gives an estimate of ownership for the site of approximately 62 cars ($71.6/100 \times 86$).
- 5.25. The development is proposing 42 residential parking bays, which would mean that the cumulative impact of the two applications would be an overspill of parking on to the local Controlled Parking Zone (CPZ) of approximately 20 (62-42). Looking at the demand for CPZ O, our most recent data of up-take of permits is 97% with a peak in 2019 of 101% of permitted permits allocated. A permit uptake of over 85% is considered under pressure, with this area far exceeding this, the impact from this development will need to be carefully managed.
- 5.26. Visitor parking demand must also be taken into consideration, with our estimates for residential units being based on the value of 0.2 spaces per unit as recommended in the DCLG 2007 'Residential Car Parking Research' document. Based on 86 units, the demand for this site is likely to be approximately 17 (86×0.2), therefore, 17 visitor parking spaces would be adequate for this site to facilitate general visitors and services and this will need to be reflected in the Car Parking Management Plan.
- 5.27. If sites in CPZs will generate overspill parking, then we will consider making them permit-free, basing that judgement, amongst other things, on a submitted parking survey to demonstrate whether sufficient capacity is available to accommodate it. Here, no attempt to estimate overspill has been made, though our own estimates suggest this could be significant. Similarly, no parking survey has been submitted, as required in SPD14. However, before defaulting to recommending a permit free condition we have referred to our own records of permit uptake in the relevant zone, using this as a proxy indication of likely parking stress. The most recent records for February 2020 show this to currently be 97%. We consider uptake of $\geq 85\%$ to indicate unreasonable existing stress, remembering that zones are very large, that this is an average figure, and that on individual streets parking stress may be higher. We therefore conclude that surrounding streets already experience unacceptable parking stress. As the development would exacerbate this by adding further

demand of approximately 17 vehicles, it is reasonable to make the development permit-free.

- 5.28. As part of the Car Parking Management Plan, the new arrangements of the on-site parking area can be changed through a non-material amendment by redistributing the space through markings to facilitate the following users: o Servicing o Visitors o Residents o Disabled o Motorcycles
- 5.29. Excess areas will need to be kept free for manoeuvring, fire assembly point and keep clear markings.
- 5.30. The Equality Act 2010 places a range of duties on the Council. Amongst others, these require decision makers to be aware of the potential impacts of their decisions, at the point when they take them, on people with characteristics that are protected by the Act. There must be a reasonable evidence base for this. If there are likely to be any negative impacts then, amongst other things, the decision maker must be satisfied that there is a reasonable 'objective justification' for these.
- 5.31. For the benefit of decision makers, we set out below those aspects of the proposals that are likely to have negative impacts in respect to transport. We also consider if there is a reasonable objective justification for these in transport terms. Where there is not then decision makers will need to be satisfied that a suitable objective justification exists for non-transport reasons. Note that we do not consider planning policy in this section. o Layout of disabled spaces is unacceptable. DfT Traffic Advisory Leaflet 5/95 which requires a 1.2m buffer zone on both sides of the parking space. As this is not met, blue-badge holders may not be able to access the parking spaces so impacting on their independent mobility. We are unable to see any objective justification for the proposed layout of the disabled bays. We have therefore requested additional information to be secured by condition.
- 5.32. Due to the nature of the development, there is expected to be a significant level of personal trips generated by the residents. Therefore, to comply with NPPF para 111 and Local Plan policy TR4, a Travel Plan should be secured via a section 106 agreement. See the 'Recommendations' section for details of the minimum measures that should be secured with this.
- 5.33. **Private Sector Housing:** No objection
- 5.34. **Environmental Health:** No objection
The applicant recognises that a further acoustic assessment may be necessary if mechanical plant in excess of that currently anticipated is proposed. (para 4.24.of the RPS acoustic design statement.)

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 JAAP (adopted 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 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 but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

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
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
QD14	Extensions and alterations
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
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPG14	Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate; to the impact on the character and appearance of the recipient building and the wider streetscene; the impact on the amenity of occupiers of nearby buildings; the standard of accommodation of the proposed flats for future occupiers; transport implications, including vehicle and cycle parking and compliance with relevant Development Plan policies and site allocations.

Principle of Development:

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 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).
- 8.4. Policy SSA3 of the draft City Plan Part 2 relates to Lyon Close, Hove. The policy proposes an allocation for residential-led mixed uses to provide a minimum of 300 residential units and 5,700sqm B1a office space, of which 1,000sqm is proposed for the application site. The proposed additional residential floorspace, and overall 1035sqm of office floorspace would accord with the Council's overall aspirations in Policy SSA3. The proposal to add 8 residential units would also contribute a small amount to the overall City Plan housing target and the current five-year housing supply shortfall.
- 8.5. The NPPF (8a) highlights the social objective, that development should support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the present and future

generations. Policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Whilst specific requirements for housing mix are not set out in the policy, it is expected that developments provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to characteristics of existing neighbourhoods and communities. Based on demographic analysis, the policy sets out that the greatest need/demand in the city for market housing is for 2 and 3-bed properties (35% and 36% respectively). The proposed housing mix is 1no one-bedroom flat and 7no two-bedroom flats. Whilst there is a predominance of the overall scheme towards one-bedroom units, those units formed part of the prior approval scheme and it is only the two-bedroom units that can be assessed under this application. The creation of 7 two-bedroom units is considered acceptable and accords with policy CP19.

- 8.6. Policy CP20 requires the provision of affordable housing of all sites of 5 or more dwellings. For site providing between 5 and 9 dwellings 20% affordable housing is required as an equivalent financial contribution. For the proposed scheme of 8 units, this would require a commuted payment equivalent to 2no affordable two-bed flats in zone 2, which would amount to £364,500. The applicant has agreed to this contribution, which shall be secured by s106 agreement.
- 8.7. For the reasons outlined, the proposed development is considered acceptable in principle, subject to the further material considerations set out below.

Design and Appearance:

- 8.8. The proposed front extension would be 3 storeys and would replicate the height and width of the existing front projection. The extension would be largely glazed, with the positioning and proportions of glazed area replicating the existing front wing. Areas of solid structure between windows and at roof parapet would similarly replicate similar details on the existing front extension in terms of positioning, thickness and depth. Overall, the extension would appear very similar to the existing front wing, only extending 4m further forward. The applicant has stated that the glazing would feature slim frames, which is appropriate, although no large-scale details are included in the submission. A sample/further details of the proposed glazing system can be secured by condition.
- 8.9. The southern portion of the building at present is set approximately 22m back from the pedestrian footway on Davigdor Road, and the proposed front extension would still retain a setback of approximately 18m. This means that the proposed front extension would not be readily visible when walking west on Davidgor Road due to Preece House adjacent being set close to the pavement. To the west of the site is a vacant plot, formerly occupied as 113-119 Davigdor Road. BH2018/02926 was approved in March 2020 and permits the development of this vacant plot with a part 5, part 8 storey building which would also sit closer to the pavement. This would screen the proposed front extension when approaching the site from the west on Davigdor Road. Due to the significant retained setback and the screening from buildings on the road,

the proposed front extension would have a limited visual impact within the streetscene.

- 8.10. The proposed third floor extension would not be prominent in the streetscene. It would be positioned on the roof of the existing front projection, so wouldn't be visible other than from directly in front of the site when walking in either direction on Davigdor Road by reason of the position of existing buildings and those permitted at 113-119 Davigdor Road. The extension would also be partially screened by the proposed parapet wall on the front extension. The extension would be a subservient addition, being set back significantly from the front of the proposed 3 storey extension, and also set in from the side elevations. The new extension would be a simple box-like design, which would fit with the character and form of the existing building.
- 8.11. The proposed additional storey at seventh-floor level would be similarly designed to that at third floor. It would be a box-like structure, partially concealed behind a parapet wall. The extension would be set in from all elevations of the existing building and would appear suitably subservient. This part of the building is largely obscured from views on Davigdor Road by Preece House to the south. Those views available from directly in front of the site are at approximately 40m (as the crow flies), and as such the addition would not be unduly prominent. Views from the east on Montefiore Road are similarly obscured by the Montefiore Hospital, and those views available are restricted to the break between the hospital and Russell House to the north which is approximately 75m away (as the crow flies).
- 8.12. The additional storeys at third and seventh floor levels are considered to be subservient and sympathetic additions to the building.
- 8.13. The proposal also, includes the removal of the glazed curtain façade and replacement with an alternative cladding system, although full details of cladding have not been submitted. No objection is raised to the principle, since the current appearance of the building better reflects the previous use as an office block than the predominantly residential use going forward. Full details of materials, in particular external wall treatments and cladding shall be secured by condition, to ensure that the building would maintain a coherent appearance.
- 8.14. A landscaping plan has been submitted, which shows an appropriate mix of hard and softlandscaping, including the provision of a ramped access, a green frontage to Davigdor Road and communal garden spaces with seating at the rear. Compliance with the landscaping plan shall be secured by condition, together with a requirement to replant any plants which die within 5 years of the completion of the development.

Standard of Accommodation:

- 8.15. The applicant has provided a noise assessment which sets out the noise environment of the site. The main noise issues for occupiers of the proposed flats would be that from traffic on Davigdor Road and the trading estate to the rear and its access road. The new third floor flats would be situated above

offices, where there is potential for some air conditioning plant/machinery. The report sets out that traffic noise can be suitably mitigated by the building façade as well as the inclusion of mechanical ventilation so that there is less reliance on opening windows. The report states that noise associated with the office can be mitigated by limiting the sound associated with plant to less than 5dB above background noise levels. The Environmental Health Officer has reviewed the noise assessment and raised no objection. Compliance with the recommendations of the report and the limitation of plant noise levels can be secured by condition.

- 8.16. The proposal is for 8 flats. They would provide the following usable floorspace:
- 8.17. Third floor:
- One-bed flat (2 occupants): 58.8m² overall; bedroom 1- 15.3m²
 - Two-bed flat (3 occupants): 59.8m² overall; bedroom 1- 11.8m²; bedroom 2 - 9.8m²
 - Two-bed flat (3 occupants): 64.8m² overall; bedroom 1- 14.8m²; bedroom 2 - 10.1m²
- 8.18. Seventh floor:
- Two-bed flat (3 occupants): 62.3m² overall; bedroom 1- 15.8m²; bedroom 2- 10.7m²
 - Two-bed flat (3 occupants): 62.0m² overall; bedroom 1- 12.4m²; bedroom 2- 9.8m²
 - Two-bed flat (3 occupants): 62.6m² overall; bedroom 1- 12.1m²; bedroom 2- 9.7m².
 - Two-bed flat (4 occupants): 72.9m² overall; bedroom 1- 15.6m²; bedroom 2- 11.8m².
 - Two-bed flat (4 occupants): 72.8m² overall; bedroom 1- 15.3m²; bedroom 2- 12.0m².
- 8.19. All flats would benefit from a small balcony/roof terrace, which is considered an acceptable provision of outdoor amenity space for a flatted development in this location. It is noted that the site is within short walking distance from St Anne's Wells Gardens which can be accessed through an alleyway opposite the site.
- 8.20. The layout of the flats is considered acceptable, with regularly shaped rooms, all served by windows which would offer acceptable natural light and outlook. The flats would have acceptably sized spaces for the likely levels of occupation, with adequate space for furniture and circulation.
- 8.21. Whilst not adopted policy, the DCLG: Technical housing standards - nationally described space standard (2015) provides a useful guide with respect appropriate provision of floor space. It is welcomed that 7 of the 8 flats would exceed the recommendations. One third-floor flat (that at 59.8m²) falls marginally short of the recommended floorspace (1.2m²). Notwithstanding this, it is considered that this flat offers an acceptable layout, with regularly shaped rooms, and sufficient room for furniture and circulation. It is also noted that the flat would benefit from further amenity space on the provided balcony/terrace.

- 8.22. Overall, the proposed development is considered to provide future occupants of the flats with an acceptable standard of living accommodation.

Impact on Amenity:

- 8.23. 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.
- 8.24. The subject building is set approximately 40m from the nearest residential buildings on the south side of Davigdor Road. The nearest residential building to the east on Montefiore Road is Russell House which is in excess of 55m away. The nearest residential buildings to the west are at 121-125 Davigdor Road (47m) although there is permission for the development of the vacant site between at 113-119 Davigdor Road. To the north is Lyon Close, containing Peacock Industrial Estate. Currently occupied by commercial buildings, there is planning permission for demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities (BH2018/01738).
- 8.25. BH2018/02926 (approved 31/03/2020) relates to the adjacent (vacant) site to the west formerly 113 - 119 Davigdor Road and permits the erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works. The front part of this development would be within 10m of the side elevation of the proposed three storey extension. The ground floor of the neighbouring development does not contain residential accommodation, and the first-floor flats as permitted would not have any windows facing the site on the side elevation. Higher level windows are unlikely to be affected, in terms of overshadowing, by the proposed extension. The impact on the neighbouring development, is considered acceptable, and would not give rise to harmful overshadowing, loss of outlook or an unwelcome sense of enclosure.
- 8.26. The development of Lyon Close permitted by BH2018/01738 introduces residential development to the north of 106-112 Davigdor Road. It is noted that Lyon Close is set on slightly lower ground. There is a band of mature trees on the northern boundary of the site, however, which provides a significant amount of screening. The separation between the application building and the permitted buildings on Lyon Close is approximately 35m to the nearest block (as the crow flies). Given the retained boundary screening, the degree of separation, and the bulk of the existing building, the proposed development would not give rise to overshadowing or restrict outlook to the buildings permitted by BH2018/01738. Overlooking would be similarly restricted by the screen and separation and would, nonetheless, not be significantly different from that afforded from the current 6 floors which the building comprises.

- 8.27. No harm to residential amenity has been identified which would warrant refusal of the proposed development. The assessment has taken in existing buildings in the vicinity, and those which could reasonably be expected to come forward on surrounding development sites.

Sustainable Transport:

- 8.28. SPD14 requires the provision of 10 cycle spaces for the proposed residential development and a further 6 for the office space (in addition to the 104 spaces required by BH2019/03783). The submitted site plan includes the office provision, although there is a lack of detail about the provision for the residential element. Given that there is significant available space throughout the site, it is considered that further details of cycle parking can be secured by condition.
- 8.29. The proposal includes 45 car parking spaces across the whole site to serve the 78 units previously permitted and the current proposals. This is 6 additional spaces to those outlined in BH2019/03783. The provision includes 2 disabled spaces, although these may not be wide enough for all blue-badge holders. Further details of disabled parking can be secured by condition. Overall, the proposal is in accordance with the maximum recommended standards set out in SPD14.
- 8.30. BH2019/03783 requested 5% of parking to be for motor cycles and SPD14 requires 10% of parking bays to have electric charging capabilities. These details could be secured by a condition requiring a car parking management plan.
- 8.31. In terms of travel forecasts, a Transport Assessment has been submitted which compares the proposed use with the previous office (B1) use. The report concludes that the previous use would have generated more trips, and this conclusion is accepted.
- 8.32. The site is surrounded by Controlled Parking Zone O, where permit uptake is most recently at 97% and has previously been higher. The current proposals and the previously permitted permissions would likely result in overspill parking from the site into the CPZ, notably by visitors to the site. To control this, a car parking management plan is required by condition to set out how visitor parking will be handled. In addition, it is considered reasonable to restrict occupiers of the new development's access to permits, by making the development car-free. This can also be secured by condition.
- 8.33. Due to the nature of the development, there is expected to be a significant level of personal trips generated by the residents. Therefore, to comply with NPPF para 111 and Local Plan policy TR4, a Travel Plan shall be secured by condition which outlines measures which would be carried out to encourage sustainable travel methods.

Sustainability:

- 8.34. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

9. SECTION 106 HEADS OF TERMS:

- 9.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reason:
- The proposed development fails to provide a financial contribution towards affordable housing contrary to policies CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

No issues identified.

