

<b><u>No:</u></b>	<b>BH2018/00659</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Blocks E &amp; F Kingsmere London Road Brighton BN1 6UW</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E &amp; F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to allow amendments to approved drawings.</b>		
<b><u>Officer:</u></b>	Nicola Van Wunnik, tel: 294251	<b><u>Valid Date:</u></b>	02.03.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27.04.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Spurpoint 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			1 March 2018
Block Plan	A1211/02		23 October 2018
Floor Plans Proposed	A1211/06	C	1 March 2018
Floor Plans Proposed	A1211/07	B	1 March 2018
Floor Plans Proposed	A1211/08	E	1 March 2018
Elevations Proposed	A1211/09	B	1 March 2018
Elevations Proposed	A1211/10	B	1 March 2018
Roof Plan Proposed	A1211/12	B	1 March 2018
Floor Plans Proposed	A1211/13	B	1 March 2018
Cycle storage details	A1211/10		24 July 2015
Cycle storage details	PRODUCT SPECIFICATION		24 July 2015

2. The development hereby permitted shall be commenced by the 26th November 2018.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. No development 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 all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments (balustrade and railing);
  - e) samples of all other materials to be used externally
 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.
  
4. 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.
  
5. 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
  
6. The dwellings hereby permitted shall be constructed in compliance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) details as set out on approved floorplans A1211/13 Rev B (received 15th November 2017, inclusive) only prior to first occupation and shall be retained as such thereafter.  
**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.
  
7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

8. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

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 site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats in total.
- 2.2 Blocks E and F are situated on the western side of the site facing out towards London Road with a landscaped area and trees between the built form and the road. Blocks E and F appear as one four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominately flatted residential development within large sites with off-street parking. London Road is partly characterised by the presence of adjoining green space and established trees/vegetation. The site is bound to the south east and west by the Preston Park Conservation Area, although the site itself it outside of the conservation area.
- 2.4 The application seeks permission to amend the approved scheme for an additional storey on the blocks. This application proposes to increase the footprint of the roof extension, alter the fenestration and for the extension to be finished in render. In addition to amending the list of drawings (condition 2 of the previous permission) it also necessitates amending conditions 3 which relates to the materials to be used and condition 6 which refers to a previously approved floorplan.

**3. RELEVANT HISTORY**

- 3.1 There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to

a preservation order. The following applications are most relevant to this application:

BH2017/03779 - Application for the variation of Conditions 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to confirm materials and allow amendments to the approved drawings including the installation of aluminium bi-folding doors leading onto private roof gardens. Approved 16/02/2018

BH2016/00495 - Application for Approval of Details Reserved by Condition 3 of application BH2015/02713. Approved 07/04/2016

BH2016/00254 - Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained. Approved 19/07/2016

BH2015/02713 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Approved 26/11/2015

BH2011/03432 - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden - Refused 21/03/2013 Appeal Allowed 05/10/2012

BH2010/02056 - Creation of 4no three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010

BH2007/02691 - Roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. Refused 05/09/2007 Appeal Dismissed 03/04/2008

BH2007/00709 - Roof extension to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store. Refused 16/04/2007

#### **4. REPRESENTATIONS**

4.1 Ten (10) letters has been received objecting to the proposed development for the following reasons:

- Quality of life for residents during and after the build will be decreased.
- Exacerbate the existing parking problems.
- Noise pollution
- Increased demand on existing waste and recycling areas.
- Effect on value of current flats.
- Approvals in matters of building regulations being delayed until after completion of construction work.

- Objecting to the amendments proposed
- 4.2 One (1) letter has been received commenting on the proposed development raising the following concerns:
- Additional floor will give residents full view of the playground area of nearby primary school.
  - Level of disruption to the school

## 5. CONSULTATIONS

5.1 **Housing Strategy** - None Received.

5.2 **Private Sector Housing** - None Received.

5.3 **Transport** - None Received.

5.4 **Environmental Health** - None Received.

5.5 **Legal** - None Received

## 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  
 CP20 Affordable housing

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

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD14 Extensions and alterations

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 conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

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 propriety of allowing the amendments to the approved drawings and the subsequent impact of these amendments on the design and appearance of the host building, wider area and as well as the amenity of neighbouring properties.

**8.2 Principle of Development**

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 The principle of the additional storey and new residential units has been approved by permission BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden). It is acknowledged that there have been a number of objections relating to the proposed roof extension and the creation of 8no additional flats, however, the principle of the additional storey has already been accepted. Since the granting of the original planning permission, the Brighton & Hove City Plan Part One has been adopted. This

reduced the threshold for the provision of affordable housing to schemes over 5 units. The scheme proposes 8 additional units of accommodation and therefore policy CP20 applies. However, since this application is a variation of the original permission, which could still be implemented, it is not considered reasonable to require a financial contribution in this instance for affordable housing.

## **8.5 Design and Appearance**

The proposed alterations consist of:

- Enlargement of the roof extension to facilitate the internal reconfiguration of the residential units.
- Reduce the amount of glazing and amend the finish of the extension to render.
- Amend the material of the windows and doors from UPVC to powder coated aluminium (coloured white).

8.6 The visual impacts of the proposed amendments are considered acceptable. Although the proposed scheme involves the enlargement of the roof extension, the height of the extension remains the same as previously approved. The proposed roof extension will be set back from the front, side and rear elevation, which maintains a degree of subservience. The proposed render finish of the extension would provide a contrast to the existing building, which is finished in a combination of red brick and tile hanging and would provide visual interest to the building.

8.7 Although it is acknowledged the introduction of powder coated aluminium windows and doors is a change in material from the host building which has UPVC units, due to the roof top location, the change in material will be largely unnoticeable within the streetscene. In addition, the windows and doors are proposed to be coloured white.

## **8.8 Standard of Accommodation**

The proposed development would include eight units. All units would provide adequate circulation space and benefit from sufficient outlook and natural light.

The nationally described space standards advise that for a one bedroom unit (up to 2 person occupancy), the minimum gross internal floor area should be 50m<sup>2</sup>, for a two bedroom unit (up to 3 person occupancy) the minimum gross internal floor area should be 61m<sup>2</sup> and for a two bedroom unit (up to 4 person occupancy) the minimum gross internal floor area should be 70m<sup>2</sup>.

The proposal would provide 2no one bedroom flats (up to 2 person occupancy), 4no two bedroom flats (for 4 person occupancy) and 2no two bedroom flats (for 3 person occupancy).

Whilst it is acknowledged that two of the units would fall slightly short of the national standard, the indicative plans illustrate that both of the units would be capable of accommodating sufficient furnishings, whilst allowing adequate circulation space and storage for future occupiers. The overall standard of

accommodation is considered sufficient for the level of occupancy proposed. Furthermore the Council does not at this time have an adopted policy requiring strict compliance with these minimum sizes and as such there is some flexibility.

It should also be noted that since this application is a variation of the original permission, which could still be implemented, the slight shortfall in floorspace would not warrant refusal in this case.

It is acknowledged that the proposed enlargement of the roof extension would lead to a reduction in the size of the roof terraces, however the enlargement would allow for a better standard of internal accommodation for occupiers.


Given that some external space would be retained and the proximity of Preston Park, it is considered that a better internal standard of accommodation would be of greater benefit than seeking to retain a larger area of terrace.

### **8.9 Impact on Amenity**

The principle of the rooftop terraces has been approved under application BH2015/02713. The enlargement of the roof extension and subsequent reduction in the size of the roof terraces is not considered to lead to an unacceptable rise in the impact on the amenities of nearby neighbouring properties. A reduced terrace area may reduce the potential for noise/disturbance to other residents when the terraces are in use. Therefore it is considered that the changes accord with policy QD27 of the Brighton and Hove Local Plan.

## **9. EQUALITIES**

### **9.1 None identified**



Signature of Reviewing Officer:

Dated: