

<u>No:</u>	BH2016/06335	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Martello House 315 Portland Road Hove BN3 5SE		
<u>Proposal:</u>	Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3).		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	13.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.02.2017
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	ZST Architects 3 Dorset Place Brighton BN2 1ST East Sussex		
<u>Applicant:</u>	Mr Martin C/o ZST Architects 3 Dorset Place		

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 **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Block Plan	P002	B	6 December 2016
Floor Plans Proposed	P100	C	6 December 2016
Elevations Proposed	P102	C	6 December 2016
Site Layout Plan	P001	B	6 December 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used);
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering;

- c) Samples of the proposed window, door and balcony treatments (balustrade and railing);
- d) Samples of all other materials to be used externally;

Development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptance of the scheme and 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 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 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)
 - iii. 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
 - iv. Details of hours of construction including all associated vehicular movements
 - v. 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.

- 5 The residential units hereby approved shall not be occupied until they have 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.
- 6 The residential units hereby approved shall not be occupied until they have 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.
- 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.

- 9 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.

- 10 The development hereby permitted shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should include but not be limited to the following measures:

- Details of pedestrian and cycle routes in the local area;
- Public transport timetable/ route maps;
- Two years car club membership per household.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 11 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.

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 recently converted office block into residential units. The building is 4 storeys in height which includes a lower ground floor level and is sited on Portland Road on the corner of Portland Road Trading Estate.

- 2.2 The application seeks consent to add an additional storey to the building to form two 1 bed apartments and two 2 bed apartments.

3. RELEVANT HISTORY

BH2016/02053 Land Adjacent To Martello Lofts Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Under Consideration.

BH2014/02611 Prior approval for change of use from offices (B1) to form 32no units. Approved 30.09.2014.

BH2015/00278 Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Approved 25.03.2015.

BH2015/00694 External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application BH2015/00278 for change of use from offices (B1) to residential (C3) to form 28no units. Approved 19.06.2015.

4. REPRESENTATIONS

- 4.1 Thirteen (13) letters have been received objecting to the proposed development for the following reasons:

- Access into the building during construction
- Safety of building
- Wheelchair access
- Car parking
- Height of building
- Refuse and recycling
- Overcrowding
- Lack of affordable housing
- Design
- Scale and bulk
- Overshadowing
- Sense of enclosure
- Loss of outlook
- Loss of privacy
- Overlooking
- Structural integrity of building
- Adverse impact on lifts and services
- Noise and disturbance
- Cycle storage
- Breach of covenants
- Suitability

5. CONSULTATIONS

- 5.1 **Environmental Health: Comment**
The application looks to create additional floor on Martello House to provide two, one bedroom flats and two, two bedroom flats.
- 5.2 While the road traffic noise is not perceived to be particular problem in this area, Environmental Health would have concerns about the potential impact from delivery noise and commercial vehicle movement on the proposed residents. However the plans shows that the flats are surrounded by a terrace, which means residents windows will be set back, and this will provide added protection inside in terms of noise.
- 5.3 The terraces themselves may have noise levels over, or at the upper end of what is acceptable under BS 8233:2014, but as they provide extra protection to the internal rooms it is not suggested that should be a reason for refusal. As stated above, the property is located near a busy road and active commercial sites, and therefore there is sense of buyer beware in terms noise levels on the terraces.
- 5.4 It is noted that noise does seem to be considered within the design, with the potential plant room and lift being set away from habitable rooms, and the stair case away from any bedrooms. Aside from above, there are concerns about how local residents will be affected during the construction of the proposed premises. While the issues related to construction cannot be a determining factor in deciding the planning application, it is suggested an attempt should be made to try and manage the impact caused by construction should the application be granted, given there are local residents in the flats underneath.
- 5.5 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.
- 5.6 It is therefore recommended that a Construction Environmental Management Plan be required.
- 5.7 **Sustainable Transport: Comment**
Car Parking
A further four residential units means that additional on-street parking demand can be expected as the Transport Note indicates that these will not be allocated on-site parking. The site is not located within a Controlled Parking Zone meaning that overspill parking will not be managed. Although the Transport Statement suggests that parking demand overall will be reduced from the original office use, it should be noted that this will generally occur at times of the day when residential demand is lowest. It is therefore recommended that the applicant undertake an on-street parking survey so as that the impact can be fully assessed. This should be completed in accordance with the Lambeth Methodology on two week nights.

- 5.8 The Highway Authority will provide updated comments on receipt of a parking survey; however, in the event that planning consent is granted, requests that Travel Plan measures, including car club membership for each household, be secured by condition in order to provide mitigation for the impact of additional on-street residential parking demand.
- 5.9 **Cycle Parking**
No additional cycle parking appears to be proposed. The site plan references cycle parking included on the original application reference BH2015/00691. However, the design of this is unclear and the number of spaces would appear to be insufficient to cater for both the consented and proposed residential units.
- 5.10 SPD14 requires one space per 1-2 bedroom flat plus one per three units for visitors. For the proposed development this would equate to six spaces, or 39 for the development as a whole. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered.
- 5.11 **Trip Generation**
The applicant's transport consultant has used the TRICS national trip rate database to calculate a net reduction of 101 person trips across the day compared to the former office use. However, this is based on a single penthouse unit only (29 flats in total).
- 5.12 A comparison using the trip rates outlined in the council's Developer Contributions Technical Guidance is as follows:
- Office: (1,044 sqm (Martello House) x 23 trips per 100 sqm = 240
Residential: (28 (Martello House) + 4 (Proposed)) x 6 trips per unit = 192
- 5.13 This therefore also suggests that there would be continue to be a net reduction in trips for Martello House when including the additional residential units. In the event that consent is granted, it is however considered necessary that the applicant implement travel plan measures for the reasons outlined in the car parking comments above.
- 5.14 **Further comments:** The parking survey has been conducted in accordance with a methodology applied by the Highway Authority and repeated over two nights. It is therefore acceptable and indicates that the additional overspill parking that could reasonably be expected for the residential elements of the proposed application and in conjunction with the concurrent application **BH2016/02053** could be accommodated on surrounding streets.

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
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design

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
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impacts of the on 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 History of the site:

The building has recently been the subject of a number of approved planning applications, most notably a prior approval application (**BH2014/02611**) to convert the office block into residential units. This development has been implemented and the building has also undergone a number of external alterations including the installation of French doors and balconies, to enable the conversion as well as provide a more residential appearance.

8.4 Design and Appearance:

The proposed additional storey is set back from the southern elevation as well as being set in from the sides of the building. The proposed storey is of a form, design and detailing which would be in keeping with the elevations below, and would be clad in aluminium with powder coated windows and door openings. Each unit would have access to a roof terrace. A glass balustrade border terraces and would be set in from the main parapet roof of the building. Rooftop plant would be re-positioned at the rear of the building on top of the flat roof of the new storey.

8.5 The building fronts Portland Road, which is characterised by a mix of residential and commercial properties of varying design and scale. Martello House sits on the access road into Portland Road Trading Estate which has a commercial nature and appearance with large warehouse type buildings sited at the rear of the estate, visible from Portland Road.

8.6 Adjoining the trading estate is residential development in the form of traditional two storey semi-detached properties. There are examples of larger scale properties within the vicinity of the site, such as the 3 storey EDF building, located further west than the application site. Currently, Martello House sits taller than surrounding development and forms a prominent structure within the Portland Road streetscene, particularly due to the open nature of the plot.

8.7 The additional height of the extensions would be approximately 2.6m increasing the building to an approximate total height of 16.8m. To the rear of the building an additional level with a height 1.4m would be positioned to accommodate plant equipment. Due to the ground level of sloping up to the north, at the point where the plant would be positioned, the building would have an overall height of 16.1m measured from the top of the plant from the ground level directly below. The glazed balustrades would measure 1.1m high and would be positioned around the perimeter of the roof and would match the balustrades of the balconies on the floors below.

8.8 It is acknowledged that the additional height would be noticeable within the streetscene, however the additional storey would be read as a 'penthouse'

extension and is not considered to significantly increase the dominance of the main building. The set back of the extension ensures that it remains a subservient addition to the building and the modern design is considered appropriate within the context of the building and the surrounding area. The proposal is therefore not considered to affect the character and appearance of the building, streetscene or the surrounding area.

8.9 Furthermore, an additional storey with an acceptable design and impact is considered a more efficient and effective use of the site without compromising the concentration of the built form to the surrounding area.

8.10 **Impact on Amenity:**

The proposed extension would be entirely set within the current footprint of the existing block of flats and as such the new addition would maintain an acceptable relationship with its surroundings. The proposed openings and terrace areas would provide a similar outlook and impact as the existing window openings and balconies on the building. The proposal is therefore unlikely to result in any significant loss of privacy, loss of outlook, loss of light or overshadowing as a result of the additional height.

8.11 It is not considered that the addition of four flats would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal.

8.12 A number of objections have been received from residents currently residing within Martello House. These representations have raised a number of concerns particularly the noise and disturbance that would occur during the construction of the development. Whilst this issue is not a material planning consideration and disturbance caused during construction works would be a matter for control through the Councils Environmental Health powers, the Environmental Health Officer has commented on the development and does raise concerns that the onus should be on developers to minimise complaints from residents. A Construction Environmental Management Plan is recommended to be secured through a condition, which should include a timetable of the construction, a scheme of how the contractors will liaise with local residents and how any complaints are dealt with and the hours of construction to ensure that amenity of neighbouring properties is protected.

8.13 **Standard of Accommodation:**

The development would provide 2no 2 bed units and 2no 1 bed units. All units would have an acceptable layout and adequate levels of light, outlook and natural ventilation. The 2 bed units have a floor area of 75sqm and 83 sqm. The 2 one bed units have a floor area of 50sqm and 52sqm. It is acknowledged that the LPA do not have an adopted policy on minimum room sizes, however the space standards as set out in the 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes. One of the two bed units

would be 4sqm below the recommended minimum standard of 79sqm, based on 4 people sharing the flat. This shortfall is not considered to cause significant concern and the flat would provide an acceptable standard of living accommodation based on the layout and size of the rooms. The two 1 bed units would be in line with the minimum of 50sqm based on 2 people sharing the flat.

8.14 Each unit would be provided with a roof terrace. It is considered that this is acceptable given the size of the units and would be an improvement on the amenity areas provided for the existing flats on the floors below which are smaller balconies.

8.15 **Sustainable Transport:**

A further four residential units means that additional on-street parking demand can be expected as the Transport Note indicates that these will not be allocated on-site parking. The site is not located within a Controlled Parking Zone meaning that overspill parking will not be managed. Although the Transport Statement suggests that parking demand overall will be reduced from the original office use, it should be noted that this will generally occur at times of the day when residential demand is lowest.

8.16 The applicant has submitted a Transport Assessment which considers the combined impact of the proposal and a concurrent application on the site for the erection of 2no three storey buildings to provide 6 offices and 4 flats. The Transport Officer is satisfied that if both applications were granted and implemented there would be no adverse impacts caused to the highway.

8.17 No details of cycle parking has been included with the application, further details will be secured by condition.

8.18 **Sustainability:**

Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards will be secured by condition.

9. EQUALITIES

9.1 None identified.