

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/02845	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	150 Ladies Mile Road, Brighton		
<u>Proposal:</u>	Demolition of garage and out building in garden to north side of existing bungalow and erection of new two storey detached dwelling.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	28/09/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 November 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Plan Right (UK) Ltd, 464B Groby Road, Leicester		
<u>Applicant:</u>	Mr R Holness, C/O Plan Right (UK) Ltd		

This application was deferred at the last meeting on 22/02/12 for a Planning Committee site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved un-numbered Proposed Details, Proposed Floor Plans, Proposed Site Layout and Proposed Elevations received on 15th December 2011, additional un-numbered side elevation received on 23rd November 2011 and Existing Site Plan and Location Plan received on 22nd September 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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, including the boundary walls and gates, have been submitted to and approved in writing by the Local Planning Authority. 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 QD1 of the Brighton & Hove Local Plan.
4. BH02.03 No permitted development (extensions) (amenity and character)
5. BH04.01A Lifetime Homes.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. Any further development shall be carried out in accordance with the approved method statement.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
7. The side windows on the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless part of the windows which can be opened are more than 1.7m above the floor of the room in which the window is installed, 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.

Pre-Commencement Conditions:

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 an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) A Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 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.
9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.
Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPS5 and HE12 of the Brighton & Hove Local Plan.
10. No development shall take place until full details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with

the approved details.

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.

Pre-Occupation Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Building Research Establishment issued Final Code Certificate confirming that the unit has achieved a Code for Sustainable Home rating of Code Level 4 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.

12. The development hereby approved shall not be occupied until the refuse and recycling and cycle parking facilities, as 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 the parking of cycles and to comply with policies TR14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Home, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk)
3. 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).

2 THE SITE

The site is currently part of 150 Ladies Mile Road. The site would be split and the new dwelling would replace the residential garage and out building to the north of the host bungalow. The site is located on the south east side of Ladies Mile Road.

Ladies Mile Road is characterised by residential properties comprising a mixture of detached and semi-detached bungalows to the north and west of the application site, and a group of 9 detached two storey dwellings to the east.

3 RELEVANT HISTORY

BH2008/02110: Extension to form side garage. Approved 07/08/2008. Not implemented.

4 THE APPLICATION

Planning permission is sought for the demolition of the garage and out building and erection of a two storey detached dwelling.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **152 (2 letters & 1x e-mail received), 154, 158, 160, 217, 215, 225 (x2) Ladies Mile Road and 20 Windmill View** objecting to the application for the following reasons:

- Scale, design, layout and appearance would be out of keeping with the area
- Loss of privacy
- Cause overlooking and loss of privacy to neighbouring properties
- Overshadowing
- Loss of light
- Increase in noise levels
- Increase in traffic and parking
- The area is already congested
- Insufficient provision for off street parking
- Difficult ingress from Portfield Avenue (turning right onto Ladies Mile Road) due to parked vehicles (outside 148 Ladies Mile)
- The proposal does not achieve the most aesthetic solution, or the best in maximising use of available land.
- Other issues are raised about further discussions with the applicant in respect to other proposals, the original planning consent and a request for a site visit.

Brighton & Hove Archaeological Society: The above application lies within an area of intense archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

The Brighton & Hove Archaeological Society would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

County Archaeologist: The proposed development is situated on the edge of an archaeological notification area defining an area of prehistoric activity, including occupation and burial areas. Excavations in advance of development in the 1990's immediately adjacent to the development site recorded remains of at least two Bronze Age round houses, associated ditches and pits and an array of contemporary finds. Archaeological investigation during the construction of Patcham Fawcett school and housing development in the 1920s also recorded remains of Bronze Age settlement, as well as evidence of Iron Age and Romano-British activity in the area.

In the light of the potential archaeological significance of this site, it is my opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in PPS5 (the Governments policy on Planning for the Historic Environment).

I would therefore ask that the following condition be applied to any planning permission that is granted in respect of this application:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the local planning authority and the works shall be undertaken in accordance with the approved details.

(reason: to enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within PPs5 'Planning for the Historic Environment'; and Policy HE12 of the Brighton & Hove Local Plan).

Internal:

Sustainability: This development has failed to address key aspects of SU2 and the standards set in SPD08. Whilst the Design and Access makes a claim that a Code Assessor has said the development can achieve Code Level 4, and that a condition can be set on a planning permission to secure

Code level 5, there is no explanation of how this might be achieved.

The potential sustainability of the development proposals has not been demonstrated: energy and water performance have not been addressed in any form in this application.

Further comments received:

Enough work has been done to indicate that the works could achieve Code Level 4 with the exception of demonstrating the fabric performance of the dwelling on the submitted plans and supporting documents, which is crucial in achieving Code Level 4. There are references to possible use of solar technology (which may be solar thermal or PV) but no indication on the drawings or elsewhere the size of the potential array.

Environmental Health: To ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

Sustainable Transport: Recommended approval with conditions to protect the interests of the public using the roads and footways.

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £2000 to help finance off-site highway improvement schemes within the local vicinity of the site.

The applicant states that cycle parking would be provided within a custom built shed, details on this storage facility should be provided to the Local Planning Authority for written confirmation before commencement of the development to show that it accords with Local Plan Policy TR14 and SPG4.

The application results in the loss of a garage, it is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme and is sufficient in size to adequately park a car. This application therefore accords with the car parking standards set out within SPG4 and will not result in a material impact on the operation of the local highway.

6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

7 RELEVANT POLICIES & GUIDANCE

National Planning Policy

PPS3 Housing

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU11 Polluted land and buildings
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD4 Design – strategic impact
QD16 Trees and hedgerows
QD27 Protection of Amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact upon the amenities of neighbouring properties, transport issues, standard of living for future occupiers and sustainability issues.

Principle of the New Dwelling:

The proposal is to demolish the garage and outbuilding on the north side of the dwelling at 150 Ladies Mile. The plot would be divided and a two storey detached dwelling would be erected in place of the garage.

The principle of the type and scale of development proposed must be considered having regard to PPS1 and PPS3, and policies HO4, QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan.

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. The national indicative minimum housing density target were also removed from the PPS, such targets do however remain in the South East Plan (RSS). The site currently contains the house, a garage and garden area. The site is considered to be greenfield. There is no in principle policy objection to the development of this site.

Design:

The area is characterised by detached and semi detached bungalows to the north and west of the application site. The bungalow at No. 150 Ladies Mile Road is the last bungalow on the southern side of the road. The properties from 152 – 168 (evens) Ladies Mile Road are all detached two storey dwellings.

The dwelling would have 2 storeys including rooms in the roof and would provide a ground floor kitchen/dining, utility room, WC and living room, 3 bedrooms, 1 ensuite, 1 bathroom and WC at first floor and bedroom, study room and shower/WC in the roof space.

The dwelling would have a two storey projecting gable feature which is a common feature on the two storey dwellings to the east. The proposed dwelling would also attempt to match the detailing of the adjoining dwellings such as the brickwork pattern, window styles and the front bay window. The front bay window would be similar to the bay at No. 152 Ladies Mile Road.

The proposed dwelling would be a similar height to the two storey dwellings and although it would be narrower than these properties, it would continue the uniformed spacing of approximately 2m between each dwelling.

The proposed dwelling would not be out of keeping within the street scene and would not harm the character and appearance of the surrounding area.

Standard of accommodation:

The proposed dwelling layout provides generous accommodation for a four bedroom dwelling. The submitted Lifetime Homes checklist indicates that the dwelling would meet the required criteria, however this has not been demonstrated on the plans. In this case, given the size and layout of the proposed dwelling, to ensure compliance with the Lifetime Homes criteria, a condition would be attached to the approval.

Sustainability:

Policy SU2 of the Brighton & Hove requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. SPD08 provides further guidance on the level of sustainability which development

should achieve. The application site is on partially developed, and partially undeveloped garden land and SPD08 advises that in regard to new-build developments located on previously developed land, a Code for Sustainable Homes rating of Level 3 should be met. In regard to new build developments located on undeveloped (greenfield) land, it is advised that a Code for Sustainable Homes rating of Level 5 should be met.

It is stated that a Code for Sustainable Homes rating of Level 4 would be met by the development. The Sustainability Team have commented on the application and consider it feasible that this level of sustainability could be met. There are references to possible use of solar technology (which may be solar thermal or PV) but there is no indication on the drawings the size of the potential array. However a planning condition would be attached requesting details of the sustainability measures to be submitted for approval to ensure that Code Level 4 would be achievable.

Transport Issues:

The site is not within a controlled parking zone and an off street park space would be provided in front of the proposed dwelling. The Transport Planning Team has advised that the application results in the loss of a garage. It is stated that this garage has not been used to store vehicles in some time. The existing driveway is to be retained as part of the scheme, including the existing crossover, and is sufficient in size to adequately park a car. For these reasons the development is considered to comply with policies TR1 and TR7 and would not result in a material impact on the operation of the local highway.

There is a sufficient space within the curtilage of the dwelling where the location of a cycle store would be positioned and this would also be secured through condition.

In relation to policy TR1, the Transport Officer has recommended that a financial contribution of £5,000 is made towards improving sustainable modes of transport within the vicinity of the site. However under current measures in place to support the development industry, having regard to the scale of development proposed, such a scheme/financial contribution would not be sought.

Archaeology:

The County Archaeologist has raised concerns that the site lies within an area of archaeological sensitivity. The archaeological record for this part of Brighton, include numerous finds of settlement and burials from the Bronze Age, as well as a number of burials dated to the Roman period.

A condition is recommended to ensure that the provision of a watching brief is provided while the top soils are removed and the footing trenches are cut.

Impact on Amenity:

The properties most likely affected by the proposed development are no. 150 Ladies Mile Road and 152 Ladies Mile Road.

With regards to the impact upon No. 150, this site would be sub divided to accommodate the new dwelling, however the existing bungalow would still be left with adequate amenity space. The proposed dwelling, given its height and close proximity will have an impact upon the host property, particularly by way of loss of outlook and light to the ground floor side windows facing the proposed dwelling. However significant weight must be given to the fact that the owners of No. 150 are also the applicant of this proposal. These rooms also have outlook and light from the windows on the rear elevation, which would be unaffected by the proposed dwelling.

The proposed dwelling would have windows inserted on the side elevation. The windows to the upper floors would only provide views across the roofslopes of No. 150. The ground floor windows would provide views into this neighbouring property, and there have been no details of any boundary screening submitted with the application. Details of the proposed boundary treatment would be requested by condition, to ensure that the boundary adequately screens these windows to prevent any overlooking.

With regards to the neighbouring property to the east, No. 152 Ladies Mile Road, the proposed bulk of the dwelling is significantly greater than the existing garage. This neighbouring property is a two storey dwelling, set higher than the application site and a gap of approximately 2.7m would be retained. No. 152 is also angled away from the site.

No. 152 has a side window which faces the application site. Given the height and proximity of the proposed dwelling it would have an impact in terms of loss of light and loss of outlook. However this window serves the hall and landing and not a habitable room, therefore any harm caused to this windows is not considered a justified reason for refusal.

The rear building line of the proposed dwelling would project beyond the rear building line of the neighbouring property, by approximately 2.2m at ground floor level. To reduce the impact upon this neighbouring property, the first floor and gabled roof have been set in by 1.1m from the ground floor footprint. Given that the second storey would project beyond the neighbouring property by 1.1m, coupled with the gap and existing boundary treatment, it is considered that the proposed dwelling would not have a harmful impact upon this property.

Side windows would be positioned on the north elevation of the proposed dwelling. A condition is recommended requiring these windows to be obscure glazed and therefore they would not compromise the privacy of No. 152.

The dwelling would be approximately 10m from the rear boundary of the site,

and there are no neighbouring properties immediately adjacent to this boundary. Therefore the proposal would not have a harmful impact upon the properties to the south east and south west.

Objections have been received from No.20 Windmill view on the basis of overshadowing and overlooking. It should be noted that the distance between the rear of the proposed house and the rear of No.20 is 22m. Given the distance it is not considered that there would be an adverse impact.

Other Issues

As the proposed dwelling replaces a garage the Environmental Health Officer has stated that to ensure safe development of the new premises, it is appropriate to apply a discovery condition that will allow any unexpected findings or discoveries to be dealt with during the construction phase. This is appropriate given the length of time that the buildings have been identified as being on site. Historical mapping suggests these as early as 1951.

Matters raised in an email has been received from 52 Ladies Mile Road, in respect to further discussions with the applicant about other proposals are not the subject of this application, and therefore material to this application.

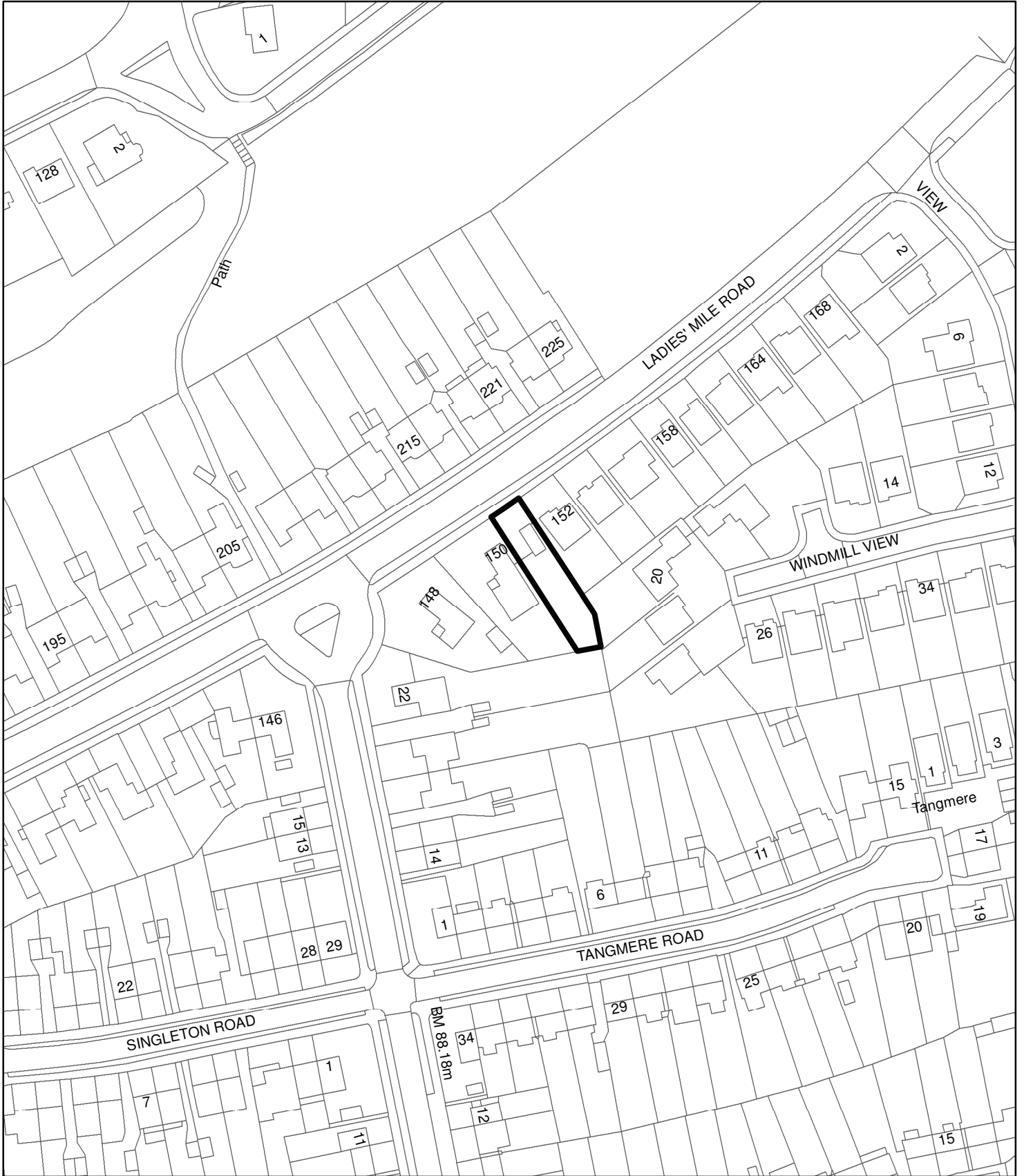
9 CONCLUSION

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and transport issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/02845 150 Ladies Mile Road, Brighton.



Scale: 1:1,250