

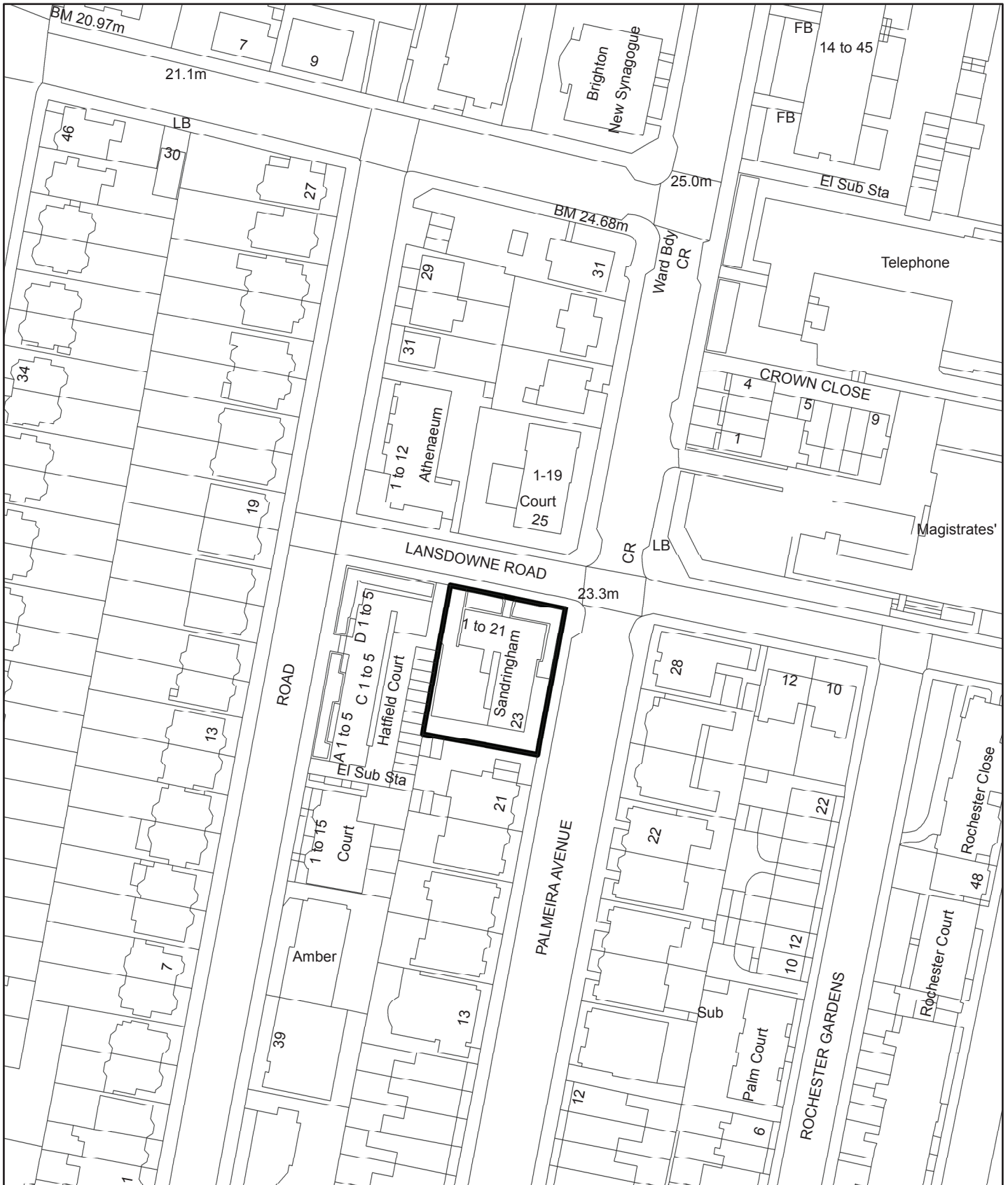
**PLANS LIST
ITEM G**

**Sandringham Lodge, 23 Palmeira Avenue,
Hove**

**BH2013/00683
Full planning consent**

15 MAY 2013

BH2013/00683 Sandringham Lodge, 23 Palmeira Avenue, Hove.



Scale: 1:1,250

<u>No:</u>	BH2013/00683	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sandringham Lodge 23 Palmeira Avenue Hove		
<u>Proposal:</u>	Formation of additional level comprising of 2no three bedroom penthouse flats incorporating roof gardens and delegated car parking .		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	04/03/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	29/04/2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Andrew Borley, 10 Castle Gardens, London Road, Arundel		
<u>Applicant:</u>	Anstone Properties Ltd, 29 Palmeira Mansions, Church Road, Hove		

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 they are **MINDED TO REFUSE** planning permission subject to the expiry of the publicity period and receipt of no new material planning considerations being raised and for the reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 Sandringham Lodge is an 'L' shaped flat roofed block of flats, comprising 21 apartments arranged over five floors. The building occupies a prominent position facing onto Palmeira Avenue and Lansdowne Road in Hove and forms part of a group of residential blocks between Palmeira Avenue and Salisbury Road
- 2.2 There is currently a relatively consistent height between Sandringham Lodge and the neighbouring blocks and the other nearby properties. However, Sandringham Lodge is already taller than many residential blocks in the immediate area.
- 2.3 The site is outside, but close to, the edge of two conservation areas. These conservation areas contain properties of similar massing, design and materials to each other and which produce a high quality townscape. The site is visible from parts of both Willett Estate and Brunswick Town conservation areas.

3 RELEVANT HISTORY

- BH2001/02613/OA** - Construction of additional storey to provide four two bedroom flats. – Refused 28/02/2002
- BH2001/01887/OA** - Construction of an additional storey to form 4 flats. – Refused by DoE – Appeal dismissed 13/02/2002
- BH1999/02817/FP** - Removal of undercroft parking bays and creation of two flats. – Refused 20/01/2000 – Appeal Allowed 28/04/2000

BH1999/01237/FP - Replacement of existing railings to rear access walkways.
– Approved 08/07/1999

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an additional storey of residential accommodation to create 2 additional flats comprising of three bedrooms each. The additional storey would incorporate extensive full height glazing and roof gardens enclosed by balustrades.
- 4.2 The proposal is similar in design to additional storeys recently granted planning permission upon other blocks also owned by the applicant, such as Blocks A&B and E&F Kingsmere, The Priory in London Road in Brighton, and West View in the Drive in Hove.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty one (21)** letters of representation have been received from Davigdor Infants School, 1 Crown Close, 10, 12, 14, 16, 17, 19 Lansdowne Court, F3, F5, F7 28 Palmeira Avenue, 3, 16, 18, 20 (X3) Sandringham Lodge, 12 Wish Road, 1 x Unaddressed (a flat in Lansdowne Court), a letter from BHT Advice on behalf of 18 Sandringham Lodge, objecting to the application for the following reasons:
- The development is out of keeping with other blocks of flats in the vicinity and would create an unwelcome precedent
 - The development would have a negative impact upon the Brunswick Town and Willett Estate conservation areas
 - The trees surrounding the site do not create full annual coverage and do not conceal the full visual presence of the buildings.
 - The additional height would block light and overshadow properties at Lansdowne Court and Palmeira Avenue
 - Earlier applications of a similar nature have been rejected by the Council and the circumstances have not changed
 - The capacity of Brighton and Hove has seen a substantial increase, with Lansdowne Road affected badly. The road is placed under greater pressure from capacity increase from the County Cricket ground, greater travel and parking demands and servicing. This additional demand has caused congestion and the road being used as a rat-run making the road difficult to manoeuvre even for emergency vehicles, the development would serve to exacerbate this
 - The development would lead to greater levels of pollution and lower air quality
 - The development would place additional pressure upon infrastructure, such as schools, roads, hospitals etc
 - The development would not provide any low cost or Affordable housing
 - The additional storey of accommodation would create additional noise and disturbance

- The managing agent has advised that the roof presently has asbestos within it. What provisions are there to ensure its safe removal?
- There is mould within the walls and the structure may not be able to carry the additional load of an extra storey
- The elevator is insufficient to handle the additional capacity
- There are no additional parking spaces and there should be no a loss of trees and plants around the grounds
- Two residents of the building are currently facing some emotional health and well-being difficulties and the development would undermine their health further.
- Letter from Davigdor Infant School supplementing objection letter, bearing witness to child's well-being in relation to noise and disturbance.

5.2 **Neighbours: Five (5)** letters of representation have been received, 4, 6, 10 (x2), 11 Sandringham Lodge, supporting the application for the following reasons:

- The present roof is in need of repair/replacement and the construction of an additional storey would mean that the costs of replacing the roof would be met by the Freeholders and not paid for by residents,
- The development would enhance the present block and surrounding area
- The additional storey is appropriately designed, the modern glazing and set back should produce an appropriate finish,
- The development would add to local housing stock in-line with local and national government policies,
- The works would ensure that any asbestos present in the current roof covering would be safely removed and disposed of,
- The development would create roof gardens.

Internal:

5.3 **Access consultant** Comment: The application appears satisfactory in terms of Lifetime Homes

5.4 **Environmental Health:** Comment. There are no objections on grounds of air quality

5.5 **Sustainable Transport:** Comment

Summary of Comments:

Recommended approval with conditions to protect the interests of the public using the roads and footways.

5.6 *Cycle parking*

The applicant appears to be proposing four additional cycle parking spaces. This amount would be acceptable and complies with the City Council's parking standards SPG4. It is however unclear if the applicant is in fact proposing new stands or retaining existing. To comply with SPG4 the cycle stands must be new provision.

5.7 The Highway Authority therefore requests that the applicant submits a drawing that details the proposed cycle parking store and stands.

- 5.8 It is also not clear if there is an adequately designed access route to the store and this should be included in the above drawing.
- 5.9 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure (stands that enable the user to lock the frame of the cycle and not just the wheel), convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. The submitted 'Wiggins Bike Rack' does not secure cycles satisfactorily and is not acceptable.
- 5.10 *Car Parking*
The applicant does not propose additional parking on site. Therefore any additional parking may occur on the highway.
- 5.11 There appear to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 5.12 The proposal is increasing the number of flats on site by 2. The number of existing flats on site using car park is unclear from the submitted application. The number of car parking spaces is to remain at the existing number - 6. The proposed 2 flats may generate a greater demand for car parking on the site than is being provided. This could result in misuse of the car park. It is recommended that a car park management plan is requested and submitted by the applicant for the Planning Authority's approval and conditions are attached to ensure that the car parking area is not misused.
- 5.13 *Trip generation/ Financial contributions comment*
The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

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:
- 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
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
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
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of sustainable development

CP12 Urban Design

CP13 Public Street Spaces

CP14 Housing density

CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues in the determination of this application are the impact of the development upon the character and appearance of the area including the adjacent conservation areas, the planning history of the site, amenity issues, transport and highways issues, sustainability and living accommodation standards.

Planning History:

- 8.2 Planning permission was previously refused on two separate occasions for an additional floor of residential accommodation comprising of four flats in 2001 (BH2001/01887/OA) & BH2001/02613/OA).
- 8.3 One of the cases (BH2001/01887/OA) was subject of a non determination appeal, which was dismissed on the basis that the Inspector concluded the additional storey would have a negative effect on the character and appearance of the area in which it is located and on the setting of the Willett Estate Conservation Area.

Design, impact on street scene and wider area

- 8.4 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.
- 8.5 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.
- 8.6 Policy QD3 relates to efficient and effective use of sites and 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.

- 8.7 HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.
- 8.8 The general design approach of the additional storey and the approvals of planning permission in a number of similar cases with comparable designs at West View, The Drive in Hove, Kingsmere and The Priory in London Road, Brighton are noted. In this case the block subject of the application whilst of similar appearance is set within a differing urban context and the design of the block and additional storey must be considered in its own context.
- 8.9 The additional storey by reason of its height, massing and form would make the building significantly more visually prominent and would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings thereby, having a negative impact upon the appearance of the street scene, of the adjacent buildings and the Willett Estate Conservation Area.
- 8.10 The building is outside of, but close to two conservation areas. These conservation areas contain buildings of similar massing and design to each other which provide a high quality urban environment. Sandringham Lodge is visible from parts of both of the conservation area, but due to the degree of separation and landscaping, it is largely concealed from the South (Brunswick Estate).
- 8.11 The additional storey whilst glazed and therefore lighter than hard facing materials, would assert a greater presence from within Willett Estate conservation area. The eastern edge of the conservation area is approximately 30 to 40m away and the building is already highly prominent due to its solid and massed appearance. An extra storey in height would compound the already prominent building and pay poor reference to the positive characteristics of the wider area and adjacent buildings.
- 8.12 The adjacent property in Palmeira Avenue to the south of the site is a large semi detached Edwardian style house. It has a prominent front projecting gable, front dormer and hipped roof sloping down towards the application site. The design and specifically the sloping roof provide visual relief and welcome contrast between the more modern blocks and the traditional styling of the buildings to the south. The surrounding blocks of flats are of an approximate height to Sandringham Lodge, of particular note is the most recently constructed block opposite at 25 Palmeira Avenue, the height of which has been designed to match and not exceed that of those around it.
- 8.13 The result of these relationships, roofspace and heights is a consistency which is mutually respectful and which provides visual harmony and provides a positive key visual characteristic. The additional storey particularly when viewed in longer views, despite considering the light materials and set back; would fracture these relationships and characteristics and harm the visual qualities of the surrounding area. Of particular concern in respect to the additional height is the relationship with the adjacent neighbour to the south.

- 8.14 The proposed additional storey would not emphasise the positive qualities of the surrounding area and would harm the setting of the Willett Estate Conservation Area and is thereby contrary to Local Plan policies QD1, QD2 and HE6.

Amenity

- 8.15 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.
- 8.16 Sandringham Lodge is a block of flats set within a communal grounds with minimal landscaping and hard surfacing for car parking. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension would maintain an acceptable relationship with its surroundings. The block is sufficiently spaced from others adjacent as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause material overshadowing and overlooking or any adverse increase as a result of the additional height now proposed.
- 8.17 The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the occupation and 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.
- 8.18 As such it is considered that the development would not cause a harmful level of noise, disturbance or environmental harm.
- 8.19 Members' attention is drawn to the previous similar scheme, where Inspectors have found similar developments acceptable in terms of the impact upon the amenities of existing and future occupants.

Living Accommodation Standards and Housing Issues

- 8.20 The proposal would provide two flats capable of providing an acceptable standard of living for occupants, of suitable size for family occupation that would 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.
- 8.21 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 provide an appropriate amount of private space in accordance with Local Plan policy HO5. Each of the flats would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. The floor space of each unit is below the amount expected of new affordable and/or social housing standards, but would meet an acceptable standard for market housing. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.

- 8.22 Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria have been incorporated into the scheme.
- 8.23 Whilst the Design and Access statement contends that the flats would 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 had the Council been minded to grant permission a planning condition could have been imposed to secure appropriate additional measures.

Transport:

Trip generation/ Financial contributions comment

- 8.24 The size of the development is below the threshold at which financial contributions are currently being sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not seek financial contributions for any uplift in trips generated by this development.

Cycle parking

- 8.25 The applicant is proposing four additional cycle parking spaces. This level of parking would be acceptable and complies with the City Council's parking standards. However, it is unclear if the applicant is in fact proposing new stands or retaining existing facilities. In order to comply with SPG4 the cycle stands must be new provision.
- 8.26 Further information was requested but has not been received. Therefore the Transport team have requested that the applicant submits a drawing that details the proposed cycle parking store, stands and access route. If approved this could have been required by planning condition and is therefore not recommended as a separate reason for refusal in this case.

Vehicle Parking

- 8.27 The applicant does not propose additional parking on site. Therefore any additional parking may occur on the highway.
- 8.28 The transport team comment that there appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal and it would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon a lower level of car parking than could be permitted by the Council's standards in SPG4.
- 8.29 The proposal is increasing the number of flats on site by 2. The number of existing flats is 21. However, the number of car parking spaces is to remain at the existing number - 6. The proposed 2 flats may generate a greater demand for car parking on the site than is being provided. This could result in misuse of the car park. In the event that the application were approved it would be recommended that a car park management plan is secured by planning condition.

Sustainability

- 8.30 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.
- 8.31 The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme. These include the use of photovoltaic cells, rainwater butt, smart metering, and attaining level 3 of the Code for Sustainable Homes.
- 8.32 In the event that Planning permission were granted, conditions could be imposed to secure this standard of sustainability. The planning application sets out a number of other criteria which can be met which goes beyond minimum requirements of SPD08 for refurbishment standards and a general sustainability measures condition could be added to secure these.
- 8.33 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 considered necessary.

Other issues

- 8.34 Issues with regards to affordable housing provision, impact upon the amenities during construction. Impact upon existing infrastructure, air quality, the specific health needs of some occupiers and present living standards have been considered but do not warrant refusal on these grounds.
- 8.35 A number of grounds for objection have been raised by local residents in relation to potential construction methods, structural load, potential for leaking roofs, removal of harmful waste etc. However, these are not material planning considerations in this case.
- 8.36 All matters raised by residents as highlighted in this report have been examined and appropriate weight afforded to them as material considerations.

9 CONCLUSION

- 9.1 The proposed development would make an effective and efficient use of site, but by reason of its height, massing and form the proposed additional storey would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings and would result in a negative impact upon the appearance of the street scene, on adjacent buildings and the Willett Estate Conservation Area

10 EQUALITIES

10.1 The development could incorporate Lifetime Home standards wherever practicable into the design had permission been granted.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reason for Refusal:

1. The additional storey by reason of its height, massing and form would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings, having a negative impact upon the appearance of the street scene, on adjacent buildings and the wider Willett Estate Conservation Area. The proposed development is thereby contrary to policies QD1, QD2, and HE6 of the Brighton and Hove Local Plan.

11.2 Informatives:

1. 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.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan	A1411/01	A	28/02/2013
Site Plan	A1411/02	C	28/02/2013
Existing Floor Plan	A1411/03	A	28/02/2013
Existing North elevation	A1411/04	B	28/02/2013
Existing South elevation	A1411/05	A	28/02/2013
Existing East elevation	A1411/06	A	28/02/2013
Existing West Elevation	A1411/07	A	28/02/2013
Proposed Floor Plan	A1411/08	B	28/02/2013
Proposed North Elevation	A1411/09	C	28/02/2013
Proposed South Elevation	A1411/10	B	28/02/2013
Proposed East elevation	A1411/11	B	28/02/2013
Proposed West Elevation	A1411/12	B	28/02/2013
Existing Roof Plan	A1411/13	A	28/02/2013
Proposed Roof Plan	A1411/14	A	28/02/2013
Proposed Floor Plan	A1411/15	-	28/02/2013
Site Plan	A1411/16	-	26/03/2013

