

<u>No:</u>	BH2021/01360	<u>Ward:</u>	South Portslade
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1-13 Shelldale Road Portslade BN41 1LE		
<u>Proposal:</u>	Demolition of existing car valet buildings (Sui Generis) and erection of a terrace of 4no. three storey dwellings with loft accommodation (C3) and a part two, part three storey office building (E) with loft space, and associated landscaping.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	14.04.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	09.06.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Jonathan Puplett Whaleback Planning & Design The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Mr Alfie White Highcroft Construction Ltd 27 Palmeira Mansions Church Road Hove BN3 2FA		

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 and 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	PR_009	A	16 June 2021
Proposed Drawing	PR_010	A	16 June 2021
Proposed Drawing	PR_011	A	16 June 2021
Proposed Drawing	PR_012	A	16 June 2021
Proposed Drawing	PR_013	A	16 June 2021
Proposed Drawing	PR_014	A	16 June 2021
Proposed Drawing	PR_015	A	16 June 2021
Proposed Drawing	PR_016	A	16 June 2021
Proposed Drawing	PR_017	A	16 June 2021
Proposed Drawing	PR_018	A	16 June 2021
Proposed Drawing	PR_019	A	16 June 2021
Proposed Drawing	PR_020	A	16 June 2021
Proposed Drawing	PR_024	A	16 June 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. Apart from demolition, no construction works of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
- a) samples of all brick (including mortar colour, bonding and pointing) and slate as well as a 1:20 elevation showing the soldier course expressed with profiled brickwork;
 - b) 1:20 elevations and sections of the proposed windows and doors as well as product specification sheets;
 - c) samples of all hard surfacing materials;
 - d) samples of all other materials to be used externally; and
 - e) details of any low-carbon, recycled and / or reclaimed materials, and an embodied carbon assessment.

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD5 of the Brighton & Hove Local Plan, CP8, CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the emerging Brighton and Hove City Plan Part Two.

4. A bee brick 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.

5. 12 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.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until a 1:20 scale plan and section drawing of the green roof, including depth of substrate and seeding mix, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, to enhance the biodiversity of the site and to comply with Policies CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD11.

7. 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, design, dimensions and materials and the sustainable urban drainage system (SuDS) used;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of location and species, to include some food-bearing plants;
- c. details of all boundary treatments to include type, position, design, 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 the area and to comply with Policies QD15 of the Brighton & Hove Local Plan, CP10 and CP12 of the Brighton & Hove City Plan Part One, DM18 and DM22 of the emerging Brighton and Hove City Plan Part Two and SPD11 and SPD16.

8. Any hard surfacing hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One, DM43 of the emerging Brighton and Hove City Plan Part Two and SPD16.

9. The commercial 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 and DM20 of the emerging Brighton and Hove City Plan Part Two.

10. The first floor bathroom windows to the dwellinghouses and the first and second floor staircase windows to the commercial space in the north-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 and DM20 of the emerging Brighton and Hove City Plan Part Two.

11. The commercial space shall be used as an office (Use Classes E(c) and E(g)) only and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change

of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the City's office space in compliance with Policies QD27 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One and DM20 of the emerging Brighton and Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until the redundant vehicle crossover to Shelldale Road has been converted back to a pavement by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton and Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and DM33 of the emerging Brighton and Hove City Plan Part Two.

13. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:

- (i) The phases (if applicable) of the development hereby permitted, including the forecasted completion date.
- (ii) A scheme setting out how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site.
- (iii) Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway.
- (iv) Details of hours of demolition and construction including all associated vehicular movements.
- (v) Details of the demolition and construction compound.
- (vi) A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these.
- (vii) Details of measures to protect highway asset and to mitigate impacts on public transport and provide for their continued operation during the works.
- (viii) Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
- (ix) Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site.
- (x) Details of employee and contractor parking.

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, DM20, DM33

and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03.

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 and DM44 of the emerging Brighton and Hove City Plan Part Two.

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 and DM44 of the emerging Brighton and Hove City Plan Part Two.

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 Policies CP8 of the Brighton & Hove City Plan Part One and DM44 of the emerging Brighton and Hove City Plan Part Two.

17. If during demolition or construction, contamination, including asbestos, not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To prevent land contamination, To safeguard the health of future residents or occupiers of the site and ensure there is no risk to public health or water supplies in compliance with Policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan and DM20, DM40 and DM41 of the emerging Brighton and Hove City Plan Part Two.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can 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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
5. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 10.
6. The applicant is advised to enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted (public) highway.
7. 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.
8. 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.
9. 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 relates to a site on the north side of Shelldale Road close to its junction with Trafalgar Road (A293) to the west, and with Elm Road to the north. It is currently in use for car sales with valeting and vehicle repairs (Sui

Generis). It contains a two-storey building with a pitched roof at an angle to the street to the east side of the site, and a sales forecourt area with boundary walls and a chain-link fence fronting onto the street.

- 2.2. Other than this commercial use, the surrounding area is in residential use, with two storey terraced dwellings with gable-ended pitched roofs on the southern side of Shelldale Road, and a larger scale terrace immediately to the west of the site of two storeys with basement and stepped entrances up to the raised ground floor level from pavement level.
- 2.3. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ). However, it is adjacent to an Air Quality Management Area (AQMA) on Trafalgar Road.
- 2.4. Planning permission is sought for the demolition of the existing car valet buildings (Sui Generis) and the erection of a terrace of 4no. three storey, four-bed dwellings with loft accommodation (Use Class C3), and a part two, part three storey office building (Use Class E) with loft space, and associated landscaping.
- 2.5. Changes have been made during the course of the application to the proposed brick colour, the architectural detailing of the front elevation, the windows to the rear elevation, the landscaping, the internal layout and to reduce the width of the proposed rear dormers.

3. RELEVANT HISTORY

- 3.1. **BH2006/03017:** Change of use from car sales to hand car wash, erection of enclosure, portacabin & fence to east boundary (part retrospective). Refused 4 January 2007

4. REPRESENTATIONS

- 4.1. **Eight (8) objections** and **one (1) comment**, eight (8) from properties directly affected, were received raising the following concerns:
 - Access to my garden for demolition of the building would not be given.
 - The privacy of my garden and windows would be severely compromised.
 - The building erected would put my garden permanently in the shade.
 - Detrimental impact on wellbeing and mental health
 - Adding more housing would make car parking even worse.
 - Traffic generation and highway safety
 - Loss of natural light to the rear gardens of Elm Road
 - External appearance of the proposed development doesn't conform with Shelldale Road or the rear elevation of Elm Road.
 - The proposed slate roofs would not be in harmony with the existing materials; all surrounding houses have red tiles.

- Given that the majority of people are planning to stay working from home, the proposed office space would be better as retail, such as a coffee shop, restaurant or a community space / hub.
- Noise disturbance when many people are working from home.
- The size of the plot is not appropriate for the number of houses proposed.
- There is a concern as to what would replace the green living wall to the back wall of 1 Elm Road.
- Boundary lines should be rationalised to square off the 2 garden spaces.
- Overbearing nature and proposed overdevelopment of the plot.
- These new offices would not generate an increased number of jobs given the number of empty / available offices in a radius of 5 miles.
- There may be hazardous materials underground at this site.
- Detrimental effect on property / rental values
- Hazard to health during the build and demolition of the existing property through the creation of dust (air pollution) and vibration.
- A gap of 70cm between the new and existing terraces is insufficient.
- Excavation and construction so close to neighbouring walls may destabilise foundations and threatens damage.

5. CONSULTATIONS

5.1. Planning Policy: Comments not required

5.2. Southern Water:

- Closing over an existing public water main will not be acceptable.
- The exact position of the public apparatus must be determined on site before the layout is finalised.
- The water main could be diverted so long as this would result in no unacceptable loss of hydraulic capacity.
- The impact of any works within the highway / access road on public apparatus shall be assessed and approved in consultation with them.
- There are restrictions on the proposed tree planting adjacent to sewers.
- A condition should be attached to any planning permission requiring the developer to advise the LPA and Southern Water of the measures which will be undertaken to divert the public water mains prior to the commencement of the development in order to protect water apparatus.
- A sewer now deemed to be public could be crossing the development site, and if it is found, its ownership should be ascertained before any further works commence.
- A formal application for a connection to the public foul sewer is required to be made by the applicant or developer.
- The hierarchy for surface water in part H3 of the Building Regulations should be followed.
- The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection from the risk of flooding.

5.3. **Transport:** Recommend approval, subject to conditions

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 One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP14 Housing density
CP19 Housing mix

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU11 Polluted land and buildings
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

EM4 New business and industrial uses on unidentified sites
EM9 Mixed uses and key mixed use sites

Brighton & Hove City Plan Part 2:

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
DM11 - New Business Floorspace
DM18 - High quality design and places
DM19 - Maximising Development Potential
DM20 - Protection of Amenity
DM22 - Landscape Design and Trees
DM33 - Safe, Sustainable and Active Travel
DM40 - Protection of the Environment and Health – Pollution and Nuisance
DM41 - Polluted sites, hazardous substances & land stability
DM43 - Sustainable Urban Drainage

Supplementary Planning Documents

SPD03 Construction and Demolition Waste
SPD11 Nature Conservation and Development
SPD14 Parking Standards
SPD16 Sustainable Drainage

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.
- 8.2. Officers undertook a site visit in relation to the present application following the protocols put in place due to COVID and therefore it is considered that the context of the development and the planning considerations relating to this are well understood.

Principle of development:

- 8.3. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 8.4. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 8.5. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 8.6. 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).
- 8.7. The scheme counts as a small 'windfall site', bringing the benefit of providing four additional housing units to the city, which would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites.
- 8.8. 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 four bedrooms. Local assessments indicate that the greatest demand for market housing is for 2-and 3-bedroom properties (35% and 36% respectively). However, it does note that there is also likely to be a considerable requirement for three- or more bedroom sized properties (a combined 35% of the overall need / demand for both market and affordable homes). Given that each dwelling in the scheme would have a reasonable sized garden and there is car parking available on-street, the proposal is adequately suited to dwellings which can accommodate families.
- 8.9. As noted above, within the city's existing housing stock there is clear evidence of a 'bias' towards smaller dwelling types. This has also been the case in terms of the pattern of recent residential development in the city. This points towards a lack of choice across the housing market in terms of property types and sizes available to current and future households, and this is particularly so in terms of the availability of larger family sized dwellings. In practice, the city's land availability constraints are likely to restrict the provision of larger properties. It will be important therefore to maximise opportunities to secure additional family sized housing on suitable sites, as is

proposed in the present scheme, a benefit which can therefore be given significant weight.

- 8.10. 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.
- 8.11. Given that the businesses cumulatively fall under the Sui Generis category, they are not protected by planning policy, but it does support new commercial accommodation being affordable, flexible and suitable for a range of creative industries. The new 249m² of floorspace is proposed to be in the E use class, which gives flexibility to future occupiers, both in terms of type and number of 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 such that repair and renovation is not considered feasible. These matters are given weight in the decision-making process.
- 8.12. This development in many respects therefore represents a significant improvement over the existing employment offer of the site, through providing a genuine long-term employment use which would contribute towards meeting the future demands of the city, as well as family homes to meet identified housing needs. As such, the principle of the development is considered acceptable. The acceptability or otherwise of the scheme is subject to the density, design, standard of accommodation, impact on neighbouring amenity and local highways network. This is discussed below.

Density:

- 8.13. City Plan Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.
- 8.14. In this case, the gross density of the Portslade-by-Sea neighbourhood, in which this site falls, is 30 dwellings per hectare (dph). This appears relatively low due to much of the area being industrial and there also being large areas of open space. The densities are as high as 70 dph in the terraced streets. The residential development part of the site would have a density of approx. 85.5 dph, which accords with the requirement that new residential development achieves a minimum net density of 50 dph.
- 8.15. The density is supported provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within Policy CP14 can be satisfactorily met. Matters of design, impact on the

character of the neighbourhood and outdoor recreation space will be discussed later on in this report. However, it has already been established that it would provide dwellings that reflect identified local needs and it is evident that the site is easily accessible by sustainable transport given it is very close to Fishersgate train station and a bus route between Brighton and Steyning, as well as four minutes by bike and 11 minutes by foot from Portslade train station. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.

- 8.16. 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.
- 8.17. It is therefore considered that the proposal is acceptable in terms of proposed density and broadly in compliance with Policy CP14.

Design:

- 8.18. The proposal aims to continue the existing terrace, extending it from eight properties by a further six to a total of 14 with the single storey plus basement office attached to its eastern end. However, the form and massing would be a contemporary interpretation of the architectural features, which is considered to successfully mimic the adjacent housing typology with sufficient contextual detailing, and respecting the prevailing characteristics of sunken front gardens and generous rear gardens. This results in an improved streetscene, which is given weight in the decision-making process. The general proportions and built form positively responds to the site context by respecting the character and urban grain of the area and can be supported.
- 8.19. The proposed appearance is sensitive to the prevailing context and the use of bay windows, varied brick laying patterns and expressed soldier courses generates visual interest and a high quality, contemporary textural finish. The differences between the elevational treatments of the residential and office buildings are subtle but well-defined and, following revisions, are comparable in quality and result in a cohesive appearance, tying the two parts together. This design approach is supported.
- 8.20. The rear dormers have been reduced in width from that initially proposed, now appearing as subordinate additions rather than as a continuous storey. Full-width rear dormers are visible on 9, 23, 31, 33 and 37 Elm Road and 14, 22 and 34 Shelldale Road so smaller dormers than those would not be considered out of character for the area.
- 8.21. In terms of materiality, a greyish white multi-stock brick is proposed, which is considered to be an appropriate compromise between the prevailing context of red brick and a completely white brick that would weather poorly and become dirty over time. The use of natural slate to the roof and grey coloured aluminium windows, rooflights and downpipes are considered to be high quality materials. It is recommended that exact details of all the materials are secured by a condition prior to commencement (excluding demolition).

- 8.22. 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, emerging Policy DM18 of City Plan Part 2 (albeit it can be given limited weight), 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 policies.

Impact on Neighbouring Amenity:

- 8.23. 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.
- 8.24. The main impact of the proposals would be on 1-9 Elm Road to the north, 42-54 Trafalgar Road to the east, 12-22 Shelldale Road to the south and no. 15 to the west.
- 8.25. The submitted site plan indicates that the back-to-back distances to the rear windows of the existing dwellings on Elm Road are between 17m and 18.7m with the proposed dwellings being approx. 9m to their rear gardens. The existing situation is recognised in that these properties appear to suffer no overlooking / loss of privacy from the existing buildings on site. Therefore, the proposal would introduce overlooking in that rear-facing windows would face those properties. As can be seen on the proposed section 01, only those at first and second floors would provide opportunities for overlooking and it is considered that this impact would be limited as they serve bedrooms and office space, which would be conditioned to have operational hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 17:00 on Saturdays. The number of windows has also been reduced by four during the application process and six of the proposed first and second floor windows would be conditioned as obscure glazed. The impact is considered to be comparable to a typical suburban area, such as the relationship which occurs between the existing terraces to the west.
- 8.26. The reduction in the width of the proposed rear dormers not only reduces the number of windows, but also successfully reduces the perception that they would be overbearing in south-facing views from the Elm Road properties. Moreover, the proposals would not cause a material loss of outlook or create a sense of enclosure. It is unlikely that there would be a material loss of sunlight or increase in overshadowing to the Elm Road properties given the distances involved.
- 8.27. The demolition of the existing building would improve the living conditions for 1 Elm Road and 44-54 Trafalgar Road. The impact on the amenity of 42 Trafalgar Road is not considered to be harmful.

- 8.28. It is noted that no comments or otherwise have been received from 12-22 Shelldale Road and the impact is considered to be limited since the front elevation of the buildings would be over 23m from that of those properties, negating any harmful overlooking or loss of outlook.
- 8.29. The impact on no. 15 in terms of what can be considered as part of a planning application is restricted to loss of light, outlook and the creation of a sense of enclosure / being overbearing in this case. The proposed building on the boundary would extend past the main rear building line of no. 15 by approximately 72cm according to the plans (although 67cm is referred to in the objection). Regardless of which is the correct figure, the projection is modest and is not considered to cause an adverse amenity impact.
- 8.30. 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, roof addition or front porch.
- 8.31. Regarding the proposed commercial use, Use Class E is proposed, although throughout the submission an office use is referred to, which would be E(g), previously known as B1(a), (b) and (c). It is considered appropriate to restrict the proposed commercial space to E(g) and E(c), previously A2, by condition to avoid less disturbance to neighbours than the previous and existing uses of the site, which have been unauthorised and uncontrolled (by conditions). As such, this mix of Class E uses is considered be acceptable and can be carried out in any residential area without detriment to the amenity of that area. A condition is also 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.
- 8.32. Officers are aware that there are benefits in terms of the removal of the existing business in terms of noise, disturbance and vehicles coming and goings as well as the building themselves being overbearing, reducing light and outlook. As such, the overall impact on neighbouring amenity would, on balance, be considered acceptable and broadly in compliance with Local Plan Policies SU9 and QD27 and emerging CPP2 Policy DM20 which can be given significant weight.
- Standard of Accommodation:**
- 8.33. 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.
- 8.34. 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.

- 8.35. The GIA of the proposed dwellings would be 131m². However, the NDSS does not specify a minimum space standard for 4b8p dwellings over four storeys. It is noted that the minimum GIA for a 4b8p dwelling over three storeys is 130m². Given the constraint of needing to fit in with the proportions of the adjoining terrace and the fourth floor not being a full storey (it only houses an ensuite bedroom), the proposed GIAs are considered acceptable in this instance.
- 8.36. The bedroom sizes would be compliant with the NDSS and for their occupancy (two doubles and two singles per dwellinghouse). The internal floor to ceiling heights would be 2.16m in the basement, 2.95m on the ground, 2.87m on the first and a maximum of 2.35m at second floor level. Since 75% of the total GIA of the dwellinghouse is required to be 2.3m or over, the shortfall within the basement is considered acceptable.
- 8.37. Given the north - south orientation of the building, all units would be served by generously sized front and rear windows to provide adequate levels of natural light, outlook and cross-ventilation to the primary living accommodation. The office accommodation achieves the same.
- 8.38. Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. All of the proposed dwellings benefit from ample private external amenity space, as is appropriate for family sized housing. It is noted that the site is a five minute walk to Vale Park.
- 8.39. In compliance with Policy EM4, the office accommodation benefits from adequate landscaped amenity open space in the form of a front basement lightwell and a small landscaped area too.
- 8.40. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies SU9, QD27 and HO5, emerging CPP2 Policy DM1 (which can be given significant weight) as well as point 6 of CP14.

Impact on Highway:

- 8.41. As previously noted, the site is in a sustainable development and therefore suitable for further development in transport terms.
- 8.42. The site is outside of a CPZ. Given that no off-street car parking is proposed to be provided with the scheme, consideration must be given to overspill parking since 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 assess the impact of this.

- 8.43. It is apparent from the site visit and objections received from local residents that on-street parking in the vicinity of the site is under pressure, possibly due to residents and visitors associated with nearby properties within 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 based on local car ownership in the immediate Portslade Village area, there are likely to be four cars associated with the proposed dwellings. Further, comparing trip generation resulting from the existing use (61 trips/day), the proposal is likely to result a slight reduction (59 trips/day). As such, the impact on the capacity of the surrounding highway and transport network is considered to be acceptable.
- 8.44. A parking survey undertaken by the applicant indicates that there are at least 5 spaces available on Shelldale Road and at least a further 15 un-restricted on-street spaces within a short walk of the site. As such, there is spare capacity and no mitigation measures, such as car club membership and a travel plan, are considered to be justified.
- 8.45. In terms of cycle parking, two spaces have been provided for each dwellinghouse and none for the commercial space. The site constraints mean that users cannot be provided with level access to the stores without wheeling them through the properties from the rear garden, which would be unwieldy and unlikely to be used. As such, while not ideal, not providing cycle parking would be acceptable since policy-compliant storage cannot be achieved without a re-design that would likely compromise the design objectives of the proposals.
- 8.46. As regards refuse and recycling bins, these would also be located at basement level. The same issues apply as to the cycle parking in that the bins would have to be pulled up the steps, which is not ideal. However, there is no alternative in the circumstances, although the bins could be kept on the front pathways without preventing access to those not in wheelchairs.
- 8.47. No alterations are proposed to the deliveries and servicing situation, and indeed any trips would be lessened. This is considered acceptable.
- 8.48. The existing vehicular access would be removed as part of the proposals and it is recommended that a condition can be added to ensure that the proposed development is not occupied until it has been converted back to a footway.
- 8.49. Given the scale of the proposals, both in respect of the demolition and construction works, it is recommended that Construction Environmental Management Plan (CEMP) are secured by a pre-commencement condition. This would address safety, amenity and traffic matters, and would resolve the neighbouring occupiers' concerns about noise, dust and vibration.
- 8.50. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability:

- 8.51. City Plan Part One Policy CP8 requires new development to demonstrate a high level of efficiency in the use of water and energy and for it to achieve 19% above Part L for energy efficiency in addition to meeting the optional standard for water consumption. Therefore, conditions are recommended to ensure the development met those standards.
- 8.52. The applicant has committed to the proposed commercial space meeting a BREAMM rating of 'Very Good' in compliance with Policy CP8. It is recommended that this is secured by condition.
- 8.53. Policy CP8 also requires that all development "*uses materials that are sustainable and have low embodied carbon*". Further details can be sought within the recommended materials condition.

Contamination:

- 8.54. Given the existing use of the site, in particular for vehicle repairs, it is possible that underground contamination exists as well as possible asbestos within the building on site. At this stage, it is unclear if either exists and therefore it is considered reasonable to add a condition requiring development to cease until a method statement identifying and assessing the risk and proposing remediation measures has been submitted to and approved in writing by the LPA, if contamination is found.

Biodiversity, Landscaping and Environment:

- 8.55. City Plan Part One Policy CP10, and the emerging Environment Bill, require net gains for biodiversity, the provision of a bee brick and 12 swift bricks would be required by condition. The proposed green roof above part of the office is supported, although details are recommended to be secured by condition to ensure that it would successfully contribute to biodiversity, sustainable drainage and environmental objectives. It is worth noting that these measures would be more than sufficient to ensure a net gain for biodiversity given the existing nature of this hard-surfaced site.
- 8.56. In terms of landscaping, the ratio is slightly in favour of soft planting with generous rear gardens, front planters and the aforementioned green roof. The use of '*cotoneaster franchetii*', suggested by Officers given the proximity to the AQMA on Trafalgar Road, would contribute to air quality gains because it is at least 20% more effective at soaking up pollution compared with other shrubs. However, it is noted that the landscape proposals are indicative at this stage and therefore further details to include SuDS and rainwater harvesting are recommended to be secured by condition. Any hard surfacing is recommended to be conditioned as porous and / or permeable.
- 8.57. As such, this development has the potential to achieve the requisite criteria in City Plan Part One Policy CP8 in that it helps to address climate change mitigation, reduces heat island effect and surface water run-off, enhances biodiversity and reduces air pollution.

Other matters raised by consultation:

- 8.58. Matters of construction access, noise and disruption during construction works, property / rental values, boundary / party wall issues, foundations and structural issues are not relevant planning considerations and have not been taken into account in the determination of this application.

9. CONCLUSIONS

- 9.1. The proposals would provide improved, flexible commercial floorspace, four family sized dwellings in Portslade, sustainability, environmental and biodiversity net gains, and it would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to the proposals, the LPA can support the high quality design of the buildings, which would not have a significantly adverse impact on neighbouring amenity or on highways safety whilst providing an acceptable standard of accommodation. The proposed development is therefore recommended for approval.

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 £26,786.81. 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. The proposed dwellings and commercial space would have level access from the footway on Shelldale Road as well as to the rear gardens, which is welcomed. The dwellings have a living room, bedroom and WC, which could be converted to a shower room, at entry level, making them adaptable for occupants of limited mobility. The proposed office has entry level WC facilities, which is supported.

