

<u>No:</u>	BH2023/01369	<u>Ward:</u>	Hollingdean & Fiveways Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 1 108 Brentwood Road Brighton BN1 7ES		
<u>Proposal:</u>	Construction of footpath from existing side access to public footpath via new opening within chainlink fence. Provision of a semi-permanent ramp access to the communal entrance for ground floor flats.		
<u>Officer:</u>	Alice Johnson, tel: 01273 296568	<u>Valid Date:</u>	30.08.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	25.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	17.01.2024
<u>Agent:</u>	Dariba Design Limited Unit 18D Capital Business Centre 22 Carlton Road South Croydon CR2 0BS		
<u>Applicant:</u>	Mrs Shehnaz Shafique C/O Dariba Design Limited Unit 18D Capital Business Centre 22 Carlton Road South Croydon CR2 0BS		

A representation has been received from an officer working in the City Development & Regeneration. The application is recommended as a Committee decision in the interests of transparency.

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.

Plan Type	Reference	Version	Date Received
Location Plan			10 May 2023
Block Plan			10 May 2023
Proposed Drawing	23/B/108BR/02	A	12 October 2023
Proposed Drawing	23/B/108BR/06		10 May 2023
Proposed Drawing	23/B/108BR/07	A	12 October 2023
Proposed Drawing	23/B/108BR/03	B	24 November 2023
Proposed Drawing	23/B/108BR/09		12 October 2023
Proposed Drawing	23/B/108BR/08		12 October 2023

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. 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 (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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the Technical Note, by Urban Edge Environmental Consulting, dated August 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

5. 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 & CP11 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.

1. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

2. SITE LOCATION

- 2.1. No.108 Brentwood Road is a part two, part three storey block of residential flats located on the north side of Brentwood Road. To the rear of the property are a number of purpose-built flats and dwellinghouses. The building is situated within a residential area with terraced properties east and west of the site. Further residential properties and blocks of flats are to the rear separated from the application site by a strip of woodland. A public footpath runs along the western side of the site between the wooded area to the rear and Brentwood Road.

3. RELEVANT HISTORY

- 3.1. **BH2013/01729** Installation of handrails to exterior of building and to path to side and rear elevations (Retrospective). Approved 9th of August 2013

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the construction of a new footpath from the existing side access of the building to the public footpath which connects to Brentwood Road. In association with the new footpath a new opening within the chain-link fence would be created on the western boundary. The proposal also incorporates the provision of a semi-permanent ramp access to the existing communal entrance for the ground floor flats on the eastern side of the building.
- 4.2. During the course of the application, additional plans were sought to accurately reflect the works proposed as the original submission provided limited elevational plans of the proposal. Neighbours were re-consulted following the receipt of the additional plans.
- 4.3. A plan showing the existing and proposed site with the cherry tree retained has also been provided.

5. REPRESENTATIONS

- 5.1. **Two** representations have been received, objecting to the proposal on the following grounds:
- Detrimental impact on residential amenity through the addition of a new access at the side of the property which is not visible from the streetscene.
 - Poor design.
 - The lack of a gate leaves a wide opening into the property from a dimly lit pathway which is a security risk.
- 5.2. A local resident, who works in the Planning Department, has commented on the application. To ensure openness and transparency the application is being taken to Planning Committee.

6. CONSULTATIONS

6.1. **Arboriculture:** 29th of November 2023 Comment (verbal)

If the cherry tree is to be removed, a replacement tree should be secured by condition. If retained a tree protection plan and arboricultural method statement should be secured by condition.

6.2. **Ecology (summary):** 27th of November 2023 Support

Subject to the recommended condition, the information provided is satisfactory and the proposals are unlikely to have a significant impact on biodiversity.

6.3. **Sustainable Transport Verbal Comment:** 18th of October 2023 Support

The Sustainable Transport Officer has confirmed that the proposal should be in compliance with Part M of the Building Control Standards and following the provision of further information, they have confirmed the proposal is acceptable.

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- 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 (JAAP) 2019.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP10	Biodiversity
CP12	Urban Design
CP13	Public Streets and Spaces

Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity

DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents

SPD06	Trees & Development Sites
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development; the impact on the trees at the site; the potential impacts on the amenities of local residents and on highway safety.

Design and Appearance

- 9.2. The proposal is required to improve access to the building for wheelchair and mobility impaired users.
- 9.3. The proposal to the west elevation is fairly utilitarian in design, with a new opening created in the chain-link fence and provision of a ramped footpath. The sloped footpath, handrails and new access point in the western boundary would be visible from within the public realm from the adjacent public footpath. No new entrance doors to the existing building are being created by the proposal. The proposed works on the western elevation are of a limited scale and size and are considered to have an acceptable impact on the appearance of the building and wider area.
- 9.4. The proposed access ramp on the eastern side of the building, which is to be located in the rear courtyard would provide access to the existing communal doorway, and would be minimal in nature and approximately 2.5m in length. The ramp is stated to be semi-permanent, in that it would be bolted to the ground but easily removal once no longer required. This ramp, while not visible from the public realm, would be visible to residents of flats within no.108. The ramps limited size ensures that its impact is not detrimental to the appearance of the building.
- 9.5. The ramp and sloped footpaths, along with the new opening in the existing boundary fence, would have a neutral impact on the appearance of the property. There are clear access benefits of adding the sloped footway and ramp to the building which is welcomed.

Impact on Residential Amenity:

- 9.6. Policy DM20 of City Plan Part 2 states that planning permission for development will be granted where it would not cause unacceptable loss of amenity to the

proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.

- 9.7. With regard to neighbouring amenity, no significant adverse impacts are expected as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and no significant harm has been identified.
- 9.8. The new access to the footpath may change the location of those moving through the site as it would provide a sloped access from the public footpath to the eastern rear entrance, however, no significant impacts on neighbouring amenity by way of additional disturbance are expected. The new access would not provide a “through-way” or shortcut to non-residents and therefore the impact is considered to be limited.
- 9.9. Concerns have been raised in objections that the safety and security of the site may be impacted by the new entrance. While the entrance may not be readily visible from the streetscene to the front it would be visible from the windows of multiple flats within the building. The entrance proposed is therefore considered to benefit from adequate passive surveillance and no further concerns are raised on the basis of the application presented.

Other Matters

- 9.10. The Sustainable Transport Officer has confirmed that the proposal should be in compliance with Part M of the Building Control Standards and following the provision of further information, they have confirmed the proposal is acceptable.
- 9.11. The cherry tree at the site would be protected through tree protection methods, which have been secured by condition. This secures the retention of the tree at the site.
- 9.12. The County Ecologist has confirmed that the proposal is unlikely to have a significant impact on biodiversity. A condition confirming compliance with the biodiversity method statement, which was submitted with the application, has been attached to the proposal.

Equalities

- 9.13. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 9.14. The proposal would provide a ramp and sloped route to and from the building, enhancing the accessibility of the site.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

