

<b><u>No:</u></b>	<b>BH2019/01053</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>The Coach House Withdean Avenue Brighton BN1 5BJ</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 1 of BH2016/06478 (Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.) to allow amendments to the approved drawings.</b>		
<b><u>Officer:</u></b>	Germaine Asabere, tel: 292106	<b><u>Valid Date:</u></b>	08.04.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Jamie Fewings 164-165 Western Road Brighton BN1 2BB		
<b><u>Applicant:</u></b>	Brighton Lions Housing Society Lions Gate 95 Rowan Avenue Hove BN3 7JZ		

## 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	15894-PA-A-1000	B	8 April 2019
Block Plan	15894-PA-A-1001	B	8 April 2019
Proposed Drawing	15894-PA-A-200	B	8 April 2019
Proposed Drawing	15894-PA-A-201	B	8 April 2019
Proposed Drawing	15894-PA-A-202	B	8 April 2019
Proposed Drawing	15894-PA-A-203	B	8 April 2019
Proposed Drawing	15894-PA-A-220	B	8 April 2019
Proposed Drawing	15894-PA-A-221	B	8 April 2019
Proposed Drawing	15894-PA-A-225	B	8 April 2019
Proposed Drawing	15894-PA-A-230	B	8 April 2019
Proposed Drawing	15894-PA-A-300		8 April 2019
Proposed Drawing	15894-PA-A-301		8 April 2019
Proposed Drawing	15894-PA-A-302		8 April 2019
Proposed Drawing	15894-PA-A-303		8 April 2019

2. Not used - development has commenced.

3. Other than the balcony areas hereby approved, access to the flat roofs of the development hereby approved 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.
4. The external finishes and use of materials shall be carried out and completed in full accordance with the details approved under application BH2018/03622.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with Policy CP12 of the Brighton & Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
  - a) Details of all hard surfacing;
  - b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
  - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees;
  - d) Details of subdivisions to form gardens for the ground floor flats.**Reason:** To ensure a satisfactory appearance to the development and amenities for the occupiers of the development and to comply with policies QD27 of the Brighton & Hove City Plan and CP12 of the Brighton & Hove City Plan Part One.
6. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first

occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One.

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) 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.

10. 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 and Hove City Plan Part One.

11. 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 and Hove City Plan Part One.

12. The development hereby permitted shall be implemented in accordance with the array details approved under application reference BH2018/03622 aiming to meet a target of 19% reduction in CO2 emissions. The solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the details shown on the approved drawings, no dwelling shall be occupied until a revised site layout showing a revised pedestrian access and demarcated route within the car park bays has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the revised approved scheme. The vehicle parking area shown on the revised 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.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
14. The development hereby approved shall be implemented in accordance with details approved under application reference BH2018/03622 for electric vehicle charging points within the car parking area hereby approved. These 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 encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
15. The development hereby permitted shall not be occupied until full 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.
16. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

17. The development hereby permitted shall be implemented in accordance with the details for the provision of drainage strategy works permitted under application reference BH2018/03622. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
18. The development hereby permitted shall be implemented in accordance with the scheme for the provision of surface water drainage works permitted under application reference BH2018/03622. The drainage and sewerage works shall be completed in accordance with the details approved.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
19. The development hereby approved shall be implemented in accordance with the Arboricultural Construction and Method Statement approved under application reference BH2018/03622.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the Brighton & Hove City Plan Part One.
20. The development hereby permitted shall be implemented in accordance with the details approved under application reference BH2018/03622. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
21. The development hereby permitted shall be implemented in accordance with the level details approved under application reference BH2018/03622.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
22. The development hereby permitted shall be implemented in accordance with the agreed details of the Archaeological Investigation approved under application ref: BH2018/03622.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

23. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover associated with the existing vehicular access on to Withdean Avenue shall have been converted back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 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. The applicant is advised to familiarise themselves with guidance on secure by design (SBD Homes 2019). This document can be found at [www.securedbydesign.com](http://www.securedbydesign.com).
3. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. Sewer records show a public sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. An investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site was previously occupied by 6 bungalows and a separate two storey house referred to as 'The Coach House'. There is one vehicular access to the site from Withdean Avenue and the land has been most recently cleared for construction works.
- 2.2. The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road

itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side.

- 2.3. On the western boundary of the site is a residential block of flats - Ruston Heights. The northern boundary is to Hazeldene Meads - specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.
- 2.4. Following the grant of permission for BH2016/06478 (demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store) in October 2018, the applicant now seeks permission for minor material amendments to vary the approved plans through the submission of an application pursuant to Section 73 of the Town and Country Planning Act (S73).
- 2.5. The proposal seeks amendments which will mainly affect the external appearance of the approved building. The extensive changes to the fenestration detail will result in minor internal layout changes within some of the proposed flats and communal areas are to be reconfigured to create larger internal space for the lift shaft. While the proposed changes would affect both the external appearance of the building and internal layout of the scheme; it will maintain the same footprint and massing as the original consent.
- 2.6. The proposed amendments to the external layout and forecourt of the development include the widening of the access from Withdean Avenue, increase of the number of disabled parking bays from 2 to 3 and relocation of these bays to the front elevation (south). The mobility scooter/ cycle bays have been repositioned from the front to the western elevation, the plant room originally proposed to be on the front elevation has been omitted and is replaced with rotary dryers and structure for cycle storage.
- 2.7. The eastern elevation - amendments sought include the omission of all green planters; omission of secondary flank window on Flat 10, insertion of window to flank of Flat 9; insertion of a lift shaft on roof slope with the addition of a roof light and vent to the roof slope.
- 2.8. The southern elevation - amendments sought include the addition of vent dormer within the roof slope, omission of the window planters, introduction of two additional windows and omission of cycle / mobility scooter store.
- 2.9. The northern elevation - amendments sought include omission of full length windows at ground and first floors and insertion of standard windows at ground floor level as replacement; removal of planters at first floor; insertion of aluminium roof light / vent in roof slope, introduction of window on the ground floor blank façade for Flat 3.

- 2.10. The west elevation - amendments are to resize ground floor window to bedroom of Flat 3; change of window to a door on Flat 1, change of secondary entrance door to Flat 6 for a window and repositioning the entrance of Flat 7; insertion of a louvered vent and an aluminium roof light within the roof slope.
- 2.11. In addition to the amendments described above, various internal reconfigurations are proposed including alterations to the stair and lift lobbies and the room layout of some of the individual flats mainly to enclose kitchen spaces.

### 3. RELEVANT HISTORY

- 3.1. **BH2018/03622** - Approval of details reserved by conditions 4, 12, 14, 17, 18, 19, 20, 21 & 22 of application BH2016/06478. Approved 15th April 2019.
- 3.2. **BH2016/06478** - Demolition of the existing dwellings and the erection of part three storey building providing 26 residential (C3) apartments with associated landscaping, parking spaces and mobility store. Approved 15 October 2018.
- 3.3. **BH2016/00803** - Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store. This application was recommended for refusal and an officer's report was published as part of the agenda for the Planning Committee meeting of the 3rd of August 2016. The applicant withdrew this application prior to the meeting taking place. Withdrawn 01 August 2016

### 4. REPRESENTATIONS

- 4.1. **Ten (10)** individual letters of representation have been received all objecting to the proposed development. Some of the commentators made references to concerns previously raised and addressed in the consideration of the original application, such comments are not material to the assessment of this application.
- 4.2. Concerns raised which are pertinent to the current application are listed below: -
- The development will generate additional traffic with resulting negative impact on Withdean Avenue which is already very busy. This is likely to create pedestrian safety concerns.
  - The proposal represents an overdevelopment of the site being out of scale with the plot size.
  - Increased noise.
  - Tweaking of the approved scheme results in a poorer design.
  - Negative impact on residential amenity in terms of overshadowing.



- Damaging impact on trees, wildlife and general negative impact on biodiversity of area with omission of green planters.

## 5. CONSULTATIONS

### 5.1. **Sustainable Transport:** No objection

5.2. **Pedestrian access** - All of the footpaths are at least 1.2m wide which is acceptable. Applicant is to ensure that the remaining existing site access footpath and proposed site access footpath connect with the footway on the adopted (public) highway again at least at 1.2m width that lies about 1m from the site boundary (the Highway Authority notes that the remaining existing site access footpath appears to have 2 loose paving slabs of different sizes on the surface of the adopted (public) highway verge beyond the gate (presumably placed there by the previous owner or occupier) and the applicant may wish to address this issue at an early stage on safety grounds).

5.3. Applicant is to note that when discussing the necessary vehicle access license with the Council they also include these pedestrian accesses to get everything covered under one license for efficiency, consistency and cost saving reasons. Otherwise, the Team would ask the applicant if the bollard luminaires could be extended past the cycle store down to the remaining existing site pedestrian access gate if it is intended to keep this access operational.

5.4. **Cycle access** - The Highway Authority has no objection.

5.5. **Disabled access** - The Highway Authority has no objection.

5.6. **Electric vehicle parking** - The Highway Authority has no objection.

5.7. **Vehicular access** - The Highway Authority is happy to accept the applicants comments on this issue and reminds the applicant of the necessity to prevent any surface water from running off the site and onto the adopted (public) highway either by levels and/or a gully across the vehicle access frontage that drains back into the site for example as this is covered in the hard surfaces condition mentioned in the Highway Authority comments and will come up when applying for the vehicle access license and any surface water running off the site and onto the adopted (public) highway is an offence under the Road Traffic Act.

5.8. **Car parking** - The Highway Authority is happy to accept the applicants comments on this issue.'

5.9. **Planning Policy:** No Comment required

5.10. **Sussex Police:** Comment

5.11. No objection to the proposed amendments subject to applicant's compliance with industry standards on access arrangement and general guidance on secure by design.

5.12. **Ecology:** Comment

'The proposed variation would change flat roofs to pitched roofs to deter nesting birds (presumably gulls), and removes wall planters. Removal of the wall planters is disappointing as they offer an opportunity for biodiversity enhancement. It is unclear from the plans provided whether it is also proposed to remove climbing plants from the walls of some of the outbuildings. However, condition 7, requiring a scheme to enhance the nature conservation interest of the site, would remain valid. Opportunities should be sought elsewhere in the scheme to include species of benefit to wildlife, in accordance with SPD11. In addition, it is strongly recommended that bird boxes targeting species of local conservation concern, such as swifts, swallows and house sparrows, are incorporated into the scheme. In summary, the proposed variation is acceptable, provided the condition requiring a scheme to enhance the nature conservation interest of the site remains in place.'

5.13. **Southern Water:** No objection

'Southern Water has no objections to the above variation of condition 1. The comments in our response dated on 24/01/2017 remain unchanged and valid.'

5.14. **Sustainable Drainage:** Comment

There no real comments regarding this one as the proposed design amendments summarised in the covering letter does not appear to affect the condition we originally set in BH2016/06478.

5.15. **County Archaeologist:** No Objection

Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make 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, 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. RELEVANT 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
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

#### Other Documents

Developer Contributions Technical Guidance - June 2016

## 8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to design quality, quality of accommodation, impact on residential amenity, biodiversity and transport and access. This report will only consider the changes to the original scheme which has planning permission.

8.2. Summary of changes sought:

- Changes to fenestration arrangement
- Revised entrance to flat 6
- Additional dormers to roofs to accommodate lift over runs
- Additional velux windows to roofs
- Relocated mobility scooter store
- Widening of access from Withdean Avenue
- Additional disabled persons parking and reduction of standard parking
- External plant room removed
- Additional external secure cycle storage provided
- Low pitched roof to link element between blocks
- Planters to walls removed

### **Design and Appearance:**

8.3. Policy CP12 of the Local Plan seeks good quality design and it is supported by the NPPF which notes that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.4. The proposal seeks amendments which would among others allow the development to increase the size of the lift core internally to comply with Building Regulations, following the approval of planning application reference BH2016/06478. As set out above, fenestration details and the roof vents to facilitate the lift overrun the main external design changes. These changes would involve the reorganisation and repositioning of the previously approved window layout, with a general reduction in the level of fenestration across the development as a whole.

8.5. The alterations to the external appearance would affect all elevations of the approved including the roof slope resulting in noticeable changes to the external appearance of the approved building. Although these changes would be visible along extended views approaching the site, as considered in the original officer's report the proposed application building is set back a minimum of 14m from the main road. There is substantial planting in situ to the southern end of the site which would screen and soften the appearance of the proposed building to some extent and a full landscaping scheme including new planting which has been secured by planning condition will provide screening on other elevations of the building.

8.6. The central element linking the two pitched roof blocks was approved as a flat roof but has been given a slight pitch in the current application. It is

proposed to be clad with standing seam metal sheet in a colour to match the red roof tiles. The design and the material choice will match and complement the larger blocks and no concerns are raised.

- 8.7. Having regard to the extant consent for the site, and recognising that the proposed amendments to the scheme would not result in a larger footprint or increase the scale and massing of the scheme (excluding the marginal increase of the lift overrun), it is considered that the proposed changes are acceptable and would not have a significant impact on the character of the area or the appearance of the street scene.
- 8.8. A recent application to discharge some of the conditions imposed on the original approval indicate that details of solar panels has been approved (Condition 12). The amended roof design currently sought incorporates the details of the solar panels as approved under BH2018/03622 on plan number E3330 PO1 and no concern is raised. The amendments do not deviate from the approved overall visual appearance of the approved scheme. They are obvious but subtle changes which would still complement the existing built form in the area. It is therefore concluded these amendments can be supported.

**Standard of accommodation:**

- 8.9. All proposed flats provide a kitchen / living room area, bedroom and bathroom and all are of adequate size and would provide usable living areas and circulation space in line with national guidance on space standards. The proposed amendments do not affect the standard of accommodation offered by the flats in a negative manner as there will be no change to the unit sizes. The plans indicate that the kitchen areas which were open plan for all flats are now proposed to be enclosed as part of the amendments sought. All kitchen spaces, bedrooms and lounges would benefit from good quality outlook and natural light levels.
- 8.10. Except for a single flat on the ground floor which will have an entrance repositioned, the layouts of the rest have not been significantly altered. It is noted that all of the flats meet or exceed the minimum size (50m<sup>2</sup>) set out in Government's 'Technical housing standards - nationally described space standard' document (March 2015).
- 8.11. Policy HO5 seeks that new residential developments provide private useable amenity space. The ground floor units proposed have direct access to garden spaces; these have been indicated on the revised ground floor plan but the precise layout of these spaces and whether they would be formally delineated would form part of a detailed landscaping scheme which has been secured by a planning condition. A communal garden area is proposed to the southern end of the site which would be of benefit to all future occupiers.
- 8.12. On the basis of the above, it is considered that the proposed amendments are acceptable. The number of windows serving the flats on all floors are reduced overall however each flat retains a good sized window to all

habitable rooms and on balance, it is considered that changes are acceptable to allow sufficient daylight into the living and communal areas.

**Impact on Amenity:**

- 8.13. 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. As the number of window is proposed to be reducing, the changes currently sought would not cause any undue loss of amenity to the neighbouring occupiers than those identified in the original application.
- 8.14. The windows to be retained would be in the same position and at the same size, angle and orientation as previously assessed under the original application. On the northern and western elevations, some windows are to be resized. These windows are to be replaced with standard sized windows from the approved full length ones. They would be in the same position and it is not thought a full assessment of the impact of this size change is required under the circumstances.

**Biodiversity:**

- 8.15. Policy CP10 seeks to conserve, restore and enhance biodiversity. The proposed amendments seek to omit all the green planters on the building originally included within the scheme stating cost saving as a sole reason. The Ecologist has raised reservations in relation to this approach as detailed above in the consultations section. Whilst this omission is disappointing, it is recognised there are other opportunities for the applicant to improve biodiversity on site in line with policy requirements.
- 8.16. Condition 7 imposed on the original application BH2016/06478 concerning biodiversity enhancement remains outstanding to be discharged. The onus is therefore placed on the applicant to demonstrate alternative means of introducing and incorporating appropriate planting in the scheme.

**Transport and access:**

- 8.17. Policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity. The site is in a well-connected location with the town centre and links to outside of the city in close proximity and bus services to the city centre are available on Dyke Road.
- 8.18. The repositioning of the disabled persons parking bays is welcome and no concerns have been raised by the Transport Team to this or the widening of the access from Withdean Avenue. The bays will be in close proximity to Flats 9, 10 and 11 which are designated as wheelchair accessible units.
- 8.19. The extant consent proposed 14 parking spaces out of which 2 were to be dedicated disabled bays as a result of a car ownership survey carried out by

the applicant. The amendments currently sought are to the parking layout while retaining the 14 bays as approved. The disabled bays have increased to 3 in number and positioned on the Withdean Avenue elevation (south). This reduces the number of the standard parking bays to eleven (11) on the western elevation. The cycle parking spaces have also been relocated from the front along Withdean Avenue to the western elevation. The exact number of spaces has not been confirmed however there is an outstanding condition to provide clarification on numbers. The Transport Team have been consulted, who raise no objections, recognising that the same level of vehicular and cycle parking space would be provided and the development scheme has increased the number of disabled parking units.

- 8.20. In line with previous assessment of the scheme, full details of pedestrian access, route through the car park, number of spaces designated for cycle storage are recommended to be secure by condition. On this basis, the proposed amendments are considered acceptable, insofar as they relate to the impact of the development on the local highway network, access and parking provision.

## **9. CONCLUSIONS**

- 9.1. The proposal seeks amendments to a consented scheme, approved under application reference BH2016/06478, to alter the elevation treatments and parking layout of the approved scheme. The principle of re-development and details of other issues have already been established.
- 9.2. It is considered that the proposed amendments would result in a high-quality and well-designed scheme which would provide a good standard of accommodation for its future residents whilst not having a significant impact on the amenity of nearby properties. Overall, the proposed amendments are considered acceptable, and the application is therefore recommended for approval, subject to conditions.

## **10. EQUALITIES**

- 10.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

