

<u>No:</u>	BH2017/03021	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Excelsior London Road Patcham Brighton BN1 8QX		
<u>Proposal:</u>	Formation of additional storey comprising 2 flats & the creation of 2 additional car parking spaces.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	17.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Direct Planning Ltd 95-97 Riverbank House High Street St Mary Cray Orpington BR5 3NH		
<u>Applicant:</u>	Downside Developments Ltd C/O Direct Planning Ltd 95-97 Riverbank House High Street St Mary Cray Orpington BR5 3NH		

1. RECOMMENDATION

- 1.1 **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			25 September 2017
Site Layout Plan			8 February 2018
Elevations Proposed	PL 102		7 September 2017
Floor Plans Proposed	PL 100		7 September 2017
Streetscene elevation proposed	PL 106		7 September 2017

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 residential unit hereby approved shall not be occupied until it 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.
4. The residential unit hereby approved shall not be occupied until it 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.

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. 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to 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 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 HO13 of the Brighton & Hove Local Plan.

8. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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 policy QD27 of the Brighton & Hove Local 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 SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a six storey block of flats to the west of London Road opposite Withdean Park. The site is set within a group of five blocks of flats fronting onto London Road. The application building is finished in brick with

rendered brick strips above each storey and includes two projecting window bays to the eastern elevation.

- 2.2 Permission is sought for the erection of an additional storey to the block in order to facilitate two additional flats.

3. RELEVANT HISTORY

BH2013/02535 - Creation of 9no additional car parking spaces. Approved 07.11.2013.

BH2013/01601 - Creation of eleven additional car parking spaces. Refused 12.07.2013.

BH2011/00370 - Application to extend time limit for implementation of previous approval BH2007/03309 for the formation of additional storey comprising 2no flats and the creation of 2no additional car parking spaces. Approved 09.08.2011.

BH2007/03309 - Formation of additional storey comprising 2 flats & the creation of 2 additional car parking spaces. Approved 20.02.2008.

BH2004/00109/RM - Approval of Reserved Matters in respect of outline planning permission BH2000/02354/OA for the formation of additional storey comprising 2 no. flats and the creation of 2 no. additional car parking spaces. Refused 26.02.2004. Allowed on appeal.

BH2000/02354/OA - Formation of additional storey comprising 2no. flats, and creation of 2no. additional car parking spaces. Approved 07.12.2000.

93/0509/OA - An outline application for planning permission was refused for the formation of an additional storey comprising 2 flats and provision of 3 additional parking spaces. Refused 11.09.2001.

Various applications have been approved for the installation of replacement UPVC windows.

4. REPRESENTATIONS

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

- Concerned that the block cannot withhold the weight of additional storey
- Concerns regarding the material finish and quality
- Concerns regarding lift and steps access during building works
- Impact of future maintenance
- Ingress of water
- Unfair for residents of the block to have to pay for future maintenance of a structure of inferior quality to the existing block

- Submitted plans do not accurately reflect parking arrangements and landscaping on site

4.2 **Two (2)** letters have been received providing the following comments in relation to the proposed development:

- The application is incorrect and should be submitted for 2 no. flats only.
- The 2 parking spaces are on site already.
- The landscaping is out of date
- No objection if specification carried out in conjunction with yourselves and qualified engineers

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

No objection subject to conditions securing cycle parking details.

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.

7.1 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

CP18 Healthy city

CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues in the determination of this application are the planning history of the site, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **Planning History and Principle of Development:**
The application seeks consent for the erection of an additional storey to the block of flats in order to facilitate two addition flats.
- 8.4 Planning permission (BH2007/03309) was granted in February 2008 for a scheme identical to the development sought under this application. The permission was never implemented and an extension to the time limit (BH2011/00370) was granted in August 2011.
- 8.5 In principle development within additional stories is acceptable and there is a national general presumption in favour of sustainable development and the more efficient use of sites is supported within local development plan policies. As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.
- 8.6 **Design and Appearance:**

The additional storey is considered acceptable in scale, height, materials, form, detailing and siting. The proposal would match the design and finish of the existing block with projecting bays brick slips and aligned fenestration with a replacement lift overrun above.

- 8.7 Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the concentration of the built form to the surrounding area. The block would be seen in the context of the adjacent blocks (Mandalay Court to the north and Lilac Court to the south) which are both approximately a storey higher. It is therefore considered that the block remains satisfactorily designed in relation to its surroundings.
- 8.8 The additional height of the extensions would be approximately 3.7m increasing the building to an approximate total height of 19.2m, with an additional 1.8m protrusion to accommodate the lift motor rooms.
- 8.9 **Standard of Accommodation for Future Occupiers:**
The proposal includes two additional flats each of which would include a separate kitchen and living room, a bathroom and a separate WC. One flat would include three bedrooms and the second would include two bedrooms. Both flats would have a master bedroom with an en-suite bedroom. Both flats would be above national space standards and all bedrooms would qualify for doubles.
- 8.10 Overall the standard of accommodation including substantial living areas and bedrooms is considered more than satisfactory and would provide a positive standard of accommodation in accordance with policy QD27.
- 8.11 In regard to access standards, Government has advised that the Council can no longer secure Lifetime Homes Standards; the current standard in this regard is Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings) and given that there is lift access within the blocks it is recommended that compliance with this standard be secured by planning condition to address the objectives of Policy HO13.
- 8.12 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.13 A number of objections have been raised in relation to ongoing disturbance of the building works in addition to possible structural implications, possible water ingress and concerns relating to the quality of the build. Whilst the quality of the build and structural implications are beyond the remit of planning consideration, the ongoing disturbance and disruption as a result of the works can form a material consideration.

- 8.14 Overall, whilst the works will be disruptive to existing occupiers in the block, the disruption of the works would be temporary and is unavoidable if permission is to be granted and control of such impacts is beyond the remit of planning control.
- 8.15 **Sustainable Transport:**
The vehicle and pedestrian access from the adjacent London Road will be maintained as existing which is considered appropriate for the scale of development.
- 8.16 Recent works have been carried out to the parking layout, as approved under application BH2013/02535. These works includes two additional spaces allocated for the potential for an additional storey as proposed under this application. As these works have been implemented and are in accordance with SPD14 guidance, no objection is raised in this regard.
- 8.17 **Sustainability:**
In regard to Sustainability, Government has advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard and has introduced transitional optional standards for energy and water usage and it is recommended that these standards be secured by condition to address the requirements of Policy SU2.

9. EQUALITIES

- 9.1 None identified

