

<u>No:</u>	BH2016/06391	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	123 - 129 Portland Road Hove BN3 5QY		
<u>Proposal:</u>	Creation of additional floor to provide 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	20.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Allen Planning Ltd Mr Tony Allen The Old Fire Station EC Salt Lane Salisbury SP1 1DU		
<u>Applicant:</u>	Mr U Eisenstein C/o Agent Allen Planning Ltd The Old Fire Station EC Salt Lane Salisbury SP1 1DU		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	T(10)P01	A	20 December 2016
Site Layout Plan	T(20)P00-CA	-	8 December 2016
Elevations Proposed	T(20)E01	K	23 May 2018
Floor Plans Proposed	T(20)P02	K	23 May 2018
Roof Plan Proposed	T(20)P03	F	23 May 2018
Detail	(NOISE REPORT)	-	19 February 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 development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. The development hereby permitted shall not be first occupied until the recommended glazing specified in Messrs Clement Acoustic's acoustic report reference 12013-NEA-01 RevB dated 19.02.2018 and the concomitant ventilation arrangements shall have been fully implemented and retained and shall thereafter be retained as such. The window performance specification shall apply to all windows on the façade and include the whole window unit, including the frame and other design features.

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

7. Other than the private terrace areas and open deck access areas as detailed on drawing no. T(20)P02 rev K, access to the flat roof areas 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.

8. 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.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

10. 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 cladding and roof material
- b) details of the windows and doors
- c) details of glazed balustrade

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 relates to a two storey building situated on the corner of Portland Road and Shelley Road with office space (Class Use B1) on the first floor and ancillary storage space at ground and basement floor level. The entrance to the site is on Shelley Road which has a vehicular entrance incorporating a loading bay area that was previously associated with the retail units on the ground floor. There are two separate entrances to the building that provide access to the first floor.

- 2.2 A Prior approval application for the change of use from offices (B1) to residential (C3) to form 11 apartments at the application site was approved on 09.03.2016 (application BH2016/00110). A further prior approval application to form 12 apartments was approved on 10.04.2017 (application BH2017/00516). External alterations to the building in association with this prior approval to facilitate the conversion to residential were approved under application BH2016/06409. Works have started on the site to facilitate the conversion to residential at first floor level.

- 2.3 Planning permission is sought for the creation of an additional floor at second floor level to provide a 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations.
- 2.4 During the course of the application the scheme has been amended to reduce the number of units from 5 units to 4 units providing a 1no one bedroom flat and 3no two bedroom flats at second floor level. The internal layout of the flats have been altered with amendments to the design of the scheme, notably the rearrangement of window openings and alterations to the balustrade, as well as the omission of some of the terrace area to flat 13 to protect neighbouring amenity. An acoustic report has also been submitted.

3. RELEVANT HISTORY

BH2016/06415 (123-129)- Creation of additional floor to provide 3no one bedroom flats and 5no two bedroom flats (C3) with associated alterations. Under Consideration.

BH2016/06409 (123-129)- External alterations including creation of juliet balconies and alterations and additions to fenestration in association with prior approval application BH2017/00516 for change of use from offices (B1) to 12no flats (C3). Approved 02.01.2018.

BH2017/00516- (123-129)- Prior approval for change of use from offices (B1) to residential (C3) to form 12 apartments. Prior Approval Required Approved 10.04.2017.

BH2016/00110 (127-129)- Prior approval for change of use from offices (B1) to 11no one and two bedroom flats (C3). Prior Approval Required Approved 09.03.2016.

BH2016/06212- (123 -125)- Prior approval for change of use from offices (B1) to residential (C3) to form 12no flats. Prior Approval Required Refused 20.01.2017.

4. REPRESENTATIONS

4.1 Twenty Two (22) letters of representation have been received, including representations from the amended scheme, objecting to the proposal for the following reasons:

- Overdevelopment
- Inappropriate height of development
- Poor design
- Out of keeping
- Result in overlooking and loss of privacy
- Restriction of view
- Result in overshadowing and loss of light
- Impact on daylight and sunlight
- Result in noise pollution

- Result in traffic issues
- Result in refuse issues
- Detrimental effect on property value
- Not a sustainable development

5. CONSULTATIONS

5.1 Sustainable Transport: No objection- 10.03.2017

No objection subject to conditions.

Verbal comments following amendments- 18.05.2018

The previous Highway Authority comments still stand however the minimum number of cycle parking spaces may be reduced from 7 to 4 spaces (to reflect the reduction in units and visitor parking not being required when under 5 units). As stated previously this is in addition to the cycle parking associated with other consented units on this site.

5.2 Environmental Health: No objection

The noise report is now complete and the scheme is acceptable providing glazing and the concomitant ventilation arrangements are implemented.

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);
 - o East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing Delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings

CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing Density
CP15 Heritage

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of the conservation area
HE8 Demolition in conservation areas

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, the wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of the 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. The most recent land supply position was published in the 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Principle of Development:**
A Prior approval application for the change of use from offices (B1) to residential (C3) to form 11 apartments at the application site was approved on 09.03.2016 (application BH2016/00110). A further prior approval application to form 12 apartments was approved on 10.04.2017 (application BH2017/00516). Therefore, the principle of a residential use on the site has been established but it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

8.4 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.

8.5 Portland Road is characterised by development of varying style, scale, heights and detailing, with a mix of commercial and residential units. The surrounding area is largely characterised by two storey terraced houses. Portland Road itself consists of a mix of residential terraces of traditional style and appearance, two and three storey commercial and residential buildings and some modern flatted developments. To the west of the site lies St Peter's Church which is of local interest.

8.6 The proposal seeks planning permission to add an additional floor at second floor level to the existing building. The existing building, of commercial appearance, is of no architectural interest or merit and is a fairly low key presence in the street scene. The proposed additional storey would be sited on top of the existing two storey building and would be set back from the west and south elevations of the building.

8.7 The proposed materials comprise of zinc standing seam metal cladding with grey Upvc fenestration and a flat roof with a parapet capping. Private terrace areas with balustrade are proposed to the flat roof of the Portland Road and Shelley Road frontages. The main front and side elevations would be set back from the front and side façade of the property. By recessing the proposed addition, set back behind the building line of the elevations, the mass and visual impact of the proposed addition would be reduced. The proposed addition would be a relatively simple but contemporary design, with materials appropriate to a modern roof extension development. The use of metal cladding would contrast with the red brick elevations of the existing building, however the addition would sit appropriately within the surrounding development and would complement the existing building.

8.8 The proposed development is considered to represent an acceptable design and would not harm the character and appearance of the existing site, streetscene or the surrounding area, in accordance with policy CP12 of the Brighton & Hove City Plan.

8.9 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.

- 8.10 Neighbouring residential occupiers have expressed concern that the proposed development would result in a loss of light, overshadowing, noise and disturbance, and overlooking.
- 8.11 There would be a distance of approximately 18m between the development and the properties of Shelley Road to the west and approximately 24m between the properties of Portland Road to the south. Given this distance, it is not considered that the development would have a significant adverse impact upon the amenities of these properties in terms of overshadowing, loss of light, overlooking or loss of privacy.
- 8.12 To the rear of the site lies Rutland Hall which would ensure that the development would not result in overshadowing, loss of light, overlooking or loss of privacy toward the properties of Rutland Road to the north east of the site. Views toward the properties on the west side of Rutland Road would be obscured by this building.
- 8.13 The terrace areas would be sited along the Shelley Road and Portland Road frontages and the open access deck to the rear eastern side of the development. There would be no residential properties directly adjacent these and therefore it is not considered that the use of these outdoor areas would result in significant noise and disturbance. The scheme has been amended to remove the terrace area to flat 13 adjacent to no. 1 Shelley Road, as it was considered that a terrace located here may result in noise and disturbance toward this property.
- 8.14 The property to the east of the development is a residential flat with 3no windows located on the western elevation of a dormer window at second floor level. The fenestration and open deck to the east elevation of the development would be sited approximately 20m from these windows and therefore it is not considered that overlooking or loss of privacy would result. The window opening to flat 16 located on the eastern elevation of the development would be sited toward the street elevation and therefore views toward these windows would not be achievable.
- 8.15 For the reasons outlined above it is not considered that any loss of light or overshadowing, overbearing or loss of privacy would result from the development. It is considered the development accords with policy QD27 of the Brighton and Hove local Plan.
- 8.16 Standard of Accommodation:**
The application proposes a 1 no one bedroom flat and 3 no two bedroom flats at second floor level. The gross internal floor area of the 1 bedroom flat measuring approximately 52sqm would meet the government's Technical Housing Standards which states that a 2 person, 1 bedroom, 1 storey property should measure 50sqm. The gross internal floor area of the 3 no. 2 bedroom flats measuring approximately 72sqm, 71.9 and 75.5 would meet the government's Technical Housing Standards which states that a 4 person, 2 bedroom, 1 storey property should measure 70sqm. The units would feature double bedrooms each of which meets the minimum national space standards.

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.

- 8.17 The 4no flats comprise of open planned living/kitchen/dining room, bathroom and bedrooms with private roof terraces. The open planned arrangement would be served by large bi-folding doors which would provide sufficient levels of light and outlook for the units. Each bedroom would have a window opening providing adequate levels of natural light and outlook.
- 8.18 Policy HO5 requires the provision of private useable amenity space in new residential development. The units would provide adequate sized private terraces at second floor level, in accordance with Policy HO5.
- 8.19 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Although step-free access to the building appears to be achievable, given that that the development is at second floor level with no lift, the development could not comply with all the requirements in Part M of the Building Regulations and therefore this condition will not be applied.
- 8.20 It is noted that there is are 3 condenser units located to the rear of 121 Portland Road at first floor level and an existing flue located to the rear of Costa at 123 Portland Road, both of which could be the source of noise and odour pollution toward future occupiers.
- 8.21 An acoustic report by clement acoustics has been submitted as part of the application. The acoustic report outlines that mitigation measures, including a glazing specification and the use of appropriate ventilation have been recommended and should be sufficient to achieve recommended internal noise levels for the proposed development according to BS8233:2014.
- 8.22 The Environmental Health Team is satisfied that the proposal would be acceptable subject to compliance with the recommended glazing and concomitant ventilation arrangements.
- 8.23 Transport:**
The first floor level of the application property has extant consent for conversion from office to residential to create up to twelve residential units. The cumulative impact of the extant consent is considered in these comments.
- 8.24 The proposed development may not result in an overall material increase in the number of trips to and from the site, the nature of the trips would however be materially different. For example a residential use would be likely to create additional demand on on-street parking spaces. In this case the property is within a Controlled Parking Zone where demand for such spaces is high. In the absence of an up to date parking survey demonstrating the capacity to take

additional demand within the immediate vicinity of the site, a condition is recommended restricting future occupants' rights to resident parking permits.

8.25 The application proposes cycle parking in the form of a store at ground floor level; a condition is attached requiring details of this. The minimum number of cycle parking spaces provided should be 4, which is in addition to the cycle parking associated with other consented units on the site.

8.26 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.

8.27 Other matters:

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations

9. EQUALITIES

9.1 None identified