

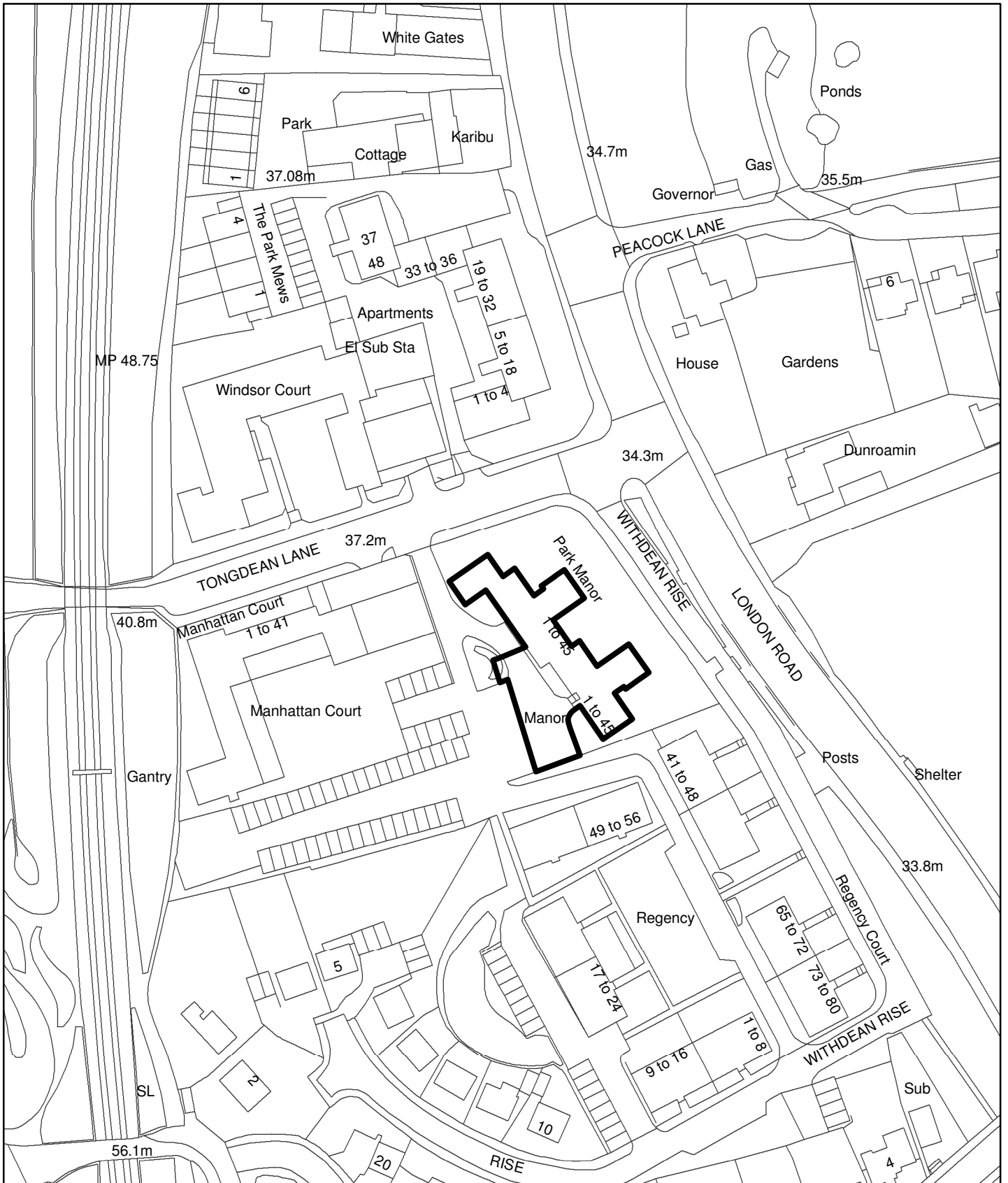
# **ITEM J**

**Park Manor, London Road, Brighton**

**BH2013/03993**  
**Full planning**

**02 APRIL 2014**

# BH2013/03993 Park Manor, London Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |   |                            |                  |
|--------------------------------------|---|----------------------------|------------------|
| <b><u>No:</u></b>                    | <b>BH2013/03993</b>   | <b><u>Ward:</u></b>        | <b>WITHDEAN</b>  |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                  |
| <b><u>Address:</u></b>               | <b>Park Manor London Road Brighton</b>  |                            |                  |
| <b><u>Proposal:</u></b>              | <b>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.</b> |                            |                  |
| <b><u>Officer:</u></b>               | Liz Arnold Tel 291709   | <b><u>Valid Date:</u></b>  | 03 December 2013 |
| <b><u>Con Area:</u></b>              | N/A   | <b><u>Expiry Date:</u></b> | 28 January 2014  |
| <b><u>Listed Building Grade:</u></b> | N/A   |                            |                  |
| <b><u>Agent:</u></b>                 | Strutt and Parker, 31 North Street, Chichester, West Sussex PO19 1LY  |                            |                  |
| <b><u>Applicant:</u></b>             | Anstone Properties Ltd, C/O Strutt and Parker, 31 North Street , Chichester, West Sussex PO19 1LY   |                            |                  |

## 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 The application relates to a 7 storey block of 45 flats situated on the corner of London Road and Tongdean Lane. 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. The building is opposite Surrenden Field Park and is part of a row of other blocks of flats at Regency Court and The Park Apartments which front London Road.
- 2.2 Works are currently being undertaken on a two-storey extension to an existing addition on the north side of the building which would allow an additional two flats within the site.

## 3 RELEVANT HISTORY

**BH2013/02531:** Application for approval of details reserved by condition 6 of application BH2012/03981. Approved 20/09/2013.

**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.

**BH2012/03981:** Application for variation of condition 2 of BH2012/00382 (Erection of two storey extension to side annex to form 2no one bedroom flats and erection of cycle store), which states that the development shall be carried out in accordance with the approved drawings, to permit an increase to the approved roof height of 0.5m and remove solar panels. Approved 14/02/ 2013.

**BH2012/01399** - Application for Approval of Details Reserved by Condition 8 of application BH2012/00382. Approved 27/06/2012.

**BH2012/00382** - Erection of two storey extension to side annexe to form 2no one bedroom flats and erection of cycle store. Approved 30/03/2012.

**BH2011/01313**: Erection of two storey extension to side annexe to form 1no three bedroom maisonette and erection of cycle store. Approved 29/11/2011.

**BH2010/04042**: Erection of two storey extension to side annexe to form 1no two bedroom maisonette and erection of cycle store. Refused 14/03/2011.

**BH2010/02980**: Application to extend time limit for implementation of previous approvals BH2005/01349/FP & BH2007/04485 for proposed roof extension to provide 4no three bedroom penthouse flats with private roof gardens, parking and associated works. Approved 19/11/2010.

**BH2007/04485**: Amendment to approval BH2005/01349/FP (proposed roof extension to provide 4 flats) by increasing height of roof by 0.5m. Approved 29/02/2008.

**BH2005/06329**: Proposed roof extension to provide four 2-bedroome flats with four car parking spaces, one disabled car space, new secure cycle store, new passenger lift and staircase. Refused 17/02/2006.

**BH2005/01349/FP**: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking spaces (no's. 50-53 inclusive) as extent consent 68/2098 one disabled parking and new secure cycle store. Refused 8<sup>th</sup> June 2005. Appeal allowed 15/05/2006.

**BH2005/00364/FP**: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking space one disabled parking and new secure cycle store. Withdrawn 30/05/2005.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of an additional floor on the building. The extension would provide an additional 4, three bedroom flats. The proposed flats include balconies to the front elevations. The scheme also includes the provision of 4 additional car parking spaces, including one disabled space and cycle parking spaces for the new flats, to the rear of the building. The scheme also involves the removal of the existing lift housing and the provision of new lift housing. Amendments received during the course of the application clarify that the lift housings would remain projecting above roof level.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

##### **Neighbours:**

##### Original consultation

- 5.1 **Four (4)** letters of representation have been received from **Flats 23, 35, 37 and 40 Park Manor, London Road**, objecting to the application for the following reasons;

- Over-development of the site,
- Increased parking problems, impacts on highway safety and restricted access in and out of the site,
- Disruption and inconvenience during construction, including noise and dust,
- The existing building contain asbestos and therefore building the additional flats is likely to pose a serious health risk to existing residents,
- The loss of the existing covered bin store area for cycle storage,

## PLANNING COMMITTEE LIST- 02 APRIL 2014

- The extra demand and pressure on plumbing to cope with the new properties,
- Park Manor is already at capacity in terms of its current level of occupation, the development would be out of keeping with the current look of the building and will give it a “top-heavy” and awkward appearance,
- Would seriously affect the amenities of the occupiers of the properties and neighbouring properties, including with regards to noise, overlooking and loss of privacy,
- The property occupies a prominent position at the junction of two roads
- The land to the front and side of the flats is currently landscaped forming an attractive and pleasant setting for the building,
- The back of the building is a very small site and even more traffic would be a hazard as there is no walk ways and already cars are parked all over the very narrow roadways,
- Would be almost impossible for access for emergency vehicles,
- Objected to the proposal in 2005, 2006 and 2013 and it is even more important to not allow any more development to the building,

5.2 **Eighteen (18)** Generic Objection letters of representation have been received from **Flats 3, 7, 9, 20, 29, 30, 34, 41, 43, 44, 48, 49, 51, 57, 58, 59, 64, 77, Regency Court, Withdean Rise**, objecting to the application for the following reasons;

- There was a near-identical failed application from the applicant some 25 years ago and the structural report carried out at the time highlighted the problem of an extension with respect to the existing building/structure/foundations. Additionally cracks and signs of weakness, both internal and external, have been seen in the building and a recent report carried out in the area highlighted cracked and broken drains. At the very least a full structural survey should be commissioned before any decision is taken,
- The mature Ash tree which the proposal earmarks for removal is subject of a preservation order,
- The development would mean an additional level to the already 7 in place. This is out of keeping with the surrounding area, adjacent developments at Regency Court and Manhattan Court are 4 levels only,
- The development would result in noise, overlooking and loss of privacy for neighbouring flats not just Regency Court,
- The creation of reserved spaces will only serve to exacerbate the already critical lack of parking spaces at Park Manor and Regency Court. Residents already have to resort to parking on double yellow lines and in the forecourt of Park Manor, making access difficult for large services vehicle and more importantly emergency services,
- Park Manor is already at capacity in terms of its current level of occupation and associated traffic and parking. A further increase of 4 flats would stretch things to breaking point and cause an intolerable increase in noise and extra traffic,
- During the construction phase there will be undue disturbance (noise, debris, extra traffic) and distress caused to existing residents of Park Manor, and particularly those on the 6th floor and neighbouring flats and Regency Court,
- The proposed scheme is totally inappropriate for the needs of the local residents.

5.3 **Twenty Five (25)** Generic Objection letters of representation have been received from **Flats 1, 2, 3, 4, 5, 9, 11, 12, 12A, 16, 18, 20, 21, 24, 25, 27, 28, 33, 34, 35, 38, 41, 42, 44, 45 Park Manor** objecting to the application for the following reasons;

- The existing development has 45 flats, rising to 47 when existing works are completed under separate planning permission granted sometime ago,
- Only 10 parking bays are provided which is the same as when the site was originally development 40 years ago when car ownership was far less in society. Any further development will result in serious congestion and hindrance to essential services particularly emergency fire appliances,
- The removal of a mature Ash tree and the surrounding area paved for parking,
- An additional level to the 7 already in situ, this is totally excessive and out of keeping for the area given the adjacent developments at Regency Court, Manhattan Court and Windsor Court are of 4 levels only and will present an incongruous and ugly dimension to the area,
- Adjoining residents will suffer overlooking, overshadowing and loss of privacy,
- Further development of the already cramped site will result in increased traffic, especially at night. The reserved parking bays are much closer to the flats, particularly bedrooms than at present,
- Due to the age of the building (40 years) there is asbestos in the fabric of the construction and any major building work will pose a significant and dangerous health risk to residents and others if such work were to be undertaken,
- The proposed cycle storage, which is not an improvement but a legislative requirement, would be sited where 10 large refuse containers are securely and discreetly located. The proposal will result in the refuse containers being in the open, exposing an unacceptable eyesore as well as a major invitation to foxes and other vermin thereby creating risks to health of residents whose kitchens, bathrooms and bedrooms face outward to the proposed location, and
- Disruption and distress to residents during construction, especially to those residents on the 6th floor.

Additional consultation

5.4 **A further 11 (Eleven)** letters of representation have been received following receipt of amendments from **Flats 1, 4, 16, 23, 29, 34, 35, 37, 38, 40, 41 Park Manor** objecting to the application for the following reasons;

- It is harassment constantly looking for planning consent on what is an old long established block of flats which obviously in 1961 was deemed high enough, should restrict number of applications submitted,
- Increased parking problems and issues including restricting access to the block and garages and would cause a health and safety issue as emergency vehicles cannot get to the building,
- There is limited room in refuse cupboards and the existing external bin store area would be lost to allow for parking bays, no replacement facilities are shown,
- Plumbing and waste pipes not able to cope with extra demand,
- Development would not provide affordable housing,
- The development is totally inappropriate for the area and is an over-development,

## PLANNING COMMITTEE LIST- 02 APRIL 2014

- A structural report in the 1980's revealed that the building was not designed and is not capable of bearing any further load,
- The additional floor is totally out-of-keeping with the remainder of the block,
- The proposal would displace 3 recycling wheel bins,
- The new bays would be immediately adjacent to ground floor residents properties, resulting in fumes being exhausted directly towards windows in close proximity,
- The development would cause noise and disturbance to the residents,
- The parking bays and cycle store will be sited where an ash tree is currently located. This tree has a Tree Preservation Order against it so would either have to be knocked down or would have its stability jeopardized,

5.5 **Brighton & Hove Archaeological Society:** Do not believe that any archaeological deposits are likely to be affected by this development.

5.6 **County Archaeologist:** (Comments 3/01/2014 and 18/02/2014) Although the application is situated within an Archaeological Notification Area, it is not considered 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.

5.7 **Environment Agency:** Have no comments to make.

### **Internal:**

5.8 **Access Officer:**

(Original comments) Comments that the required 300mm clear space at the leading edge of door is not provided in the living room and one of the bedrooms in flats 48 and 52 and in one bedroom in flats 49 and 50. The current situation has side transfer space to the WC in one bathroom and the required 100mm front clearance to the WC in the other. There should be both 1100mm clear space in front of the WC and suitable side transfer space in at least one bathroom in each unit.

5.9 (Final comments following submission of amended plans) The scheme is now acceptable in respect of lifetime home standards.

5.10 **Arboriculturist:**

(Original comments) The cycle store is likely to jeopardise the structural stability of one tree covered by a Tree Preservation Order and therefore the Arboricultural Section objects to this part of the application.

(Amended comments following receipt of amended plans) No objection.

5.11 **Sustainable Transport:**

(Original comments and additional comments following receipt of amendments to the cycle storage facilities) Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of conditions

relating to the retention of parking areas, details of secure cycle parking and disable parking.

## **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) is a material consideration.
- 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 |
| SU10 | Noise nuisance  |
| SU13 | Minimisation and re-use of construction industry waste              |
| SU15 | Infrastructure  |
| QD1  | Design – quality of development and design statements               |



## PLANNING COMMITTEE LIST- 02 APRIL 2014

|      |   |
|------|---|
| QD2  | Design – key principles for neighbourhoods                    |
| QD3  | Design – efficient and effective use of sites                 |
| QD14 | Extensions and alterations                                    |
| 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:

|         |                   |
|---------|-------------------|
| SPGBH4  | Parking Standards |
| SPGBH15 | Tall Buildings    |

### Supplementary Planning Documents:

|       |                                 |
|-------|---------------------------------|
| SPD03 | Construction & Demolition Waste |
| SPD08 | Sustainable Building Design     |

### Brighton & Hove City Plan Part One (submission document)

|     |  |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
|-----|--|

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to the structural suitability of the existing building, the building fabric and infrastructure and the disturbance during construction works are not material planning considerations.
- 8.2 The main considerations in the determination of the application relate to the principle of the scheme, whether the proposal is appropriate in terms of design, residential amenity, sustainability, highway safety and demand for travel.

### **Principle of development:**

- 8.3 Planning permission is sought for the construction of an additional storey to the building and the creation of four additional residential units, each comprising three bedrooms. The planning history for this building is particularly relevant when considering the principle of an additional storey. In 2006, planning permission was granted at appeal (ref: BH2005/01349/FP) for an additional storey on top of Park Manor to form four flats. Subsequently, an amendment to the scheme was allowed in 2008 (BH2007/04485). This previously approved amendment allowed an increase in height of the approved scheme. Following this, in November 2010, planning permission was allowed to extend the time limit of the approved scheme. This renewed permission expired on the 19<sup>th</sup> November 2013. It should also be noted that an application for the provision of an additional storey to provide 6 new flats was also approved last year under application BH2013/01800.
- 8.4 Given the appeal decision and the extant permission for an additional storey to the property, the principle of an additional storey on top of this building has been established. It should also be noted that there are recent examples of planning permissions for similar additional storeys on apartment blocks nearby. For example, in 2012 permission was granted at appeal for an additional storey at Blocks E & F Kingsmere London Road under ref: BH2011/03432. Permission

has also been granted recently for an additional storey at The Excelsior, London Road under refs: BH2011/00370 & BH2007/03309.

**Design:**

- 8.5 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.6 As outlined above, this scheme follows a previous approvals for an additional storey to the existing block. These previously approved schemes allowed an extension to the whole of the roof of Park Manor which formed an additional storey with front roof terraces.
- 8.7 In respect of the design of the 2005 application, the Inspector made the following comments:
- 8.8 *'The existing lift housings which project above the roof are unsightly additions to the otherwise distinctive building. The new flats and their roof gardens would be no taller than the lift housing, and would respect the design of the lower floors. Because it would infill the space around the lift housings, the development would have a cohesive, flat-roofed appearance, in character with the rest of the block. The building would seem a little taller from street level, and it would not be dissimilar in height to other developments along the London Road, including the Park Apartments and Mandalay Court, nearby to the north, which serve to establish local distinctiveness. It would not, therefore, be overbearing, or an overdevelopment of the site. Park Manor is already taller than the 4-storey blocks at Regency Court, to the south, and because it is a sufficient distance from them, the modest increase in form that the proposal would cause would not be out of keeping.'*
- 8.9 In respect of the current scheme, the proposal is again for a full extension to the roof of Park Manor which forms an additional storey to create 4 flats. Although the internal layout of the flats now proposed differs to that approved under the BH2007/04485, externally the design of the current scheme is identical to that previously approved in 2008.
- 8.10 Since submission of the application the plans have been amended to clarify that the lift housings would remain projecting above the new floor addition.
- 8.11 The proposal would result in Park Manor measuring approximately 22m in height. The Council's SPG15 on Tall Buildings is applicable to buildings of 18m or taller, approximately 6 storeys, above existing ground level. This SPG outlines the Council's approach to new tall buildings and extensions to existing tall buildings. The SPG identifies London Road as a 'corridor' for tall buildings.

**Impact on Amenity:**

- 8.12 Policy QD27 states that planning permission for any development 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.
- 8.13 Park Manor is already larger than adjacent neighbouring blocks of flats. However, the footprint and scale of the additional storey is comparable to the previous expired permission.
- 8.14 The proposal is also considered appropriate in respect of its impacts on the amenity of the existing residents at Park Manor. The scheme does include small balconies which would allow some oblique and limited views into the existing sixth floor windows, however, these windows are already partly overlooked through existing windows on the block. Furthermore in respect of noise disturbance, this is unlikely to be any different to the expired permission and the permission granted last year, that could be implemented, which included roof terraces.

**Standard of accommodation:**

- 8.15 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The scheme proposes 4 three bedroom units. The proposal provides a suitable standard of accommodation with adequate light and outlook for the habitable rooms provided.
- 8.16 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes a balcony for each of the proposed flats. Balconies are classed as outside amenity area in policy HO5 and the scheme is considered in accordance with the policy.
- 8.17 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. Since the submission of the application, amendments have been received to address concerns raised by the Council's Access Officer. The applicant has outlined some Lifetime Homes measures in the submitted Design and Access Statement including the provision of level thresholds and adequate widths for doors, space available of wheel chair turning space in the main living areas and a simple route available for the future installation of a hoist from the main bedroom to the adjacent bathroom. The compliance with policy HO13 can be secured by the imposition of a condition.

**Sustainable Transport:**

- 8.18 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum

## PLANNING COMMITTEE LIST- 02 APRIL 2014

standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

- 8.19 The proposal is forecast to increase trip generation levels slightly above existing permitted levels due to the proposal providing an additional 4 residential units. The Council's Transport Officer states that the increase in trip generation is not considered to warrant a refusal of permission and due to the scale of the development it is below the Temporary Recession Measures threshold and therefore no financial contribution is sought in this case.
- 8.20 There are currently 30 car parking spaces on site for use by residents of Park Manor. In association with the proposed additional 4 flats the scheme proposes 5 additional parking spaces within the site, near to one of the entrances to the building. It is stated on the plans submitted that one of the proposed spaces would be for disabled parking, an issue discussed further below. Although five new spaces would be provided one existing parking space would be lost in order to accommodate the proposed cycle storage facilities set out below. SPG04 states that the maximum car parking provision standard for residential development outside of a Controlled Parking Zone is 1 space per unit and 1 space per 2 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 deemed acceptable.
- 8.21 With respect to the proposed disabled parking space the submitted drawings indicate the intended dimensions for the bay, however, these do not comply with the guidance provided by the Department for Transport (DfT). The location of the proposed disabled bay is considered acceptable, near to the main entrance to the building and amended details of the dimensions of the proposed disabled bay can be secured through the imposition of a condition.
- 8.22 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.
- 8.23 As part of the proposal an existing parking space to the east of the existing row of garages would be removed in order to accommodate a brick built cycle store. It is stated that this proposed store would accommodate 12 additional cycle parking spaces, which would increase the number of cycle spaces from 18 to 30, a level which is deemed acceptable. However the exact layout of the proposed facilities is not provided, such as the exact spacing of the stands, an issue which can be secured through the imposition of a condition.

### **Sustainability:**

- 8.24 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 8.25 Under Supplementary Planning Document 8 on Sustainable Building Design, new build residential for 3-9 units is required to meet Level 3 of the Code for

Sustainable Homes. As with similar extensions in the area, the extension to the roof is classed as new build and is required to meet this standard. A condition is therefore recommended requiring the submission of the relevant documents at the pre-commencement and pre-occupation stage that indicate the scheme would meet Level 3 of the Code for Sustainable Homes.

- 8.26 Plans submitted as part of the application show an existing refuse store adjacent to the parking spaces opposite the entrances to the building. The plans also show the repositioning of recycling facilities, located adjacent to the southern rear entrance, to the north of the proposed new car parking spaces, also adjacent to the entrance.

**Other Considerations:**

- 8.27 Previous permissions for an additional floor included a condition requiring the lift housing to be enclosed in sound insulating material and mounted in such a way to minimise transmission of structure borne sound. This condition is recommended for the current scheme to protect the amenity of future residents of the flats.

**9 CONCLUSION**

- 9.1 In conclusion, having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of additional flats on top of the building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition in the context of the street scene. The proposal would provide suitable accommodation and would not significantly detract from the amenity of the adjacent residents or significantly affect highway safety and parking in the area.

**10 EQUALITIES**

The new flats would be required to fully comply with Part M of the Building Regulations and meet Lifetime Home Standards in accordance with policy HO13.

**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 & Location Plans     | A3213/01  | Rev. B  | 5 <sup>th</sup> March 2014     |
| Existing Sixth Floor Plan | A3213/02  | -       | 22 <sup>nd</sup> November 2013 |

PLANNING COMMITTEE LIST- 02 APRIL 2014

|                             |           |        |                                |
|-----------------------------|-----------|--------|--------------------------------|
| Existing East Elevation     | A3213/03  | -      | 22 <sup>nd</sup> November 2013 |
| Existing West Elevation     | A3213/04  | -      | 22 <sup>nd</sup> November 2013 |
| Existing S & N Elevations   | A3213/05  | -      | 22 <sup>nd</sup> November 2013 |
| Proposed Seventh Floor Plan | A3213/06  | -      | 22 <sup>nd</sup> November 2013 |
| Proposed Seventh Floor Plan | A3213/07  | Rev. B | 18 <sup>th</sup> December 2013 |
| Proposed Seventh Floor Plan | A3213/ 08 | Rev. B | 18 <sup>th</sup> December 2013 |
| Proposed West Elevation     | A3213/09  | Rev. A | 24 <sup>th</sup> January 2014  |
| Proposed West Elevation     | A3213/10  | Rev. A | 24 <sup>th</sup> January 2014  |
| Proposed West Elevation     | A3213/11  | Rev. A | 24 <sup>th</sup> January 2014  |
| Existing Roof Plan          | A3213/12  | -      | 22 <sup>nd</sup> November 2013 |
| Proposed Roof Plan          | A3213/13  | -      | 22 <sup>nd</sup> November 2013 |
| Proposed Seventh Floor Plan | A3213/14  | Rev. A | 18 <sup>th</sup> December 2013 |
| Existing Parking Plan       | A3213/15  | -      | 22 <sup>nd</sup> November 2013 |
| Secure Cycle Store          | A3213/15  | -      | 24 <sup>th</sup> January 2014  |
| Parking & Cycle Storage     | A3213/16  | Rev. A | 6 <sup>th</sup> March 2014     |

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) Access to the flat roof above the additional storey 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.
- 5) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 6) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles

## PLANNING COMMITTEE LIST- 02 APRIL 2014

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.

- 7) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

- 8) No development 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. The 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.

- 9) Notwithstanding the details submitted, the development hereby permitted shall not be commenced until further details of the layout and dimensions of the 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.

- 10) Notwithstanding the information provided, the development hereby permitted shall not commence until revised details of the disabled car parking provision for the occupants of and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The parking space shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be returned for use at all times.

**Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan and SPG4 on Parking Standards.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum 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

## PLANNING COMMITTEE LIST- 02 APRIL 2014

Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

### 11.3 Pre-Occupation Conditions:

12) 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 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

b: 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.

### 11.4 Informatives:

1. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

2. The applicant is advised that the proposed disabled bay should be designed in line with the guidance provided in the Department for Transport produced Traffic Advisory Leaflet 5/95.

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.

2. 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:-

Having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of additional flats on top of the building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition



## PLANNING COMMITTEE LIST- 02 APRIL 2014

in the context of the street scene. The proposal would provide suitable accommodation and would not significantly detract from the amenity of the adjacent residents or significantly affect highway safety and parking in the area.