

<u>No:</u>	BH2018/00149	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block B The Priory London Road Patcham Brighton BN1 8QT		
<u>Proposal:</u>	Erection of additional single storey extension on top of existing building to form 4no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	16.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	13.03.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Anstone Propeerties Ltd C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

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
Bat Survey	BAT ACTIVITY SURVEY 2018		16 July 2018
Location Plan	A1216/01	B	16 January 2018
Block Plan	A1216/02	B	16 January 2018
Floor Plans Proposed	A1216/07	C	16 January 2018
Elevations Proposed	A1216/08	C	16 January 2018
Elevations Proposed	A1216/09	B	16 January 2018
Elevations Proposed	A1216/10	B	16 January 2018
Other	A1216/12	C (LIFETIME HOMES)	16 January 2018
Roof Plan Proposed	A1216/13	B	16 January 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The vehicle parking area(s) 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 and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

4. All ecological measures and works shall be carried out in accordance with the details contained in The Bat Activity Survey report (The Ecology Partnership, July 2018). If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within two years from the date of the planning consent, the approved ecological measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

5. 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 roofing materials (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) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of all other materials to be used externallyDevelopment 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 City Plan Part One.

6. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. The residential units 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 City Plan Part One.

8. The residential units 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 City Plan Part One.

9. 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.

10. 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.

11. 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.

12. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until the mitigation measures against rail and traffic noise set out in the report by Anderson Acoustics dated 11th September 2011 have been implemented. The measures shall be implemented in strict accordance with the approved measures prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of the flats and to comply with policy QD27 of the Brighton & Hove Local Plan.

13. Prior to first occupation of the development hereby approved, the privacy screening separating the external amenity space as indicated on the approved plans shall have been installed and shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the future occupiers of the development and to comply with policy QD27 of the Brighton & Hove Local Plan.

14. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Any lighting installed shall accord with the details approved and no lighting shall be installed other than the lighting which forms part of the approved scheme.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

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 is located on the western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. The application in question relates to Block B. There are garages and parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton rail line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 The application seeks consent for the erection of an additional storey to Block B in order to provide four flats each containing two bedrooms and external amenity space.

3. RELEVANT HISTORY

Block B

BH2014/04088 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 13/03/2015. Expired.

BH2011/01611 - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 7/12/2011. Expired.

BH2010/01898 - Construction of 4 no. additional garages. Refused 22/10/2010.

Blocks C and D

BH2013/03946 - Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level. Approved 27/06/2014. Expired.

BH2013/00287 - Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

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. Allowed on appeal 9 April 2010.

Blocks A, B, C, and D

BH2005/06744 - Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused 18/01/2008.

93/0503/OA - Construction of an additional floor to each of the four blocks of flats to form ten new flats together with the provision of 15 new parking spaces. Refused 13/08/1993.

4. REPRESENTATIONS

4.1 **Seven (7)** letters has been received objecting to the proposed development for the following reasons:

- Overshadowing
- Additional parking pressure
- Existing residents have to park outside of development / on grass / double yellow lines
- The existing access is only one lane wide
- Dangerous to pedestrians and cyclists
- Waste storage issues
- Effect on existing occupiers
- Bike storage on site is not available to existing occupiers
- Would set a precedent for all blocks
- Increased disturbance from additional comings and goings
- Appearance is inappropriate
- The lift would be out of use
- Existing penthouse flats would no longer be on top floor
- Noise from roof gardens
- Out of keeping with other blocks
- General disruption from construction works

5. CONSULTATIONS

5.1 **Environmental Health:** Comment

No contaminated land issues on site.

5.2 **Sustainable Transport:** No objection

No objection subject to conditions securing highway improvements, a scheme of cycle parking, retention of the parking area and amendments to the vehicular access / signage.

5.3 **County Ecologist:** Comment

No objection subject to the inclusion of necessary conditions securing ecological measures set out within the submitted bat survey report, a light design strategy and a time limit on the development.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **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
 CP12 Urban design
 CP14 Housing density
 CP18 Healthy city
 CP19 Housing mix
 CP20 Affordable housing

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

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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD06 Trees & Development Sites
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations

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 Principle of Development:

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).

8.3 The application seeks consent for the erection of an additional storey to the block of flats to contain four additional flats.

8.4 Planning permission (BH2014/04088) was granted in June 2015 for a including two flats within a roof extension to block B; this scheme was not implemented. A previous application (BH2009/00058) was allowed on appeal in April 2010 for an additional storey to blocks C and D to provide 4 x 3 bedroom flats; again this permission was not implemented.

8.5 As a principle, forming additional residential units through the construction of an additional storey has therefore been established. A detailed assessment of the current proposal is set out below.

8.5 Design and Appearance:

The proposed additional storey would comprise a rendered addition with sections of glazing and sliding doors and would be set in from either end of the existing building. The additional storey would project approximately 2.1m from the existing roof line with a 70cm lift overrun. The additional storey would be set back from the existing roof parapet by a minimum of 1.5m on all sides with a roof garden for each flat located within the set-back surrounded by a glazed ballustrade.

8.6 Block B is set well into the site, and lies behind Blocks C and D, there is also a dense tree screen on the boundary fronting onto London Road. The block is currently not visible from directly in front of the site and given the existing screening, with the increase in height proposed, its visibility would not be substantially increased. Part of the south side elevation and the front of the

Block B are currently visible from The Deanway to the south with long views available from London Road. Whilst the roof extension would be seen from these views, it is considered that the glazing and simple pattern would provide a clean modern contrast to the existing building and would preserve the visual amenity of the area.

8.7 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.

8.8 The Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

8.9 Although terraces are proposed on site, given the 40m level of separation, there would not be any significant overlooking or loss of light / outlook of Homeleigh (a residential block of flats) to the north of the site. To the south the site is some 25m away from detached residential properties located in the Deanway. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

8.10 The addition of four flats not would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal.

8.11 Standard of Accommodation for Future Occupiers

The proposal includes four additional flats each of which would include an open plan kitchen and living room, a bathroom and shower room, two bedrooms and external amenity space. Two of the flats (60B and 60C) would include two double bedrooms whilst the remaining two (60A and 60B) would include a single and a double bedroom. All four flats would accord with national space standards in terms of gross internal floor area and bedroom sizes.

8.12 A privacy screen has been indicated on the roof terrace in order to separate the external amenity space. This is considered necessary and appropriate and its implementation shall be secured by condition.

8.13 Overall the standard of accommodation including the external amenity space would provide a positive standard of accommodation in accordance with policy QD27.

The agent has provided a document indicating that the proposed units will accord with the M4(2) standard. This shall be secured by condition to address the objectives of Policy HO13.

In assessing the last application (BH2014/04088) and the earlier application (BH2011/01611) it was considered that additional acoustic measures were required in order to alleviate potential noise impacts from the adjacent London Road. The last approval included an acoustic report which detailed that to achieve internal noise criteria recommended in BS8233 the glazing specification and alternative means of ventilation should achieve a sound level reduction of at least 35dB. The report mentioned three possible types of ventilation, the choice of which would depend on the airflow requirements for each room. Whilst no acoustic report has been included with this application the measures secured within the last approval shall also be secured within this application.

8.14 Sustainable Transport:

The proposal includes details for provision of four additional parking spaces in order to cater for the additional units. The level of parking provided is in accordance within the maximum standards specified within SDP14 and its retention shall be secured by condition. Whilst the loss of vegetation on site in order to accommodate the parking is regrettable, it is not considered significant enough to warrant refusal.

8.15 A secure cycle store is indicated on the site plan adjoining the existing vehicle garages to the south of the block. Whilst there is no objection to the location of the parking, the level of detail is limited. A full cycle parking scheme shall be secured by condition.

8.16 The sustainable transport team have indicated the possibility for signage improvements and potential widening of the vehicular access road to the site. Given that the site is an established residential estate and has been operating as such for some time, it is not considered that the addition of four residential units would be proportionate to the requested improvements in this case.

8.17 Sustainability:

City Plan Part One Policy CP8 requires all new development to incorporate sustainable design features in order to mitigate against and adapt to climate change. On this basis optional standards for energy and water usage shall be secured by condition

8.18 Ecology and Nature Conservation

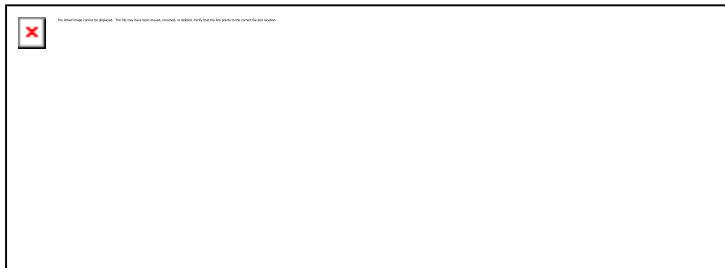
Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.

8.19 It is noted that specific measures were secured within the last application (BH2014/04088) in order to ensure the development would not have a harmful impact to a large maternity roost of Common Pipistrelle Bats which existed under the shiplap cladding within Block D on site. Under the current application, a bat survey was requested and supplied by the applicant.

8.20 The submitted report does not identify any bat roosts on the building however it is acknowledged that the building does have potential to accommodate roosting bats. Furthermore bats may travel through the site. On this basis a number of ecological measures as identified within the report shall be secured by condition. The measures secured will be reviewed and updated if the development is not commenced within two years of this planning consent.

9.0 EQUALITIES

9.1 None identified



Signature of Reviewing Officer:

Dated:

