

<u>No:</u>	BH2024/00373	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	90 - 92 Elm Drive Hove BN3 7JL		
<u>Proposal:</u>	Demolition of 3no garage buildings and erection of 2no semi-detached dwellings (C3), with associated landscaping, car parking, refuse, recycling and bicycle storage.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	13.03.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	08.05.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	07.06.2024
Agent:			
Applicant:	Mr Mihai Cosmin Gradinaru 27 Old Gloucester Street Hove London WC1N 3AX		

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	01		9 February 2024
Block Plan	10	B	24 July 2024
Proposed Drawing	11	D	24 July 2024
Proposed Drawing	12	C	16 August 2024
Proposed Drawing	13	D	16 August 2024
Proposed Drawing	14	D	16 August 2024
Proposed Drawing	15	C	24 July 2024
Proposed Drawing	16	B	16 August 2024
Proposed Drawing	17	D	16 August 2024
Proposed Drawing	19		16 August 2024
Proposed Drawing	20		16 August 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. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development)

(England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One

4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level 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 (where applicable):
 - a) Details of all brick
 - b) Details of all cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and balcony treatments
 - e) Details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 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.

6. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

7. The new/extended crossover and access serving the proposed on-site car parking space shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policy CP9 of the City Plan Part One.

8. Prior to 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 the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - 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 DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

10. The residential unit hereby approved shall not be first occupied until it has been built, to achieve 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.

11. 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.

12. The development hereby permitted shall incorporate at least four swift bricks/boxes within the external walls of the development 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. 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 the rear yard area of a pair of two-storey buildings on the western side of Elm Drive. The host properties are at the end of a parade of shops and have historically been together in a single commercial use on the ground floor with residential above, however prior approval has recently been granted for the conversion of the ground floor to two residential flats. The yard is overgrown and currently accommodates three garages and the access to a fourth garage in the rear garden of no. 88 Elm Drive.

- 2.2. The surrounding area is predominantly residential, with the Elm Drive streetscene comprising a series of short terraces of two-storey dwellings following the gentle curve of the road which slopes slightly upwards to the rear (north).

3. RELEVANT HISTORY

- 3.1. **BH2024/00797** - Change of use of ground floor from retail unit (Class E) to 2no one bedroom flats (Class C3). Alterations including replacement of existing single storey rear extension with single storey flat roof extension, 2no bay window extensions to front, new access doors to front and rear and associated alterations. Approved 17.06.2024
- 3.2. **BH2023/03274** - Prior approval for change of use of ground floor from retail unit (Class E) to 2no one bedroom flats (Class C3). Approved 19.02.2024
- 3.3. **BH2023/01287** - Demolition of 3no garage buildings to rear and erection of 1no detached dwelling (C3), with associated landscaping, car parking, refuse, recycling and bicycle storage. Approved 03.07.2023
- 3.4. **BH2023/00293** - Demolition of 3no garage buildings to rear and existing rear extension to 90 and 92 Elm Drive and erection of 2no semi-detached dwellings (C3), with associated landscaping, car parking, refuse, recycling and bicycle storage. Withdrawn
- 3.5. **PRE2020/00235** - This pre-app document proposes a new car free development for a detached building containing 3 No. 2 bedroom flats and retention of the existing retail units and 2 No. maisonettes.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the three existing garages and the erection of a pair of two-storey semi-detached dwellings, with associated landscaping works.
- 4.2. The dwellings are proposed to each have two bedrooms and the building would have a pitched barn end roof.
- 4.3. The proposal has been subject to various amendments since the original submission to better maintain the established building line on Elm Drive and to address concerns raised by the Transport consultee including relating to obstruction of the accessway to the garage serving no. 88 and the vehicle parking to the front of the site.
- 4.4. It should be noted that there is an extant planning permission for a very similar development on the site, albeit for a single (four-bedroom) dwelling (ref. BH2023/01287, granted 3 July 2023).

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of objection, raising the following points:
- A previous application has already been approved, this should not be changed
 - Development for financial gain
 - Overdevelopment, poor design
 - Harm to neighbouring amenity including overshadowing and loss of privacy
 - Insufficient car parking
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **East Sussex Fire and Rescue:** No comment received
- 6.2. **Environmental Health:** No comment received
- 6.3. **Southern Water:**
Standing advice regarding the requirement for the developer to apply for a connection to the sewer network and of the potential for existing infrastructure to lie beneath the site.
- 6.4. **Sustainable Transport:** No objection
The amended plans address previous concerns regarding the amount of space to the front of the site available for overparking, the obstructed access to the garage of no. 88 and the provision of a side gate to the proposed rear cycle parking.
- 6.5. Ideally the southern side access should achieve a minimum width of 1.1m.

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

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 proposed building and the impact upon neighbouring amenity. The standard of accommodation to be provided and sustainable transport matters are also material considerations.

Background:

- 9.2. Planning permission has recently been granted under BH2023/01287 for the demolition of the three existing garages and the erection of a two-storey, four-bedroom dwelling. This permission is extant so must be given significant weight in the determination of this application.
- 9.3. The current application is similar in terms of the scale and footprint of building proposed, however the scheme now comprises a semi-detached pair of two-bedroom dwellings.

Principle of Development:

- 9.4. Policy CP1 in 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.
- 9.5. 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).
- 9.6. 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).
- 9.7. The redevelopment of the rear yard for residential purposes has already been established as acceptable through the extant permission. The current proposal would result in the creation of two residential units and would therefore make a modest contribution towards the housing supply of the city. This is given increased weight in accordance with the NPPF as set out above.
- 9.8. Accordingly, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 9.9. The proposed building is very similar in design terms to the previous approved scheme, being a two-storey building with a pitched 'barn end' roof. Whilst there would be a substantial increase in scale compared to the existing garages, the eaves and ridge height of the proposed building would sit comfortably between its two neighbours, and it is considered that there would be suitable spacing in between to avoid the plot appearing cramped or overdeveloped. Amendments have set the building further back from the street to better respect the established building line. The proposed pattern of fenestration would demonstrate suitable alignment and proportions.
- 9.10. Similar to the approved scheme, it is proposed to finish the building in a light tone brick and a grey tiled roof. Whilst this would not be a replication of the typical palette of facing brick, pale render and red roof tiles that are common in the area, it is considered that the proposed materials would not be incongruous. Final details of the materials are recommended to be secured by condition.
- 9.11. The proposed landscaping to the front of the site has been amended and improved during the course of the application. It would now comprise a narrower crossover and smaller area of hardstanding with increased planting beds and a demarcation of the access to the retained garage.

- 9.12. It is considered appropriate to secure a hard and soft landscaping plan by condition to ensure that the final details are acceptable.

Impact on Amenity:

- 9.13. 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.
- 9.14. The proposed dwelling would intensify the use of the site, however any increase in noise levels or disturbance from the occupation of the development would be of a residential nature that would be compatible with the neighbouring uses and is not predicted to cause significant harm to neighbouring occupiers.
- 9.15. As set out previously, the proposed building is almost identical to the extant permission in terms of footprint, depth and height. The separation distance to the southern neighbours (flats at 90-92 Elm Drive) would be approximately 4.5m, varying slightly due to the angle of the facades, and 5.7m to the northern neighbour at 94 Elm Drive.
- 9.16. In terms of overshadowing and sense of enclosure, it is acknowledged that the proposed building would be highly prominent in views north from 90-92 Elm Drive and that there would not be a generous separation distance between the two buildings. It is understood that the upper floor of 90-92 is already in residential use, and permission has recently been granted for the conversion of the ground floor to residential. Residential uses are generally more sensitive to loss of light/outlook/amenity space than the historic commercial use would have been.
- 9.17. However, the extant permission for a new dwelling in the rear yard must be given significant weight, particularly as it is not considered to result in any additional loss of light or outlook, given the scale and massing would be the same. Moreover, the conversion of the ground floor to residential was granted permission after the new dwelling had been approved and the drawings for the conversion did not rely upon any part of the site of the proposed new dwellings.
- 9.18. In terms of loss of privacy and overlooking, the proposal includes no windows on the side elevations. The windows to the rear would provide some views across garden areas, and views at an oblique angle towards the rear of the parade of shops. No significant impact in terms of overlooking is anticipated, and it is noted that the proposal would have less of an impact than the extant permission due to the omission of side windows.
- 9.19. Accordingly, it is considered that the current proposal would have no materially greater impact than the extant permission on the amenity of the neighbouring dwellings, and no objection is therefore raised in this respect.

Standard of Accommodation:

- 9.20. The proposed dwellings are both two-storey, two-bedroom, three-person dwellings. The northern unit would provide 76sqm of internal area, and the

southern unit would be 74sqm in area. The proposed dwellings comply with the Nationally Described Space Standard (NDSS) in terms of overall area, bedroom sizes and headroom.

- 9.21. Each habitable room would be of regular proportions with space for furniture and circulation and would have access to natural light and outlook.
- 9.22. Both dwellings would have access to an area of private outdoor amenity space at the rear. These spaces are considered to be of an acceptable size for two-bedroom dwellings that are likely to be occupied by smaller families.
- 9.23. Accordingly the proposed standard of accommodation is considered to be acceptable.

Sustainable Transport:

- 9.24. The proposal is unlikely to result in a significant uplift in trip generation. The site is located near to local bus stops providing sustainable transport links.
- 9.25. The amended proposed plans indicate two on-site car parking spaces (one per dwelling) and this would be in accordance with SPD14 requirements.
- 9.26. Secure cycle parking is proposed for each dwelling in the rear garden. Amendments have included a side access (a 1m-wide passage for the southern dwelling and a gate for the northern) to ensure convenient access to the cycle parking and is considered acceptable.
- 9.27. The proposed alterations to the existing crossover are acceptable and can be managed by a suitably worded condition.
- 9.28. The amended scheme no longer obstructs access to the garage serving no. 88 Elm Drive.

Sustainability:

- 9.29. Energy efficiency measures for the proposed dwellings would be secured under Part L of the Building Regulations and water efficiency measures in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

Other Considerations:

- 9.30. Conditions requiring at least one bee brick and four swift bricks/boxes have been attached to improve ecology outcomes on the site in accordance with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.31. The concerns raised in the public representations are noted. However, the existence of a previous approved planning permission does not preclude the applicant from making further applications for new development. If this application is approved, the previous permission would remain extant so the applicant could implement either scheme. Some previous applications on the site have been withdrawn, however there are no recent refused applications on

the site. The obstruction to the access to the garage of no. 88 has been overcome through the amendments.

- 9.32. A condition is attached to ensure the dwellings are accessible and adaptable in compliance with Building Regulation M4(2) as required by Policy DM1 of the City Plan Part Two.

10. CONCLUSION:

- 10.1. The proposed development is considered to be acceptable in principle, with there being an extant permission for the redevelopment of the site and with the provision of two new dwellings making a contribution towards the housing supply of the city.
- 10.2. The proposal is considered to be acceptable in design terms, respecting the established building line on Elm Drive and being of an appropriate scale and form. Final details of the material finishes and site landscaping can be secured by condition.
- 10.3. Whilst it is acknowledged that there may be some impact upon the amenity of occupiers of some neighbouring dwellings, this would not be to any materially greater degree than would arise from the extant planning permission, and this must be given significant weight.
- 10.4. The standard of accommodation provided by the proposed dwellings is considered acceptable, and matters relating to transport and sustainability can be addressed through conditions.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. 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 £ 26,521.71. 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.

12. EQUALITIES

- 12.1. 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.

12.2. 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.