

<b><u>No:</u></b>	<b>BH2016/02639</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>YMCA 17 Marmion Road Hove BN3 5FS</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 2 of application BH2015/00914 (Demolition of existing building and erection of 5no three bedroom dwelling houses) to incorporate single storey extensions to rear elevation and the reconfiguration of the top floors and the removal of condition 14 which states that prior to first occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.</b>		
<b><u>Officer:</u></b>	<b>Emily Stanbridge,</b>	<b>tel:</b>	<b><u>Valid Date:</u> 25.08.2016</b>
	<b>292359</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>20.10.2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Liam Russell Architects Ltd 24 Windlesham Road, Brighton, BN1 3AG</b>		
<b><u>Applicant:</u></b>	<b>Mr Gary Winslow C/o Liam Russell Architects 24 Windlesham Road, Hove, BN1 3AG</b>		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no representations raising additional material considerations within the re-consultation period and 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1223-PA-001	B	7 July 2015
Floor Plans Proposed	(GROUND) BR 100	A	24 March 2017
Floor Plans Proposed	1233-BR-115		13 July 2016
Elevations Proposed	1223-BR-120		11 August 2016
Elevations Proposed	1223-BR-121		13 July 2016
Other	CANOPY DETAILS		26 August 2015

- 2 The development hereby permitted shall be commenced before the expiration of 3rd November 2018.  
**Reason:** For the avoidance of doubt and in the interests of proper planning
- 3 The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct runoff 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 policy SU4 of the Brighton & Hove Local Plan.
- 4 The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 5 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, D & E of the Town and Country Planning (General Permitted Development) Order 1995, 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:** To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 6 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 7 No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and elevations with datum levels clearly marked. The development shall be constructed in accordance with the agreed details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties, in addition to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
- 8 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples 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) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

9 The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
- b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) As built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress; and
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (b).

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 10 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall outline how noise and dust shall be controlled during the demolition and construction phases of this development. Details about how local residents can contact the developers regarding complaints shall also be provided.

The methods and details outlined in the CEMP shall be strictly adhered to throughout the demolition and construction of this development.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 11 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority.

The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 12 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing.
- Details of all boundary treatments.
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 13 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 policy QD27 of the Brighton & Hove Local Plan.

14 Not Used

15 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

16 Prior to the first occupation of the dwelling immediately adjacent 19 Marmion Road, details of a screen adjacent to the western side of the rear roof terrace shall be submitted to and approved by the Local Planning Authority. The screen shall be 1.7m high from the finished floor level and shall be implemented strictly in accordance with the agreed details and thereafter retained as such.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

17 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.

18 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2 With respect to condition 15, the applicant is advised that the cycle storage should be placed in the rear gardens of each dwelling. The cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands

spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 3 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.
- 4 The water efficiency standard required under condition 18 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.
- 5 The applicant is advised that the landscaping scheme should include at least 2 trees to compensate for the loss of the existing trees on site.
- 6 Details to be submitted in accordance with condition 8 shall include agreement of render to be constituted of painted sand and cement.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to two-storey community centre located on the north side of Marmion Road. The building dates from the early 1900's and is a pitched roof red brick property with a large central gable ended addition. To the front of the building is a hardstanding area. The building is in close proximity to the Drill Hall to the rear. To each side of the building is a small alleyway.
- 2.2 Marmion Road is mainly comprised of two-storey dwelling houses of traditional design. The majority of houses have a part brick /part rendered finish.

## **3. RELEVANT HISTORY**

**BH2015/00914:** Demolition of existing building and erection of 5no three bedroom dwelling houses. Approved 3<sup>rd</sup> November 2015.

**BH2009/01220:** Construction of a new access ramp to front of property, including alterations to front entrance door. Approved 28/07/2009.

**3/83/0366:** Ground and first floor extensions at rear. Approved 1983.

**M/597/49:** Alterations and additions to provide cloakroom and changing accommodation, kitchen etc. Approved 1949.

#### **4. REPRESENTATIONS**

4.1 Twenty Five (25) letters has been received from objecting to the proposed development for the following reasons:

- Overlooking
- Loss of privacy
- Off-street parking is out of character with the street
- The new accesses will be dangerous for pedestrians and other road users
- Loss of revenue to the council
- Loss of on-street parking
- Development will set a precedent
- YMCA was a resource to the local community
- Already existing traffic issues
- The position of the primary school means there are a large number of children using the pavement
- Not in keeping with the original eco-friendly scheme
- Cramped new development
- Loss of two trees
- The design of the houses are not in character with the rest of the road
- The height of the Drill Hall has been inaccurately shown on the plans

4.2 **Councillor Nemeth** supports the application (comments attached).

#### **5. CONSULTATIONS**

5.1 **Sustainable Transport:** No objection

5.2 The applicant originally proposed to remove on-street parking in order to construct vehicle crossovers serving off-street parking for the consented dwellings. Following the Highway Authority's original concerns dated 13/10/2016, the applicant subsequently submitted a parking survey and revised plans showing the retention of some on-street parking. The revised layout was not considered acceptable and as such it was expected that up to 25m of parking would be lost were the proposals consented.

5.3 The parking survey has been undertaken using an acceptable methodology. This indicates that there is some capacity on Marmion Road and the wider survey area. Specifically, permit holders only parking was recorded as being 79% occupied (11 free spaces) on Marmion Road. On this basis, it is considered reasonable to remove the car free condition in this instance. This would have a reduced impact on on-street parking provision than the previous proposal to install vehicle crossovers.

5.4 It should however be noted that the entitlement of future residents to on-street parking permits will be subject to the usual application process.

#### **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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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. **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

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP19 Housing mix

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

TR7 Safe Development

TR14 Cycle access and parking

QD5 Design - street frontages

QD14 Extensions and alterations

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

HO20 Retention of community facilities

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The approved scheme was granted (BH2015/00914) on the 3rd November 2015. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions.
- 8.2 The considerations to be taken into account in this application solely relate to the changes to conditions 2 and 14 of the previous permission.
- 8.3 **The proposed variation of condition 2:**  
This application seeks to amend the approved drawings of application **BH2015/00914**. These alterations include:
- The incorporation of single storey rear extensions
  - The internal reconfiguration of the second floor
  - Increase in size of the front terrace by 1.6sqm
  - Changes to the position of the rear wall at second floor level resulting in the reduction in size of the rear terrace
  - Changes to fenestration
- 8.4 Single storey rear extensions  
This application incorporates single storey rear extensions at ground floor level. The proposed extensions project to a depth of approximately 2m. The extensions feature a pitched roof, brick finish and bi-folding doors to the rear. The extensions proposed are considered to form suitable additions to the rear elevations of this terrace group.
- 8.5 In addition given the ground floor level of these additions it is not envisaged that harmful impact would result to the amenities of neighbouring properties. Furthermore the level of private amenity space proposed would remain sufficient for the future occupiers of these properties.
- 8.6 The reconfiguration of the second floor  
A number of minor amendments are proposed to the top floor of each unit proposed. The eastern side of the front elevation is to be set back by approximately 0.8m, replicating the design of the first floor below. This set back will allow for an increase in size to the front terrace proposed by 1.6sqm. The fenestration proposed is in line with what as previously approved with the addition of a single width glazed doorway. It is considered that the appearance of the front elevation from the streetscene will largely remain as per application **BH2015/00914**.
- 8.7 Amendments have been made to the rear elevation of the property. The rear wall to the main body of each property is to be extended by approximately 1.245m to create a flush elevation. As a result, the setback of this wall reduces the size of the rear terrace from 9.6sqm as approved to 3.8sqm. The resultant depth of the terrace is approximately 0.75m.
- 8.8 Whilst the extension to the second floor level results in a flush appearance to the rear of the property, the second floor retains a subservient appearance given its setback from the rear wall at first and ground floor level. The rear

elevation at second floor level now incorporates the installation of bi-fold doors and a small vertical window.

- 8.9 It is not considered that the proposed changes to the rear will further impact upon the amenities of neighbouring occupiers. The level of glazing proposed is similar to that of application **BH2015/00914**. Furthermore the reduction in size of the rear terrace restricts there usability. Given its depth it is unlikely that large items of furniture would be place on the terrace.
- 8.10 The amendments proposed at second floor level result in changes to the internal layout of the units proposed. The previous application featured a master bedroom with a rear winter sun room, whilst the current application seeks to provide a more open layout for a large bedroom suite with bathroom. The layout of the top floor is considered to provide a good standard of accommodation.
- 8.11 It is considered that the minor changes proposed to the application **BH2015/00914** are considered acceptable and in accordance with relevant development plan policies.
- 8.12 Other matters  
Objectors to the rear of the application site, on Stoneham Road have identified inaccuracies on plan 1223-PA-021 A under application **BH2015/00914** which showed the proposed east and west side elevations of the development proposed. Notably the plans show the height of the Drill Hall inaccurately. Notwithstanding this a site visit was undertaken and it was considered that the rear terraces would not result in harmful impact to these rear properties.
- 8.13 For the avoidance of doubt application **BH2015/00914** remains extant and the current proposal is considered on its own merits having regard to its impact on neighbouring occupiers.
- 8.14 **The removal of condition 14:**  
Condition 14 of application BH2015/00914 states:  
  
'Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.'
- 8.15 Amendments have been made during the lifetime of this application regarding the parking arrangements on site.
- 8.16 Originally this application sought to provide off-street parking to each unit, however concerns were raised by the Highways Team that this would result in a substantial loss of on-street parking which the applicant had not demonstrated would not have a negative impact upon existing capacity. In addition it was

noted that the proposed layout for the parking proposed would not comply with the council's crossover guidance.

- 8.17 Following this advice, a parking survey was submitted by a Transport Consultant undertaken at 00.30 on Tuesday 22nd November 2016, covering a number of roads including Marmion Road, Scott Road, School Road and Stoneham Road, as advised by the Highways Team.
- 8.18 The parking survey submitted has been undertaken using an acceptable methodology and indicates that there is some capacity on Marmion Road and the wider survey area. Specifically, permit holders only parking was recorded at being 79 percent (11 free spaces) in Marmion Road.
- 8.19 On this basis the Highways Team considered it reasonable to remove the car free condition in this instance. The removal of this condition would have a reduced impact on on-street parking provision than the previous proposal to install vehicle crossovers.
- 8.20 In addition to the parking survey submitted, the council has supplemented this by undertaking their own investigations through a number of site visits to record parking demand within the area. The roads surveyed, match those contained within the professional parking survey. The findings of these investigations are below.

<b>Date of survey</b>	<b>Time of survey</b>	<b>Approximate number of total available spaces within survey area</b>
11 <sup>th</sup> January 2017 (Wednesday)	07.50am	38
11 <sup>th</sup> January 2017 (Wednesday)	18.50pm	56
17 <sup>th</sup> January 2017 (Tuesday)	08.00am	43
17 <sup>th</sup> January 2017 (Tuesday)	18.45pm	54
19 <sup>th</sup> January 2017 (Thursday)	07.30am	39
19 <sup>th</sup> January 2017 (Thursday)	19.00pm	39
23 <sup>rd</sup> January 2017 (Monday)	07.30am	39
29 <sup>th</sup> January 2017 (Sunday)	08.50am	51

- 8.21 During the council's investigations it was noted that vehicles were rarely parked directly in front of the site. Not only does there appear to be capacity within the street as a whole, but it seems unlikely that any on-street parking for the new

dwellings would significantly disrupt existing residents parking patterns and routines.

- 8.22 Therefore the application to remove the car free condition in this instance is considered acceptable.

**9. EQUALITIES**

- 9.1 None identified.