

<b><u>No:</u></b>	<b>BH2018/01032</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>84 Tongdean Lane Brighton BN1 5JE</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no. four bedroom house with landscaping &amp; car parking to land fronting 84 Tongdean Lane.</b>		
<b><u>Officer:</u></b>	James Kidger, tel: 292106	<b><u>Valid Date:</u></b>	13.04.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	08.06.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<b><u>Applicant:</u></b>	Mr Saied Zargham 84 Tongdean Lane Brighton BN1 5JE		

## 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>
Location Plan	TA 1106/01	B	29 October 2018
Site Layout Plan	TA 1106/10	B	29 October 2018
Floor Plans Proposed	TA 1106/11	B	29 October 2018
Floor Plans Proposed	TA 1106/12		3 April 2018
Streetscene elevation proposed	TA 1106/13		3 April 2018
Elevations Proposed	TA 1106/14		3 April 2018
Elevations Proposed	TA 1106/15		3 April 2018
Elevations Proposed	TA 1106/16		3 April 2018
Elevations Proposed	TA 1106/17		3 April 2018

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 development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The hard surface 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 and CP11 of the Brighton & Hove City Plan Part One.

5. The extended access shall be constructed prior to the first occupation of the development hereby permitted.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

6. 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.

7. The residential unit hereby approved shall not be occupied until it 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.

8. The residential unit hereby approved shall not 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.

9. 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.

10. Prior to occupation of the development hereby permitted, a scheme for landscaping 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; and
  - c. details of all boundary treatments to include type, position, design, dimensions and materials.
- 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.
11. 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.
12. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
- Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. No extension, enlargement or alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - F 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 and CP13 of the Brighton & Hove City Plan Part One.

14. 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) samples 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 policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
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 under condition 8 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 Planning permission is sought to demolish the existing garage fronting Tongdean Lane and to erect a two storey dwelling. The scheme has been amended since submission to reduce the area of hard standing and retain additional planting where the site meets the road.
- 2.2 The site is on the north side of Tongdean Lane and faces the intersection with Wayland Avenue. The area is residential and composed primarily of detached dwellings on large plots. The road runs east-west and the ground level slopes down toward the north.

## **3. RELEVANT HISTORY**

PRE2017/00061 - advice sought on an indicative proposal to subdivide the plot and erect a new dwelling. The scheme submitted under BH2018/01032 has taken account of the advice received.

## **4. REPRESENTATIONS**

- 4.1 **Six (6)** representations have been received, objecting to the proposed development for the following reasons:

- Small plot size;
- Lack of parking;
- Lack of nearby infrastructure;
- Loss of light;
- Overlooking;
- Traffic and pedestrian safety;
- Loss of trees;
- Overdevelopment;
- Noise;
- Inadequate drainage; and
- Out of character.

## **5. CONSULTATIONS**

- 5.1 **Arboriculture:** Comment

The Arboricultural team view the scheme as detrimental to the character of the area but feel there are insufficient grounds to recommend refusal.

**5.2 Highway Authority: No objection subject to recommended conditions**

**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:

\* WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

CP14 Housing density

CP19 Housing mix

Brighton and Hove Local Plan (retained policies March 2016):

TR7 Safe Development

TR14 Cycle access and parking

QD15 Landscape design

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties, the arboricultural impact and the impact on transport.

### 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 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 in due course. 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 proposed development would provide one new dwelling and would therefore contribute toward the Council's housing target. Whilst there are no specific policy objections to a new dwelling in this location, the acceptability or otherwise of the scheme is subject to the specifics of the area and a satisfactory design. These issues are discussed below.

8.5 Pre-application advice was given on a previous indicative scheme in 2017, to the effect that that scheme was unlikely to have been acceptable. The current proposal has been informed by this advice and addresses most of the concerns raised, notably with the removal of the access driveway, consequent enlargement of the plot, and the removal of the third storey and dormer windows from the dwelling proposed.

### 8.6 Standard of accommodation

The proposed dwelling would have four bedrooms and a potential occupancy of eight persons. Each of the bedrooms would be well sized with the smallest in excess of 12.5 square metres. All would be naturally lit and all bar the loft room would have a good outlook. The lack of outlook in the loft room - the fourth bedroom - is not considered significantly harmful given the good standard of the others.

8.7 The total floor area would be in excess of 175 square metres - ample for a dwelling of this scale - and the large open-plan living areas would ensure plentiful circulation space.

- 8.8 The outdoor amenity space to be provided would be over 170 square metres at the rear. This is considered sufficient for the size of the dwelling and in accordance with policy HO5.
- 8.9 Character of the area  
The area surrounding the site is residential and composed primarily of detached dwellings fronting the road, with long rear gardens. The site is unusual in that the existing dwelling is at the rear with the garden area fronting the road. This results in a noticeable gap in the streetscape, partially filled by the existing garage. Both the gap and the modest sized garage are in themselves out of character with the remainder of the streetscape.
- 8.10 In this context the replacement of the garage with a dwelling is considered acceptable. Like the garage it would be well set back from the road, and its height (taller than no. 82 to the east, but smaller than no. 86 to the west) would not be unduly prominent in the streetscape. The design is in keeping with nearby properties and the resulting appearance would be sympathetic.
- 8.11 The subdivision of the plot would result in smaller plots than those directly adjacent. However, the existing plot is one of the larger ones in the vicinity and even when subdivided would not be significantly out of keeping with the existing urban grain, particularly so when compared with plot sizes on Gableson Avenue to the west.
- 8.12 Impact on neighbouring amenity  
The site is very well screened to either side with trees and hedges, all of which would be retained, and the impact to the neighbouring properties nos. 82 and 86 would be minimal. There would be no access driveway to the rear and consequently little further noise disturbance to no. 86.
- 8.13 The primary impact would be that to the existing property no. 84. Because of the sloping ground level the proposed dwelling would be sited at a significantly higher level, and its rear windows would look down onto the front elevation of no. 84. Though a degree of overlooking would be inevitable, the distance involved - some 23m - would substantially mitigate the harm. Screening would be provided by the existing maple tree and additional screening can be secured by condition. Further, the private amenity space of no. 84 at the rear would be unaffected.
- 8.14 The subdivision of the plot would substantially reduce the private amenity space available to no. 84. The remaining space at the rear of the property would comprise approximately 45 square metres of decking and 55 square metres of patio. There would also be 65 square metres of decking at the front, albeit partially overlooked by the proposed new dwelling. Though a substantial reduction, the amount of space remaining - some 165 square metres - is not considered significantly harmful to existing and future occupiers of no. 84.
- 8.15 Given these factors the overall harm to the amenity of no. 84 is considered less than significant and does not warrant the refusal of the application.



8.16 Arboriculture

The originally submitted scheme would have involved the removal of almost all of the green space directly adjacent the road, and its replacement with four parking spaces in a utilitarian layout. This would have been harmful to the streetscape and was considered as such by the Arboricultural team.

8.17 The revised scheme would replace the parking spaces with a single driveway for each property in a similar style and depth to the existing. The parking provision would drop from four spaces to two and significantly more green space would be retained adjacent the road. Additional planting between the two driveways is proposed and the detail of this can be secured by condition. Overall, the revised scheme is not considered significantly harmful to the streetscape.

8.18 Transport

The proposed parking provision of one space for the new dwelling and one space for no. 84 is within the maximum standard as set out in SPD14. The additional trip generation resulting from the new dwelling would not be significant and is considered acceptable subject to the conditions recommended by the Highway Authority.

8.19 Summary

The proposed development would provide an additional dwelling in the city and would generate some economic activity during construction work. Further, the standard of accommodation and amenity space to be provided would be acceptable and there would be no significant harm to the character of the area. Whilst there would be minor harm to the amenity of the existing property no. 84, this is not considered substantial and does not warrant the refusal of the application.

**9. EQUALITIES**

9.1 No implications identified.

