

<u>No:</u>	BH2017/00574	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80A Stoneham Road Hove BN3 5HE		
<u>Proposal:</u>	Formation of third floor to form 2no bedroom flat incorporating terrace and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	24.02.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	21.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Michael Pirrie Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Mr Thompson C/O 1 Olivier House 18 Marine Parade Brighton BN2 1TL		

This item was originally presented to committee on the 12 July 2017. Members at this committee deferred consideration of the application in order to clarify the position in respect of the previous refusals and appeal decision. In addition, Members requested detailed drawings/slides highlighting the differences between the existing and proposed scheme in order that comparisons could be made between the previous scheme and the scheme at the time.

In the intervening period, officers re-considered the history of the site and negotiated amendments to the scheme.

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 be **MINDED TO GRANT** subject to the expiry of the re-consultation period on 7/8/18 and the receipt of no new representations raising new material planning conditions 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
Elevations Proposed	YO235-2003 (EAST)	-	3 July 2018
Location and block plan	YO235-0001	-	20 February 2017
Elevations Proposed	YO235-2001 (WEST)	B	25 July 2018
Elevations Proposed	YO235-2000 (NORTH SOUTH)	A	3 July 2018
Sections Proposed	YO235-3000	-	3 July 2018

Floor Plans Proposed	YO235-1203 (3RD)	C	25 July 2018
Roof Plan Proposed	YO235-1204	-	3 July 2018
Floor Plans Proposed	YO235-0600 (GR,1ST,2ND)	A	20 June 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. 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.
4. Other than the third floor terrace area detailed on drawing no. YO235-1200, access to the third floor flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. 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
6. 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 City Plan Part One.
7. The windows in the southern 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 Brighton & Hove City Plan Part One.
8. A 1.8m high obscure glazed privacy screen shall be erected to the western elevation of the terrace area and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

9. No development 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 render and roof material
 - b) details of the windows and doors
 - c) details of privacy screening to the west and southern side elevations. The details shall comprise opaque or solid screening to a height of 1.8 metres. 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.

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 three storey apartment building comprising 7 flats, located on the south side of Stoneham Road. The property is constructed in render and timber cladding with aluminium fenestration. To the east is the former Maynards Sweet Factory (which is included on the Local List of Heritage Assets), which has been converted into seven live-work units. To the west of the site is the School Road industrial estate. To the south the site drops down to the rear gardens of houses fronting Marmion Road. To the north are two storey terraced single family dwellinghouses in Alpine Road, which are characteristic of the surrounding area.
- 2.2 Planning permission is sought for the formation of third floor to form 2no bedroom flat incorporating front balcony, terrace and associated works.
- 2.3 This application is a resubmission of the previously refused application BH2013/01569 which was refused due to the extra storey resulting in a loss of amenity to 33 and 35 Marmion Road. A previous application (ref: BH2012/03504) was refused for the extra storey due to an excessive scale bulk and height and an inappropriate design.
- 2.4 This application proposes to address these issues by amending the design of the additional storey and a Light Impact document has been submitted.
- 2.5 During the course of the application the scheme has been amended to reduce the floor area of the third floor 2no bedroom flat from 78sqm to 61sqm. The footprint has been set back from the front elevation which reduces the

dominance of the proposal.

3. RELEVANT HISTORY

BH2013/02345- Application for approval of details reserved by conditions 10 and 11 of application BH2012/03165. Approved on 17.06.2017.

BH2013/01569- Demolition of existing single storey building and erection of four storey block to form eight residential units. Refused on 19.07.2013. The reason for the refusal was as follows:

1. The proposed development, by virtue of its additional height and massing, would result in an overbearing, dominant and un-neighbourly form of development resulting in a significant loss of amenity to the properties to the south at 33 & 35 Marmion Road. In addition, the applicant has failed to demonstrate that the development would not result in a significant loss of daylight to these properties. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2012/03504- Demolition of existing single storey building and erection of a four storey block to form eight residential units. Refused on 25/02/2013. The reasons for the refusal were as follows:

1. The proposed four storey development, by reason of its excessive bulk, scale and height, would not appear subordinate to the adjoining former Maynards sweet factory building, which has been identified as an important heritage asset on the Council's Local List. The scheme would compete with this adjoining building's architectural primacy within the street scene and would not respect its setting. The development would thereby not emphasise or enhance the positive qualities of the local neighbourhood and the proposals are considered contrary to policies QD1, QD2 and HE10 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of its overall scale, bulk and height, together with the contrived design and inappropriate detailing of the fourth floor, would result in an awkward relationship with the adjoining former sweet factory building and would detract from the character and appearance of the wider Stoneham Road street scene. The proposals are thereby contrary to policies QD1 and QD2 and HE10 of the Brighton & Hove Local Plan.

App/Q1445/A/13/2197768- Appeal dismissed on 05.11.2013.

BH2012/03420- Application for Approval of Details Reserved by Conditions 6 to 12 of application BH2011/01760. Approved on 18/02/2013.

BH2012/03165- Application for variation of condition 2 of application BH2011/01760, (Demolition of existing single storey building and erection of a three storey block to form seven residential units), to permit revisions to approved drawings including window, roof and balcony alterations. Variation of condition 10 to replace reference to living wall with 1.8 metre high brick wall and 3 metre high conifer hedge along South and West sides. Approved on 25/02/2013.

BH2011/01760- Demolition of existing single storey building and erection of a three storey block to form seven residential units. Approved on 08/03/2012.

BH2010/00177- Application to extend time limit for implementation of previous approval BH2006/02653 for the demolition of existing single storey building and construction of a three storey building to form 5 residential units and part ground floor (B1) office unit. Approved on 15/04/2010.

BH2006/02653- Demolition of existing single storey building & construction of a three storey building to form 5 residential units & part ground floor B1 office unit. Approved on 07/02/2007.

BH2006/01072- Demolition of existing single storey building and construction of 4 storey plus lower ground floor building, to form 8 No. 2 bedroomed affordable housing units. Refused on 14/06/2006.

4. REPRESENTATIONS

4.1 Seventeen (17) letters of representation have been received objecting to the proposal for the following reasons:

- Overdevelopment of the plot
- Result in loss of light/daylight
- Result in noise pollution
- Result in overlooking and loss of privacy
- The extra storey would be overbearing, dominant and unneighbourly
- The extra storey would diminish the harmony of the roofline
- The proposal would detract from the character of the area
- Concern that the Right of Light document does not include Alpine Road
- The development should be car free or would result in traffic issues
- Impact on the locally listed Maynards Sweet Factory Building

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

5. CONSULTATIONS

5.1 Environmental Health: No Comment

5.2 Sustainable Transport: No objection
Car Parking

No car parking is proposed; however, any additional demand that does arise for on-street parking as a result of the proposals will be managed by the surrounding Controlled Parking Zone. Given the particular circumstances and location of the proposed development the proposed level of car parking is deemed acceptable to the Highway Authority. Given the likely overspill car parking from the proposed development, the level of on-street parking and availability of permits, it is not considered necessary to prevent access to CPZ permits for future occupiers.

Cycle Parking

No additional cycle parking appears to be proposed with SPD14 requiring one additional space. However, it is noted that there is an existing cycle store consented under the original application which could also provide for the additional unit. Therefore, no further details are requested in this instance.

Trip Generation

It is not considered that the addition of one two bedroom flat will result in a substantial uplift in trip generation and therefore no objections are raised in this instance.

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

CP14 Housing density

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

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 impact of the additional storey on the character and appearance of the building, adjacent locally listed Sweet Factory building, the wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- 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.
- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4 History of the site:**
There have been a number of schemes put forward for the redevelopment of the site. Application BH2006/01072 was refused planning permission for a four storey block plus basement. Application BH2006/02653 was approved for a three storey block. This scheme was not implemented. A subsequent application was granted in 2011 (ref: BH2011/01760) for the demolition of an existing single storey building at the site and the erection of a three storey block to form seven residential units with subsequent amendments to window, roof, balcony and boundary treatments approved under application BH2012/03165. The residential block is now in situ.
- 8.5 Following this, the schemes put forward for a four storey block with the addition of an extra storey at third floor level (ref: BH2012/033504 and BH2013/01569) were refused due to design and amenity issues. Application BH2012/033504 was refused on design and amenity grounds and was the subject of an appeal

(App/Q1445/A/13/2197768) dismissed on 05.11.2013. Application BH2013/01569 addressed some concerns but was refused on amenity grounds.

8.6 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.

- 8.7 The surrounding area is largely characterised by two storey terraced houses. The only building of a similar scale to the proposed development is the adjacent Former Maynards sweet factory. This is an attractive red brick Victorian building that is four storeys in height, with the top floor set within a predominantly glazed pitched roof. As such it has a reasonably lightweight appearance when viewed along Stoneham Road. In recognition of its architectural interest, it is included on the Local List of Heritage Assets.
- 8.8 The proposal seeks planning permission to add an additional floor to the residential scheme initially approved under BH2011/01760 and subsequently amended under BH2012/03165. The proposed additional storey would be set back from the front and rear elevation of the property with materials comprising of white render with grey aluminium doors to match the existing building. A terrace is proposed to the flat roof area.
- 8.9 This application follows two previously refused applications. Application BH2012/03504 for an additional storey was refused largely owing to concerns that its scale, form and contrived design represented an incongruous addition that would unsatisfactorily compete with the architectural primacy of the adjacent Sweet Factory, particularly when viewed from Stoneham Road and Alpine Road.
- 8.10 This application was the subject of an appeal to the Planning Inspectorate. In the assessment of the proposal the Inspector considered that the design of the scheme, and prominent footprint, would have a harmful impact on the setting of the former Maynards sweet factory building and on the character and appearance of the area.
- 8.11 Following this, application BH2013/01569 addressed the reasons for refusal on design terms by amending the scheme and setting the additional storey further from the front elevation of the building and the design approach was considered acceptable in regard to design, scale and material. The application was refused on amenity grounds.
- 8.12 The design of the scheme in 2012 under application BH2012/03504 was considered inappropriate due to the excessive bulk, scale and height forming a dominant addition to the building and surrounding development. A subsequent scheme in 2013 under application BH2013/01569, whilst refused on amenity

issues, was considered acceptable in terms of design, due to the lightweight appearance of the additional storey.

- 8.13 The current application was originally presented to committee on 12 July 2017. Members at this committee deferred consideration of the application in order to clarify the position in respect of the previous refusals and appeal decision (as discussed above). In the intervening period, officers re-considered the history of the site and negotiated amendments to the scheme.
- 8.14 The original submission, which was presented to committee on 12 July 2017, proposed a 2no bedroom flat with a footprint of 78sqm, comprising of open planned living arrangement, a bathroom and a private terrace area. The addition was recessed from the (eastern side) front elevation by approximately 1.1m and by approximately 1m from the (western side) front elevation. Following amendments to the scheme, the footprint of the 2no bedroom flat has been reduced to 61sqm and the internal layout of the flat has been re-configured. The extension is now recessed by approximately 2.7m from the (eastern side) front elevation and by 6.6m from the (western side) front elevation with the terrace area relocated to the front elevation of the roofslope. The footprint of the extension is comparable to the footprint of the scheme considered under application BH2013/01569, which was considered acceptable in design terms.
- 8.15 These amendments to the scheme, by setting the additional storey further back from the front elevation of the building, results in a simplified footprint and appearance. The height of the addition would be lower than that the roofline of the adjoining Sweet Factory and the additional storey would be set off the flank wall of the Sweet Factory building. These elements would serve to create a subordinate addition relative to the Sweet Factory, which would not compete or contend with the setting of the Sweet Factory and would not cause visual harm to the appearance of the street scene.
- 8.16 The proposed development is considered to represent an acceptable design in accordance with policy CP12 of the Brighton & Hove City Plan.
- 8.17 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.
- 8.18 Neighbouring residential occupiers have expressed concern that the proposed development would result in a loss of light, overshadowing, noise and disturbance, and overlooking.
- 8.19 The main concern is with regard the impact of the additional height of the development on the properties to the south of the site. The properties to the rear, most notably nos, 33 & 35 Marmion Road, are set in a terrace of two storey houses. The terraces on Marmion Road taper in relation to Stoneham Road such that the development site is in closer proximity than the adjacent

Sweet Factory building. The submitted section drawing reveals that the development site is on higher ground level to the properties on Marmion Road, with the additional fourth floor set at a separation of 15m.

- 8.20 A BRE guidance document was submitted with the previously refused application BH2013/01569 in which it was considered that a more detailed daylight/sunlight assessment would be required to establish the likely extent of daylight loss. A daylight impact assessment has been submitted with this application. The windows assessed were the properties at 33 and 35 Marmion Road. The analysis of the Vertical Sky Component concludes that the windows analysed achieve adequate daylight levels. The report states that, 'the affects on all windows analysed are not seen to be of a significant level and fall well within the BRE impact limits. The most detrimental affect being -8.69% reduction in VSC value, which falls well within the 20% reduction allowance before adverse effects are to be noted.' The report confirms that the assessed windows are not subject to a negative impact and are in line with BS82016-2:2008 and BRE recommendations for adequate lighting levels.
- 8.21 It is noted that residents to the rear of the site have raised concerns regarding the impact of the proposal on their properties in terms of overshadowing and loss of light. However the report is comprehensive and finds that the effect of the additional storey would have a minimal impact on the properties to the rear. Nevertheless Daylight/Sunlight Analysis forms a single element of a wider assessment of the impact of a development on neighbours.
- 8.22 Notwithstanding the conclusions made by the survey report, the design and detailing of the rear of the additional storey would ensure that the development would not result in overshadowing toward these properties. The previous scheme under application BH2013/01569 proposed to extend the rear elevation of the additional storey directly off the rear elevation of the building, whereas under this application the rear elevation of the additional storey would be recessed and angled away from the rear elevation of the building.
- 8.23 The proposed glazing and angle of the rear elevation would restrict views toward the rear gardens and rear elevations of the properties on Marmion Road. The glazing of the rear elevation of the additional storey will be secured via condition. The addition would be set in from the rear elevation of the building and has been designed to angle away from the rear elevation, in contrast to the previous application which proposed to extend the rear elevation directly off the rear elevation of the buildings. This is considered sufficient to ensure that the extra storey would be not have an overbearing, dominating and unneighbourly presence on the properties to the rear.
- 8.24 The terrace proposed to the western side of the roofspace would result in overlooking of the adjoining garden areas and rear of the properties of Marmion Road. A condition is recommended requiring that a 1.8m high obscure glazed privacy screen is erected. The addition of which is considered sufficient to mitigate against any overlooking or loss of privacy and would restrict views of the garden spaces and rear of the properties. In terms of noise and disturbance as a result of the proposed terrace, it is considered that the size of the terrace

would not result in any significant disturbance or noise to warrant refusal of planning permission.

8.25 For the reasons outlined above it is not considered that any loss of light or overshadowing to neighbouring occupiers would be so significant as to warrant refusal of the application on these grounds and the development would not be significantly overbearing or result in significant loss of privacy. It is considered the development accords with policy QD27 of the Brighton and Hove local Plan.

8.26 Standard of Accommodation:

The application proposes a 2 bedroom flat at third floor level. The gross internal floor area of the 2 bedroom flat measuring approximately 61sqm would meet the government's Technical Housing Standards which states that a 3 person, 2 bedroom, 1 storey property should measure 61sqm. The unit features two bedrooms each of which meets the minimum national space standards.

8.27 It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the unit would meet these standards and is an indication that the accommodation proposed is an acceptable size.

8.28 The flat comprises of open planned living/kitchen/dining room, bathroom, 2no bedrooms and en-suite bathroom with private roof terrace. Whilst the large rear window is proposed to be obscure glazed it is considered that adequate light would serve the open planned room from the front window opening. Both bedrooms would contain window openings which would provide sufficient levels of natural light and outlook.

8.29 Policy HO5 requires the provision of private useable amenity space in new residential development. The unit would provide an adequate sized terrace at roof level, in accordance with Policy HO5.

8.30 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. Given that the development is at third floor level with no lift the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore this condition will not be applied.

8.31 Highways:

The proposal is unlikely to generate a substantial increase in trips to the application site.

8.32 No car parking is proposed; however, any additional demand that does arise for on-street parking as a result of the proposals will be managed by the surrounding Controlled Parking Zone. Given the particular circumstances and location of the proposed development the proposed level of car parking is deemed acceptable to the Highway Authority. Given the likely overspill car parking from the proposed development, the level of on-street parking and

availability of permits, it is not considered necessary to prevent access to CPZ permits for future occupiers.

8.33 Cycle storage is not proposed, however the existing store on the site could also provide for the additional unit.

8.34 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

9. EQUALITIES

9.1 None identified