

<u>No:</u>	BH2016/02841	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block C, Kingsmere London Road Brighton		
<u>Proposal:</u>	Erection of roof extension to from four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	01.08.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Strutt and Parker, 201 High Street, Lewes, BN7 2NR		
<u>Applicant:</u>	Spurpoint Ltd c/o Strutt & Parker, 201 High Street, Lewes, BN7 2NR		

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	-		29 July 2016
Site Layout Plan	A1215/02	C	29 July 2016
Floor Plans Proposed	A1215/08	E	29 July 2016
Elevations Proposed	A1215/09 (NORTH)	D	29 July 2016
Elevations Proposed	A1215/10 (SOUTH)	D	29 July 2016
Elevations Proposed	A1215/11 (EAST)	E	29 July 2016
Elevations Proposed	A1215/12 (WEST)	E	29 July 2016
Roof Plan Proposed	A1215/14	E	29 July 2016

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. Notwithstanding the approved plans, no development shall take place until samples of the 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 (balustrade and railing);
- e) Samples of all other materials to be used externally;
- f) 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 & Hove City Plan Part One.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 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.

- 9 No construction or building work associated with the development hereby approved shall take place on the site for the duration of the implementation of the works except between the hours of 8:00 and 18:00 on Mondays to Fridays and 8:00 and 12:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of properties immediately adjacent and to comply with policies SU10 and 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 relates to a site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats.
- 2.2 Block C is situated on the northern side of the site set parallel to the western boundary and is the furthest block from London Road. Block C is a four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is bound to the south east and west by the Preston Park Conservation Area, although the site itself is outside of the Conservation Area.
- 2.4 Permission is sought for the erection of an additional storey to block C in order to provide further accommodation in the form of four two bedroom flats. The new storey would be of a similar design to that which has been approved on the other blocks within the estate.

3. RELEVANT HISTORY

BH2016/02488 - Application for removal of condition 12 of application **BH2012/03673** (Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage) which required a detailed Construction Specification/Method Statement for the construction of the

cycle storage to be submitted to and approved in writing by the Local Planning Authority. Approved 04/07/2016.

BH2016/01297 - Application for removal of conditions 5 and 11 of application **BH2012/03673** (Erection of additional storey to blocks A and B to create 8no flats with private gardens, with associated cycle storage (Amended Description)) that require a Code for Sustainable Homes rating of level 3 to be achieved and details to be submitted to and approved by the Local Planning Authority. Approved 13/06/2016.

BH2016/00254 - Application for removal of condition 6 of application **BH2015/02713** (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained. Approved 19/07/2016.

BH2015/04074 - Application for variation of condition 2 on application **BH2015/01454** (Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens) to create 2no two bedroom flats instead of the 2no one bedroom flats approved, with alterations including increase to size of extension and amendments to fenestration. Approved 31/05/2016.

BH2015/02713 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Approved (Committee) 18/11/2015

BH2015/01454 - Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens. Approved 24/09/2015.

BH2012/03673 - Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage. Approved after Section 106 signed. 04/09/2013.

BH2011/03432 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Refused 21/03/2012. Allowed on appeal 05/10/2012. This permission expires on the 5th of October 2015.

BH2011/01101 - Additional storey to form 4 no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2012.

BH2010/02056 - Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010.

BH2007/02691 - Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below). Refused 05/09/2007 - Appeal Dismissed 03/04/2008.

BH2007/00709 - Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'. Refused 16/04/2007.

3/93/0501/OA - Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused 31/08/1993.

73/325 - Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

The Priory London Road Brighton

BH2009/00058 - Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Refused 09/09. Appeal Allowed 09/04/2010.

4. REPRESENTATIONS

4.1 **Five (5)** letters have been received objecting to the proposed development for the following reasons:

- There is already insufficient parking for current residents
- There are plenty empty buildings along London Road
- Why cause disruption to existing properties?
- Noise disruption from building work
- The properties were never built for such purposes
- Will cause unnecessary damage
- Continuous disruption to by building and conversion
- Totally unsuitable for this development
- Parking and rubbish facilities are inadequate
- Another storey would be completely out of character with the surrounding buildings
- The residents would suffer unbearable stress and financial loss
- The noise from rooftop gardens would be a major problem
- Disruption to working from home
- Will increase waiting times for the lift in the block which is very small
- Will increase trapped heat in the building
- The character of the penthouses will no fit with the existing structure
- We do not feel that this is at all in the public interest

4.2 **One** letter has been received providing the following comments:

- No provision for the disabled access and parking
- Will put a severe strain on the existing refuse disposal facilities and recycling points
- The plans to build on all blocks plus the plans for block C would mean a total of 24 additional flats with the potential for, at the very least, 76 more residents

- An unacceptable overdevelopment of the Kingsmere Estate
- There will be a big increase in traffic to and from the A23
- Increase in noise and disturbance for residents during and after construction

5. CONSULTATIONS

5.1 **Planning Policy:** No objection / Objection / Comment

The planning policy team were consulted on the issue of the piecemeal fashion in which the applications have been submitted, the resultant amount of extant permissions on site and whether developer contributions could be sought.

5.2 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application subject to the necessary condition securing cycle parking.

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
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP12 Urban design
 CP14 Housing density
 CP19 Housing mix

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
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
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

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 February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Planning history and principle of development:**
The Kingsmere estate was granted planning permission in January 1973 (**ref 72/4136 & 73/325**).
- 8.4 Planning permission (**BH2007/02691**) was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused on design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.
- 8.5 A planning application (**BH2010/02056**) with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year. That approval was for an additional storey upon blocks E & F. The design had been amended compared to the previous refusal, to present a predominantly glazed upper storey set back

from the existing front, side and rear elevations rather than being flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.

- 8.6 The previous decision to grant the additional storey was also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue **(BH2009/00058)**. This application was similar to the previously approved scheme in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon The Priory as a material consideration in determining this application.
- 8.7 Planning permission was allowed upon appeal after refusal by Planning Committee for a roof extension to Blocks E & F Kingsmere **(BH2011/03432)** to provide 8 no. flats each with own private roof garden. Since the allowed appeal an identical scheme was approved by Planning Committee for a roof extension to Blocks E & F **(BH2015/02713)**.
- 8.8 The current proposal, although for less units, is of a similar form to the approved additional storeys on other blocks.
- 8.9 It has been noted that there are a number of extant permissions for residential units on the estate which have been achieved via multiple applications rather than applying for the entire proposal under one proposal. Although the other permissions on site form a material consideration within the assessment of this application, the current proposal is considered a standalone application for four residential units and has been assessed on this basis.
- 8.10 **Design and Appearance:**
In principle, given the planning history of the site, subject to meeting the applicable policies of the Local Plan and other material considerations, the provision of an additional storey in this location is considered to be acceptable.
- 8.11 The additional storey is considered acceptable in scale, height, materials, form, detailing and siting. The proposal is considered to provide a quality design in contrast to the existing building and would provide visual interest to the building.
- 8.12 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 additional height would not affect the setting of the Preston Park Conservation Area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

- 8.13 The additional height of the extensions would be approximately 2.8m increasing the building to an approximate total height of 14.5m, with an additional 0.8m protrusion to accommodate the lift motor rooms. The additional storey will be predominantly glazed with sections of wall finished in white painted render. The proposed finish is consistent with approved additional storeys to other blocks and is considered to relate well to the existing building. It is recommended that samples of materials be secured by planning conditions to ensure that a satisfactory finish to the development.
- 8.14 **Impact on Amenity:**
A number of concerns have been raised by objectors relating to potential noise impact of the proposed development. It is considered unlikely that the proposed development, once constructed and occupied, would cause significant noise nuisance for occupiers of the blocks below and of neighbouring properties. This view was supported by within the Inspector's Appeal decision relating to application **BH2011/03432** (Blocks E and F). The Inspector suggested that that disturbance caused during construction works would be a matter for control through the Council's environmental health powers, concerns regarding future occupiers causing additional noise for those below would be dealt with through soundproofing measures and Building Regulations, and that whilst use of the terrace areas could cause some additional noise, this would not cause harm of a magnitude which would warrant the refusal of planning permission.
- 8.15 The terraces would provide views towards neighbouring blocks; however the resultant outlook would be similar to those the existing windows of the block would provide. Whilst a user of a terrace can have a more intrusive impact upon neighbouring privacy as opposed to a window, the block is set away from other blocks in the Estate by 17 metres to the south and 33 metres to the west. Furthermore, many of the terraces would not face directly towards the neighbouring blocks as they would overlook the Primary School to the south and the boundary of the site to the north.
- 8.16 **Standard of Accommodation**
The four units each provide two bedrooms, a bathroom, a shower room and an open plan living / kitchen room. Flats 120A and 102D would be arranged as a mirror image of each other providing one double and one single bedroom with a gross internal floor area of approximately 61m². Flats 120B and 120C would also be have matching floorplans each providing two double bedrooms with a gross internal floor area of approximately 72m². The level of floor space provided is in line with the National Described Space Standards which recommends 70m² for a flat with two double bedrooms and 61m² for a one bedroom flat.
- 8.17 On this basis in addition to the outdoor space provided for each flat, the proposed development would provide an acceptable standard of accommodation in accordance with policy QD27.
- 8.18 In regard to access standards, Government have 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

dwelling) 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.

8.19 Sustainable Transport:

No car parking is provided as part of the current application with the applicant citing the good accessibility of the site by other modes, being a Sustainable Transport Corridor as reason to suggest that not all future occupants will choose to own or travel by car. The Highway Authority would agree that a degree of car parking restraint is appropriate in this location on the basis that it is not considered that overspill parking would result in a severe impact on the surrounding highway, particularly owing to the presence of restrictions in the immediate vicinity of the site.

8.20 The applicant has submitted the same cycle store details as approved under the recent discharge of conditions application (**BH2016/02486**) relating to the roof extension to Block A and B. The applicant has indicated that this was intended to provide for the additional flats for which there is extant consent across the Kingsmere Estate.

8.21 The consented cycle store provides 32 spaces; however, only 30 of these are provided by means of Sheffield stands. This was acceptable when considering the extant consent requirements; however, it is not considered the wall docking points would be compliant with Brighton & Hove Local Plan policy TR14. This requires cycle parking to be secure (particularly as cycle parking is communal, it should be possible to secure both the wheels and frame) and convenient to access (occupied stands should not obstruct access within the store).

8.22 It is therefore recommended that further details be secured by condition. The applicant is advised that were it not possible to accommodate the required provision inside the store in an acceptable layout, it may be appropriate to provide a small number of uncovered Sheffield stands within the estate which will cater for the visitor requirement.

8.23 Sustainability:

In regard to Sustainability, Government have advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard. Government have 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.

8.24 Landscaping:

Whilst it appears that some plants are proposed to the roof terrace areas, no development is proposed at ground level and overall it is considered that it would not be reasonable to secure a scheme of landscaping or ecological improvements.

9. EQUALITIES

- 9.1 It has been noted that concerns have been raised by objectors which fall within the consideration of equalities issues. These concerns relate to the disruption of the proposed construction works and the ongoing impact on residents living within the existing building. Whilst some of the matters raised are beyond the remit of planning control, it is noted that the construction works are likely to cause disruption. Whilst the disruption of the works is unavoidable if permission is granted, in these circumstances it is considered that restricted hours of construction should be secured by condition to mitigate these impacts.

