

*Anthony Foster .
sent to committee*

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application details	consultations	decision	conditions
documents			

Conditions for application number: **BH2008/03389**

- Condition 1** The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- Condition 2** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
- Condition 3** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.
- Condition 4** The window in the north elevation shall not be glazed otherwise than with obscured glass and top hung and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- Condition 5** No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
- Condition 6** No development shall take place until samples of the materials (including colour of

render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Condition 7 The new dwelling shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Condition 8 Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
(a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
(b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Condition 9 Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Condition 10 The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby

approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

- Condition 11** No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
- Condition 12** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- Condition 13** All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- Condition 14** No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- Condition 15** Unless otherwise agreed with the Local Planning Authority the details set out within

the Waste Minimisation Statement shall be completed in full accordance with the statement.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Condition 16 For the purposes of construction, access to the site for construction vehicles and the delivery of materials shall be from The Ridgway and not over the green open space of Kipling Avenue.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives for application number: **BH2008/03389**

Informatives:

1. This decision is based on un-numbered site plan, un-numbered block plan, waste minimisation statement, drawing nos. 01/0809443, 04/0809443, 05/0809443, 06/0809443 and 3-d contextual scene submitted on 22 October 2008, South East Sustainability Checklist submitted 7 November 2008, Design and Access Statement and Brighton & Hove Sustainability Checklist submitted on 11 November 2008, drawing no. 10/0809443 submitted 17 November 2008 and Tree Survey received 9 February 2009.

2. This decision to grant Planning Permission has been taken:

i. having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and the Brighton & Hove Local Plan set out below:

Planning Policy Statement

PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design - quality of development and design statements
QD2 Design - key principles for neighbourhoods
QD3 Design - efficient and effective use of sites
QD7 Crime prevention through environmental design
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and Hedgerows
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
Supplementary Planning Guidance
SPGBH 4 Parking Standards
Supplementary Planning Document
SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design; and
ii. for the following reasons:-

The proposed development makes efficient use of an existing brown field site whilst not resulting in any significant loss of light outlook or privacy to neighbouring properties nor is it considered to significantly detract from the appearance or character of the area and street scene.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

5. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to

provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.

6. The applicant is advised that consent would be required from the land owner if it is intended to provide access to the site from Kipling Avenue. There is a pedestrian public highway route through Kipling Avenue but the grassed area of land is not public.

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DESIGN AND ACCESS STATEMENT.

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Re: LAND REAR OF 95 THE RIDGWAY, WOODINGDEAN, BRIGHTON.

USE.

The application is for the construction of one new detached four bedroom house. The new house is situated within an established residential area complying with the current land use policy.

AMOUNT.

The application is for one house comprising of 136sqr.m. of living accommodation on two floors and set within a site area of approximately 310sqr.m.

LAYOUT.

The proposed layout is positioned at the end of an existing close, forming a visual closure to this close, and has direct access to Kipling Avenue. The design of the property has specifically excluded any vehicular access to maintain the privacy of the pedestrian areas and gardens. However, access for deliveries, etc., are easily gained from Kipling Avenue when necessary without causing any disruption to the privacy of the close.

It is considered that the concerns expressed regarding local Plan Policy QD27 have been addressed, as there is now no possibility of overlooking or loss of privacy to the adjoining properties. There is no loss of daylight or sunlight or overshadowing and the pedestrian access for this single dwelling is not considered to cause any undue disturbance to the remaining properties in the close.

With regard to the functional operation and lack of adequate vehicular access, it is not considered that this will cause sufficient detrimental effect to the occupiers of the new property. It is accepted that under the Building Regulations the property will require either sprinklers or a separate water main for fire fighting use. This is now an accepted method that is, in fact,

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being encouraged by many Fire Fighting Authorities. Refuse collection requires wheelie bins to be placed on the back edge of pavements for collection day, a situation which applies to the majority of properties. Whilst it is accepted that the distance from the house to the pavement is perhaps longer than normal, it is not sufficiently detrimental to the functional operation and enjoyment of the proposed dwelling. CityClean have also been approached and could foresee no problems.

Internally, the property will achieve Lifetime Homes Standards and will use sustainable materials wherever possible.

Under the Building Regulations, standards are required to achieve the codes referred to in the Sustainable Homes Guidance, and it is confirmed that the design of this property will fully achieve the levels required. There is nothing in the design that will jeopardise the ability to achieve the rating of level 3 or higher.

It will be agreed that a grey water system to provide water for toilet facilities will be specified.

The design of the property, which excludes vehicular access hard standing, is in accordance with the policy regarding water run-off.

SCALE.

As can be seen from the drawings submitted, the scale of the new house reflects the scale of the surrounding properties.

LANDSCAPING.

It is intended to maintain as many existing trees and shrubs as possible, as seen on the drawings. The garden will also be laid to lawn with a hard surface patio area at the rear of the house, and a path at the front incorporating a wheelchair access to the front door.

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APPEARANCE.

In response to the previous reasons for rejection and the subsequent meeting with Gemma Barnes on the 29th July 2008, as directed, we have redesigned a single dwelling to reflect the rather bland and uninspired design of the existing properties in the close off Kipling Avenue. Thus forming a physical and visual relationship to the dwellings in Kipling Avenue.

The standard design of brick elevation under a tiled roof does not allow for very much innovation in the use of materials, etc., to achieve many of the objectives of a typical Ecohome. However, we have incorporated a solar panel system for hot water and heating and the standard of insulation will achieve that required under Building Regulations.

ACCESS.

As stated previously, access to this property is from Kipling Avenue via existing level pathways in the close. From these pathways to the new dwelling it is proposed to provide a further level pathway to the new front garden to connect to a new ramped access to a level threshold for disabled use. All in accordance with the requirements of part M of the Building Regulations.

The existing close is well lit and it is anticipated that the new dwelling will have sensor lighting to the exterior front area, for safety and security.

The internal layout of the new dwelling complies with 'Lifetime Homes Standards'.

Vehicular access can be achieved by designating an area for disabled parking in the non-regulated road (Kipling Avenue).

