

<u>No:</u>	BH2021/00528	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Grange Court 91 Payne Avenue Hove BN3 5HD		
<u>Proposal:</u>	Creation of an additional storey to form a new third floor containing 2no one bedroom flats (C3).		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	15.02.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	12.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	SAM Planning Services Unit 9B Fountayne Road Tottenham Hale London N15 4BE		
<u>Applicant:</u>	Mr Freifeld Grange Court 91 Payne Avenue Hove BN3 5HD		

1. RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	PR-E001	A	12 April 2021
Proposed Drawing	PR-E002	A	12 April 2021
Proposed Drawing	PR-E003	A	12 April 2021
Proposed Drawing	PR-P001	A	12 April 2021
Proposed Drawing	PR-P002	A	12 April 2021
Proposed Drawing	PR-P003	A	12 April 2021
Proposed Drawing	PR-P004	A	12 April 2021
Proposed Drawing	PR-P005	A	12 April 2021
Proposed Drawing	PR-P006	A	12 April 2021
Proposed Drawing	PR-S001	A	12 April 2021
Proposed Drawing	PR-S002	A	12 April 2021
Location and block plan	PR-L001	A	12 April 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

5. 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION

- 2.1. The application relates to a three-storey block of flats at the far western end of Payne Avenue, on the northern side of the road. The block is semi-detached with a three-storey adjoining neighbour to the east, and the rear of the four storey Rayford House to the west, accessed from School Road. The building is unlisted and is not located within a Conservation Area.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey to provide 2no. one-bedroom flats (C3). The scheme originally proposed two-bedrooms flats, but the internal layout was amended during the course of the application to address concerns regarding the standard of accommodation provided.

5. REPRESENTATIONS

- 5.1. **Thirteen (13)** letters have been received, objecting to the proposal for the following reasons:

- Additional traffic
- Out of keeping in street due to increased height
- Noise
- Overdevelopment
- No disabled access to the new flats
- Disturbance during construction
- Overshadowing
- Loss of view
- Insufficient parking
- More consultation should have taken place
- Approval would set a precedent
- The applicant should have consulted neighbours and leaseholders
- Building not stable

- 5.2. **One (1)** letter has been received, supporting the proposal for the following reasons:

- More housing desperately needed
- No issues with parking or noise

- 5.3. **Councillor Nemeth** has objected to the proposal for the following reasons:

- Neighbours should have been consulted before any application was submitted
- The additional storey would be out of keeping in the streetscene

- 5.4. **Councillor Peltzer-Dunn** has objected to the proposal and asked for it to be determined at planning committee. A copy of this correspondence is attached to this report.

6. CONSULTATIONS

- 6.1. **Environmental Health:** No comment received

- 6.2. **Housing:** No comment received
- 6.3. **Private Sector Housing:** No comment
- 6.4. **Sustainable Transport:** No comment received

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposals and the impact upon neighbouring amenity. The standard of accommodation to be provided, sustainability and transport matters are also material considerations.
- 9.2. 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.
- 9.3. The council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 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).

Principle of Development:

- 9.4. The proposal would result in the creation of 2no. additional dwellings at a time when the Local Planning Authority is unable to demonstrate a five-year supply,

and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.

- 9.5. Paragraphs 122 & 123 of the NPPF encourage development proposals which make efficient and optimal use of existing sites, especially where there is a shortage of land for new housing. The proposal would accord with this aim.
- 9.6. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 9.7. As a purpose-built block of flats, the application site is already of a distinct character relative to the majority of properties on Payne Avenue, having more in common with its immediate neighbours.
- 9.8. The surrounding built form comprises the four-storey detached Rayford House to the west, bookending the western end of Payne Avenue, the adjoining three-storey block at no. 89 Payne Avenue, and after a short gap, a long terrace of two-storey properties. The result is a stepping up in the scale of built form from east to west, with the application site located in the middle.
- 9.9. It is noted that a number of extensions to Rayford House have recently been approved, including an additional fifth floor of accommodation and a four-storey eastwards extension (BH2015/04606 & BH2020/00955).
- 9.10. Whilst it is recognised that an additional storey would be a visible element in the streetscene, in this context it is considered that an additional storey on the application building would remain consistent with the stepping-up in scale at this end of the road, and would not disrupt the rhythm of roof lines on the northern side of Payne Avenue.
- 9.11. The proposed additional storey would appear as a natural upwards extension of the existing building. replicating the appearance of the existing storeys in terms of size, proportions, detailing and materials. Whilst a typical design approach for additional storeys is for the bulk to be minimised through a set back from the building edge, in this case, given the relatively low height of the block and the context of the railway line to the rear it is considered that the proposed approach of replicating the lower floors is acceptable, and preferable in design terms.
- 9.12. As such, it is considered that the proposal would appear as an appropriate addition to the building and wider area, which would not sit uncomfortably in the streetscene, in accordance with policy CP12 of the CPP1, policy QD14 of the BHLF, and emerging policy DM21 of CPP2 which can be given significant weight.

Impact on Amenity:

- 9.13. 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.

This approach is reflected in emerging Policy DM20 of CPP2 which can be given significant weight.

- 9.14. The existing building provides 6no. two-bedroom residential units across three storeys. It is considered that 2no. additional one-bedroom residential units would be unlikely to have a significant additional impact in terms of additional noise disturbance for existing residents, either within the building or in adjacent dwellings
- 9.15. Due to the orientation of the application site and neighbours, the increased bulk arising from the proposal would be unlikely to give rise to a significant loss of daylight or increased overshadowing for neighbouring properties.
- 9.16. Views from the new units would be directed to the front and rear, where there already exists views from the existing flats. It is considered that the additional views from the proposed units would not be more intrusive or harmful than the views currently available. The proposed outdoor terraces would be small in area and would face north onto the railway and line and as such no concerns are held in this regard.
- 9.17. The rear garden spaces serving flats 1 and 2 are already significantly overshadowed and overlooked by the existing block and Rayford House to the west, and the proposed additional storey would be unlikely to result in a significant impact over and above what is already present.
- 9.18. It is therefore considered that the proposal would be acceptable in terms of its impact on residential amenity.

Standard of Accommodation:

- 9.19. The proposed dwellings comprise 2no. one-bedroom flats. The units have been reduced from two-bedroom units during the course of the application.
- 9.20. The proposed units would be of approximately equal areas (54sqm and 55sqm) with mirrored layouts, with each habitable room having access to natural light and outlook, and benefiting from space for furniture and circulation.
- 9.21. Each flat would have access to outdoor amenity space in the form of a small rear terrace similar to the existing units on the lower floors and this is considered acceptable.
- 9.22. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.23. At 54sqm and 55sqm both units as amended would comply with the NDSS which stipulates a minimum of 50sqm for a one-bedroom, two-person, single-storey dwelling.

- 9.24. The scheme is therefore considered acceptable in terms of the standard of accommodation provided.

Sustainable Transport:

- 9.25. The proposal is unlikely to result in a significant uplift in trip generation so is considered acceptable in terms of its impact on highway capacity. No changes to pedestrian or vehicular access are proposed so there would be no impact on the highway network in this regard.
- 9.26. SPD14 requires a total of 2no. additional cycle parking spaces for the proposed units. The proposed drawings indicate the provision of 2no. Sheffield stands (4no. spaces) within the rear outbuilding and whilst not ideal in terms of convenience, would be covered and secure and so is considered an acceptable location in view of the lack of space to the front of the site.
- 9.27. No on-site car parking is proposed, in accordance with SPD14. The concerns of the local residents regarding parking stress are noted, but the site is located within a Controlled Parking Zone (CPZ) with the issuance of car parking permits within the gift of the parking service and local highway authority.

Sustainability:

- 9.28. Energy and water efficiency standards in accordance with the requirements of policy CP8 of the Brighton and Hove Local Plan can be secured by condition.
- 9.29. The proposed drawings indicate the provision of refuse and recycling facilities on the pavement outside the site boundary.

Other Considerations:

- 9.30. Whilst no contamination concerns have been raised at this stage it is considered prudent and good practice to secure a contamination Discovery Strategy by condition, in the event unexpected contamination is discovered on site.

Conclusion:

- 9.31. The provision of 2no. dwellings would make a contribution to the housing supply of the city, and in view of the guidance within Paragraphs 122 and 123 of the NPPF, the proposal is considered to be acceptable in principle. It is considered that the scheme would be of an acceptable design and appearance and would sit comfortably within the streetscene, with the stepping up in scale from east to west retained. No concerns are held regarding the impact on neighbouring amenity or the transport impact of the development. Sustainability measures can be secured by condition. Approval is therefore recommended, subject to conditions.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October

2020. It is estimated that the amount of CIL liability for this application is £18,260.16. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

- 11.1. Policy HO13 seeks to secure access standards above normal Building Regulations requirements. The proposed flats would be at third floor level with no step-free access possible and it is therefore considered that a condition requiring compliance with the M4(2) Building Regulations Standards would not be reasonable.

