

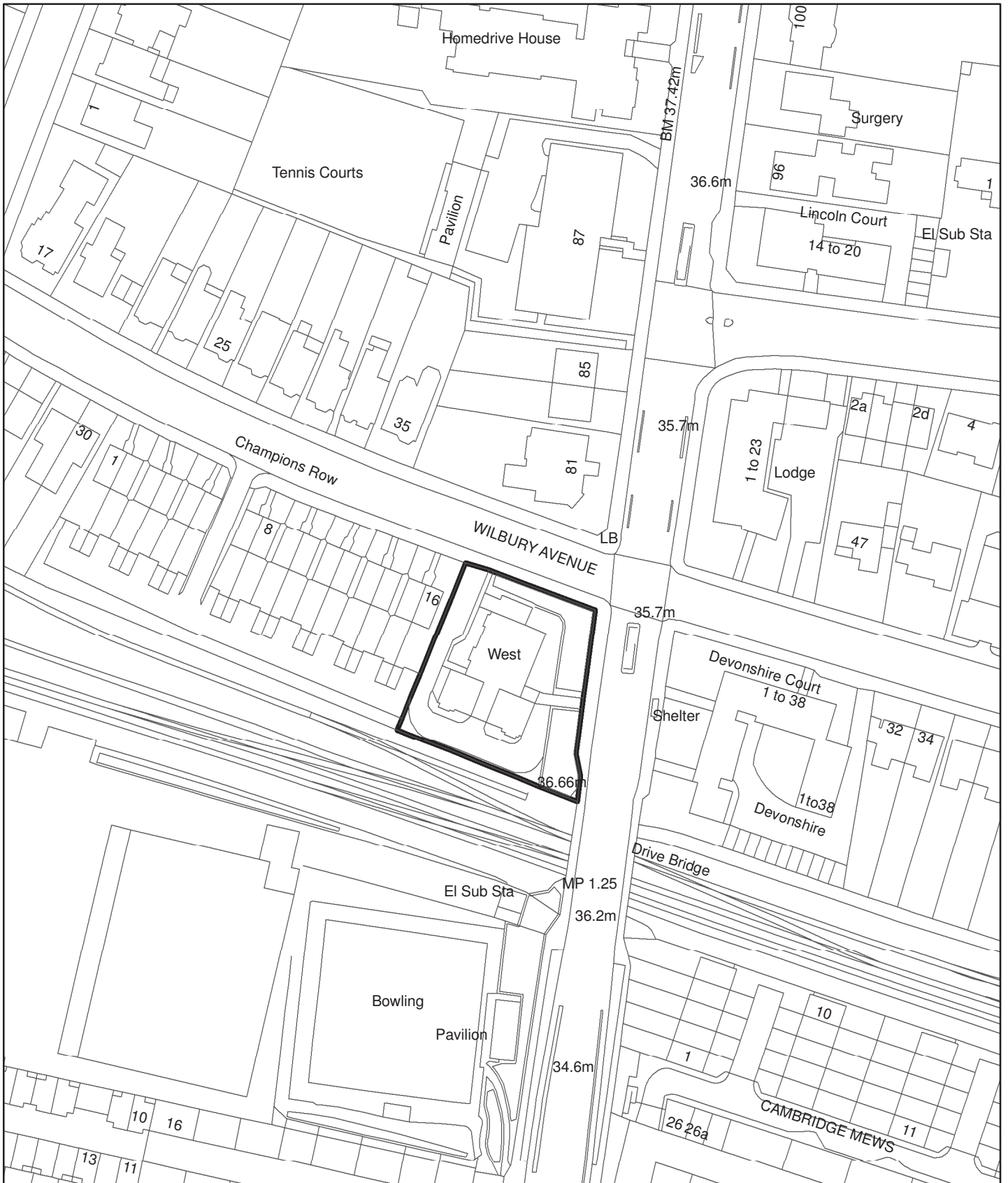
**PLANS LIST
ITEM F**

West View, The Drive, Hove

**BH2013/00264
Full planning consent**

03 APRIL 2013

BH2013/00264 West View, The Drive, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/00264	<u>Ward:</u>	Goldsmid
<u>App Type:</u>	Full Planning		
<u>Address:</u>	West View, The Drive, Hove		
<u>Proposal:</u>	Creation of additional floor above existing to provide 4no new flats with additional car parking at ground floor level.		
<u>Officer:</u>	Steven Lewis Tel: 290 480	<u>Valid Date:</u>	04/02/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01/04/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 31 North Street, Chichester		
<u>Applicant:</u>	Anstone Properties Limited, C/O Strutt and Parker		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 West View is located on the corner of The Drive and Wilbury Avenue and is a five storey residential block of flats. The ground floor is set below the level of The Drive from where the structure has the appearance of a three or four storey block.
- 2.2 The railway line runs to the south of the building and located to the west is Champions Row, a modern development of semi detached houses separated by an access road which leads to parking and communal gardens at the back of the block.
- 2.3 The Drive is mainly a residential area comprising of both block of flats and substantial houses in a variety of uses, but mainly residential. The properties along The Drive vary in height with some being taller than West View. The properties in the adjacent Wilbury Avenue are generally lower due to the sloping nature of ground and therefore appear set below West View.

3 RELEVANT HISTORY

BH2011/01438: Application to extend time limit for implementation of previous approval BH2008/00149 for a roof extension to create two flats (comprising of one four bed unit and one two bed unit) with a roof garden to each flat: two reserved parking spaces and a new enclosed cycle store. Approved 17/06/2011

BH2008/00149: Roof extension to create two flats, roof gardens and associated parking and cycle store. – Refused 28/02/2008. Appeal Allowed

BH2005/00890/FP: Additional floor to create 3 flats (comprising of 1x4 bed unit and 2x2 bed units). Provision of a new secure cycle store and 3 reserved

parking spaces (19-21 inc) and roof gardens to flats 19 and 20. – Refused 20/05/2005, Appeal Dismissed 24/04/2006

BH2004/03362/FP: Additional floor to create 4 flats (comprising of 1 x 3 bed unit & 3 x 2 bed units). Provision of new secure cycle store & 4 reserved parking spaces Nos: 19 - 22 inc. Refused 27/01/2005 – Appeal Dismissed 10/11/2005

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of additional floor above existing to provide 4no. new flats with additional car parking at ground floor level.
- 4.2 The proposal is a revision of the previously approved scheme (BH2011/01438) which permitted 2 large flats. The design has been amended to increase the number of new flats from to 4, alterations to the layout of the flats and their living standards, an increase the footprint of the new storey, changes the fenestration, materials and detailing.
- 4.3 The proposal would provide 3 x 2 bedroom flats plus a single one bedroom flat, each with access to their own private amenity space.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **16 Champions Row, F9 St James Court, 5, 7, 8, 14, 17 West View**, objecting to the application for the following reasons:
 - The construction will cause noise, disturbance and dust, of particular concerns to elderly residents
 - The plans outline 4 further parking spaces. There is insufficient room for new parking spaces and the present visitor spaces are required to receive visits.
 - The lifts will be inaccessible for at least a year with elderly residents particularly affected
 - The new storey will result in a loss of privacy for residents in St James Court
 - The current flats are not well maintained and additional flats will exacerbate this issue. There is insufficient refuse facilities

Internal:

- 5.2 **Access Consultant:** 300mmm clear space is required at the leading edge of the doors top the bedroom 1 in both flats at the south end of the building. The applicant should confirm level thresholds to balcony/terrace doors.
- 5.3 **Sustainable Transport:** No objection. Recommended approval as the Highway Authority has no objections to this application.
- 5.4 **Vehicular & Pedestrian Access**
The existing vehicular and pedestrian access arrangements are retained. This is acceptable.

5.5 *Trip Generation & S106 Contribution*

The proposals are forecast to increase trip generation levels slightly above existing permitted levels. This is because there are 4 additional units. This level of trip generation is not considered to have a significant impact upon the highway network. In light of this and the fact that the proposals are below the Temporary Recession Measures the Highway Authority is not looking for a S106 contribution in this case.

5.6 *Car Parking*

The applicant is proposing 22 on-site car parking spaces in total. There are currently 18 car parking spaces on-site. SPG04 states that the maximum car parking standard for a residential development within a CPZ is 1 car parking per unit and 1 space per 5 units for visitors. The applicant is proposing 1 car space per unit for the additional units. Therefore the proposed level of car parking is in line with SPG04 and considered acceptable.

5.7 The Highway Authority is seeking for a car park management plan to be secured via condition. This should detail how each car parking space will be managed and allocated to ensure that the proposed level of car parking is in line with Local Plan policy TR19.

5.8 *Cycle Parking*

SPG 4 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.

5.9 The applicant intends to provide a cycle store which they can accommodate 30 cycle parking spaces. The proposed cycle parking is in the car parking area and this location is acceptable. The store is approximately 3m by 5m and therefore there is doubt as to whether 30 cycles could be accommodated in this store. There is however, plenty of space on site to accommodate other cycle parking. And therefore it recommended that the applicant provides additional cycle storage and that further details are secured via condition.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- The Regional Spatial Strategy, namely The South East Plan (6 May 2009);
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- 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 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
SPGBH4	Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites

SPD08 Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

8.1 The main issues in the determination of this application are the design of the proposal upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

Planning History and principle of development

8.2 Planning permission was granted at appeal in November 2008 for an additional roof storey to create two flats, roof gardens and associated parking (ref BH2008/00149). The time limit of this permission was subsequently extended in June 2011 (ref BH2011/01438). Accordingly, there is an extant permission for an additional storey of accommodation and this should be given significant weight as a material consideration.

8.3 It should be acknowledged that the design, layout and number of flats is different to the previously allowed appeal case. The design has been amended to increase the number of new flats from 2 to 4, alteration to the layout of the flats and their living standards, a marginal increase the footprint of the new storey, changes to the fenestration, materials and detailing are also noted

8.4 The new design therefore does have a differing impact, however the scale, height, detailing, use and layout of the extant scheme are noted and the changes are considered in this report.

8.5 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

8.6 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics of the area.

8.7 Policy QD3 confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

8.8 The additional storey by reason of its scale, height, materials, form, detailing and siting would remain acceptable and would provide a quality design adding visual interest to the building. Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional height would not negatively affect the appearance of the area given it would be seen in the context of the modern blocks of The Drive and host building, the adjacent railway and remains satisfactorily designed in relation to its surroundings. The principle of an additional storey on this building has already been established by the earlier permissions.

- 8.9 The additional height would be approximately 3m taking the building to an approximate total height of 17.5m, with an additional 0.7m protrusion to accommodate the lift motor rooms. The additional storey would be set back from components of the front, rear and side elevations. Most notably the extension would be set back approximately 1.6m from the Wilbury Avenue elevation and up to 0.7m from side elevation facing the railway and part of the front (The Drive). This approach, combined with the use of glazing and set back sections and use of rendered parts is acceptable, the changes would help to reduce the visual impact of the additional height and articulate an acceptable form.
- 8.10 The changes from the previously approved scheme including render and increased glazing pattern changes would lighten the appearance of the additional storey. The large exposure of glazing and simple pattern would maintain an acceptable modern contrast to the existing building and provide visual relief to the main building preserving the positive characteristics of the area. Samples of materials should be secured by planning conditions to ensure that a satisfactory finish to the development. In view of the previous permissions for an additional storey, a refusal based on visual amenity could not be substantiated.

Amenity

- 8.11 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.12 West View is characterised by modest sized block of flats set within a communal formal grounds with landscaping. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The block is sufficiently spaced from adjacent developments as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.
- 8.13 The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the construction period have been noted. These matters do not fall within the remit of planning control. However, local residents may have recourse under Environmental Health legislation in relation to noise and disturbance outside normal working hours.
- 8.14 As such it is considered that the development would not cause a harmful level of noise, disturbance and environmental harm.

Living Accommodation Standards and Housing Issues

- 8.15 The proposal would provide four flats capable of providing an acceptable standard of living for occupants. Whilst the previous proposal sought two large flat capable of family occupation, it is considered that the proposal would continue to have three units capable of family occupation plus one smaller unit and would continue to meet a strategic housing need in the city. The quality of

the accommodation would be acceptable in respect of the standards of living space, private amenity space and access.

- 8.16 Each of the proposed units would have access to its own private amenity space in the form of roof gardens. Each of the gardens would be sufficiently spaced or separated by an obscure glazed screen and provide an appropriate amount of private space. Each of the flats would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. The floor space of each unit would meet an acceptable standard for market housing. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.
- 8.17 Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria should be incorporated into the scheme.
- 8.18 Whilst the Design and Access statement contends that the flats will meet Lifetime Homes Standards, it is considered in this case that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and a planning condition is therefore recommended to secure appropriate additional measures.

Sustainability

- 8.19 Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.20 The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of solar hot water system, efficient gas boiler, water butts, refuse and recycling facilities and attaining BREEAM Very Good, or Code level 3 for Sustainable Homes.
- 8.21 Planning conditions should be imposed to secure this standard of sustainability. The planning statement also sets out a number of other criteria which can be met which goes beyond EcoHomes for refurbishment standards and a general sustainability measures condition may be added.
- 8.22 Policy SU13 seeks to minimise construction industry waste. SPD03 supports the objectives on this policy. However new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plan Regulations 2008. This legislation sits within Section 54 of the Clean Neighbourhoods and Environment Act 2005. On that basis a condition to secure waste minimisation management is not necessary.

Transport

- 8.23 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.24 Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance
- 8.25 The existing vehicular and pedestrian access arrangements are retained and the present arrangement is acceptable.
- 8.26 The applicant is proposing to increase the numbers of parking spaces from 18 to 22, a total 1 car space per flat and 1 space per additional unit. The proposed level of car parking considered acceptable and in accordance with current adopted parking standards. The Transport team have requested a car park management plan to be secured via condition and it would be expected that this would detail how each car parking space will be managed and allocated to ensure that the proposed level of car parking is acceptable and in compliance with adopted standards. .
- 8.27 The proposed cycle parking is for 30 spaces and located in the car parking area and this location is acceptable. The store is approximately 3m by 5m and therefore there is some doubt as to whether 30 cycles could be accommodated in such a confined space. However, there is plenty of space identified upon site to accommodate other cycle parking and it is therefore recommended that the applicant provides additional cycle storage and that further details are secured via a planning condition.

9 CONCLUSION

- 9.1 The proposed development would make an effective and efficient use of site, have a satisfactory appearance and would have an acceptable visual impact on the character and visual amenity of the area. The design includes provision of an acceptable standard of environmental sustainability, including on-site water heating.
- 9.2 The development would not result in harmful loss of light or outlook, or increased noise or disturbance, for occupiers of adjoining properties. The accommodation would provide an adequate standard of living accommodation for their occupants and provide for an identified housing need within the city.
- 9.3 Subject to securing suitable details of a car park management plan and cycle parking by planning condition it is considered that the development would have an acceptable transport impact.

10 EQUALITIES

- 10.1 The development should incorporate Lifetime Home standards, wherever practicable, into the design.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) 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.
- 2) 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
Site Plan	A2212/01	B	29/01/2013
Block Plan	A2212/02	B	29/01/2013
Existing Floor Plan	A2212/03	B	29/01/2013
Existing South Elevation	A2212/05	B	29/01/2013
Existing East Elevation	A2212/06	B	29/01/2013
Existing West Elevation	A2212/07	B	29/01/2013
Proposed Floor Plan	A2212/08	B	29/01/2013
Proposed North Elevation	A2212/09	B	29/01/2013
Proposed South Elevation	A2212/10	B	29/01/2013
Proposed East Elevation	A2212/11	B	29/01/2013
Proposed West Elevation	A2212/12	B	29/01/2013
Existing roof Plan	A2212/13	B	29/01/2013
Proposed roof Plan	A2212/14	B	29/01/2013
Lifetime Homes	A2212/15	B	29/01/2013

11.2 Pre-Commencement Conditions:

- 3) No development 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 QD1 of the Brighton & Hove Local Plan.
- 4) No development shall take place 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 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.
- 5) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all

residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary *Planning Document SPD08 Sustainable Building Design*.

- 6) Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floor layout drawings incorporating lifetime home standards have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and retained 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 commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) No development shall commence on site until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include the following measures:

- a. Details of how each car parking space will be allocated and managed
- b. Details of measures to ensure that each car parking space is for the use of its allocated owner:

The above works must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan

- 9) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 10) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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.

11.4 Informatives:

1. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk www.wrap.org.uk.
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.
4. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an

PLANS LIST – 03 APRIL 2013

acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.