

<u>No:</u>	BH2020/00018	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Hollingdean Terrace Brighton BN1 7HB		
<u>Proposal:</u>	Demolition of the existing buildings (Sui Generis) and dwellinghouse and erection of buildings containing flexible floor space (B1a/b/c) and four residential dwellings comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping.		
<u>Officer:</u>	Russell Brown, tel: 296520	<u>Valid Date:</u>	14.01.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	10.03.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Whaleback Trinity Cottage Boxgrove Chichester PO18 0NW		
<u>Applicant:</u>	Mrs Patricia Camping C/o Whaleback Trinity Cottage Boxgrove Chichester PO18 0NW		

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 **GRANT** planning permission subject to the following Conditions and Informatives as set out hereunder.

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	TA 1208 /01		03 January 2020
Block Plan	TA 1208 /09	A	07 April 2020
Proposed Drawing	TA 1208 /10	C	15 May 2020
Proposed Drawing	TA 1208 /11	D	10 July 2020
Proposed Drawing	TA 1208 /12	C	10 July 2020
Proposed Drawing	TA 1208 /13	B	10 July 2020
Proposed Drawing	TA 1208 /14	A	03 January 2020
Proposed Drawing	TA 1208 /15	A	27 February 2020
Proposed Drawing	TA 1208 /16	A	03 January 2020
Proposed Drawing	TA 1208 /17	A	15 May 2020
Proposed Drawing	TA 1208 /18	A	15 May 2020
Proposed Drawing	TA 1208 /19	A	03 January 2020
Proposed Drawing	TA 1208 /20	A	03 January 2020
Proposed Drawing	TA 1208 /21	A	15 May 2020
Proposed Drawing	Transport Statement		06 April 2020

Proposed Drawing	Sunlight Impact Assessment		03 June 2020
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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, excluding demolition, of the scheme 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:
- a) physical samples of all brick, render and tiling (including details of brick bond, pointing and mortar as well as the render colour); and
 - b) specifications for the proposed windows, doors, lead cladding, fascias, rainwater pipes and gutters.
- 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 QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The new hard surfaces 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 from run-off and rain water and increase the level of sustainability of the development in compliance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.
5. Prior to the first occupation of the development hereby permitted, a scheme for landscaping 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:
- a. details of all hard and soft surfacing to include type, position and materials;
 - b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
 - c. details of all boundary treatments, including the bollard, to include type, position, dimensions and materials.
- Any trees or plants which within a period of 5 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 future occupiers and to comply with Policies QD15

and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained tree, in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the tree the subject of a TPO and which is to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06.
7. No development, excluding demolition, of the scheme hereby permitted shall take place until full details of all new windows (including their reveals and sills) and doors 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: To ensure a satisfactory appearance to the development and to comply with Policies QD5 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
8. The first floor windows in the west-facing elevation 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.
9. No extension, enlargement, alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D 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 QD5 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
10. 11 swift bricks shall be incorporated within the external walls 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 SPD11.

11. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities 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.
12. The development hereby permitted shall not be occupied until a scheme for separate and secure cycle parking facilities for the occupants of, and visitors to, the office and residential units 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.
13. Within three months of the date of first occupation a framework travel plan for the office and residential development shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following:
 - i) evidence that a three year car club membership shall be offered to future occupiers of each dwelling and the commercial space;
 - ii) details of pedestrian and cycle routes in the local area; and
 - iii) public transport timetable / maps.The framework travel plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with Policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
14. 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.
15. 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.

16. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
17. The office use hereby permitted shall not be carried out except between the hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and not at all on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals 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 the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 8.
3. Swift bricks be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
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 15 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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located at the south-western corner of Hollingdean Terrace and is comprised of single storey buildings occupying most of the site collectively identified as 19, 19A and 19B Hollingdean Terrace with the largest building known as 'Coachwerks'. This building has a roller shuttered front entrance and been much altered on an ad-hoc basis. At present it is in mixed use containing a variety of non-self-contained uses (Sui Generis) including a grocery shop (the only part that is regularly open to the public), several artist / craft studios, a music / recording studio, a photography dark room, a printing studio and communal areas. The other main building is a self-contained residential studio (Use Class C3) within the pitched roof building to the north-western corner of the site.
- 2.2. The road is predominantly residential, characterised by two storey terraced dwellings, although immediately to the east is a modern terraced development (nos. 1-13) and a four storey flatted building to the corner of Hollingdean Terrace and Roedale Road (Harrington House).
- 2.3. The building does not lie within a conservation area, is not a listed building or in the vicinity of one and is not within a Controlled Parking Zone (CPZ), although CPZ G is immediately to the west on Hollingbury Road. The Sycamore tree on site is the subject of a Tree Protection Order (TPO).
- 2.4. Planning permission is sought for the demolition of all the existing buildings and the erection of buildings containing flexible office/light industrial floor space (Use Classes B1a/b/c) and four residential dwellings (Use Class C3) comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping and cycle parking. Changes were made during the course of the application to add a bollard preventing vehicle access, to the location of the cycle and refuse storage and to retain the protected tree.

3. RELEVANT HISTORY

- 3.1. **BH2001/02168/FP:** Demolition of existing bungalow & replacement with 2 storey house. Refused 23 July 2002

- 3.2. **BH2007/04273:** Demolition of existing buildings and change of use from B1/B2 to residential. Erection of 7 x 2 bedroom live/work units with the provision for 10 cycle spaces. Withdrawn 21 February 2008
- 3.3. **PRE2019/00177:** The demolition of the existing building and the construction of a three storey office (B1) building and four, two storey dwellings (C3), together with landscaping, cycle spaces and refuse storage. Advice issued 28 August 2019:
- The principle of development is objectionable due to the loss of an existing employment site, and it has not been demonstrated that the site would be unsuitable for continued use solely for employment;
 - The provision of three new net dwellings would, however, be supported subject to the site layout being revised and the proposals otherwise being of a high design quality;
 - The impact upon neighbours from the proposed site layout raises sunlight, daylight, overshadowing and privacy concerns;
 - The proposed site layout also provides substandard accommodation for future occupiers in terms of the lack of natural light, outlook and a useable external amenity space, as well as noise and disturbance from office workers passing by in front of the proposed dwellings.

4. REPRESENTATIONS

- 4.1. **Eighty one (81) objections** from separate properties, of which five would be directly affected by the proposed development, were received raising the following concerns:
- The loss of a protected tree
 - The serious intensification in use of a site with restricted access and road space
 - There is no car parking provision
 - Domestic deliveries would be more difficult and would cause congestion
 - The planning history has been distorted to help support the proposal
 - The proposal attempts to ignore the site's employment use and shift perception of its use from B1 to Sui Generis, despite a change of use not previously being required
 - If the building was fully demolished, the environmental impact during construction would be proportionately larger than other similarly sized sites. There is no indication that current materials on site would be re-used
 - Knotweed may linger deep within the soil, which would be uncovered by demolition.
 - Affordable workspace, which is essential for start-ups, cannot be provided within new buildings or those that have undergone significant refurbishment
 - Existing tenants would be unable to take the new B1 space as their businesses would fail during the construction period because there is nowhere for them to go locally at affordable rents, and the new units would cost most than their current rent

- The layout of the B1 space is not viable for most businesses needing employment space due to deliveries, access and proximity to residential
- The building's demolition is not supported since it is a much-used community hub
- The proposal would worsen the parking problem at this end of Hollingdean Terrace
- It would cause noise, dust, dirt, air pollution and traffic to the residents in the immediate vicinity and would exacerbate health problems
- The area's utilities might not be able to sustain the extra strain imposed by this build
- Coachwerks provides a focal point for the local community and should not be turned into another characterless money spinning development
- The proposed housing density is far too high, leaving each dwelling without an adequate garden for safe play, washing hanging, food growing and storage
- It is unclear how each of the dwellings would be accessed by visitors / tradespeople
- The new dwellings will be higher than the existing building thus reducing privacy, the light and views of the sky / visual amenity for neighbours
- The proposed two storey development is too close to all boundaries
- The claim about use of bikes by future occupiers of the site cannot be substantiated
- The new housing amounts to unwelcome intensification / overdevelopment
- Harmful overspill parking from the new homes and offices would result as the street is increasingly used by non-residents who park here instead of in their own CPZ
- The proposed development could negatively affect house prices in the area
- The proposal seems not to consider the privacy and well-being of future inhabitants
- The land is subsiding which would put a strain upon it
- A climate emergency should override a new development, especially when it involves demolishing a useful local resource and risks increasing the area's carbon footprint. It is at odds with BHCC's commitments to become a carbon neutral city and to developing sustainable communities
- This area is already short on community facilities
- The proposed dwellings will be crammed between the existing with limited access
- The Coachwerks site is an Asset of Community Value (ACV)
- The employment spaces are just a token gesture
- Doing away with an interesting space would result in a bland and monotonous area
- This proposal includes the demolition of the dwelling on site, which would make two people homeless
- There is no need for additional housing in the area
- Squeezing another 3 or 4 dwellings into this land space will likely create more carbon emissions; these should be kept low

- Enough space should be provided for bin storage to cope with the waste produced
- 4.2. **Two (2)** representations of support were received for the following reasons:
- The current place is not very community oriented or welcoming to others
 - This sort of mixed use development should be encouraged so that commercial B1 spaces are retained and homes are added. Increased density is good for the city, the environment, public transport and housing needs
 - It makes the most of building up and filling in space
 - There is no material justification for rejecting this development and with the housing crisis as it is, the city should be stimulating opportunities like these
- 4.3. **Councillors Osbourne and Fowler** have objected to the application as submitted. Copies of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. Planning Policy:

The proposal would result in the net loss of approx. 1,232m² floorspace and approx. 15 studio / workshop spaces, which are considered likely to provide affordable, flexible workspace for a range of creative industries. Creative industries are acknowledged as having a key role in the local economy, with there being a local need for workspace that meets their needs, as identified in the Creative Industries Workspace Study 2008.

- 5.2. The applicant states that the lawful use of the site is C3 and Sui Generis, with the Sui Generis part being as such due to it being “one planning unit” within which none of the activities have a primary, ancillary or incidental relationship to each other. It is recommended that the Case Officer seek legal opinion on this point.
- 5.3. The applicant also states that the Sui Generis use is lawful by virtue of the passage of time. Images from street view are provided which appear to show the site being occupied by the Coachwerks since April 2009. However, street view images available online also show the site without Coachwerks signage in 2012. It is therefore not considered conclusive that the site has been in this continual use since 2009. It is recommended that a Lawful Development Certificate should be sought to confirm the use.
- 5.4. The applicant also states that the building was previously in use as a coach depot and repair centre, and car repair garage and MOT centre, which they consider to be classed as Sui Generis uses. However, planning application BH2007/04273 for this site, which was subsequently withdrawn, describe the site as being of B1/B2 use.
- 5.5. **Following clarification and further information being provided, the following comments were given:**

It is noted that the case officer has since sought legal clarification on the legal use of the site, in relation to it being one planning unit, and this has been confirmed to be the case. It is also acknowledged that additional information has been submitted by the applicant to demonstrate that the site has been in this use continuously since 2008. No further issues are raised with this.

- 5.6. Given above, the requirements of Policy CP3 do not apply. Although there is no policy to explicitly protect sui generis uses, the site evidently provides affordable, flexible workspace for a range of creative industries.
- 5.7. The proposal would deliver 168m² modern flexible B1 (a, b ,c) floorspace comprised of two smaller rooms of 11m² and 18m², and two larger rooms with potential for subdivision. Delivery of new B1 floorspace contributes towards meeting the need for it over the plan period as recognised in CP2.3. However, the proposal would result in the loss of commercial floorspace and the uptake of this new B1 workspace by some of the existing occupants of The Coachwerks cannot be guaranteed.
- 5.8. The existing dwelling on site is approx. 22m² GIA and therefore does not meet the Nationally Described Space Standards. The proposal would result in 4 new dwellings, with a net gain of 3, therefore contributing to the city' housing target, identified under Policy CP1. All new dwellings exceed the NDSS.
- 5.9. 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).
- 5.10. As a windfall site, Policy CP19 requires proposals to have considered housing mix and local assessments. All dwellings provided would be 2 bed. Local assessments indicate that the greatest demand for market housing is for 2 bed units (34%). However, there is also demand other sizes, including for 1-bedroomed units (24%) and 3-bedroomed units (31%). The applicant could consider whether one of the units could be delivered as a 3 bed unit in order to help meet the identified need for family housing.
- 5.11. All dwellings have private outdoor amenity space. There is also a communal courtyard area. No issue raised with Policy HO5.
- 5.12. Although the applicant states that some of the requirements of policy CP8 will be met in relation to energy and water standards, the applicant does not appear to have submitted a Sustainability Checklist nor addressed how other requirements relating to CP8 will be implemented; this should be requested.
- 5.13. There is no on-site car-parking provision for the dwellings or employment floorspace. Cycle parking is shown on the proposed site plan, but it is not

clear whether this meets the requirements set out in SPD14 Parking Standards.

- 5.14. The entire site is covered by a TPO. The proposal seeks to remove an existing tree on site. Comments from the Arboriculturalist should therefore be sought.
- 5.15. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A fully completed SWMP with sufficient information to demonstrate compliance with that policy will be required by condition.
- 5.16. The plans submitted show the specific location of bin stores and there is no issue with this in compliance with Policy WMP3e.
- 5.17. In summary, although the proposal would result in the loss of affordable, flexible workspace for a range of creative industries, there is no basis to object to this proposal on the grounds of the loss of sui generis uses.
- 5.18. **Transport:**
With regards to any potential parking associated with the development the applicant states that the site would be car-free and that "*There is a Controlled Parking Zone in place in the area surrounding the site which would ensure that harmful overspill parking would not result*". The site, however, is in an uncontrolled area on the edge of two Controlled Parking Zones (CPZs), G and J.
- 5.19. SPD14 Parking Standards states: "When applications are considered for developments which do not provide on-site parking to address the demand they may create, the impact of potential overspill parking needs to be considered. These impacts may include localised increases in demand for on-street parking which can cause highway safety risks and can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase... Outside of the CPZ's, the Local Planning Authority will usually not be in a position to control overspill parking associated with proposed developments. In such locations, the applicant will be required to demonstrate the likely parking demand associated with the proposed development; the capacity for on-street parking in the immediate vicinity of the site and in the surrounding area; and any mitigation measures which are proposed as part of the supporting case for the planning application".
- 5.20. In this instance there is concern that parking in the vicinity of the site may be high. It is considered that due to the site's location on the edge of a CPZ, within streets that are not restricted, there is likely to be a problem from parking overspill already occurring due to resident and visitor parking associated with the neighbouring CPZ(s) who may be unable to park in their zone or wishing to park for free.

- 5.21. Therefore, the applicant is required to provide an independent transport report of the current parking situation and forecast demand / impact of the new development. It must also give consideration to the impact of other proposed and committed development impacts in the vicinity of the site (as per the Lambeth Methodology).
- 5.22. The applicant is proposing that the site is car-free, but the proposed width of the entrance is approximately 2.4m. This would allow vehicles to enter the site and onto the hardstand that would be able to accommodate 2+ parked vehicles. If cars were to park on the hardstand it would unacceptably obstruct pedestrian and cycle access, cause damage to the footway and generate an increase in excessive vehicle manoeuvres and movements. A permanent perimeter structure that restricts vehicle movement onto the site is therefore required.
- 5.23. SPD14 requires a minimum amount of cycle parking spaces for B1 office and residential use. Access to the dedicated cycle parking for the northern-most dwelling is poor with tight corners and narrow entry points for a person walking with their bicycle. The layout and location needs to be amended. The cycle parking layout for the adjacent property also needs to be amended as it is not conveniently accessed. In addition, the type of cycle parking stands should be detailed on a drawing, including how they are spaced and covered, although this can be conditioned.
- 5.24. Disabled parking to be in line with Parking Standards SPD14. If there is no space on site then alternatives should be considered and detailed for users of the site.
- 5.25. There are no details of how servicing takes place for the B1 and C3 uses.
- 5.26. Refuse and recycling collection points and arrangement details for the B1 and C3 uses are needed. For new developments, refuse and recycling must not be left on the highway / footway, even temporarily on collection day.
- 5.27. A forecast of the difference in overall person trips between the site's existing and proposed uses is required.
- 5.28. Following the submission of a Transport Statement and further information being provided, the following comments were given:**
The applicant appears to have been addressed the majority of the concerns sufficiently, although the bay window still makes the pathway to the cycle parking store associated with the northern-most dwelling too narrow and the adjacent shrubs / bushes proposed may obstruct this further. The applicant may also wish to provide further information and agree the spacing details and specifications of the cycle stores and Sheffield stands prior to determination to void the need for a condition.
- 5.29. Access to the site appears to be level and is considered acceptable. The proposed bollard should prevent parking on site and pedestrian access being obstructed.

- 5.30. The applicant is proposing 8 cycle parking spaces for the 168m² business space and 1 cycle parking space for each dwelling. This is above the required amount for this development and welcomed. Further details are required via condition for the stores associated with the residential units to ensure they are covered, accessible and secure.
- 5.31. No disabled parking is provided. However, there are no accessible residential units and there are 3 disabled bays on street close to the site. No objection is raised on these grounds.
- 5.32. A refuse and recycling area is proposed on site. It is stated that deliveries shall take place on street as is existing with the mixed-use site. The applicant makes the case that deliveries are unlikely to be more frequent than the existing arrangement. It is noted that most deliveries for the business space are likely to take place during the daytime when parking demand on street in this area is likely to be lower, that the site frontage is constrained and that delivery bays on site are not possible. On consideration of these matters no objection is raised on these grounds.
- 5.33. The applicant has provided a transport statement that discusses travel and car parking matters. The case is made that that there is unlikely to be an increase in parking from the existing use to the proposed B1 element, however there may be up to 3 cars associated with the additional dwellings being proposed. The applicant is prepared to provide 3 years car club membership to occupiers to mitigate this uplift. A car club bay is situated nearby on Hollingdean Terrace. Additional cycle parking is also being proposed for the office above the minimum required by SPD14. This is welcomed as such measures are likely to reduce the likely impact on the highway and promote sustainable travel.
- 5.34. Therefore, travel plan measures are requested, including the proposed car club membership. The scheme should include the following measures to be given to all new occupiers on the site in the first 3 years: details of pedestrian and cycle routes in the local area; public transport timetable/maps; and 3 year car club membership.
- 5.35. There is unlikely to be a significant increase in trips from the existing use to the proposed B1 office. Trips generated by the net increase of 3 dwellings are not deemed to be a significant uplift that would warrant a reason for objection or refusal.
- 5.36. **Environmental Health:**
No objection in principle to this change of use. However, the site is potentially contaminated. The Council's historical records indicate that the following existed within the footprint of the submitted site plan; in 1926 a Laundry named 'Hollinbrook Laundry' and in 1956 an Engineers named 'Lech & Price Ltd'.
- 5.37. With respect to this site, I would like to stress the importance of the term 'potentially contaminated land', as to call a site 'contaminated land' has a

very specific legal meaning, which carries with it associated consequences. The responsibility for the safe development and secure occupancy of the site rests with the developer.

- 5.38. As such, it is appropriate in this instance to apply conditions in respect of the discovery of contamination and the hours of operation of the proposed B1a/b/c uses between the hours of 07.00 and 19.00 Mondays to Saturdays.

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 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. RELEVANT 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

CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP19	Housing mix

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM9	Mixed uses and key mixed use sites

Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation and Development
SPD14	Parking Standards

Other Documents

Urban Characterisation Study 2009

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, density, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created.

Principle of development:

- 8.2. No objection is raised to the loss of the existing residential studio on site since it is significantly undersized when compared to current space standards for dwellings, thereby offering a poor standard of accommodation.
- 8.3. 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.
- 8.4. 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).

- 8.5. The site counts as a small 'windfall site', bringing the benefit of providing three additional housing units to the city, and contributing to the City's ongoing five year supply requirements. A net increase of three dwellings (such as that in this proposal) would be a small contribution to meeting that supply.
- 8.6. As a 'windfall site', Policy CP19 requires proposals to have considered housing mix and local assessments. All of the dwellings proposed to be provided would have two bedrooms. Local assessments indicate that the greatest demand for market housing is for two bed units (34%). Although there is demand for other units such as one beds (24%) and three beds (31%), it is considered that a combination of the garden sizes and no off-street car parking means that the site is better suited to dwellings which can accommodate small families or couples.
- 8.7. The principle of redeveloping unallocated sites for mixed uses, and which are readily accessible by public transport is supported. Existing companies should be retained, the growth of new businesses is encouraged and new floorspace should be flexible to support small and medium sized enterprises (SMEs), particularly in the knowledge-based economy, creative industries and environmental technologies. Table 2 of City Plan Policy SS1 shows that 11,257m² of New Employment Floorspace is to be located within the built up area, in which this site falls.
- 8.8. Given the proposed loss of several independent, small businesses, some of which may be start-ups, it is considered important that the proposed 168m² of B1 floorspace is sufficiently flexible to accommodate the existing businesses on site if they wish to stay, to be subdivided and to allow the space to be suitable for use by B1(a), B1(b) and B1(c) occupiers. The proposed commercial space has been laid out such that there could be four self-contained spaces, but equally one business could occupy the entire space over the first and second floors. They have been marked as offices on the floor plans, but could also be used for a variety of uses with the B1 use class, and which could be compatible with the residential dwellings proposed on site, subject to a restriction on a B1 use and opening hours.
- 8.9. In terms of the loss of the businesses within the existing building, it is considered to be in a poor state of repair with poor light and outlook; economically unviable to bring it up to modern standards; unsuitable for uncontrolled employment uses due to the close proximity of adjoining dwellings; unsuitable for wheelchair users; unsafe for future intensive use as currently occurs; and unsuccessfully marketed.

- 8.10. Given that the businesses are not self-contained, cumulatively they fall under the Sui Generis category, which means they are not protected by planning policy, other than the accommodation being affordable, flexible and suitable for a range of creative industries. However, the new floorspace would also be flexible and suitable for many businesses in addition to being modern, better lit and ventilated, higher quality, and efficiently laid out. The new accommodation would represent a significant upgrade on the existing building, which is in a poor state of repair, insufficiently lit and heated, a fire risk and unsafe. Whilst no guarantees can be made about rents, the existing buildings would be likely to deteriorate further as the rental income generated at present cannot viably fund maintenance, repair and upgrading works. These matters are given weight in the decision-making process. It is also noted that the use of the building is considered to be Sui Generis through the passing of time and that the building and the residential studio are, together, one planning unit.
- 8.11. As regards 'The Coachwerks' potentially being a community use, Local Plan Policy HO20 makes reference to community uses being hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, creches, public toilets, church and community hall, theatres and cinemas. Since only a small part of the site is an art gallery for exhibitions, it is not considered that this policy applies here.
- 8.12. This development in many respects therefore represents a significant improvement over the existing employment offer of the site, and a genuine long-term employment use of the site which would contribute towards meeting the future demands of the city. As such, the principle of development is considered acceptable.
- Density:**
- 8.13. This site falls within the Hollingdean neighbourhood and the Urban Characterisation Study for the area outlines that the average gross density is approx. 35 dwellings per hectare (dph). The morphology and typology of the area is very mixed: two storey terraced and semi-detached housing within a less formal suburban street layout of sweeping roads and cul-de-sacs, terraced flat blocks and bungalows all feature.
- 8.14. On the basis that the application site is 2,170m², the density of the proposed development of four dwellings is 18.5dph. This figure is well below the prevalent dph and will only be found acceptable where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood.
- 8.15. It has already been demonstrated that the proposed development would meet the greatest demand for market housing. The site is within the Upper Hollingdean character area, which comprises two storey terraced housing and has a sense of place, much like the proposed development. It also

proposes to employ brick, which is the predominant material in the area, with simple pitched roofs and features bays like the Edwardian housing. As such, it is also considered that the proposal would reflect the neighbourhood's positive characteristics and is therefore acceptable in terms of proposed density.

- 8.16. Compliance with Policies CP14 and SA6 will be assessed further within the relevant sections of this report.

Design and Appearance:

- 8.17. Through the pre-application process, the design of the proposal has much evolved, particularly the plot layout that has driven the quantum of development, height, amenity space and access to the commercial and residential elements.
- 8.18. Given the resultant impact on external amenity space and neighbouring amenity, it is therefore considered acceptable for the dwellings to not follow the building line of the terrace to the west side of Hollingdean Terrace. Whilst the proposed dwellings may not be arranged in the predominant terrace typology, through their scale, massing, form and materiality, they are considered to respect the mixed character of the neighbourhood and contribute positively to its sense of place within the city.
- 8.19. Furthermore, Officers consider that the proposed dwellings do not seek to compete with the surrounding buildings but are subordinate to them. As such, the scale and massing are considered to be acceptable.
- 8.20. It is considered that the proposal is contextually appropriate in that the proposal picks up on design cues from the surrounds; the use of brick as the predominant material, pitched roofs with gable ends, bay windows and front porches to some of the dwellings. In terms of the external appearance of the proposed dwellings, further details of the materials are recommended to be secured by condition. The limited use of render, which can sometimes be of poor quality and discolours quickly, is welcomed.
- 8.21. It is considered necessary to restrict permitted development rights to the dwellinghouses to avoid enclosed porches being built, which would be incongruous with the surrounding buildings.
- 8.22. As such, the proposal would be compliant with NPPF paragraph 122 that supports development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.
- 8.23. As such, the application would be of a high standard of design and would comply with City Plan Part One Policies CP12 and CP14, Local Plan Policy QD5 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter

paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in plan policies.

Landscaping and Biodiversity:

- 8.24. Following revised drawings submitted, the mature *acer pseudoplatanus* (sycamore) tree the subject of a TPO is to be retained, which is supported. Any works required to cut it back or crown reduce it would require a separate application. A condition is recommended to be added to ensure measures are put in place to protect the tree.
- 8.25. Planting including small trees is proposed, but no details have been given of numbers, species, size, etc so a condition for a landscaping scheme to include appropriate drainage solutions is recommended. The new trees to be planted should be of a native species, and this is supported by point 9 of Policy SA6. The ratio of hard to soft landscaping is, however, weighted in favour of the latter, which is to be encouraged. An additional condition is recommended to ensure that hard surfacing is porous and / or permeable.
- 8.26. Whilst the new planting could help to deliver a biodiversity net gain on site in line with City Plan Part One Policy CP10 and the Environment Bill, swift bricks are the Council's preferred measures and relevant conditions are recommended.

Impact on Neighbouring Amenity:

- 8.27. 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.
- 8.28. Whilst the height of the buildings on site would increase from single storey to two storeys plus roofspace, it is not considered that the proposal would reduce daylight and sunlight to the windows of neighbouring properties. The 45° lines on the submitted section drawings demonstrate that levels of diffuse daylight would not be affected.
- 8.29. However, there is the potential for the proposal to overshadow the gardens of adjoining properties. Therefore, a Sunlight Impact Assessment has subsequently been submitted to address this point. Officers consider that the assessment adequately demonstrates that the centre of the gardens to 10-20 Hollingbury Road would receive at least two hours of sunlight on 21st March.
- 8.30. All of the west-facing office windows at first floor level would be obscure glazed, and it is recommended that they be conditioned as such. One bedroom at first floor level would also need to have one of its west facing windows obscurely glazed too. The south-facing first floor windows that are not obscure glazed serve bedrooms, but face towards the roof and blank northern elevation of the new-build dwelling at 14 Upper Hollingdean Road given it is sited at a lower ground level than the proposed buildings. It is considered that the southern-most dwelling would have less of an impact on light and outlook than the existing fence.

- 8.31. The proposed development is not considered to have an overbearing impact upon the rear garden of the dwelling to the east side of the application site and there would not be any harmful mutual overlooking.
- 8.32. It is considered necessary to restrict permitted development rights to the dwellinghouses to avoid any adverse impact upon neighbouring amenity from any kind of extension or new opening.
- 8.33. Regarding the proposed commercial uses, Use Classes B1(a), (b) and (c) are, by definition, those that can be carried out in any residential area without detriment to the amenity of that area. As such, this mix of B-uses is considered to be acceptable and would cause less disturbance to neighbours than the previous and existing uses of the site, which have been unauthorised and uncontrolled (by conditions). A condition is therefore recommended to be imposed regarding the opening hours of the commercial uses being restricted to 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays, and preventing their use on Sundays, Bank or Public Holidays.
- 8.34. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity, including in terms of noise and disturbance from either the future residential or commercial occupiers.

Standard of Accommodation:

- 8.35. 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.
- 8.36. 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.
- 8.37. The application proposed 3 No. two bed dwellinghouses, two of which would have double bedrooms, plus a two bed, three person flat. In terms of Gross Internal Areas (GIAs), Unit R1 would have 76m², R2 80m², R3 82m² and R4 67m². As such, all would exceed the figures in the NDSS, as would the bedroom sizes.
- 8.38. The floor to ceiling height at ground and at first floor would be 2.4m, and between 1.2m-2.7m to the second floor, which is considered acceptable. It is noted that Section EE shows that the flat-roofed passageway to Unit R2 forming part of a bedroom would have a floor to ceiling height of 2.2m, but

this is acceptable as only 75% of the GIA of a dwelling has to be 2,3m or over and R2 complies in this respect.

- 8.39. Each flat would be provided with its own external amenity space comprising gardens and, in the case of Units R1 and R2, a patio too. Each are considered to be sufficiently private, useable and of an appropriate size.
- 8.40. In terms of outlook, ventilation and natural lighting, R1 has double aspect to the north and south, R2 has double aspect to the west and south, and both R3 and R4 have double aspect to the east and west thereby allowing for cross-ventilation. As such, all the units would have acceptable amounts of outlook, ventilation and natural lighting.
- 8.41. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 as well as point 8 of SA6 and point 6 of CP14 that requires the provision of outdoor recreation space appropriate to the demand the application would generate.

Highways:

- 8.42. The site is an 11 minute walk from London Road, 20 minutes from Moulsecoomb and 25 minutes from Brighton train stations respectively, as well as a two minutes' walk from the closest bus stops (served by routes between Sussex University and Brighton station via the town centre). As such, the development would be easily accessible by sustainable transport in addition to being well served by local services and community facilities on Ditchling Road, as required by points 4 and 5 of CP14.
- 8.43. The site is outside of a CPZ, but the boundary of CPZ G is immediately to the west with the nearest part of CPZ J 105m away further to the west. Particularly given that no car parking, either on-street or off-street, is proposed by this application, consideration must be given to overspill parking even when the streets to the north, south and east in the vicinity of the site are not within a CPZ either. Overspill parking cannot therefore be controlled and the applicant has submitted a transport statement to address this.
- 8.44. It is clear from the site visit and objections received from local residents that on-street parking in the vicinity of the site is high, no doubt due to residents and visitors associated with properties in the neighbouring CPZs wishing to park for free. The Transport Statement discusses travel and car parking matters, including an assessment of the current parking situation and forecasted demand from existing properties and proposed / committed development. It concludes that there may be up to three cars associated with the proposed dwellings and that there is unlikely to be an uplift from the existing commercial element to the proposed B1 space.
- 8.45. In order to mitigate this impact, it is proposed that three years of car club membership would be offered to future occupiers of each dwelling and the commercial space. Furthermore, 12 cycle parking spaces are to be provided, exceeding the SPD14 requirement of eight. These measures are welcomed

and considered to reduce the likely impact on the highway as well as promote sustainable travel. This can be secured through a travel plan, which is recommended to be conditioned.

- 8.46. Following the provision of a bollard, no vehicles would be able to enter the site, which is an improvement on the existing situation where a vehicle could park on the existing front hardstanding. Access for pedestrians and cyclists would be level and it is considered that future occupiers would be able to move around the site without obstruction.
- 8.47. In terms of cycle parking, it has previously been mentioned that the number of spaces proposed would exceed those required by SPD14. The stores have been separated between residential and commercial and further details of their type, dimensions and specifications can be secured by a prior to condition in the event of an approval.
- 8.48. As regards refuse and recycling bins for the B1 and C3 uses, these have been shown to the eastern side of the site close to the entrance to allow for easy collection. No objection is raised to this arrangement, subject to a condition to secure it in perpetuity.
- 8.49. Deliveries and servicing would take place on street as per the existing situation, but unlike the current businesses that have more varied and greater needs, those for the proposed commercial space would be more infrequent and during the daytime when parking demand on the street is likely to be lower. Particularly since it would not be possible to provide delivery bays, this is considered acceptable.
- 8.50. There is unlikely to be a significant increase in trips from the existing uses on site to the proposed uses such that the impact on the surrounding highway and transport network is considered not to be severe.
- 8.51. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability:

- 8.52. 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 ensure the development met those standards.
- 8.53. A Sustainability Checklist was provided that commits to the use of materials that have low embodied energy and that offer an enhanced durability with timber from certified sustainable sources. It also specifies that the commercial element will meet BREEAM rating Very Good, which is required by City Plan Part One Policy CP8. A condition is recommended to ensure that this is the case and evidence is provided. As such, the proposal would comply with point 6 of SA6 to promote and support environmental sustainability improvements to new buildings.

Issues raised by consultation:

- 8.54. Issues regarding construction disruption and mess, utilities and, house prices are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that there is no evidence that the land on site is subsiding and that the 'Coachwerks' building is not designated as an Asset of Community Value (ACV).

9. CONCLUSIONS

- 9.1. The scheme makes a welcome contribution to the Council's housing targets and the City's supply of B1 floorspace, which would be of a much improved standard than the existing. The scheme otherwise satisfactorily overcomes the issues raised by Officers during the pre-app process and represents effective use of the site, without significantly compromising on design, neighbouring amenity, standard of accommodation, highways safety and sustainability. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. Unit R4 could be suitable for use by wheelchair users or those with a mobility-related disability given that level access is provided at ground floor level. The winding staircase within Units R1, R2 and R3 as well as the commercial space would make it difficult to adapt in the future for accessible accommodation. On that basis, no disabled parking is provided, which is considered acceptable as a result.

