

<b><u>No:</u></b>	<b>BH2020/01081</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>Park Manor London Road Preston Brighton BN1 6YP</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of conditions 2, 4, 7, 8, 9, 11 &amp; 12 of application BH2013/01800 (Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store) to include changes in housing units to 2no. 1 bedroom flats and 4no. 2 bedroom flats (C3), increase in floorspace, alterations to elevations &amp; fenestration.</b>		
<b><u>Officer:</u></b>	<b>Helen Hobbs, tel: 290585</b>	<b><u>Valid Date:</u></b>	<b>17.04.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>12.06.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE</b>		
<b><u>Applicant:</u></b>	<b>Anstone Properties C/o DowsettMayhew Planning 63A Ship Street Brighton BN1 1AE</b>		

## 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	A0620/01		17 April 2020
Proposed Drawing	A0620/06 B		17 April 2020
Proposed Drawing	A0620/08 E		17 April 2020
Proposed Drawing	A0620/09 A		17 April 2020
Proposed Drawing	A0620/10		17 April 2020
Proposed Drawing	A0620/11 A		17 April 2020
Proposed Drawing	A0620/13		17 April 2020
Proposed Drawing	A0620/14 B		17 April 2020
Other		Cover Letter	17 April 2020
Report/Statement		Planning Statement	17 April 2020

2. Access to the flat roof over the extension 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.

3. 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.

4. The vehicle parking area 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.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

5. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and policy QD14 of the Brighton & Hove Local Plan.

6. No development above the existing roof level hereby permitted shall take place until details of the proposed lift plant and machinery to be used on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate the lift plant and machinery enclosed with sound- insulating materials and mounted in a way which will minimise transmission of structure borne sound. Development shall be carried out in accordance with the approved details.

**Reason:** To protect residential amenity of the occupiers of the building and to comply with policy QD27 of the Brighton & Hove Local Plan.

7. The development shall be built in accordance with the bicycle storage details submitted on 16th May 2014 approved under BH2014/01619.

**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. No development above the existing roof level hereby permitted shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and policy QD14 of the Brighton & Hove Local Plan.

9. The development shall be built in accordance with the refuse and recycling details submitted on 16th January 2014 approved under application BH2014/00137.

**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.

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 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 City Plan Part One.

12. The development shall provide a maximum of 6no flats only.

**Reason:** To ensure that the Local Planning Authority retains control over the density of the development, the proposed standard of accommodation and any impacts arising from the overall scale of 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 relates to a 7 storey block of flats situated on the corner of London Road and Tongdean Lane. This application relates to the 3 storey element of the building which fronts Tongdean Lane, adjacent to the access drive leading to the rear car parks. The building dates from the late 1960s and is constructed in light brown bricks with white windows; some of the flats have balconies which protrude from the front elevation. The roof of the building includes large additions for lift housing.
- 2.2. Application BH2013/01800 granted permission for a roof extension to form 6no flats, creation of 4no parking spaces, 1 disabled parking space and new

cycle store. The works to the car park and the cycle store have been completed on site. The works at roof level are yet to commence, however the permission is considered extant as some of the work has been implemented within the time limit.

- 2.3. The application seeks permission to vary the following conditions of application BH2013/01800:
- Condition 2 (Approved Plans)
  - Condition 4 (Lifetime Homes)
  - Condition 7 (Plant and Machinery Details)
  - Condition 8 (Cycle Parking Facilities)
  - Condition 9 (Materials)
  - Condition 11 (Interim Code for Sustainable Homes Certificate)
  - Condition 12 (Final/Post Construction Code for Sustainable Homes)
- 2.4. The amendments are sought to extend the approved additional top storey of the building to provide an alternative mix of units and an increase in floorspace. Conditions 11 and 12 need updating to reflect the fact that the Code for Sustainable Homes is no longer in use.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/01819** Non Material Amendment. Amendment to the description of development to remove reference to the mix of flats permitted. Approved.
- 3.2. **BH2020/01156** Creation of 3no additional car parking spaces to the north of the site. Under Consideration.
- 3.3. **BH2016/05327** Application for approval of details reserved by condition 7 and 9 of application BH2013/01800. Approved 24.11.2016.
- 3.4. **BH2016/01501** Application for removal of conditions 11 and 12 of application BH2013/01800 (Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store) that required a Code for Sustainable Homes rating of level 3 to be achieved in details to be submitted to and approved by the Local Planning Authority. Approved 01.07.2016.
- 3.5. **BH2015/00105** Application for Approval of Details Reserved by Condition 8 of application BH2012/03981. Approved 13.04.2015.
- 3.6. **BH2014/00137** Application for Approval of Details Reserved by Conditions 8 and 10 of application BH2013/01800. Split decision 05.08.2014.
- 3.7. **BH2013/03993** Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store. Approved 04.04.2014.

3.8. **BH2013/01800** Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store. Approved 27.11.2013.

3.9. The cycle store and car parking spaces have been implemented on site within the time limit, therefore the permission is extant.

#### **4. REPRESENTATIONS**

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

- Increase in traffic
- Lack of parking
- Further development would disturb the existing landscaping and gardens
- Pedestrian safety
- Structural safety of the building
- Noise and disturbance
- Impact on the usability of the lift
- Materials will look unsightly
- Overdevelopment
- No provision for refuse and recycling

4.2. **One (1)** letter commenting that the application has been received.

#### **5. CONSULTATIONS**

5.1. **Environmental Health:** Comment

Condition 7 (Plant and Machinery Details): Previously details in respect of plant and machinery were required 'prior to commencement'. In light of changes to Government Guidance, it is respectfully requested, where this condition is deemed necessary, it is not attached as a 'prior to commencement' condition.

5.2. **Planning Policy:** No Comment

#### **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);
- Shoreham Harbour JAAP (adopted October 2019).

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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP20	Affordable housing

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR14	Cycle access and parking
SU9	Pollution and nuisance control
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

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
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 on the character and appearance of the building and the surrounding area, impact on neighbouring amenity, standard of accommodation as well as transport and sustainability issues.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The amendment to the approved drawings consists of extending the roof level in line with the side elevations of the building. A set back would still be retained from the front elevation. This set back ensures that the roof level remains subservient and reads as a sympathetic modern addition. The fenestration has also been revised, with the window openings being reduced in size and mostly positioned in line with the floors below. The materials proposed would be similar to that of the previously approved scheme. The proposed extension to the approved roof level is therefore considered acceptable in design terms and would not significantly impact the character and appearance of the main building or the surrounding area.
- 8.5. The proposed flats would all provide a good standard of accommodation for future occupiers in terms of size and layout, with bedrooms and overall unit sizes meeting the Government's Technical Housing Standards. All primary rooms would have good levels of light and outlook. The flats would still be provided with small outdoor terraces, which are considered acceptable for the scale of the development.
- 8.6. The extension to the roof level is unlikely to result in any detrimental impact on neighbouring properties. Park Manor is significantly larger than the adjacent neighbouring blocks of flats. Given the set back of the extension to the front and the position and height of Park Manor in relation to its immediate neighbours, the scheme would not result in a significant impact on the amenity of any adjacent residents in respect of loss of light, overlooking or loss of outlook. The proposed roof terraces, these would remain in a similar positions to the previously proposed scheme, however have been

reduced in size. No harm was previously identified, and this remains the case.

- 8.7. Application BH2013/01800 was determined prior to the adoption of City Plan Part One Policy CP20 Affordable Housing and as such no contribution was required at the time. Whilst it is acknowledged that the units being proposed in this current application are slightly larger, the overall unit number remains the same and it would therefore be unreasonable to request an Affordable Housing contribution, when a similar scheme already has planning permission.

#### Other Matters

- 8.8. The application also seeks to vary a number of other conditions.
- 8.9. Condition 4 of application BH2013/01800 relates to lifetime home standards. Following the introduction of the national technical standards, the current Lifetime Homes condition is no longer applicable. For development with step free access, the dwelling shall be conditioned to be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).
- 8.10. Condition 7 requires details of the lift plant and machinery to be submitted prior to commencement of works. It is considered acceptable to amend this to a pre-occupation condition.
- 8.11. Conditions 11 and 12 of application BH2013/01800 relate to The Code for Sustainable Homes, which has been withdrawn by Government and therefore it is recommended that the conditions applied by the Local Planning Authority be removed and replaced by a condition to secure the national technical standards for energy consumption and water consumption (Condition 13 and 14), as secured in policy CP8 of the City Plan Part One.
- 8.12. In regard to all other planning conditions, these are updated from those applied to BH2013/01800 to acknowledge any details which have been submitted and agreed since this approval was granted.
- 8.13. Application BH2013/01800 was subject to a Section 106 agreement seeking developer contributions of £4,500 to help finance off-site highway improvement schemes such as footway improvements in the local area. These monies have been received by the Local Planning Authority and the S106 agreement included a clause ensuring that any subsequent Section 73 granted after this deed shall relate and bind to the any new permission. On this basis, no further contribution is requested.

- 9. EQUALITIES**  
None identified.