

<u>No:</u>	BH2024/00154	<u>Ward:</u>	Westbourne & Poets' Corner 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>	26.03.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	21.05.2024
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Henry Planning Ltd 163 Church Hill Road East Barnet Barnet EN4 8PQ		
<u>Applicant:</u>	B'Ezras Hashem Ltd C/O Henry Planning Ltd 163 Church Hill Road East Barnet, Barnet EN4 8PQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	EX-L001		18 January 2024
Proposed Drawing	PR-E001		18 January 2024
Proposed Drawing	PR-E002		18 January 2024
Proposed Drawing	PR-L001		18 January 2024
Proposed Drawing	PR-P001		18 January 2024
Proposed Drawing	PR-P002		18 January 2024
Proposed Drawing	PR-P003		18 January 2024
Proposed Drawing	PR-P004		18 January 2024
Proposed Drawing	PR-P005		18 January 2024
Proposed Drawing	PR-P006		18 January 2024
Proposed Drawing	PR-S001		18 January 2024
Proposed Drawing	PR-S002		18 January 2024
Proposed Drawing	9173-P-102 01		7 March 2024
Proposed Drawing	PR-E003		18 January 2024

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 DM18 and DM21 of Brighton & Hove City Plan Part 2 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 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.
5. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
6. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. The development hereby permitted shall incorporate at least six (6) swift bricks/boxes within the external walls which shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (PR-P004 received on 18/01/2024). The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.
9. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part

2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals 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 Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition 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.
4. Swift bricks/boxes 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 of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application relates to a three-storey block of flats at the far western extent of Payne Avenue, on the northern side of the road, backing on to the railway corridor. The building has a flat roof and is finished in white render with a brick plinth and parapet. The block is semi-detached with a three-storey adjoining neighbour to the east, and the rear of the four/five storey Rayford House (also known as The Pinnacle) to the west, accessed from School Road. The building is not listed and is not located within a conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2023/02778** - Erection of two additional storeys to create 2no one bedroom flats and 1no two bedroom flat (C3). Refused for the following reason:

The proposed second additional storey would result in the height of the building exceeding that of the neighbouring Rayford House (as extended to the east) and would therefore result in the loss of the existing gradual stepping-up in height of the built form on the northern side of Payne Avenue. The proposal would appear as a top heavy and dominating addition introducing an incongruous and intrusive feature within the streetscene, failing to relate well to its neighbours and causing harm to the appearance of the area contrary to policy CP12 of the Brighton and Hove City Plan Part One and policy DM21 of the Brighton and Hove City Plan Part Two.

- 3.2. **BH2022/03387** - Erection of two additional storeys to create 2no one bedroom flats and 1no two bedroom flat (C3). Refused for the following reason:
The proposed second additional storey would result in the height of the building exceeding that of the neighbouring Rayford House (as extended to the east) and would therefore result in the loss of the existing gradual stepping-up in height of the built form on the northern side of Payne Avenue. The proposal would therefore appear as an incongruous and intrusive feature within the streetscene, failing to relate well to its neighbours and causing harm to the appearance of the area contrary to policy CP12 of the Brighton and Hove City Plan Part One and policy DM21 of the Brighton and Hove City Plan Part Two.
- 3.3. **BH2021/00528** - Creation of an additional storey to form a new third floor containing 2no one bedroom flats (C3). Approved 07/05/2021.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for an additional storey to provide 2no. one-bedroom flats (C3).
- 4.2. The proposal is identical to a previous scheme that was granted planning permission in 2021 (BH2021/00528), however this previous permission was not implemented and is no longer extant as of 8th May 2024.

5. REPRESENTATIONS

- 5.1. **Twelve (12)** letters of objection have been received, summarised as follows:
- Additional traffic
 - Overdevelopment
 - Poor design
 - Disruption during construction works
 - The building cannot support new storeys
 - The area has seen enough new development
 - Harm to neighbouring amenity
 - The application is an attempt to extend the time for the previous permission
 - The cycle parking in the rear garden will not be allowed
 - The building continues to deteriorate
 - A pitched roof should be added to prevent further extensions

- Poor means of escape in case of fire
- The proposal is motivated by profit

5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

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

6.2. **Sustainable Transport:** No comment received [to be provided in Late List or verbally at Committee].

6.3. **Housing:** No comment received

6.4. **Private Sector Housing:** No comment

6.5. **East Sussex Fire and Rescue:** No comment

At this stage East Sussex Fire Authority have no comment to be made regarding this application however, comment will be made in due course during formal consultation with the relevant Building Control in accordance with procedural guidance and Building Regulations.

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 City Plan Part Two (adopted October 2022);
- 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).

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

Brighton & Hove City Plan Part Two

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
SPD11	Nature Conservation & Development
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.

Principle of Development:

- 9.2. Policy CP1 in the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.4. 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).

- 9.5. This being the case, 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.
- 9.6. Further, as noted previously, the proposal is identical to a scheme found acceptable in 2021. Whilst no longer extant, this was fairly recent and made under the present development plan so weighs in favour of the application.
- 9.7. Paragraphs 122 and 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.
- 9.8. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 9.9. The majority of properties to the east on Payne Avenue are terraced buildings with pitched roofs.
- 9.10. However, immediately to the west is the four/five-storey recently renovated detached Rayford House, bookending the western end of Payne Avenue, while immediately to the east is a three-storey block at no. 89 Payne Avenue. Beyond this, and after a short gap, is 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.
- 9.11. It is noted that Rayford House has recently been extended, including an additional fifth floor of accommodation and a four-storey eastwards extension.
- 9.12. The considerations taken into account in the approval of BH2021/00528 remain applicable in determining this application. Whilst it is recognised that an additional storey would be a visible element in the streetscene, in this context it is considered that it 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. It 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 preferable in design terms.
- 9.13. 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 City Plan Part One and policy DM21 of the City Plan Part Two.

Impact on Amenity:

- 9.14. Policy DM20 of the City Plan Part Two 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.
- 9.15. 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
- 9.16. 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 light or outlook. Neighbouring properties to the south are located on the opposite side of Payne Avenue while the adjoining eastern neighbour has no windows facing towards the application site.
- 9.17. It is recognised that the proposals may have some impact upon the flats within the eastern extended part of Rayford House/The Pinnacle, however to no greater degree than the previous scheme that was approved in May 2021 and which was determined after the Rayford House extension had already been granted permission.
- 9.18. Further, views from the new units would be directed to the front and rear, where there are already existing 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 inset 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.
- 9.19. The rear garden spaces serving flats 1 and 2 are north facing and therefore 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.
- 9.20. It is therefore considered that the proposal would be acceptable in terms of its impact on residential amenity.

Standard of Accommodation:

- 9.21. The proposed dwellings comprise 2no. one-bedroom flats.
- 9.22. 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.
- 9.23. 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.

9.24. At 54sqm and 55sqm both units would comply with the Nationally Described Space Standard (NDSS) which stipulate a minimum of 50sqm for a one-bedroom, two-person, single-storey dwelling.

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

Sustainable Transport:

9.26. 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.

9.27. SPD14 requires a total of two additional cycle parking spaces for the proposed units. The proposed drawings indicate the provision of two Sheffield stands (four spaces) within a rear outbuilding and whilst not ideal in terms of convenience or accessibility, 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. It is however not recommended that this cycle parking be secured by condition. Public representations regarding ownership/the ability of the applicant to use this space are noted (but these are not material planning considerations). No better location for on-site cycle parking is identified, and were the application to propose zero spaces this is unlikely to be considered unacceptable in these circumstances.

9.28. 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 local highway authority.

9.29. The proposed drawings indicate the provision of refuse and recycling facilities on the pavement outside the site boundary. The proposed location would however obstruct the pedestrian access from Payne Avenue to the grounds of Rayford House/The Pinnacle and as such a condition is recommended to secure a revised location for these facilities.

Other Considerations:

9.30. 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.

9.31. Conditions requiring at least one bee brick and six swift bricks/boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Conclusion:

9.32. The proposal is identical to a previously approved scheme which must be given weight in determining the application. 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 NPFF, 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. 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. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. The proposed flats would not be accessible as there is no lift within the building, however it is recognised that it would not be practical to provide one in this instance.