

<b><u>No:</u></b>	<b>BH2018/01545</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application All Matters Reserved</b>		
<b><u>Address:</u></b>	<b>Land Adjacent To 7 Belle Vue Cottages Brighton BN2 6AA</b>		
<b><u>Proposal:</u></b>	<b>Outline application with all matters reserved for the erection of 1no two storey dwelling (C3) to adjoin existing dwelling at 7 Belle Vue Cottages.</b>		
<b><u>Officer:</u></b>	<b>Sonia Gillam, tel: 292265</b>	<b><u>Valid Date:</u></b>	<b>14.05.2018</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>09.07.2018</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Mr Steven Seear Curtis House 34 Third Avenue Hove BN3 2PD</b>		
<b><u>Applicant:</u></b>	<b>Ms Jenny Martin 7 Belle Vue Cottages Brighton BN2 6AA</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** outline 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>
Location and block plan	OS/01		14 May 2018

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) layout;
  - (ii) scale;
  - (iii) appearance;
  - (iv) access; and
  - (v) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
4. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
5. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
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 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.
7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) details of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of the boundary treatments between the rear gardens of the development hereby approved and the existing property at no. 7 Belle Vue Cottages shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
9. 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.
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 dwelling hereby permitted has 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. The dwelling hereby approved shall be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> 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.

13. The dwelling hereby approved shall be occupied until it 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.

14. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

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 advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
3. 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.
4. 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.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to land to the south of a semi-detached two storey property located on the eastern side of Belle Vue Cottages. The property has various extensions and a side garage.
- 2.2 Belle Vue Cottages is an unadopted private road made up of 11 no. two storey dwellings, 4 semi-detached pairs and one terrace of three dwellings. There are parking / garden areas over the road to the front. The street is surrounded by open space to the front and rear.
- 2.3 Outline planning permission is sought, with all matters reserved, for the erection of 1no two storey dwelling (C3) to adjoin existing dwelling at 7 Belle Vue Cottages.
- 2.4 The indicative plans show the side extension and garage of no. 7 demolished with a proposed two-storey dwelling which mirrors no. 7 in terms of scale, layout and appearance.

## 3. RELEVANT HISTORY

**BH2011/01572** Erection of single storey rear extension to replace existing extension and conservatory and excavation to create terrace (part retrospective) Approved 11.08.2011

**BH2008/02458** Two storey side extension, rear dormer with 2 no. Juliet balconies, 2 no. front dormers. Refused 14.10.2008

**BH2008/00740** Certificate of Lawfulness for proposed dormer roof extension to rear and two rooflights to front roofslope. Approved 21.04.2008

**91/0986/FP** Two storey extensions at side and rear. Approved 15.11.1991

## 4. REPRESENTATIONS

4.1 **Nine (9)** letters have been received objecting to the proposed development for the following reasons:

- Private road not maintained
- Increased traffic
- Parking issues
- Highway issues and safety
- Would affect unique character of street
- Overdevelopment
- Loss of privacy
- Overshadowing
- Noise and disturbance
- High density of occupants
- House may be used as HMO

- Flood risk from run-off water
- Impact on wildlife and biodiversity
- Street unsuitable for HGV vehicles
- Decrease in property values
- Set a precedent for similar development

## 5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection subject to conditions relating to porous hardstanding, cycle parking provision and retention of vehicle parking area  
**Sustainable Drainage:** No objection subject to a soakaway for infiltration of run-off water into the chalk.

## 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);
- 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
- SA4 Urban fringe
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- 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:

SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1 All matters are reserved and therefore the main consideration in the determination of this application relate to the principle of the development of a 1 no. two storey dwelling (C3) at the site.

**8.2 Planning Policy:**

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 land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 The site is within the Urban Fringe boundary. City Plan Policy SA4 states that development within the urban fringe will not be permitted except where a countryside location can be justified and where it can be clearly demonstrated that the proposal has had regard to the downland landscape setting of the city and any adverse impacts of development are minimised and appropriately mitigated and/or compensated for.

8.5 With regard to this, given the existing situation in the street, the principle of residential development in this area of the urban fringe has long been established and it is considered that there would not be significant adverse

effects from the development and therefore an additional dwelling at this site is acceptable in respect of policy SA4.

8.6 Furthermore, no objection is raised in principle to a new dwelling on the site, given that it is of a suitable size and location for development, based on the spacing of the other dwellings on the street and the size of the plot.

8.7 The existing gap in the street scene would allow a new dwelling to fit within the building line and general development pattern to the street. A single detached dwelling as proposed would not be at odds with the general pattern and grain of development in the area. As such no objection is raised to the principle of developing the site with a new residential property, subject to the acceptability of the other material considerations as detailed below.

**8.8 Design and Appearance:**

The indicative drawings submitted with the application indicate a design, scale which mirrors no. 7 in terms of scale, layout and appearance.

8.9 The street is made up of 4 no. semi-detached pairs and 1 no. terrace of three dwellings to the north of the application site. The site has already been developed with a side extension and garage. There is no objection to the demolition of these structures and it is considered that the proposed building, by virtue of the indicative design and form and subject to appropriate materials, would be in character with its neighbours and would not detrimentally impact on the positive qualities of the streetscene.

**8.10 Standard of accommodation:**

The proposed dwelling shown on the indicative drawings would measure 76m<sup>2</sup> and so the site appears capable of delivering a suitably sized dwelling containing a kitchen and living space and two bedrooms. As indicated, there would be a garden to the rear as well as a garden area to the front, commensurate with the size of the dwelling and the location.

8.11 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. This can be secured by condition.

8.12 Refuse and recycling facilities can be secured by condition.

**8.13 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.

8.14 The indicative drawings show a scale and footprint that would respect the general pattern of development that is unlikely to result in a detrimental impact.



In addition, the indicative drawings show rear windows providing views over the gardens of neighbouring properties, however this slight intensification of overlooking would not warrant refusal of the application if these were submitted as part of reserved matters applications and so it is recommended that the site could deliver a new dwelling and protect the amenity of neighbours.

#### **8.15 Sustainable Transport:**

The applicant is proposing 1 car parking space for each two bedroom property. For this development of one residential unit the maximum car parking standard is 1 space. Therefore the proposed level of car parking is in line with the maximum standards and is deemed acceptable by the Council's Highways team. Cycle parking provision can be secured by condition.

The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway. It is noted that Belle Vue Cottages is not an adopted (public) highway; it has no footways, street lighting or turning head and has poor road surface and drainage. There have been objections from neighbours in this regard.

The Council's Highways officer has no objections to the scheme, however it is recommended that the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off onto the adopted (public) highway. The Council's Sustainable Drainage officer has advised that such a condition would be appropriate.

#### **8.16 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.

### **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 (new-build) dwelling is achievable.

