

<b><u>No:</u></b>	<b>BH2019/02967</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Priory London Road Patcham Brighton BN1 8QS</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey on top of existing building to form 4no. two bedroom flats. The proposal also incorporates: the erection of a cycle store; the creation of 15no. car parking spaces; and associated works.</b>		
<b><u>Officer:</u></b>	<b>Nick Salt, tel:</b>	<b><u>Valid Date:</u></b>	<b>14.10.2019</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>09.12.2019</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Dowsett Mayhew Planning 63a Ship Street Brighton BN1 1AE</b>		
<b><u>Applicant:</u></b>	<b>Anstone Properties Ltd C/O Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE</b>		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
Reason: For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	TREE PROTECTION PLAN		8 January 2020
Report/Statement	TREE SCHEDULE		8 January 2020
Proposed Drawing	A1016/03		3 October 2019
Proposed Drawing	A116/09		3 October 2019
Proposed Drawing	A1016/04		3 October 2019
Proposed Drawing	A116/07		3 October 2019
Proposed Drawing	A116/08		3 October 2019
Proposed Drawing	A116/10		3 October 2019
Proposed Drawing	A116/12		3 October 2019
Proposed Drawing	A116/13		3 October 2019
Block Plan	A116/02	H	25 February 2020
Location Plan	A116/01		11 October 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. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), 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/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

5. Prior to occupation of the development hereby permitted, a scheme for landscaping to include the planting of additional trees throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One

6. The development hereby permitted shall not be occupied until full details of the approved secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 and SPD14: Parking Standards.

7. 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.

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. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 under condition 9 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is located on the western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. The application in question relates to Block A. There are garages and parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton railway line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 The application seeks consent for the erection of an additional storey to Block A in order to provide four flats each containing two bedrooms and external amenity space in the form of roof gardens. Also proposed is 15 car parking

spaces both for the use by occupants of the proposed flats and those of the existing on the site.

### 3. RELEVANT HISTORY

#### **Block B**

**BH2018/00149** - Erection of additional single storey extension on top of existing building to form 4no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces. Approved 21/11/2018.

**BH2014/04088** - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 13/03/2015. Expired.

**BH2011/01611** - Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved 7/12/2011. Expired.

**BH2010/01898** - Construction of 4 no. additional garages. Refused 22/10/2010.

#### **Blocks C and D**

**BH2013/03946** - Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level. Approved 27/06/2014. Expired.

**BH2013/00287** - Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

**BH2009/00058** - Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Allowed on appeal 9 April 2010.

#### **Blocks A, B, C, and D**

**BH2005/06744** - Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused 18/01/2008.

**93/0503/OA** - Construction of an additional floor to each of the four blocks of flats to for ten new flats together with the provision of 15 new parking spaces. Refused 13/08/1993.

### 4. REPRESENTATIONS

4.1 **Fourteen (14)** letters has been received objecting to the proposed development for the following reasons:

- Construction risk;
- Land ownership concerns;

- Loss of green areas;
- Insufficient parking spaces;
- Road dangerous for pedestrians;
- Insufficient refuse and recycling capacity;
- No lift access;
- Cannot access bicycle storage;
- Out of keeping with surroundings;
- Loss of view;
- Noise;
- Overdevelopment;
- Overshadowing;
- Adverse impact on property values;
- Disruption during construction.

## 5. CONSULTATIONS

### 5.1 **Arboriculturalist:** Comment

Concerned about impact on trees on the site Recommend a submission of a tree report with a trees survey with the application and conditions requiring arboricultural method statement and landscaping details.

### 5.2 **Environmental Health:** No Comment

### 5.3 **Sustainable Transport:** 3rd Comment - objection

- Previous concerns re excessive parking and the lack of a pedestrian footpath are raised;
- Amendments to the proposed cycle parking provision are needed via relocation and ensuring the cycle stands are covered.

### 5.4 2nd Comment - Objection

- Concerns remain re. the level of parking provision which is deemed to be excessive for the 4no. flats;
- Still request segregated footway from the site;
- Cycle parking required;
- Developer objection to potential Grampian condition is noted.

### 5.5 1st comment - Objection

- Too much additional parking relative to the development, no evidence to prove necessary, provision of spaces for other existing flats not appropriate or linked to proposed development;
- Need a segregated footpath for residents accessing the public highway to promote sustainable transport modes;
- Unacceptable cycle parking layout and provision;
- Need dropped kerb etc. for pedestrian access to public highway.

## 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

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP1 Housing delivery  
CP7 Infrastructure and developer contributions  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP10 Biodiversity  
CP12 Urban design  
CP14 Housing density  
CP18 Healthy city  
CP19 Housing mix  
CP20 Affordable housing

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
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

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main issues in the determination of this application are the principle of development, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.

### **8.2 Principle of Development:**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

8.3 The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 The application seeks consent for the erection of an additional storey to the block of flats to contain four additional flats.

8.5 Planning permission (BH2014/04088) was granted in June 2015 for two flats within a roof extension to Block B; this scheme was not implemented. A previous application (BH2009/00058) was allowed on appeal in April 2010 for an additional storey to Blocks C and D to provide 4 x 3 bedroom flats; again this permission was not implemented. More recently, planning approval as granted for an application to erect 4 flats above Block B (BH2018/00149).

As a principle, forming additional residential units through the construction of an additional storey has therefore been established as acceptable. A detailed assessment of the current proposal is set out below.

### **8.6 Design and Appearance:**

The proposed additional storey would be rendered with a flat roof, features glazing and sliding doors to each flat and would be set in from either end of the existing building. The additional storey would project approximately 2.8m from the existing roof line with lift motor room above this. Roof gardens would be positioned on each corner with balcony railings surrounding.



Block A is set well into the site, and lies behind Blocks C and D and between Block B to the east and Homeleigh to the west. There is also a dense tree screen on the boundary fronting onto London Road. The block is currently only partially visible at a distance from the front entrance to the site and given the existing screening, with the increase in height proposed, its visibility would not be substantially increased. Whilst the roof extension would be seen from some public vantage points, it is considered that the glazing and simple pattern would provide a relatively clean modern contrast to the existing building and would preserve the visual amenity of the area. The design of the extension would remain subservient to the main block in accordance with policy QD14 of the Local Plan and the Design Guidance and would be similar in form and design to the recently approved (2018) extension on the roof of the adjacent Block B.

### **8.7 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.

The Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

Outside roof garden areas are proposed on site, given the level of separation, there would not be any significant overlooking of loss of light / outlook of the other blocks on the site. The neighbouring residential block of flats - Homeleigh - is at the closest point just over 10 metres from where the closest terrace/roof garden is proposed. Overlooking from the small roof terrace into or onto the habitable room windows in Homeleigh is not however considered likely to be detrimental inasmuch as to cause the development proposal to be unacceptable or to result in substantial loss of residential amenity. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

The addition of four flats would not result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal or substantially different from what might be expected in an area consisting of large residential flat blocks. In all, the proposal is in accordance with policies QD14 and QD27 in that it would not have an unacceptable impact on the amenities of neighbours.

### **8.8 Standard of Accommodation**

Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new

developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>. The minimum floor space requires a head height of above 1.5m.

The proposal includes four additional flats each of which would include an open plan kitchen and living room, a bathroom and shower room, two double bedrooms and external amenity space. All four flats would accord with national space standards in terms of gross internal floor area. Bedroom 2 on flats 80A and 80D would fall short of the NDSS bedroom space standards being approximately 11m<sup>2</sup>, however the bedrooms would still be of an acceptable useable space and the flats in general would exceed the minimum standards.

Overall the standard of accommodation including the external amenity space would provide a positive standard of accommodation in accordance with policy QD27 and policy HO5.

The submitted plans show wheelchair turning ability within the rooms and lifts to the top floor providing access for disabled persons. Compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) shall be secured by condition to address the objectives of Policy HO13.

The property is considered sufficiently far away from London Road so as to prevent any unacceptable noise impacts on the occupiers. Environmental Health have not raised the issue of noise.

## **8.9 Sustainable Transport:**

The proposal includes details for the provision of new areas of car parking providing an additional 15 spaces on the site. The parking to the immediate southwest of Block A would be widened with two spaces added, a new row of 7 spaces would be provided to the west of Block A, 3 new spaces would be provided close to the entrance at London Road to the east of Block D, and 3 spaces would be created at the northwest corner of Block B.

When considered in the context of the 4 new flats only, the provision of 15 spaces would exceed the maximum parking standard of 6, creating an additional 9 spaces. The highway authority have objected on this basis, as they

do not regard there to be adequate justification for exceeding the SPD14 maximum. The site (as designated by the redline boundary) for this application includes all four of the existing flat blocks however, and the applicant has stated that the additional parking provision should be considered against the wider needs of Blocks A-D and an identified underprovision of parking for the existing flats. The site includes a total of 80 flats, with 42 garages and 32 parking spaces between them. With the addition of 15 spaces bringing the total to 89, the overall parking space provision would remain under the SPD14 identified maximum standard of 120. It is considered reasonable to assess the additional parking proposed against the wider provision on the site, with an average of just over 1 space per dwelling in this non-central location being within the parking standards. The additional parking provision would alleviate some on-street parking demand without doing unacceptable harm to the wider need to move towards more sustainable modes of transport.

Accordingly, a secure cycle store is indicated on the site plan adjoining the existing vehicle garages to the south of the block. Additional cycle parking has been proposed for the west side of Block A, providing 4 covered Sheffield stands for a total of 8 cycles (1 per each new bedroom). This would exceed the parking standards which would require a minimum of 4 cycle parking stands. Whilst there is no overriding concern with the location and quantity of the cycle parking proposed, the level of detail is limited. A full cycle parking scheme shall be secured by condition.

Highways have requested that a segregated footpath for residents accessing the public highway at London Road is provided to promote sustainable transport modes and access for those with restricted mobility. It is considered that this would be of benefit to pedestrian access to and from the wider site, although the applicant has not agreed to pursue this. However, the site is an established residential estate and has been operating as such for some time, it is not considered that the addition of four residential units would be proportionate to the requested access improvements in this case. Whilst there is a cumulative impact of the additional units to consider, it is not considered that the impact on sustainable transport usage and/or access for mobility restricted users would be substantially different as a result of the 4 additional flats. The lack of this provision should not therefore warrant a reason for refusal.

Overall, there would be some positive impact on sustainable transport via the introduction of a net gain of cycle parking spaces, which would partially offset the impact of the additional car parking spaces and a moderate increase in activity on the wider site as a result of the 4 new flats. On balance, there would be a minimal degree of harm in terms of sustainable transport and highway safety of The Priory in general.

### **8.10 Sustainability:**

City Plan Part One Policy CP8 requires all new development to incorporate sustainable design features in order to mitigate against and adapt to climate change. On this basis optional standards for energy and water usage shall be secured by condition

## **8.11 Other Matters**

A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

The applicant has provided a tree schedule and tree protection plan with the application, proposing that the existing trees on the wider site are all retained. A condition shall be added to secure the retention of the trees identified. An arboricultural method statement will also be required prior to the creation of the additional car parking spaces and is recommended to be secured by condition.

In order to offset the impact of the loss of some grass/landscaped areas as a result of the additional parking, a landscaping scheme is recommended to be secured via condition. Upon consultation with the Council's arboriculture team, the planting of additional trees throughout the site is considered necessary to increase screening and improve both the visual quality of The Priory site and the biodiversity of the area.

Concerns have been raised in relation to the potential impact on property values, and on amenity as a result of construction. Neither of these issues are material planning considerations and as such have not been addressed in this report.

## **8.12 CONCLUSION**

As per NPPF paragraph 11, there is a presumption in favour of and additional weight given to the provision of sustainable development. The acceptability in principle of the additional 4 units of housing is weighed against the considerations outlined above. Impacts are considered broadly neutral, with some minimal adverse impacts in relation to sustainable transport and the loss of some degree of open space.

- 8.13 When weighed against the broader principle and public benefit of the scheme, the application is considered acceptable, subject to the relevant conditions.

## **9. EQUALITIES**

- 9.1 The proposed residential units shall be required to comply with optional access standards by planning condition on approval.