

<u>No:</u>	BH2017/03599	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	17 Bampfield Street Portslade BN41 1SE		
<u>Proposal:</u>	Application for variation of condition 1 of BH2016/02846 (Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1/B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works) to allow increased ground floor height, removal of parapet wall above flats and revised elevations.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	27.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Think Architecture Consultants Ltd	The Studio	12 Lightsfield Oakley RG23 7BL
<u>Applicant:</u>	Mr Mark Booth	Chiltern Manor Lodge	Chiltern Candover Alresford SO24 9TX

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 and block plan	3598.PL.001 (PROPOSED)		29 July 2016
Location and block plan	3568.EX.001 (EXISTING)		29 July 2016
Floor plans/elevations/sect proposed	3568.PL.100 (GFF)		29 July 2016
Floor Plans Proposed	3568.PL.101 (FF)		27 November 2016
Floor Plans Proposed	3568.PL.102 (SF)		27 November 2016
Sections Proposed	0429 PL02		27 October 2017
Elevations Proposed	0429 PL01		27 October 2017

2. The development hereby permitted shall be commenced before or on 03.08.2020.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
5. 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.
6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.
The CEMP shall include:
 - i) The phases of the Proposed Development including the forecasted completion date(s)
 - ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

- v) Details of hours of construction including all associated vehicular movements
- vi) Details of the construction compound
- vii) A plan showing construction traffic routes
- viii) An audit of all waste generated during construction works
- ix) The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

7. The dwellings hereby approved shall be completed in accordance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to the first occupation and shall be retained as such 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 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 HO13 of the Brighton & Hove Local Plan.
8. 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.
9. None of the residential units hereby approved shall be occupied until each residential unit has achieved a water efficiency standard using not more than 11litres 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.
10. The development hereby approved shall not be first occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. They shall be retained as approved and for that use thereafter.
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.
11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) An intrusive site investigation report as per the recommendation contained within the Preliminary Ground Contamination Risk Assessment Report, Ashdown Site Investigation Ltd Report No. R16-11471/ds and dated June 2016.

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then:

(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 a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

12. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (11)b that any remediation scheme required and approved under the provisions of condition (11)b 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 the verification report shall comprise:

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all boundary treatments, including a gate to the rear pedestrian access from Bampffield Street, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to deter crime and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on

this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The site is potentially contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
3. The local planning authority has determined the application on the basis of the information made available to it.
4. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.
5. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received both during construction and after completion with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
6. 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.
7. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a corner plot on the junction of Bampffield Street and Buckler Street. The site comprises a part single and part two storey building which has been extended over a period of time to occupy the majority of the site with a small yard to the rear and an access alleyway running parallel to the western boundary, although much of the site has now been cleared. The pre-existing building was used as a mixture of retail (Class A1) with a shop forecourt to the front of the building for and a light industrial workshop (Class B1) over the rest of the site.

- 2.2 The site sits within a low point of Bampffield Street which rises to the east and west. The area is residential in character with a mixture of two and three storey terraced properties of mixed styles. The site backs onto the gardens of a number of residential units on Elm Road.
- 2.3 Permission was granted in August 2017 for the demolition of the existing building and the erection of a terrace of three two storey dwellings adjoined to a three storey block of two one bedroom flats and one studio flat.
- 2.4 The current application seeks to vary the original permission by way of increasing the ground floor height, removal of a parapet wall above the flats in addition to revisions to the elevations and finish.

3. RELEVANT HISTORY

BH2016/02846 - Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works. Approved August 2017.

BH2016/00595 - Certificate of Lawfulness for existing use of property as a Sui Generis mixed use of retail (A1) and light industrial (B1). Approved April 2016.

3/86/0780 - Change of use to include garden machinery sales and servicing together with existing light engineering and alterations to front and side elevations. Approved November 1986.

3/82/0707 - Front extension to factory workshop to display goods for sale. Approved December 1982.

3/79/0683 - Change of use from light engineering and manufacture of thermometers into light engineering and lawn mower servicing. Approved November 1979.

4. REPRESENTATIONS

Eight (8) letters have been received, objecting to the proposed development for the following reasons:

- No cycle parking
- No refuse and recycling facilities
- No parking
- Disruption and inconvenience from building work
- Off street parking should be provided
- Overlooking / loss of privacy
- Loss of natural light
- Larger and taller than anything on the block
- Not in keeping
- Little opinion from local residents has been sought

- Restrict access for emergency vehicles
- Flats are not supported

5. CONSULTATIONS

5.1 **Environmental Health:** No Comment Received

5.2 **Planning Policy:** No Comment

5.3 **Sustainable Transport:** No Comment Received

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);

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
 CP2 Sustainable economic development
 CP3 Employment land
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP13 Public streets and spaces
 CP14 Housing density
 CP18 Healthy city
 CP19 Housing mix

CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
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 Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The original approved scheme was granted (BH2016/02846) in August 2017. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions in addition to an affordable housing contribution via a legal agreement. Whilst this permission remains extant, it must be considered whether circumstances, policy or practice has changed significantly since the time this decision was taken.
- 8.2 In this case it is considered that the policy context has not changed substantially in regard to the principle of development, uses proposed and design issues. Overall it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority and therefore the principal of development is accepted.
- 8.3 **Proposed Variation of Condition 1**
The application seeks changes to the approved drawings within the original application by way of substituting the elevations and sections in order to allow for amendments to the external design and the ground floor level.
- 8.4 The overall ground floor level would be increased by 150mm above ground floor level. The applicant has indicated that the raised floor level is proposed in order to facilitate drainage for the site. Whilst this would result in a loss of the level access to the front elevation of the dwellings the applicant will be providing an accessible entrance to the rear of the site accessed via the rear alleyway and rear garden gate to the garden to a level access. The Building Control Team have indicated that the rear access would be sufficient to satisfy Part M4(2) access requirements. The increase in floor height would not affect the height of the ridge height of the building.

- 8.5 The alterations to the elevations would be confined to the removal of the brick detail adjacent to the front doors of the flats and the installation of plain brickwork in its place, the installation of solar panels to the rear (western) roof slope of the terrace in addition to other minor detailing alterations including the position of fenestration and the installation of projecting rooflights to the rear infill section. The parapet wall above the block of flats would also be removed as part of the proposal. Overall the external alterations are considered minimal and would not have a significant detrimental impact to the external appearance of the building or the amenities of neighbouring properties. On this basis approval of the proposed variation of condition is recommended.

9. EQUALITIES

- 9.1 None identified

