

<u>No:</u>	BH2019/03789	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	Alterations and extensions to Block A to create two additional storeys, providing 3no two bedroom flats at third and fourth floor levels.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	20.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.04.2020
<u>Agent:</u>	Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	C/o Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

GRANT planning permission, subject to the following conditions and informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	102		20 December 2019
Proposed Drawing	103		23 January 2020
Location Plan	101		20 December 2019

2. 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.

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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Access to the flat roof area to the rear of the fourth floor roof terrace (indicated on drawing no. 101 received on 20 December 2019) 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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
11. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
12. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings

are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

4. The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a three storey block of 6 no. two-bed flats on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks vary in height between three and four storeys. The blocks to the east of the application site are finished in a mix of render and timber cladding. The application building is finished in mainly painted render with some minor timber clad detailing.

This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.

The application seeks permission for alterations and extensions to Block A to the west, to create two additional storeys, providing 3no two bedroom flats at third and fourth floor levels, with off-street car and cycle parking.

A recent application (BH2018/03117) for two additional storeys to Block D to the east of the site (bringing that block in line with the height of the two central blocks B and C) was recently allowed at Appeal after being refused by the Planning Committee. Additionally, a scheme for one additional storey to Block D was approved by Planning Committee in 2019.

3. RELEVANT HISTORY

9 The Upper Drive

BH2018/03117 Extension and alterations to provide an enlarged 2 bed flat at first floor level, and 2 no. additional flats at second and third floor level, and associated parking. Approved 17.01.2019

BH2017/04139 Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level. Refused 15.05.2018. Appeal allowed 27.03.2019. The Inspector concluding that the proposed development:

"would not cause harm to the architectural integrity of Block D or the existing development as a whole and thus there would be no harm to the prevailing

character and appearance of the area....would not result in any material harm to the living conditions of the occupiers in terms of overlooking or loss of privacy."

9 and 11 The Upper Drive

BH2004/01708/FP 41 New residential apartments within 5 blocks with undercroft parking. Approved 04.04.2005.

BH2003/02082/FP Demolition of 9 and 11 The Upper Drive and development of 4 blocks of 25 private flats and 1 block providing 16 affordable homes. Single access drive from The Upper Drive and four pedestrian gates. Refused 13.04.2004

13 The Upper Drive

BH2011/00455 Application to extend time limit for previous approval BH2008/00278 for demolition of existing house and erection of no. 7 self contained flats. Approved 07.04.2011

BH2008/00278 Demolition of existing house and erection of no. 7 self contained flats. Approved 07.05.2008.

15 The Upper Drive

BH2016/01393 Demolition of existing dwelling and erection of 3no one bedroom flats, 2no two bedroom flats and 1no three bedroom flat (C3). Refused 20.04.2018.

BH2015/03228 Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3). Refused - 11.11.2015.

4. REPRESENTATIONS

4.1 Twenty-three (23) letters have been received objecting to the proposed development. The main grounds for objection are as follows:

- Increased traffic
- Parking issues
- Parking spaces inappropriate
- Height
- Overdevelopment
- Visual prominence
- Overshadowing and loss of light
- Overlooking
- Noise
- Impact on view
- Impact on outlook
- Impact on trees
- Set a precedent for development
- Impact on property values
- Inconvenience from build
- Development for commercial gain

- Lack of maintenance
- Structural integrity compromised

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection subject to conditions relating to retention of parking area, cycle parking provision and 'car free' housing.
- 5.2 **Urban Designer:** Verbal comment: No objection The proposal mirrors the adjoining block in design terms and the raised height is not considered to detrimentally impact on the character and appearance of the site and surrounding area.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019)
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

- 7.1 The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP12 Urban design
 CP14 Housing density
 CP19 Housing mix

- 7.2 Brighton & Hove Local Plan (retained policies March 2016):
- TR7 Safe Development
 TR11 Safe routes to school and school safety zones
 TR12 Helping the independent movement of children

TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

- 7.3 Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided, highways and sustainability issues. Concerns from residents regarding impact on property values, inconvenience from the build, development for commercial gain, lack of existing maintenance of the site and potential structural issues are noted, however are not material planning considerations.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3 The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4 Design and Appearance:**
It is acknowledged that in recent years this stretch of The Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.

The original design of the site facing onto The Upper Drive is of 2 no. four storey buildings, bookended by 2 no. three storey buildings with a slightly different, although complementary, material palette.

The proposed new units would be sited on Block A to the far west of the wider site; Block A is currently lower in height than the two neighbouring buildings to the east, Blocks B and C, both of which appear staggered in height. Block A does not currently have this staggered appearance and is uniform in height, although the frontage has a staggered design as per the other blocks.

It should also be noted that Block D to the far east of the site has planning permission to increase the height to match the scale and appearance of the middle two buildings (Blocks B and C).

The proposed additional storeys would result in a building which would be taller by one storey to the adjoining blocks to the west, however would re-create the staggered height appearance of the existing blocks. The inset top floor has been designed so that from street level it will have the appearance of spanning only half the width of the overall block which would reduce the visual bulk, similar to the design of the existing blocks. Essentially Block A would match the design and appearance of the other blocks, albeit one storey taller.

Given the above and the distances between the application site and its neighbours, it is considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing streetscene. The application states that the proposals would therefore maintain the existing undulations in roof heights without appearing excessively tall or out of keeping; there is considered no reason to disagree with this conclusion.

The proposed works would match the design and appearance of the existing building, and a condition is recommended to ensure that the proposed materials match the existing property. Accordingly, it is considered that the works are appropriate in terms of the impact upon the host building and the wider streetscene. The Council's Urban Design Officer has no objections to the scheme.

It is noted that there is concern from neighbours that approval of this application would lead to further development on the site. This is noted; however each application must be considered on its own merits.

8.5 Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17).

Government has published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standard of accommodation. They provide a useful reference point in assessing standard of accommodation for dwellings size and no. of occupants. Rooms and units which would provide cramped accommodation and sub-

standard levels of amenity often fall below the minimum acceptable sizes set out by Government.

For comparative purposes Govt. recommends that a two bedroom (four person) unit should have a floor area of at least 70 sqm.

The proposed units at third floor mirror the layout of the units on the floors below. Units 7 and 8 would have a floor area of 74 sqm and 81 sqm respectively. Both units would have a private balcony to the front. At fourth floor Unit 9 would have a floor area of 90 sqm, with a roof terrace and front balcony. The proposed units and bedrooms therefore exceed the Government minimum standards.

All three units would benefit from a good standard of light, outlook and circulation space and all have provision of private amenity space. The new units would use the existing refuse/ recycling storage area which is located to the rear of the building,

8.6 Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Impact on light:

It is noted that there are windows facing the application site, in the west facing elevation of Block B and the south facing elevation of Block E. However these windows are small, secondary windows serving the main kitchen/living areas. A sunlight/ daylight report has been submitted by the applicant which demonstrates that there would be no daylight distribution reduction from the development to any of these neighbouring dwellings.

There have been objections from the neighbours in Block E in terms of a reduction in sunlight reaching garden areas. The report demonstrates that any reduction to daylight reaching the existing amenity areas of the neighbouring properties would fall within the BRE target criteria and would not be significant, particularly during the summer months when more use of the gardens would be anticipated. At this time of year, the report demonstrates that the amount of sunlight reaching the outside amenity areas would be unaffected by the proposals.

In light of the findings of the report it is considered that the levels of sunlight and daylight maintained by the neighbouring properties would be acceptable with limited impact from the proposals.

8.7 Impact on privacy:

The proposed units would mirror the existing units in layout. Therefore the proposed kitchen windows would face Block B to the east which also has kitchen windows in each floor in the facing western elevation. To the rear of the

site is Block E; this is a three storey building which has only small secondary windows to the southern elevation. Additionally the proposed development would also be sited a sufficient distance from the nearest windows and gardens in the adjoining blocks to limit undue harm. It is considered that, given the existing situation, there would be no significant harm caused to the amenity of existing occupiers as a result of overlooking from proposed windows.

A roof terrace is proposed to the top floor flat. An etched glass 1.75 metre height privacy screen is proposed to the sides and rear of the terrace. The rear section of the flat roof would be for maintenance purposes only; this can be secured by condition. Therefore the usable space of the terrace would be solely to the front of the building. These measures would protect the occupants to the side and rear from significant overlooking. Given the siting of the proposed terrace, it is not considered that there would be significant overlooking of neighbouring properties and gardens.

Caister's Close to the west of the site separates the existing building from the property to the west, no. 5 The Upper Drive, which is in excess of 20 metres away from the application site. It is noted that residents in Wilbury Villas to the south have rear gardens that face the development site. Whilst the front windows and balcony of the proposed development would provide marginally enhanced views of these rear gardens, given the distances involved, the existing relationship between the properties and level of mutual overlooking in the area, this is not considered to warrant refusal of the application.

Therefore there is not considered to be a harmful impact on the existing flats in the block or the wider site. The potential noise and disturbance created by three additional units is not considered to be unacceptable.

8.8 Sustainable Transport:

It is proposed to reconfigure the existing cycle store to accommodate three extra cycles in the parking area of Block A near the parking entrance into the block. Additionally three off-street car parking spaces are proposed, one per dwelling. These measures can be secured by condition.

The Upper Drive, Hove is located in a Controlled Parking Zone (CPZ). SPD14 explains that, where there is a concern that developments within a CPZ may generate overspill parking, the Council may restrict future occupants' eligibility for residents parking permits. The Transport officer considers that this CPZ is likely to be over-capacity in terms of levels of take-up of permits and has recommended a condition to restrict occupants' eligibility for permits.

8.9 Sustainability:

Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

8.10 Arboriculture:

There are several trees subject of a TPO to the west of the building. As development is to the upper floors it is acknowledged that the root protection areas would not be affected. Additionally no pruning is proposed. However it is considered prudent to ensure protection of the trees from damage during construction; this can be secured by condition.

8.11 Conclusion:

Given the prevailing character of the streetscene on this stretch of The Upper Drive, it is considered that the development would not appear out of context or character with the site and the surroundings. The proposed extension would not have an overbearing impact on its neighbours and has been carefully designed to take account of overlooking and privacy issues.

Subject to conditions it is considered that the development is appropriate in terms of design, scale and impact on amenity, and would provide three new dwellings for the City, of a good size and standard.

9. EQUALITIES

- 9.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings appears to be achievable as a lift is proposed to the new upper floors.

