

<u>No:</u>	BH2017/00750	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The Rear Of 2-8 Rowan Close Portslade BN41 2PT		
<u>Proposal:</u>	Erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments (C3), associated landscaping and parking.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	03.03.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	28.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Downsview Associates Mr Matt Bridle Little Acorns Hampers Lane Storrington RH20 3HZ		
<u>Applicant:</u>	Rowan Close Limited Mr Kenneth Elliott 6 Summerfields Findon BN14 0TU		

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	2015.180.01	-	3 March 2017
Floor plans and elevations proposed	2015.180.02	-	3 March 2017
Sections Proposed	2017.180.03	-	3 March 2017
Detail	2017.108.04 (SITE PLAN)	-	3 March 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 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

- 4 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 Submission City Plan Part One.
- 5 The dwelling 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.
- 6 The windows in the northern and western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part One.
- 7 Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (fencing and/or soft landscaping) to the patio areas shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 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 Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

10 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.

11 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

12 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

13 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples and details of 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:

- a) Samples of all render and roof material
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Details/specifications of windows and doors

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 CP12 of the 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises the former vehicular access and car park to Rowan House, located on the north side of Rowan Close, Portslade. Rowan House sits to the west of the site and has recently been converted to residential units.
- 2.2 The site is some 12m wide by approximately 47m in length and is formed entirely of hardstanding with informal vegetation along the northern and southern boundaries. The rear gardens to Nos. 2-8 (evens) Rowan Close abut the site to the south. There are two garages to the east of the site which are served by an access from Rowan Close. Beyond these garages and access road are Nos. 73-77 (odds) Mile Oak Road, which are two storey dwellings. A terrace of five three storey houses (Hillcourt Mews) to the north of the site has also recently been constructed and occupied (**BH2013/00380**). The terrace of five units is orientated to face south across the site. Planning permission is sought for the erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments.
- 2.3 This application is a resubmission of the previously refused application **BH2016/02573** for the erection of a one and two storey apartment block, which was refused due to design and amenity concerns. This application proposes to address these issues by proposing the erection of a single storey apartment block.

3. RELEVANT HISTORY

BH2016/02573- Erection of 3no two bedroom apartments (C3). Refused on 02.09.2016. The reasons for the refusal were as follows:

1. The proposed building is of block form with large expanses of blank wall and a lack of detailing / articulation. It is considered that the proposed building would represent an unattractive and imposing built form, and a cramped development due to a lack of spacing from the site boundaries on three of its four sides. The proposed development is therefore contrary to Policy CP12 of the Brighton & Hove City Plan and the design objectives set out in the Core Planning Principles of the NPPF and expanded upon in Chapter 7 of the NPPF.
2. The proposed building would represent an unneighbourly form of development by virtue of its overbearing and enclosing impact upon existing properties in Rowan Close and Hillcourt Mews; the outlook from these properties would be harmed. The proposed development would result in a loss of amenity to adjacent residents contrary to Policy QD27 of the Brighton and Hove Local Plan and to the Core Planning Principles of the NPPF.
3. Due to the close proximity of the building to the site boundaries on three sides the quality of outlook from the proposed ground floor units would be poor. On the fourth (east) elevation two proposed bedroom windows would face onto the communal entrance and car park for the development which would diminish

privacy within these bedrooms and may result in noise disturbance for future residents due to vehicular and pedestrian comings and goings. The proposed garden areas and balcony are of limited size and would be of limited usability. Given the size of the site and the fact that the proposed development is new build, more adequate / generous gardens could be provided. Overall the standard of accommodation proposed is considered to be unacceptably poor and contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, and to the Core Planning Principles of the NPPF.

This application was the subject of an appeal to the Planning Inspectorate (APP/Q1445/W/16/3158827). The appeal was dismissed on 14.02.2017.

BH2015/04679 - Erection of 2no. three bedroom detached houses. Refused on 18 May 2016. The reasons for the refusal were as follows:

1. The proposed site layout and proximity of the proposed dwellings to the neighbouring properties represent a form of development that by virtue of the resulting:
 - (a) Loss of privacy to existing neighbouring properties;
 - (b) Loss of amenity for neighbours from the additional activity, noise and disturbance;
 - (c) Loss of outlook for occupiers of the neighbouring dwellings;
 - (d) Loss of privacy for occupiers of the proposed dwellings; and
 - (e) Overlooking of the private amenity space of the proposed dwellings;

Would be contrary to Policy QD27 of the Brighton & Hove Local Plan.

2. The application would result in an insufficient and therefore inappropriate amount of private amenity space for the scale of development proposed which will in turn exacerbate the problems of overlooking and loss of privacy to future occupiers. Accordingly the development represents a form of over-development which is contrary to Policy HO5 of the Brighton & Hove Local Plan.

BH2014/03663 - Outline application for erection of 4no semi-detached houses. Refused on 22/12/2014. The reasons for the refusal were as follows:

1. The proposed site layout and proximity of the buildings to the site boundaries represents a cramped form of development out of keeping with the surrounding area. The proposed development is therefore considered to represent an overdevelopment of the site contrary to policies QD1, QD2 & QD3 of the Brighton and Hove Local Plan.
2. The proposed development, by virtue of its limited outlook and disproportionately small private amenity space, particularly to units 3 & 4, would result in a poor overall standard of accommodation for future occupiers, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.
3. The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers at 2-8 Rowan Close, resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton and Hove Local Plan.

BH2013/03077 - Outline application for erection of 4no semi-detached houses. Refused on 06/11/2013. The reasons for the refusal were as follows:

1. The proposed development, by virtue of the site layout and the proximity of the proposed semi-detached pairs to each other and adjacent properties, and the limited pedestrian-only access to the rear houses, represents a cramped form of development out of keeping with the surrounding area. The proposed development is therefore considered to represent an overdevelopment of the site contrary to policies QD1, QD2 & QD3 of the Brighton and Hove Local Plan.
2. The proposed development, by virtue of its cramped layout, would have an overbearing impact for future residents resulting in a significant loss of outlook and privacy and a poor overall standard of accommodation, contrary to policy QD27 of the Brighton and Hove Local Plan.
3. The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton and Hove Local Plan.

3. REPRESENTATIONS

3.1 Eighteen (18) letters of representation have been received objecting to the proposal for the following reasons:

- Cramped form of development
- Out of keeping with the area
- Overbearing impact on neighbours
- Loss of privacy and outlook for neighbours
- Inappropriate access
- Additional strain on on-street parking
- Pressure on local drains and sewers
- Disruption during the building process

3.2 Councillor Atkinson has objected to the application, a copy of the letter is attached to this report.

4. CONSULTATIONS

4.1 **Arboriculture:** No objection

Nothing of any public value from an Arboricultural perspective would be lost.

4.2 **Sustainable Transport:** No objection

The Highway Authority has no objections to application **BH2017/00750** and the comments are broadly the same as previous applications on the site (**BH2015/04679** and **BH2016/02573**).

4.3 The Highway Authority would look for the following conditions to be included on any permission granted:

4.4 Grampian Condition for Highway Works

Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak

Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

4.5 Retention of Parking Area

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

4.6 Cycle parking scheme

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.

5. MATERIAL CONSIDERATIONS

5.1 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

5.2 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.

5.3 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.

6. 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
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP16 Open space
CP19 Housing mix

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
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 Standards

7. CONSIDERATIONS & ASSESSMENT

- 7.1 The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the building and wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- 7.2 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.
- 7.3 **History of the site:**
There have been a number of schemes put forward for the redevelopment of the site, which have considered that residential development would be acceptable in principle on the site. However the schemes put forward have not been

considered acceptable in regard to over-development of the site and design issues which in turn would have an adverse impact upon the existing neighbours and future occupiers of the proposed building.

7.4 Principle of development:

The immediate area surrounding the application site is residential in character and the neighbouring properties are all residential. Previous officer reports have considered that residential development would be acceptable in principle on the site (including the recent application **BH2016/02573**). It is considered that the situation remains unaltered and that a residential use would appear acceptable in principle given the character of the surrounding land uses but that it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

7.5 Design and Appearance:

Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.

7.6 This application follows a previously refused application **BH2016/02573** for the erection of a one and two storey apartment block providing 3no units. It was considered that the proposed building represented an unattractive and imposing built form and a cramped form of development.

7.7 This application was subsequently the subject of an appeal to the Planning Inspectorate. In the assessment of the proposal the Inspector considered that the proposed building would have a design that would reflect that of the recently converted Rowan House and Hillcroft Mews and given the variety of appearance of buildings within the area the proposal would not cause harm to the character and appearance of the area.

7.8 This application proposes the erection of a single storey apartment block, containing 3no units. The building would feature a flat roof with a render finish, timber cladding and Upvc and aluminium fenestration. The proposed building would be uncharacteristic in terms of scale as it would be single storey whereas the immediate surrounding properties are notably 2 and 3 storey dwellings and apartment blocks. However, there is a variety of built form within the area, including garage blocks, and therefore the single storey addition would not cause harm to the character of the area. It is also noted that the provision of a taller development on the site is likely to have a harmful impact upon the amenity of neighbouring properties. The external appearance of the building lacks architectural detail or merit, with little rhythm to the placement of the fenestration and containing large expanses of rendered walls and it is acknowledged that building is not an overly attractive addition and would fail to enhance the appearance of the area. The assessment of the recent refused application **BH2016/02573** for a one and two storey block concluded that the addition would not be considered an attractive addition to the area. However

such concerns were not upheld by the Planning Inspectorate who, whilst acknowledging the design flaws of the previous scheme, stated the following in the assessment of application **BH2016/02573**:

'given the location of the site which is surrounded by buildings and the variety of appearance of buildings in the area, I consider this would not cause harm to the character and appearance of the area'.

- 7.9 It is therefore considered that, given the backland nature of the site, the variety of development in the area and the assessment within the recent appeal decision, the design of the scheme is acceptable within this setting.
- 7.10 **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. This policy accords with paragraph 17 of the NPPF which establishes as a key principle the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.11 Previously proposed developments for the site have raised concerns in terms of the impact upon the privacy and amenity of existing neighbours and the ability of future occupiers of the proposed development to have a reasonable level of privacy and amenity.
- 7.12 This application follows a previously refused application **BH2016/02573** for the erection of a one and two storey apartment block providing 3no units. It was considered that the proposed building what have a harmful impact upon no 8 Rowan Close and Hillcroft Mews in terms of outlook.
- 7.13 This application was subsequently the subject of a recent appeal to the Planning Inspectorate. In the assessment of the proposal the concerns raised by the Inspector related to the harm caused by of the two storey addition to no 8 Rowan Close and Hillcourt Mews in respect of outlook. In the assessment of application **BH2016/02573** the Inspector concluded that:
'I consider that the two storey elevation would result in the garden feeling much darker and more enclosed for occupiers of no 8 to a harmful degree'. With reference to the occupiers of Hillcroft Mews the Inspectorate stated that 'The wall would be a highly dominant and intrusive feature for these occupiers, especially from the first floor rooms which include habitable rooms.'
- 7.14 Given the single storey nature of the development it is not considered that the proposed building would result in overshadowing or loss of outlook to the adjoining properties. It is noted that the footprint of the development is larger than that of the previous application, with the building located to the western end of the site protruding further east extending along the boundary of no 6, no 4 and no 8 Rowan Close. However, given the single storey nature of the proposal this enlarged footprint is not considered to result in amenity harm to these properties.

- 7.15 The windows proposed to the north and west elevations would be obscure glazed and therefore no opportunity for loss of privacy would result. A condition to secure this is recommended. The window to the eastern elevation serving bedrooms would be a sufficient distance from any nearby residential windows so they would not cause harmful overlooking or loss of privacy. The window openings proposed to the southern elevation would face onto the boundary fence of the rear gardens of Rowan Close and therefore would not look directly onto garden spaces or habitable rooms.
- 7.16 The proposed boundary treatments to the patio areas are intended to be low level planting. A condition will be added requiring details of this to safeguard the privacy of the occupiers of the development and the occupiers of Rowan Close.
- 7.17 **Standard of accommodation:**
The proposal would create a 1no one bedroom flat and 2no two bedroom flats at ground floor level, each featuring an open planned living and kitchen area and bathroom and cupboard space. The open planned living and kitchen areas would be served by large bifolding doors which would provide good levels of natural light and outlook within the units. The proposed obscure glazed window openings to the front elevation would serve hallways and bathrooms, which are not habitable rooms and is therefore appropriate. The bedrooms within the units would contain window or door openings providing sufficient outlook and light. Whilst one bedroom window would be obscure glazed it would still contain another window opening serving the room.
- 7.18 The gross internal floor area of the 2no two bedroom flats measuring approximately 66sqm and 75sqm would meet the government's Technical Housing Standards for a 3 person, 2 bedroom, 1 storey property. The gross internal floor area of the one bedroom flat measuring approximately 52sqm would meet the government's Technical Housing Standards for a 2 person, 1 bedroom, 1 storey property. The bedrooms within the units meet the minimum national space standards for single and double bedrooms.
- 7.19 It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the units would meet these standards and is an indication that the accommodation proposed is an acceptable size.
- 7.20 Policy HO5 requires the provision of private useable amenity space in new residential development. The application proposes small outdoor patio areas for each flat and whilst small, they are considered acceptable to provide sufficient amenity space. The space for the one bedroom flat would measure 9sqm, however it would be sufficient for a small table and chair. It is acknowledged that the patio areas would not be overly private, as views would be achievable from the upper floors of Rowan Close to the south, and concern has been raised historically by the Local Planning Authority regarding the lack of privacy of the amenity space proposed. However, such concerns were not upheld by the Planning Inspectorate in assessing application BH2016/02573, whom whilst acknowledging that some views were achievable, concluded that, 'this type of relationship is not unusual in flatted developments'.

7.21 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwelling appears to be achievable; therefore a condition will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

7.22 **Sustainability:**

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption, therefore a condition will be applied to ensure the development meets the standards set out in policy CP8.

7.23 The submitted Design and Access Statement has noted that bin stores will be allocated, the details of which will be sort via condition.

8. EQUALITIES

8.1 None identified