

<u>No:</u>	BH2012/00229	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Wolseley Build Centre, 19 Bristol Gardens, Brighton		
<u>Proposal:</u>	Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping.		
<u>Officer:</u>	Aidan Thatcher	<u>Valid Date:</u>	13/02/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ECE Architecture, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	Cross Stone Homes, Mr Ross Barbour, The Old Mill, The Warren, Crowborough		

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 it is **MINDED TO GRANT** planning permission subject to the applicant entering into a deed of variation of the s106 dated 13th September 2010 relating to BH2009/01355 and to the following Conditions and Informatives:

Deed of variation

- To secure a contribution of £13,500 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the vicinity of the site.

Regulatory Conditions

- 1) 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.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings nos. LOC A, 01A, 02D and 04A received on 27.01.12 and drawing nos. 03D, 05B, 06 and 08021-02-S-GA received on 13.02.12.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) 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.

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- 5) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
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.
- 6) 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 policy SU4 of the Brighton & Hove Local Plan.
- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 8) 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.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 9) 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.
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.
- 10) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-commencement Conditions

11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) 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.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

12) 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 3 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 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.

13) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

14) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the

implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

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.

- 15) 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 16) No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved 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.

Reason: To protect the trees which are to be retained adjoining the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 17) The existing crossovers and dropped kerb lines shall be reinstated in strict accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority.

Reason: In order to improve the quality of the public realm, to create a safe pedestrian environment and to comply with policies QD1 and TR7 of the Brighton & Hove Local Plan.

- 18) No development shall take place until confirmation that the contractors working on the site have signed up to the considerate constructors scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 19) No development shall take place until detailed drawings, including levels, sections and constructional details of the access road to include 'rumble

strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.

Pre-occupation Conditions

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body 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.

- 21) 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.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, 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 proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers. Subject to conditions, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.
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.brightonhove.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.brightonhove.gov.uk).
5. 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).
6. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
7. Notice is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.
8. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))
The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

2 THE SITE

The application site is approximately rectangular in size, which is in existing use as a Builders Merchant Yard, occupied by the Wolessely Build Centre. The site is occupied by a cluster of buildings, being both brick built and metal clad, single storey and are situated on the southeast corner of the site, directly abutting the east and south boundaries.

The remainder of the site is utilised for open storage and vehicular parking.

The site has vehicular access from the south, from Bristol Gardens via a long

narrow road (approximately 4.4m wide) which runs past the western boundary of Sussex Row and the rear of 49-51 Prince Regent's Close.

The site has a significant frontage to its western boundary which fronts onto Prince Regent's Close, this is currently walled to enclose the rear storage yard.

The site is surrounded by residential accommodation to the east, comprising two and three storey residential dwellings, Bristol Gardens is to the south, with predominately residential uses beyond, the southern half of the western boundary has residential properties (with a doctor's surgery to the ground floor) and a garage compound, then due to the curve in Prince Regent's Close, this is then directly alongside the boundary, with two storey modern (1960's) neo-georgian style properties beyond. The same type of properties are situated to the north also, with the flank elevation of no. 48 Prince Regents Close facing the site.

The site is predominantly enclosed with a brick and flint wall, except for the northernmost part of the western boundary, where there is a modern rendered wall.

It is noted that the floor level of the site is significantly higher than the rear gardens of the properties in Princes Terrace by approximately 0.9m.

3 RELEVANT HISTORY

BH2010/03371: Installation of racking to West elevation (Retrospective) – approved 22/12/2010.

BH2010/01047: Installation of racking to West elevation. (Retrospective) – refused 21/06/2010. Appeal Dismissed 07/10/2010.

BH2009/01355: Demolition of existing building and construction of 9 new residential dwelling houses. Provision of on site parking, cycle store and refuse facilities – approved 22/09/2010.

BH2005/01816/FP: Overcladding of existing corrugated asbestos cement roof sheeting with colour coated plastic profiled metal sheeting – approved 05.08.05.

BH2004/02667/AD: Six non-illuminated aluminium panel signs fixed to building – approved 23.09.04.

BN90/1470/F: Erection of 1.2m high post and wire fence above one existing wall on part of the west boundary of one site (part retrospective) – approved 23.10.90.

BN89/2376/F (duplicate of **BN89/2375/F**): Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building and provision of 8 customer parking spaces – refused 20.02.90. Appeal dismissed 25.02.91.

88/238F: Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building: other works include relocation of aggregate bins – Refused 28.06.88. Appeal dismissed 24.04.89.

67/1725: Covering of part of open yard at present used as materials vehicle park – refused 26.09.67.

67/1012: Outline application; Covering part of open yard at present used as materials and vehicle park – refused 13.06.67.

67/1011: Outline application; First floor extension to existing offices by approximately 83sqft – refused 13.06.67.

65/1111: Outline application; residential development – refused 16.03.65.

17.60/1128 – Outline application; erection of single storey building for garaging vehicles – refused 30.08.60.

16.59/1022: Alterations to existing access – approved 30.06.59.

16.59/169: Installation of 3000 gallon underground petrol tanks and 2000 gallon diesel tanks above ground and a hardstanding for vehicles – approved 03.02.59.

55/487: Extending existing offices – approved 05.05.55.

4 THE APPLICATION

This application seeks consent for the demolition of the existing structures on site and the erection of 9 no. two storey dwellings, together with vehicular parking and landscaping, as a variation to the scheme approved in 2010 (BH2009/01355).

There is a proposed mix of dwellings, comprising 3no. 4 bedroom, 4 no. 3 bedroom and 2 no. 2 bedroom dwellings.

A terrace of three 4 bedroom houses is proposed, located to the northern part of the site, directly fronting onto Prince Regent's Close, each would include a dedicated off street parking space through a car port forming an integral part of the footprint of the property.

The ground floor footprint of these units would be L-shaped approximately 10m at its widest point (4.1 at its narrowest), 13.1m at its deepest point (5.45m at its shallowest). The first floor footprint is significantly shallower, and measures 10m wide x 7.1m deep. The height of the terrace would be 5.0m to the lower end of the mono-pitch roof and 5.3m to the higher end.

A terrace of 4 no. three bedroom houses would be located in the central part of the site. These would also be sited fronting onto Prince Regent's Close, but some would be hidden behind the existing brick and flint wall.

This terrace of units is irregularly shaped, and provides a differing design of properties. The overall dimensions of the footprint of the terrace is 29.3m wide x a maximum depth of 9.6m and a minimum of 5.7m.

Two of the units, the furthest north and one of the middle units would have the same ground and first floor footprint of 5.7m wide x 9.6m deep x 5.0m to the lower height of the mono-pitch roof and 5.3m to the higher end.

The unit between these has a ground and first floor footprint of 9.1m wide x 5.7m deep x 4.7m to the lower height of the mono-pitch roof and 4.9m to the higher end.

The unit to the southern end of this terrace has a ground floor footprint of 7.2m deep x 9.2m wide with a first floor footprint of 5.7m deep x 9.2m wide. The height is to be 4.7m to the lower height of the mono-pitched roof and 4.9m to the higher end.

The remainder two units form a semi detached pair to two bedroom units, which are orientated north/south, which is different to the remainder of the development. These are each to measure 4.9m wide x 9.6m deep x 5.0m to the lower height of the mono-pitched roof and 5.3m to the higher end.

The remainder of the plot is set out to provide for 6 no. additional parking spaces within a communal car park accessed from the existing vehicular access from Bristol Gardens, and includes a communal refuse and recycling store and cycle storage for those units which do not have private storage.

A number of landscaping areas are proposed as part of the development, both within the car park area and along the communal frontage to Prince Regent's Close.

5 CONSULTATIONS

External

Neighbours: Seventeen (17) letters of objection have been received from the occupiers of **nos. 16 Princes Terrace, nos. 8, 11, 16 (x2), 18, 19, 24, 40, 41, 42, 48 and 50 Prince Regent's Close, nos. 5 and 7 Bristol Gardens and Prince Regents Court (freeholder of Prince Regents Court, Prince Regents Close) and one with no address** on the following grounds:

- Loss of light;
- Loss of view;
- Loss of privacy;
- Too high a density for the site;
- Increased parking stress;
- Potential damage to and loss of original flint boundary wall;
- Design uncharacteristic with the surrounding area;
- Plots 1-3 should be set back to provide front garden space;
- The flint wall should not be removed;
- Proposed materials are out of character with the existing development;
- Inadequate parking provision provided;
- Potential for increased noise pollution;
- Flat roofs must not be used as terraces in the future;
- Overdevelopment of the site;
- Lack of detail on how the boundary wall with Princes Terrace will be treated and who owns it;
- Insufficient detail on landscaping;
- Would like confirmation that the dwellings would not be used as student housing or HOM's;
- The number of existing vehicle movements per day is significantly lower than as stated within the Transport Statement;
- Inaccurate measurements shown on drawings;
- Proposed alley between plots 3 and 4 could give rise to security concerns;
- Overshadowing;
- Flat roofs are out of keeping with the surrounding development; and
- Inadequate disabled access.

Internal:

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

The Highway Authority have no objections to this application. The proposed amendments to the previous approval (BH2009/01355) are minor in terms of the highway impact and therefore deemed acceptable. Our previous comments and request for S106 funding made as part of BH2009/01355 still stand.

Economic Development: No adverse comments.

Environmental Health: The 2009 application contained a very specific site assessment for land quality carried out by WSP dated April 2008. The report was quite specific in stating that should redevelopment of the site occur, further site assessment is needed.

The 2012 application does not contain any site reports or even acknowledgement of the previous application. The application form also suggests under section 14 that no previous uses or contamination is suspected which is clearly not the case.

Given that the applicants are the same, and that a full contaminated land condition (13) was placed on 2009/01355, Environmental Health feel that the application is insufficient in detail as the matter should have been known about. Therefore consider that insufficient information is present to determine the application.

Access Officer: The proposals appear to meet the requirements of the Lifetime Homes Standards.

Council Arboriculturist: Reiterate comments from previous application (re-provided below).

There are no trees on the site itself, however, immediately outside the site there are 4 trees that are in Council ownership that may be affected by the development.

The only one of any arboricultural value is a sycamore, the northernmost tree of the 4 trees on Prince Regents Close. The Arboricultural Section would like this retained post development. It sits close to the flint wall that borders the site and therefore it is presumed its retention should not impede the development greatly. This tree should be protected during development to BS 5837 as far as is practicable – Arboricultural Method Statement to be provided.

There are also new footpaths in the vicinity of this tree, arboricultural advice should be sought on their construction and an Arboricultural Method Statement provided before any work commences.

There are a further 3 trees on street that are of poor form or in a state of decline,

one Elder and 2 Hawthorns. The Arboricultural Section would not object to their loss as long as a suitable landscaping scheme is produced showing their replacement.

The Arboricultural Section would also like to see a firm landscaping scheme regarding planting to the rear (east) of the properties.

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 (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance

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SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
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
QD5	Design - street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

The National Planning Policy Framework (NPPF)

8 **CONSIDERATIONS**

The main considerations in the determination of this application are the planning history, principle of the development, impact on street scene and wider area, amenity issues, transport issues, contaminated land and sustainability issues including waste management.

Planning history

Permission was granted under application BH2009/01355 for the redevelopment of the site to comprise 9 residential units.

The applicants have amended the design, in terms of proposed materials and internal layout changes. These alterations materially impacted on the external appearance of the development, and thus required the submission of a fresh planning application.

The number and size of units, scale, bulk and massing of the proposal remain identical to that previously approved.

Principle of Development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

The approval of the 2009 application confirms the acceptability of the loss of the existing use upon the site, which has been confirmed as a sui generis builders yard. As such there is no policy protection for such uses and the change of use to residential is considered to be acceptable.

Since the determination of the 2009 application the National Planning Policy Framework has been published (27/03/12). The policy thrust of this does not alter the acceptability of the site to be used for residential purposes.

Impact on street scene and wider area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The visual appearance of the site would be fundamentally altered to accommodate the proposed development, as per the previous approval.

The site has vehicular access from Bristol Gardens, via a narrow (approximately 4.4m wide) road into the site. This is relatively long (approximately 30m) before the site opens out to the full width of approximately 18m.

The previous approval gave consent for a predominately rendered development, on a low brick base, with recessed areas to be timber clad.

The current application seeks to amend this. Plots 1-3 would utilise an engineered blue/grey brick across the ground floor level and part of the first floor with white rendered blocks at first floor level. They also have a revised window shape at first floor level.

Plots 4 and 6 are sought to be amended to be a fully rendered building, with revised fenestration, removing the timber element and utilising a full height glazed panel (subdivided into smaller frames).

Plot 5 is to be amended to be constructed completely from engineered blue/grey brick, and plot 7 to be fully rendered. Both include minor fenestration alterations.

Plots 8 and 9, the amendments are to replace the recessed timber cladding elements with the same blue/grey engineered brick.

It is considered that the amendments provide additional visual interest to the proposal, and introduce a higher quality material, being brick rather than the timber cladding.

The dark colour of the brick will go some way to integrate more effectively with the dark brick that is used of the majority of the existing Prince Regents Close dwellings.

The fenestration alterations also provide for more continuity within the scheme, and regularises the number of window opening sizes thus ensuring a more regular appearance within the street scene.

As such it is considered that the amendments represent an improvement to the previously approved scheme and are considered to be acceptable.

Amenity Issues

For Neighbours

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.

The main issues here are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance.

In relation to the general use of the site, it is considered that a residential scheme is likely to reduce the impact of noise and disturbance on the surrounding occupiers by virtue of the removal of the existing commercial use and its replacement with a (generally) quieter residential scheme. Therefore the scheme is considered to improve the impact of noise and disturbance on surrounding occupiers.

In relation to loss of privacy the properties that are most likely to be impacted on are the Victorian two storey dwellings to the east, which front Princes Terrace.

The removal of the existing structure on site, and its replacement with two storey dwellings with rear (east) facing habitable rooms is considered to represent an increase in overlooking. Section details have been provided of the proposed development, with the existing properties in Princes Terrace shown also. This indicates that the distances involved (first floor to first floor) are a minimum of 13.5m, and a maximum of 20m. Whilst this minimum distance is just within the limits of acceptability in terms of overlooking distances, this only relates to a single dwelling and in general the distances are in excess of 17m, which is considered appropriate within a city centre location such as this. It is also noted that the relationship between the existing properties on the eastern side of Prince Regent's Close and Princes Terrace is 16m. Therefore, the relationship is broadly the same as that of the existing street.

Therefore, on balance, it is considered that there would be no undue overlooking issues arising from the scheme, and none that would warrant a refusal of the development on these grounds. It is also noted that the situation remains unchanged from the previous 2009 approval.

The scheme also has the potential to result in loss of light, particularly to the lower ground floor levels of the three storey properties fronting Princes Terrace. This is most relevant towards the northern part of the site where there is currently no built form (but there are piles of building materials, sometimes higher than the boundary wall).

At this point the scheme has the potential to cause a loss of light to the properties to the east, however it is unusual to have this type of relationship between residential properties and open sites within a city centre location. The relationship between the existing development to the north of the application site is more usual, and thus whilst some light will be lost, the degree to which this will occur is to be assessed having regard to the city centre location and the relationship between surrounding buildings.

To the southern portion of the site, the existing single storey buildings, which have a maximum ridge height of 4.0m, are to be removed. These are visible from the basement levels of the Princes Terrace properties. The proposed site would include a higher development height (a maximum of 5.3m furthest from the boundary) however this would be set well back (in excess of 6m) from the boundary, and thus will appear as less dominant than the existing buildings which are constructed against the eastern boundary.

On balance, it is considered that the existing dwellings to the east will still receive an acceptable level of natural light which would not unduly harm the amenities of the occupiers of these dwellings.

It is also noted that the site is located due west of these properties, and thus the amount of sunlight these would achieve as existing would be limited to late afternoon / evening during the summer months only.

Again, the situation is exactly the same as the previous approval in any event and therefore, on balance, although there will be some loss of light, particularly

to those properties adjacent to the northern part of the site, this would not be to a level which would warrant a refusal of the scheme on these grounds.

For Future Residents

Policy HO13 requires residential units to be lifetime homes compliant.

The layout of the proposed units ensures that there would be adequate space for the units to meet lifetime homes compliance. The plans confirm compliance with these standards.

The scheme provides for rooms sizes which are adequate for their function with adequate light and ventilation, save for an internal bathroom, which is not considered to warrant a refusal of the scheme.

Policy HO5 requires the provision of private useable amenity space in new residential development.

The size of the garden areas with the properties is considered to be on the limits of acceptability. Whilst there are no adopted minimum size standards for amenity space, it is considered that each unit should have a space which is suitable for the needs of the occupiers of the unit.

It is acknowledged that the size of amenity space in the existing surrounding properties vary somewhat, many incorporate more usable sized areas. The constraints of the site are noted and thus it is considered that on balance, and having regard to the size of the plot sizes within Prince Regents Terrace (which are similar sized units) immediately to the north of the site, that the plot sizes would be acceptable and sufficient for the needs of the future occupiers.

Transport

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

The site is located inside a controlled parking zone (CPZ) and experiences high levels of on-street parking stress. It is noted that the scheme incorporates 1 vehicular parking space per unit.

The scheme also provides for secure cycle parking which is considered to conform to the requirements of policy TR14.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to conditions relating to crossover details,

cycle and vehicular parking being provided prior to occupation and a sustainable transport contribution of £13,500. This is recommended as part of this application.

It is noted that the access to the site is relatively constrained, both by the narrow access as existing and the internal parking layout. The comments from the Sustainable Transport Team are noted, in that they do not consider the internal arrangement would warrant a refusal of the scheme as this lies outside of their control. However, a condition is recommended to ensure that additional safety measures are incorporated into the scheme, such as shared surfaces, speed control measures and lighting. This is considered to ensure that the safety of the access is maintained of both vehicular and pedestrian traffic and thus ensures that the proposal would be acceptable in these terms.

Again, this situation is unchanged from the 2009 approval.

Contaminated Land

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

The site appears to have been in previous use a petrol and diesel storage, which together with the existing commercial use on the site could give rise to contamination issues. A phase 1 Environmental Assessment has been submitted with the application and the comments from environmental health consider that this needs amending.

Whilst Environmental Health have requested additional information prior to the application being determined, the 2009 application sought this information by condition and as such in accordance with the previous approval, a condition is recommended requiring full contamination reports to be submitted prior to development commencing to ensure the satisfactory outcome of the environmental health issues.

It is considered to be unreasonable to alter the approach taken on this issue from previously, particularly as the amendments are so minor in nature.

Sustainability (including Waste Minimisation)

Any new residential building upon the site would need to conform to the requirements of SPD08. This mean that a fully completed Sustainability Checklist would need to be submitted with the application and the building must meet Level 3 of the Code for Sustainable Homes as a minimum.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. This is particularly prudent in relation to any internal bathrooms. The comments from the Sustainability Officer on the 2009 approved scheme are noted, in that the measures incorporated into the scheme are somewhat modest, but do meet the requirements of the policy and thus are acceptable.

The applicants have submitted a Sustainability Checklist with the application and have detailed a commitment to reach Code Level 3 of the CSH in accordance with the requirements. Conditions are recommended to ensure that Code Level 3 is met.

9 CONCLUSION

The proposed application seeks permission for the same use, form, scale, bulk and massing as the previous 2009 approval on the site. Amendments include type of materials, fenestration changes and internal layout changes. These were considered to be material changes, and thus required the submission of a fresh planning application.

The material and fenestration alterations are considered to be acceptable and represent an improvement from the previously approved scheme, and the internal alterations still demonstrate full compliance with lifetime homes standards.

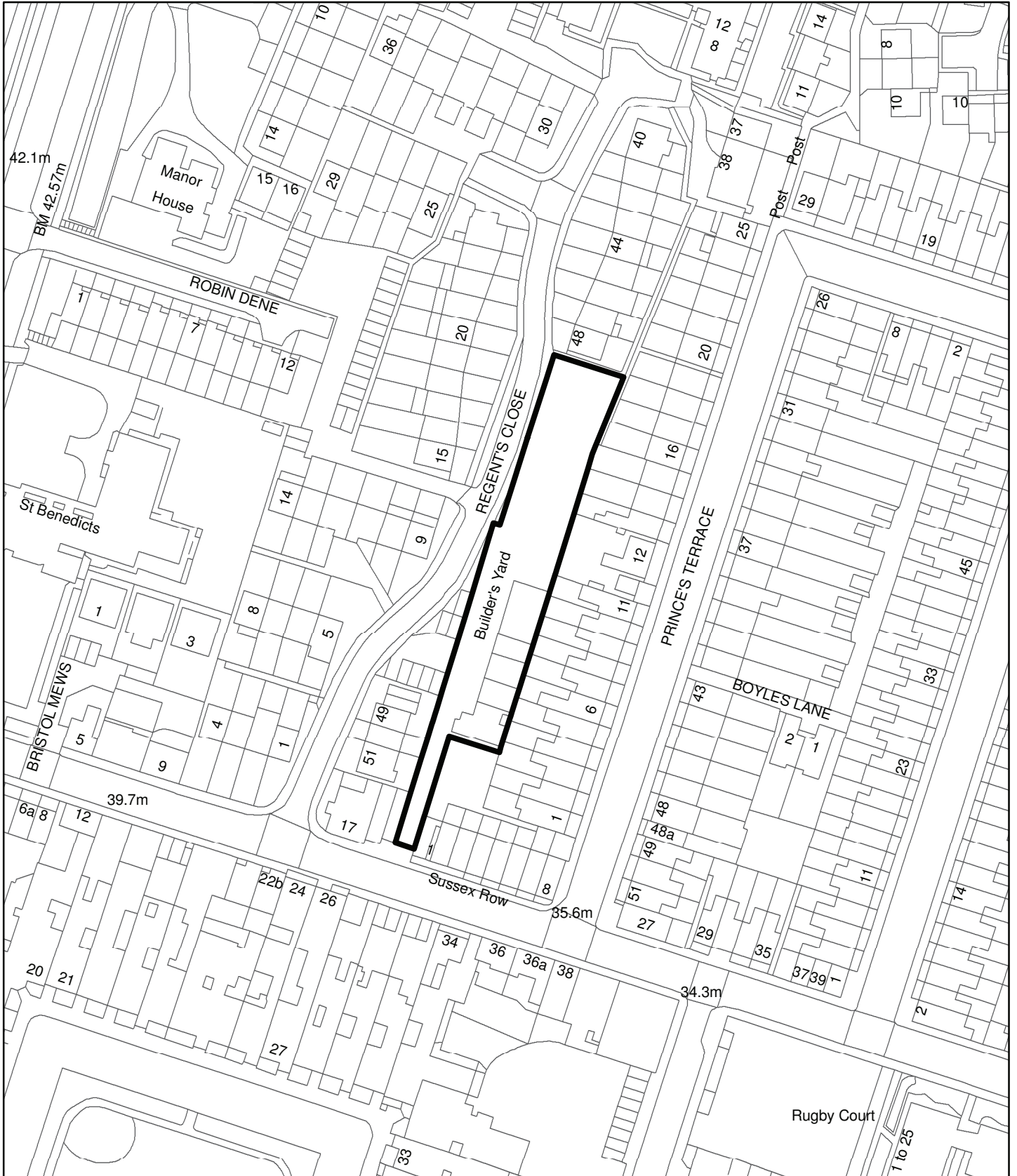
The remainder of the application remains the same as previously approved in terms of sustainability, amenity impacts, highways and contamination.

Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

The development accords with Lifetime Homes Standards.

BH2012/00229 Wolseley Build Centre, 19 Bristol Gardens, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

