

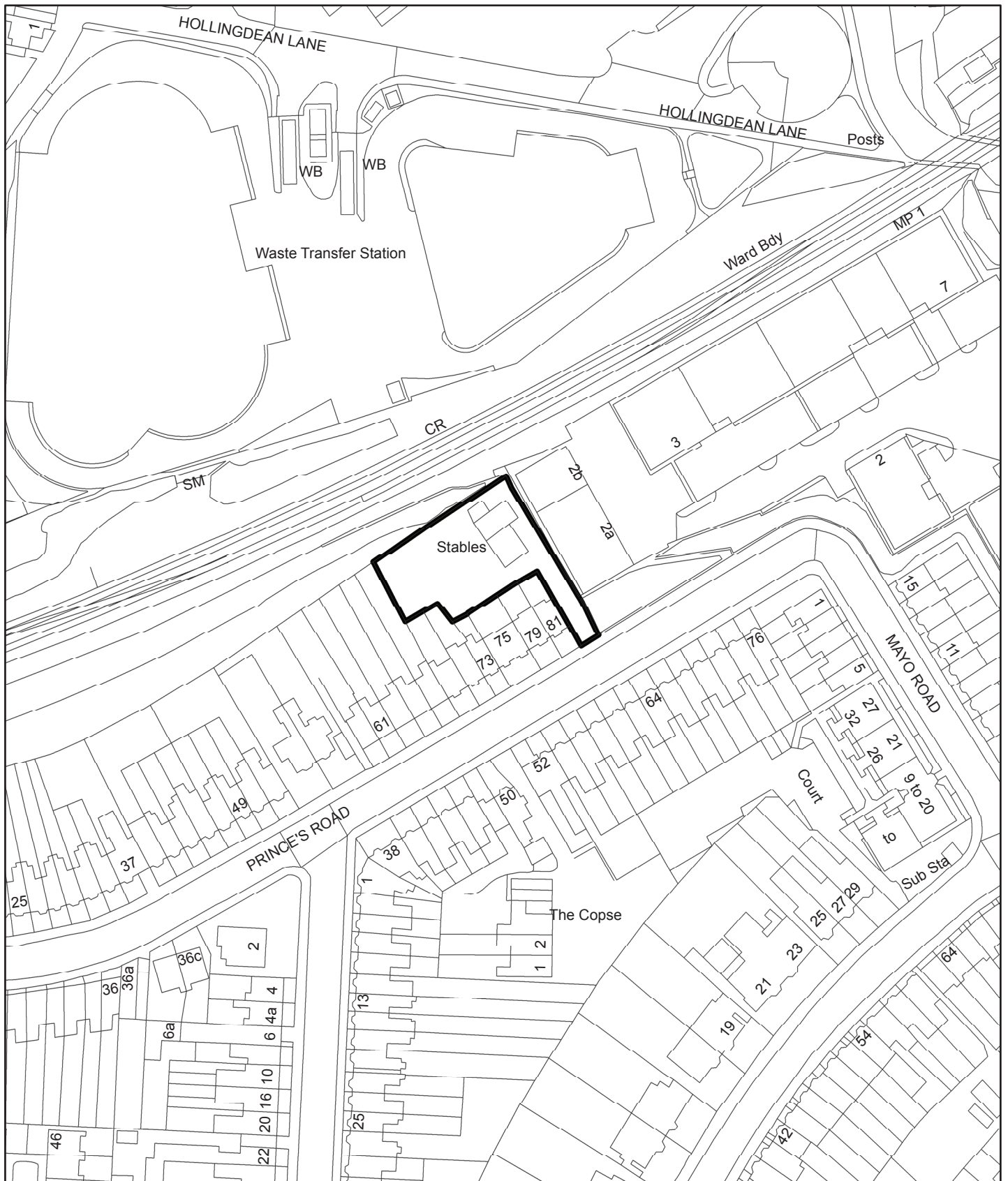
**PLANS LIST  
ITEM F**

**Land to Rear of 67-81 Princes Road,  
Brighton**

**BH2013/00139  
Full planning consent**

**15 MAY 2013**

# BH2013/00139 Land to Rear of 67-81 Princes Road, Brighton.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/00139</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to Rear of 67-81 Princes Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of 6no. three storey, 2no bedroom terraced houses with pitched roofs &amp; solar panels. Provision of private and communal gardens, waste &amp; refuse facilities &amp; cycle store with associated on street car parking. Erection of a street level lift gate house.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	21/01/2013
<b><u>Con Area:</u></b>	Round Hill	<b><u>Expiry Date:</u></b>	18/03/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton		
<b><u>Applicant:</u></b>	Carelet Ltd, C/O Morgan Carn Partnership		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a rectangular plot of land to the rear of Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.
- 2.2 Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road.
- 2.3 Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep access down into the site.
- 2.4 The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terraced houses, and approximately 11m above the railway corridor. Beyond the railway line to the north is the Hollingdean Waste Transfer site which partially obscures the site however due to its elevated position the site is quite visible, from the north in particular. There is also a level change increasing from east to west across the site.

- 2.5 The vegetation on site was cleared some time ago. There is a Tree Preservation Order on a Horse Chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.
- 2.6 The site is located within the Round Hill Conservation Area.

### 3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

**BH2010/00083:** Construction of 6 no. three-storey, two bedroom terraced houses with pitched roofs and solar panels. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store. Refused on the 9<sup>th</sup> of July 2010, for the following reasons:

1. The proposed development does not provide for the travel demands it creates, contrary to policy TR1 of the Brighton & Hove Local Plan.
2. The proposal, by reason of it having six dwellings on site, would result in a cramped standard of accommodation for future residents, contrary to policies QD27 and HO4 of the Brighton & Hove Local Plan.
3. The proposed development, by reason of its close proximity to the Hollingdean Waste Facility, would lead to unacceptable noise exposure to residents of the scheme, both inside and outside their dwellings, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

An appeal was lodged against this decision, this appeal was dismissed on 26/10/2010. The Inspector did not uphold reasons for refusal nos. 2 and 3. Reason for refusal no. 1 was upheld, the Inspector concluding that:

*'I do not consider that it has been adequately demonstrated that the proposal provides for the future travel and parking demands which would be created as a result of the development in accordance with Local Plan policy TR1.*

*Although I have not found harm in respect of the living conditions for future occupiers, I am not persuaded that there would be sufficient capacity in the available on-street parking to meet the future parking demands of the development. For the reasons given above, I consider that the appeal should be dismissed.'*

**BH2009/00847:** Construction of 4 no. two-storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store. Approved on the 22<sup>nd</sup> July 2009.

**BH2007/04444:** Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space. Appeal against non-determination lodged. On the 18 June 2008 Planning Committee resolved that they would have refused planning permission for 8 reasons which are summarised below:

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- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings - overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers.
- Excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, resulting in a poor appearance that was incongruous with the existing Princes Road terrace, harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area.
- Failure to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking.
- The bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties.
- The loss of a greenfield site which had significant ecological interest and failure to incorporate nature conservation mitigation and enhancement measures within the design of the proposal resulting in failure to address and mitigate the adverse impacts of the development on the nature conservation value of the site.
- The solar panels would result in a cluttered roofscape, and insufficient information has been submitted with regard to their appearance, and lack of information regarding their contribution to sustainability.
- Failure to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site.
- The off road parking space and cross over from Princes Road, would be detrimental to the character and appearance of the conservation area.

The appeal was dismissed on grounds of visual impact and impact on longer views into the conservations area; parking; and living conditions for future residents and poor levels of privacy due to overlooking from the rear of Princes Road properties.

**BH2006/03214:** Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one parking space. Refused on the 11<sup>th</sup> of December 2006. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, considered to be an overdevelopment and resulting in cramped living conditions for future occupiers;
- Excessive building height of the terrace in relation to plot size, excessively deep and bulky proportions, bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, resulting in an incongruous poor appearance to the Princes Road terrace properties and

views into the area and the character and appearance of the conservation area;

- Design of the lift house, by reason of its proportions, flat roof and material, would relate unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area;
- The car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing residents parking;
- Loss of an area of habitat that potentially could be supporting slowworm and other species and is within a designated Greenway;
- Development would be overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road;
- Inadequate information provided regarding the reduction of raw materials and construction waste minimisation measures.

An application was submitted during the course of the appeal ref: **BH2005/02279** for the erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space.

The proposal was considered to be of excessive bulk and scale, a cramped development of the site with poor living conditions for future occupiers, and likely to cause detriment to the living conditions of adjoining properties and potential detriment to the protected horse chestnut tree. Accordingly this application was refused on 3<sup>rd</sup> February 2006.

**BH2004/03605/FP:** Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. This application was refused as an excessive scale building that was an overdevelopment of the site resulting in a cramped environment that was out of character with the surrounding area and would cause a loss of privacy and an overbearing impact on neighbouring properties. The coach house was considered unsympathetic in relation to the surrounding area. The scheme was also considered to be detrimental to the protected tree and failed to demonstrate incorporation of sustainability measures.

This decision was appealed by the applicant, and this appeal was dismissed. In dismissing the appeal, the Inspector made specific observations about the proposed development and the site.

The Inspector identified three issues as forming the basis of the case;

- the inconsistency of the bulk and scale with the surrounding Conservation Area
- the excessive density of the proposal and resulting inadequate living conditions for future occupiers (including specific reference to amenity space)

- the impact of the proposal on adjoining residential properties.

The Inspector also considered that the proposed gate house building would sit awkwardly in relation to the adjoining property and that the proposed flat roof would be wholly out of context with the surroundings.

**65.2110:** O/A Erection of 24 garages. Refused.

**53/703:** O/A 22 lock-up garages. No decision.

**50/958:** Proposed use of land as poultry farm and erection of hen house. Approved.

**50/958:** Proposed Nissen Hut to keep hens. Refused.

#### **4 THE APPLICATION**

- 4.1 The application seeks planning permission for the erection of six three storey, two bedroom terraced dwellings. Each dwelling would have provision of private amenity space to the rear of each dwelling and shared amenity space to the front of the terrace. The proposal also includes provision of a street level lift contained within a 'gatehouse' extension which would also contain a refuse/recycling store and cycle parking at a lower level. The site would also be accessed via an external staircase to the east side of the gatehouse. The Horse Chestnut tree at the entrance to the site from Princes Road is to be retained. No off street vehicle parking is proposed.
- 4.2 The scheme proposed is effectively the same as that which was refused under application BH2010/00083 and dismissed on appeal.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: One hundred and fifty-one (151)** letters of representation have been received (the address details are annexed to this report (Appendix 1)) objecting to the application for the following reasons:
- The proposal does not comply with the council's planning policies. The proposal does not comply with policy TR1, the proposal would create additional demand for on-street parking. This was identified as a reason to refuse planning permission by the Planning Inspector in relation to application BH2010/00083. There is an identified parking problem in the vicinity of the site, the introduction of a CPZ is welcome but will also result in an overall reduction in available spaces.
  - The site location is not suitable for car-free development.
  - The proposed use is not suitable for the area. A noisy and polluted environment so close to a Waste Transfer Station and railway line is not the right site for residential development. Existing residents who are far further away are troubled by odour noise and light pollution seven days a week. The site is steeply sloping and narrow.
  - The area already has above average density of population and cannot cope with yet more development for profit. Additional housing would put a severe strain on local utilities and infrastructure.

- The development would not enhance the conservation area and would detract from residents' enjoyment of the area.
- The proposed development would cause increased overlooking of neighbouring properties.
- The proposed construction works will destroy the protected horse Chestnut tree alongside the access to the site.
- The proposed construction works will require vehicles to be parked on the road, causing an obstruction and blocking parking spaces.
- The proposed construction works will cause noise disturbance and disruption.
- Rather than being developed for housing, the site should be planted with trees / used as a green space / park / allotments for surrounding residents.
- The proposed development would have very limited accessibility through the planned access lift.
- The proposed development, on a Greenfield site, should meet a Code for Sustainable Homes rating of Level 5. A rating of Level 4 is proposed.
- The proposed buildings do not have satisfactory access for disabled people.
- If the proposed access lift breaks down, the site will be inaccessible for those who cannot use the stepped access to the site.
- The access lift is not large enough for cycles.
- Refuse collection will be problematic; refuse will have to be taken by future residents from the dwellings to the entrance of the site by the access lift and will then be left unattended. Fly tipping may result.
- The proposed construction works may cause damage to existing properties e.g. subsidence.
- The site will be difficult to access by emergency services.

5.2 **Network Rail:** No comment.

**Internal:**

- 5.3 **Access:** Comment. Due to the difficulty of gaining level access to this site it was accepted on previous applications that around half of the houses (5 out of 9 and then subsequently 2 out of 4) would be wheelchair accessible and the remainder would be accessed via easy going stairs. It seems reasonable to follow that principle with this application where 3 of the 6 proposed houses have sloping access.
- 5.4 **Environmental Health:** Comment. **Original comment (05/02/2013):** Insufficient information has been submitted to enable a full response. A revised noise report is requested.
- 5.5 **Additional comment (11/04/2013):** A revised noise report was submitted on the 10<sup>th</sup> of April 2013. The report concludes that in order to mitigate noise disturbance from sources such as the railway line alongside the site and the waste facility to the north of the site, the installation of a specific brand of thermal double glazing for the whole development is required to ensure compliance with BS 8233. It is recommended that these measures be secured by planning condition.



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- 5.6 Potential land contamination at the site has been identified at the site. Planning conditions are recommended to secure further investigation of this matter and appropriate mitigation measures.
- 5.7 Due to the proximity of neighbouring occupiers and the limited site access, it is recommended that a Construction Environmental Management Plan be secured by s106 legal agreement.
- 5.8 **Arboriculture: Comment.** The Horse Chestnut tree at the entrance to the site is protected by Tree Preservation Order (no. 17) and may be adversely affected as this is the only point of access on to the site. An Arboricultural Report has been submitted which sets out protection measures of this tree during construction works. It is recommended that implementation of the protection measures set out in the report be secured by planning condition, and that the Arboriculturalist inspect the protection measures in situ prior to any development commencing. Furthermore, all trees to be retained within the site must be protected to BS 5837 (2012).
- 5.9 Since the time of the last application submitted some trees have been felled along the boundary of the site. It is recommended that replacement tree planting within the site be secured by planning condition.
- 5.10 **Heritage: Comment.** The Heritage comments for the previous application (BH2010/00083) still apply. Based upon modifications which were made to the scheme and the planning history of the site, no objection is raised to the current proposal. It is considered of key importance that an appropriate landscaping scheme is secured, this could be secured by condition. Further conditions are recommended to secure appropriate materials and design details.
- 5.11 **Sustainable Transport: Comment. Original comment (13/02/2013):** The proposed development will result in increased trip generation; this matter is not considered to warrant the refusal of planning permission subject to the application of suitable planning conditions and s106 legal agreement requirements. In regard to parking, no on-site parking is proposed. A CPZ extension which would include Prince's Road was voted upon by Transport Committee on the 15<sup>th</sup> of January 2013 and the Traffic Regulation Order will be advertised from the 20<sup>th</sup> of February. In this context, to address the requirements of policies HO7 and TR1, and the concerns raised by the Inspector in regard to application BH2010/00083, it is recommended that the development be secured as car-free by condition.
- 5.12 In regard to cycle parking, the proposed cycle storage provision is not of a sufficient standard. The proposed access lift is not large enough to contain a standard size cycle in a horizontal position, and the proposed cycle storage is not considered to be of acceptable standard. The site provides adequate space for suitable cycle storage provision for each dwelling to be provided and it is recommended that revised details of an enlarged access lift and cycle storage provision be secured by planning condition.

- 5.13 In regard to more general transport issues, in order to ensure that the proposed development addresses the requirements of Policy TR1, a contribution of £9,000 towards sustainable transport infrastructure in the vicinity of the site is required.
- 5.14 **Additional comment (01/05/2013):** On the 30<sup>th</sup> April 2013 the Council's Transport Committee approved an extension Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area. It is again recommended that the development be secured as car-free by condition for the reasons stated in the previous response dated 13/02/2013.
- 5.15 **Ecology: Comment.** The submitted scheme does not include adequate nature conservation enhancement measures to address the requirements of policy QD17 and the guidance set out in SPD11. It is recommended that further details of nature conservation enhancement measures and their implementation be secured by planning condition.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
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 – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Proposals in Conservation Areas

#### Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
SPD11:	Nature Conservation and Development

#### Brighton & Hove City Plan Part One (submission document)

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact on the character and

appearance of the Round Hill Conservation Area, impact on neighbouring residential amenity and the standard of accommodation, impacts on traffic, ecology and the protected tree, sustainability and contaminated land and noise issues.

- 8.2 It is noted that the Inspector, in relation to the scheme proposed under application BH2010/00083, deemed all matters to be acceptable other than transport impact and potential increased pressure upon on-street parking provision. The Local Planning Authority must give weight to this Inspector's decision. The remit of this report is therefore to consider all matters in light of the Inspector's decision and any changes in circumstance which have occurred since the determination of the appeal on 26<sup>th</sup> of October 2010.
- 8.3 Since this time the National Planning Policy Framework has been adopted (27/03/2012) which has replaced the vast majority of the national planning policies previously in force. The Brighton & Hove City Plan Part One (submission document) is in draft form up to the point of formal examination and adoption, the policies within do carry some weight.
- 8.4 Another key change in circumstance is the approval of a Controlled Parking Zone extension which includes the application site. On the 30<sup>th</sup> of April 2013 the Council's Transport Committee approved an extension Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area.

Principle of development

- 8.5 This backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The application site has not been in use as private or public recreational open space. It is noted that the planning history for the site records an historic use as a poultry farm. It appears that there have been a number of different uses on the site, including stables, and the keeping of poultry. The site has been used as an extended garden for No.67 Princes Road, however, this was never formalised. It is therefore considered that the site is a greenfield site.
- 8.6 When planning application BH2006/03214 was determined it was considered that the principle of residential development of the site has been accepted in the two previously refused applications and appeal decisions. In dismissing an appeal against non-determination of a scheme for 8 houses (BH2007/04444) the Inspector stated in paragraph 5 of his decision that, 'the principle of residential use has been accepted previously through consideration of earlier applications and an appeal decision.' The extant permission for 4 dwellings on the site (BH2009/00847) has also established the principle of residential dwellings on the site. Planning application BH2010/00083 was refused and dismissed on appeal. At appeal the issues which the Inspector deemed to warrant refusal related to transport and parking impact; the principle of a residential use was not deemed to be inappropriate.
- 8.7 The principle of residential use on the site is established. However, the scale, form and density of any residential use on the site is subject to a number of detailed other material considerations which are detailed in full below.

Impact on Open Space Provision

- 8.8 The NPPF states the following in regard to open space:  
*'73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.'*
- 8.9 74. *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*
- 8.10 Policy QD20 will not permit the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.
- 8.11 When planning applications BH2004/03605/FP, BH2005/02279, BH2006/03214 and BH2010/00083 were determined by the Council it was considered that as the site had difficult access problems, it would be difficult to argue the loss of the site as open space with regard to policy QD20 of the Local Plan.
- 8.12 The NPPF advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 73). However, when considering previous applications for this site a view was taken on what the site offered in terms of open space and regard was given to the site constraints.
- 8.13 At the time of applications BH2009/00847 and BH2010/00083 it was considered that the site had limited potential for public open space provision. The site is private land and is proposed for development. Therefore a public use of the site would be reliant on the community or the council coming forward to purchase the land. Furthermore the land is not suited to public access due to its sloping nature and very steep and narrow access from Princes Road. It is unlikely that either the community or Council would be in a position to purchase the land and carry out works required to make it accessible in the short or medium term.
- 8.14 The site's value in visual terms only, i.e. without public access, is also considered to be limited due to the now limited views from the north since the development of the waste transfer site and the current state of the site. Without

purchasing the site the Local Planning Authority would have little control over nature conservation/enhancement and landscaping.

- 8.15 It is also noted that the proposed development would leave large parts of the site open in the form of garden areas and the curtilage / access to the south of the dwellings. As with the previous approval, this current scheme also provides for ecological and landscaping enhancements on the site which will be secured by condition in accordance with the Council's Ecologist's advice, and will still ensure the site is enhanced in this regard.
- 8.16 The existing site is considered to provide limited benefit to the City as designated open space provision for the reasons stated above. Overall, there has not been a significant change in the proposed area for planting/amenity space from that area approved under BH2009/00847 (4 dwellings). In this instance the benefit to the City of six family sized dwellings with private amenity space is considered to outweigh the limited benefit the site could make as an open space given the above considerations. The principle of residential development on this land is therefore considered acceptable in this instance, subject to other issues which are considered below.

Impact on the character and appearance of the area and Round Hill Conservation Area

- 8.17 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.18 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.19 Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:
- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
  - the use of building materials and finishes which are sympathetic to the area;
  - no harmful impact on the townscape and roofspace of the conservation area; and
  - the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.
- 8.20 The site is an area of green space that, following the development of the waste transfer site, is only visible in some views from the north. The Round Hill Conservation Area is characterised by ribbons of green space that are not visible from the public highway within the conservation area, but are recognised by the adopted Round Hill Conservation Area character statement as being

important features of the conservation area, reflecting the planned Victorian layout of the area. Also highlighted within the character statement is the importance of the stepped terrace and building line along the north side of Princes Road which is softened by the line of trees which mark the junction with the former Kemp Town branch railway line.

- 8.21 Unfortunately the mature line of trees marking the junction of the former Kemp Town Branch railway line have been removed from the northern edge of the site, and the qualities of the plot as a green space and a wildlife habitat have been considerably diminished. The Waste Transfer Station has been granted permission and has been completed since the adoption of the character statement. However, the impact of the scheme on views into the conservation area from the north is still an important consideration.
- 8.22 The design impacts of the scheme and the impact on the conservation area are considered in more detail below, and comparison is made between the 2007 application for 8 dwellings which was dismissed on appeal, the 2009 application for 4 dwellings which was approved and this current application for 6 dwellings (as submitted and the design as amended).

*Design, scale and layout and longer views:*

- 8.23 The previous scheme BH2007/04444, (which was refused and a subsequent appeal dismissed), comprised of 6 three storey and 2 two storey terraced houses. One of the reasons for refusal of BH2007/04444 was related to the design of the scheme and its excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road. This all resulted in a poor appearance that was incongruous with the existing Princes Road terrace and harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area.
- 8.24 In dismissing this appeal, the Inspector stated that although the site was not easily visible from Princes Road it was clearly seen in views from outside the conservation area to the north and east. Therefore its location within the conservation area coupled with its prominence in the wider area demanded that new development should fit entirely naturally into the scene. He considered that a design that is appropriate would most likely sit comfortably and harmoniously alongside its neighbours. The Inspector stated that 'squeezing eight houses into the site and the consequent lack of space for significant planting would harm visual amenity in relation to the green spaces characteristics of the conservation area as well as views into the conservation area from the north'. The 8 dwellings were proposed to be sited 1.3 – 2 metres back from the boundary with the railway land.
- 8.25 Whilst the Inspector noted that a building of contrasting contemporary design would not necessarily harm the character and appearance of the Conservation Area, the stepping up and down, with two storey houses in the middle and at one end, would contrast sharply with existing houses on Princes Road which

step down with the natural gradient of the land. Consequently, the design in terms of bulk and form was considered by the Inspector to fall short of that which is necessary to preserve the prevailing character of the conservation area. The Inspector considered that it would create entirely the wrong effect by emphasising the inappropriate form that would be a clear breach of the distinctive character of the existing terraces as well as being disruptive in its setting when seen from the north. Consequently, the Inspector considered that it would fail to match the form of development to the quality of the historic setting.

- 8.26 In order to address the failings of the 2007 scheme, after pre-application discussions with the LPA, the applicant amended the scheme and submitted an application in 2009 for four dwellings (BH2009/00847). This application was approved at Planning Committee on the meeting of the 22<sup>nd</sup> July 2009.
- 8.27 This approved scheme addressed the previous concerns in respect of the size of the footprint by reducing site coverage, leaving more open space, and incorporating enhanced boundary planting. A gap of 5.1 – 6.3 metres was proposed to the boundary with the railway land which allowed for more planting. The height of the development was also significantly reduced and helped to lower the impact of the scheme as seen in views into the conservation area.
- 8.28 The 2009 approved scheme also ran parallel with the Princes Road properties and contained 4 dwellings of a width of approximately 9.1 metres which stepped down varying heights between each dwelling of between 0.8 and 2.1 metres. It was considered important that the dwellings stepped down at irregular heights, as this would mirror the properties on Princes Road which step down at irregular heights, and also at irregular widths.
- 8.29 The footprint of the current scheme is very slightly increased over the approved scheme. The footprint of the previously approved scheme for 4 dwellings (including patios at the lower ground) was 319.5 square metres. The footprint of this current application for 6 dwellings is 337.5 square metres. The footprint has increased by 0.5 metres along the depth of the terraced properties and by 0.4 metres along the length. This equates to an increase of 18 square metres in footprint. It is not considered that this slight increase in footprint size is significant in terms of the scheme's visual impact.
- 8.30 More significant is the increase in height. At the time of application BH2010/00083 the Heritage Officer commented that additional information had been submitted to allow comparison of the current scheme with the approved scheme in views from Davey Drive and Harrington Place, and that this information showed that at this distance the impact of the current scheme is not significantly more harmful to the conservation area than the approved scheme. Closer views of the site are not available due to the large buildings of the waste transfer site being in the way.
- 8.31 In regard to landscaping it is identified by the Heritage Officer that a full scheme will be required which will need to deliver sufficient screening of the waste transfer site and industrial units, to improve long views of the area, to re-



establish the tree belt along the north-west boundary of the site and the green ribbon effect which is important to the conservation area. It is considered that full details of an appropriate scheme and its implementation can be secured by planning condition.

- 8.32 It is considered that shorter views of the scheme from public places are restricted and in longer views the scheme will not appear as materially different to that which was approved under BH2009/00847. It is therefore considered that the scheme, in terms of design, scale and layout and impact on longer views into the conservation area, is appropriate and would not be detrimental to these longer views.

#### Gatehouse

- 8.33 The gatehouse has been designed to appear as an extension to the existing terrace with detailing to match that of number 81 to which it is adjoined which is considered acceptable. A number of changes were made to the gatehouse design following the refusal of BH2007/04444. The roof design was amended to provide a hip to the rear and the front boundary was redesigned to provide a traditionally proportioned brick boundary wall rather than a timber fence as originally proposed. The detail of the doorway opening within the 'gatehouse', which is to be timber, is recommended to be requested by condition. The off street parking space to the front of number 81 Princes Road was also removed. The gatehouse design is identical to that approved under BH2009/00847 and is considered to be acceptable in terms of the impact on the character and appearance of the street scene and conservation area.
- 8.34 It should be noted that the last application for six units on this site (BH2010/00083) was not refused on design grounds and the Appeal Inspector did not raise this as an issue for concern.

#### Impact on amenity of surrounding residents

- 8.35 Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.
- 8.36 The proposed scheme would be dug into the site and set at a lower level than the properties adjacent on Princes Road. The living room windows at the lower ground floor would look out onto the sunken patios. At the upper ground there is a bedroom window and staircase window on each dwelling, which due to the levels would face towards the rear boundary fences of properties on Princes Road. At the first floor are bedroom windows which face towards the rear of properties on Princes Road. The interface distance between the first floor and upper ground windows and the rear of properties on Princes Road would be between 18.5 and 19.5 metres. The approved scheme for 4 dwellings (BH2009/00847) has a similar interface distance of between 19m and 19.5 metres between the upper ground floor windows and the rear elevations of Princes Road properties.
- 8.37 Due to the difference in levels on the site it is only the upper floors which would look towards the rear of Princes Road, with only the bedroom windows likely to have a slight view over the boundary treatment to the gardens. It is not

considered that these windows would cause significant overlooking which would warrant a refusal on loss of privacy grounds, especially given that the Inspector concluded that the scheme for 8 dwellings would not adversely impact on the living conditions of existing residents at Princes Road.

- 8.38 When the application for 8 dwellings (BH2007/04444) was refused the interface distance was a minimum of 20 metres.
- 8.39 This current scheme is 3.5 metres lower than the tallest section of the three storey scheme for 8 dwellings (BH2007/04444). As part of the 2007 scheme was two storeys in the middle, there is a small section of this current scheme that would be 0.65 metres higher. However, it is considered that the scheme would not be overbearing and would not result in adverse overlooking and loss of privacy to properties on Princes Road. Whilst it is noted that the interface distances were slightly more for the 2007 scheme (0.5 – 1.5 metres), the 2007 scheme was significantly taller than the scheme currently proposed for most of its length. In dismissing the previous appeal the Inspector did not consider that the scheme would adversely impact on the living conditions of Princes Road residents, and it is considered that this current scheme would also not have an adverse impact in terms of loss of light, outlook, overlooking and loss of privacy or by its over-bearing impact.

Standard of accommodation to be provided

- 8.40 Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. The proposed dwellings are considered to provide an acceptable layout in respect of natural light and ventilation and adequate outlook. It is considered that the patios would not be overlooked as they are sunken, and therefore the previous concerns of the LPA and the Inspector with regard to the overlooking and poor privacy levels for future occupiers of the scheme have been addressed.
- 8.41 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development and QD2 relates to key principles of neighbourhoods. Each unit has provision of a sunken patio to the south east/front of the property and a private rear garden, in addition there are small shared spaces to the front of the terrace.
- 8.42 When the previous application for 4 dwellings was approved (BH2009/00847), the smallest of the rear gardens was approximately 50sqm. As an additional 2 units are now proposed, the garden areas have subsequently been made smaller. The smallest gardens are now approximately 27.5sqm. This is compared with approximately 30sqm at number 67 Princes Road and approximately 41sqm at number 79 Princes Road. Whilst the reduction in garden size is regrettable, it is noted that each dwelling also has a patio. On balance, it is considered that the provision of private amenity space is considered acceptable in this location for the form of development proposed.
- 8.43 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards; the Council's Access Consultant has been consulted in this respect. A lift is to be installed

within the 'gatehouse' extension to facilitate access to the main site in addition to a long flight of external stairs.

- 8.44 Due to the significant variation in site levels and in consultation with the Access Consultant the applicant has resolved to provide ramped access and ambulant steps. Three of the six proposed houses have sloping access with the other three houses having access via ambulant steps. Due to the ambulant steps these three dwellings would not fully meet Lifetime Homes Standards.
- 8.45 The issue could be overcome by levelling the site or providing a second lift, both options would present an additional cost and the levelling of the site would also alter the stepping down of the terrace altering the character in conflict with advice from the Heritage Team. It is considered that due to the unique character of the site and subsequent access issues the use of ambulant stairs is an acceptable compromise.
- 8.46 This compromise was accepted when the application for 4 dwellings was approved where two units had sloped access and were fully Lifetime Home compliant. One unit was accessed via two short sets of ambulant steps and the fourth unit via another longer set of ambulant steps and therefore these two units were not fully compliant in this respect. In addition to this four out of the eight units proposed under BH2007/04444 were accessed via ambulant stairs and no objection was raised on these grounds. A condition is recommended requiring the submission of details of the ambulant stairs and handrails to ensure they are of an acceptable access standard.
- 8.47 With regard to the internal space, the reduction in size of the kitchen units makes the space tight, however, subject to the exact amount of furniture, turning circles could still be accommodated.
- 8.48 The Inspector considered the issue of standard of accommodation under refusal reason 2 of BH2010/00083 but did not feel that a reason for refusal on these grounds could be substantiated.

Noise and contaminated land issues

- 8.49 Policy SU10 of the Local Plan relates to noise nuisance and states that planning permission for noise-sensitive development, such as housing will not be granted if its users would be affected adversely by noise from existing uses that generate significant levels of noise.
- 8.50 The application site abuts the railway line to the north and beyond that is the Hollingdean Waste Transfer Site both of these uses could adversely impact on the living conditions of the residential dwellings and a noise survey has been submitted to demonstrate what impact they could have on the proposed development.
- 8.51 When the previous application was approved conditions were imposed to ensure an adequate level of protection to bedrooms against night time external noise, which could have included passive acoustic ventilation such as acoustic

airbricks or trickle ventilation incorporated into the glazing design or whole house ventilation systems, with a minimum acoustic specification.

- 8.52 As part of this current application, the Council's Environmental Health Officer has requested an additional Noise Assessment as concerns were raised regarding the master bedrooms at the upper floor.
- 8.53 An additional report has been submitted which assesses background noise levels and recommends mitigation measures. The mitigation measures proposed as part of the scheme consist of:
- Sunken rear garden levels which will screen the outdoor space from existing noise sources.
  - Provision of whole house ventilation systems so that windows can remain closed.
  - 'Velfac 200' Sound Reduction Windows are proposed for the whole development. The report recommends that those facing the railway line achieve an acoustic performance of at least 33 Rw.
- 8.54 The Environmental Health Team have considered the contents of the report and the mitigation measures proposed. Subject to securing the implementation of the recommended mitigation measures by planning condition, it is considered that future occupiers would not suffer harmful noise disturbance.
- 8.55 In regard to contaminated land, it has been previously identified that the site may potentially contain contaminants. It is recommended that further investigation and mitigation measures be secured by planning condition.
- 8.56 The Environmental Health Team have recommended that a Construction Environmental Management Plan (CEMP) be secured by s106 legal agreement. It is acknowledged that the application site is of an awkward nature; sloping with one small steep access and in close proximity to neighbouring residential properties. Construction Environmental Management Plans are however usually sought in relation to major / large scale schemes, which the application proposal is not considered to represent. Furthermore, the council did not raise the requirement for such a plan under any previous application relating to the site. Overall it is considered that it would not be reasonable to require a CEMP by legal agreement. Any construction works which take place on the site in the future would be subject to separate legislation relating to the carrying out of such works and noise disturbance.

**Sustainable Transport:**

- 8.57 Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

- 8.58 Policy HO7 of the Local Plan states that planning permission will be granted for car free housing (i.e. housing for which no allocated off-street parking is to be provided) in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term. Policy HO7 seeks to put into practice government guidance and policy aimed at reducing reliance on the car in the pursuit of sustainable development. Provision for the car can add significantly to the amount of land needed for a development which, in turn, can inflate the price of housing. Conversely, reducing the land needed for roads and parking can help in achieving higher densities and the provision of amenity space.
- 8.59 In regard to transport, the Inspector in considering the scheme proposed under application BH2010/00083 concluded that:  
*'I do not consider that it has been adequately demonstrated that the proposal provides for the future travel and parking demands which would be created as a result of the development in accordance with Local Plan policy TR1.*
- Although I have not found harm in respect of the living conditions for future occupiers, I am not persuaded that there would be sufficient capacity in the available on-street parking to meet the future parking demands of the development. For the reasons given above, I consider that the appeal should be dismissed.'*
- 8.60 Since this time, a Controlled Parking Zone extension which includes the application site has been agreed by the Transport Committee. This is a significant change in circumstance as this enables the Council to ensure that the proposed 'car free' development would accord with the requirements set out in policy HO7. A planning condition could be applied to ensure that future occupiers of the proposed development would not be eligible for residents parking permits. This would in turn ensure that the development remains genuinely car-free over the long term in compliance with policy HO7. Whilst it is not within the remit of planning controls to stop future residents owning private motor vehicles, the fact that such vehicles could not be parked in the vicinity of the site can discourage private motor vehicle ownership and use, and would encourage use of sustainable transport methods.
- 8.61 It has been established that there is an acute demand for on-street parking in the vicinity of the site. This was identified at the time of the Inspector's decision and has also been demonstrated through the adoption process of a CPZ extension which includes Princes Road within its boundaries. The introduction of the CPZ will regulate on-street parking to the benefit of surrounding residents, but the overall available parking provision available will reduce as spaces will be defined and areas around junctions etc. will be yellow lined and unavailable for parking.
- 8.62 The application of a 'car-free' condition would to some extent address the concerns raised by the Inspector in regard to transport impact and the increased parking pressure which the proposed development may cause. The condition would stop future occupiers parking private motor vehicles in the

vicinity of the site and would therefore not add to the demand for on-street parking in the immediate locality of the site.

- 8.63 It is considered that were such a condition to be applied, the application would not warrant refusal on grounds of transport impact and increased parking pressure.
- 8.64 The Planning Agent for the application has submitted a letter which sets out a case as to why the development should not, in their opinion, be secured as car-free. In short the case put forward is primarily based upon the following points:
1. That a permission has been granted (prior to the adoption of the CPZ extension) and remains extant for four dwellings, and at this time the transport impact of development was considered acceptable.
  2. That the introduction of a CPZ would, in itself regulate on-street parking in the vicinity of the site and ensure that the proposed development would create an undue additional pressure upon on-street parking provision.
  3. Securing a development as car-free would not comply with current CIL and s106 legal agreement regulations and guidance.
- 8.65 The letter submitted makes no reference to the key policy of the Brighton & Hove Local Plan relating to car-free housing, housing policy HO7, and does not acknowledge that the Local Planning Authority can secure car-free development by planning condition rather than s106 legal agreement.
- 8.66 In regard to point (1), there have been significant changes in circumstances since the time of this previous decision. Firstly, a proposal for 6 dwellings has been considered by a Planning Inspector, who identified the transport impact and parking pressures associated with such a development to be a concern of a magnitude which warranted the refusal of planning permission. The Council must give significant weight to this assessment. Secondly, a CPZ extension has been agreed by the Council since the time of the approval of a scheme for four dwellings on the site.
- 8.67 Where car-free housing (i.e. housing for which no allocated off-street parking is to be provided) is proposed within a Controlled Parking Zone in a sustainable location, to comply with policy HO7 it must be ensured that future occupiers of the proposed development would not be eligible for residents parking permits. This is the only way that the development can be secured as genuinely car free in the long term. Were this matter not to be secured, the development would be contrary to policy HO7. The approval of a scheme which would be contrary to policy HO7 is not warranted in this case.
- 8.68 Furthermore, the fact that there is a CPZ in place does not resolve issues of localised parking pressures. The issuing of resident parking permits is based upon a zone-wide approach. Therefore, should permits be (or in the future become) available in Zone J, this reflects upon the zone as a whole, and does not necessarily indicate that there are not localised areas of high pressure within the zone, which create difficulties for residents wishing to park in proximity to their place of residence. For example, were a number of future occupiers of the proposed development to obtain resident parking permits in the

future, this would create a localised additional pressure for on-street parking within the vicinity of the site, to the detriment of occupiers of existing properties in this area. The CPZ in itself cannot manage such localised issues.

- 8.69 For these reasons, to ensure compliance with policy HO7, and to ensure that the Inspector's concerns raised in relation to the previous application are overcome, it is considered essential that a planning condition be applied to secure the development as car-free in the long term.
- 8.70 In regard to more general transport issues, in order to ensure that the proposed development addresses the requirements of Policy TR1, the Sustainable Transport Team have advised that a contribution of £9,000 towards sustainable transport infrastructure in the vicinity of the site is required. Such a contribution can be secured by s106 planning legal agreement and the applicant has indicated their willingness to enter into such an agreement.
- 8.71 In regard to cycle parking, the Sustainable Transport Team have advised that the proposed cycle storage provision is not of a sufficient standard. The proposed access lift is not large enough to contain a standard size cycle in a horizontal position, and the proposed communal cycle storage involving vertical hanging of cycles is not considered to be of acceptable standard. It is considered that the site provides adequate space for suitable individual horizontal cycle storage provision for each dwelling to be provided and it is recommended that revised details of an enlarged access lift and cycle storage provision be secured by planning condition.

#### Sustainability

- 9.72 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.73 SPD08 – Sustainable Building Design recommends that development on Greenfield sites achieves a Level 5 rating of the Code for Sustainable Homes.
- 8.74 The extant permission for 4 dwellings contained a condition to require that unless otherwise agreed in writing with the LPA, the development is required to meet a Code Level 5 rating. Numerous correspondence was exchanged between the LPA and the developer in discharging this condition. SAP reports along with a Code for Sustainable Homes pre-assessment were submitted as assessed by the Council's Sustainability Officer. It was agreed between the LPA and the developer that a Code Level 4 was an acceptable rating, with a Code Level 5 achieved for the building insulation.
- 8.75 Greenfield sites generally have less development costs associated with them, for example less contamination and therefore do not have costly clean up costs. However, this site is contaminated and has high costs associated with the access provision. There are a number of sustainability features of the scheme including solar panels, sedum roofs, rainwater harvesting, permeable paving and ecological enhancements. It is considered that Code Level 4 is a realistic

and acceptable rating for this site and a condition to this effect is therefore recommended.

Landscaping and trees

- 8.76 Policy QD16 requires that all new developments incorporate a high standard of landscaping. Furthermore as noted above, the Heritage Officer has identified that appropriate landscaping would play a key role in ensuring an acceptable appearance to the development to preserve the character of the conservation area. Some details of landscaping have been shown in the submitted plans, it is considered that a full scheme of landscaping and its implementation can be secured by planning condition.
- 8.77 Adjacent to the entrance of the site is a mature Horse Chestnut tree which is protected under a Tree Preservation Order. Objections have been raised regarding the potentially harmful impact of developing this site on the health of the tree. In light of the historic decisions relating to the site (where it was considered that this matter could be resolved by planning condition), and the recommendations set out in the submitted Tree Report, the Council's Arboriculturalist considers that the recommended protection measures for this tree set out in the report be secured by condition in order to ensure the protection of the tree.
- 8.78 It is also recommended that all trees to be retained on site be protected to BS 5837 (2012).
- 8.79 Since the time of the last application submitted some trees have been felled along the boundary of the site. It is recommended that replacement tree planting within the site be secured by planning condition as part of a landscaping scheme.

Ecology

- 8.80 Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.
- 8.81 SPD11 'Nature Conservation and Development' provides detailed advice as to how the requirements of policy QD17 can be addressed.
- 8.82 Owing to the site currently being a Greenfield site, it is of utmost importance that ecological enhancements are secured and contained within the intrinsic design of the scheme. The site previously boasted significant ecological interest prior to being cleared some time ago and has since been the victim of fly tipping.



8.83 Nature conservation measures are proposed in the form of small sedum roofs, green walls, two bird boxes and the formation of areas of chalk grassland. The Ecologist has commented upon these measures and considers that some further measures are required. It is recommended that further details of nature conservation enhancement measures and their implementation be secured by planning condition.

**Other Considerations:**

8.84 Objections have been raised in regard to the difficulties emergency services could encounter accessing the site. This matter was considered at the time of application BH2010/00083. The Fire Service was consulted at this time and advised that a sprinkler system would be required which would be secured at Building Regulations Stage, and that emergency services would access the site on foot.

**9 CONCLUSION**

9.1 The proposal would provide the City with six dwellings each with private amenity space. The scheme is of an acceptable design which would not harm the character or appearance of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail, it accords with the Development Plan. Previous concerns relating to travel demands have been satisfactorily addressed. However, this issue is covered by an appropriately-worded condition (no.6).

**10 EQUALITIES**

10.1 The dwellings are not fully Lifetime Homes Standard compliant.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Section 106 Agreement

- Contribution of £9,000 for improvements for sustainable transport

11.2 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 listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan and Block Plan	101-P1		16/01/2013
Existing Elevations and Sections	102-P1		16/01/2013
Proposed Gatehouse Elevations	103-P1		16/01/2013

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Proposed Lower Ground Floor Plan	104-P1		16/01/2013
Proposed Ground Floor Plan	105-P1		16/01/2013
Proposed First Floor Plan	106-P1		16/01/2013
Proposed Roof Plan	107-P1		16/01/2013
Proposed Elevations	108-P1		16/01/2013
Proposed Sections	109-P1		16/01/2013
Proposed Elevations and Sections	110-P1		16/01/2013
Proposed Elevations	111-P1		16/01/2013
Tree Report			16/01/2013
Site Investigation Report			16/01/2013
Planning Noise Assessment			10/04/2013

- 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 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, QD27 and HE6 of the Brighton & Hove Local Plan.
- 4) No development shall take place until measures to protect all trees which are to be retained within the site have been erected in accordance with BS 5837 (2012). The protection measures shall be retained in situ until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such protection measures.  
**Reason:** To protect the trees which are to be retained on 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.
- 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 policy SU4 of the Brighton & Hove Local Plan.
- 6) Three of the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. The remaining three dwellings shall, other than the access route to the dwellings which includes ambulant stairs, 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.

11.3 Pre-Commencement Conditions:

- 7) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** To ensure that the development is car-free and to comply with policies HO7 and TR1 of the Brighton & Hove Local Plan.
- 8) 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.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 9) The iron gate within the front wall shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 10) Notwithstanding the approved drawings the window proportions in the 'gatehouse' extension shall be of similar proportions to those within the existing properties in Princes Road. All new windows in the 'gatehouse' extension shall be painted softwood and shall be retained as such. No works shall take place until full details of the windows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 11) No works shall take place until full details of the door within the south east elevation of the 'gatehouse' extension shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The door and surround shall be painted softwood and the scheme shall be carried out in accordance with the approved details and retained as such.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 12) No development shall take place until protection measures for the TPO Horse Chestnut tree at the entrance to the site set out in the tree report submitted 16 January 2013 have been fully implemented. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The development shall then be carried out in strict accordance with these protection measures.  
**Reason:** To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.
- 13) No development shall take place until full details of the ambulant stairs including railings have been submitted to and approved in writing by the

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Local Planning Authority. The development shall be carried out in strict accordance with the approved details and 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 ensure a satisfactory appearance to the development and to comply with policies HO13 and QD1 of the Brighton & Hove Local Plan.

- 14) 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. The scheme shall include tree planting to mitigate the trees which have been removed from the site previously.

**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.

- 15) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

- 16) Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be commenced until revised 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.

**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.

- 17) Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be commenced until revised details of the proposed access lift and gatehouse have been submitted to and approved in writing by the Local Planning Authority. The revised details shall include a lift of a size which can contain the length of a standard cycle.

**Reason:** To ensure that cycle storage within the suite is accessible and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 18) 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.

- 19) (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.

- 20) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The

drainage works shall be completed in accordance with the details and timetable agreed.

**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 21) 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 4 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.

- 22) 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.

- 23) 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.

- 24) The development hereby permitted shall not be occupied until the noise mitigation measures set out in the 'Planning Noise Assessment' received on the 10<sup>th</sup> of April 2013, specifically the installation of an appropriate whole house ventilation system to each dwelling, and the installation of 'Velfac 200' Sound Reduction Windows to all window openings and in regard to those facing the railway line, the installation of windows which will achieve an acoustic performance of at least 33 Rw. These measures shall be fully operation prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter.

**Reason:** To safeguard the amenity of the occupiers of the development and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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 proposal would provide the City with six dwellings each with private amenity space. The scheme is of an acceptable design which would not harm the character or appearance of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail, it accords with the Development Plan.
- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 4) 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](http://www.communities.gov.uk)).
- 5) The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
- 6) Prior to any works commencing on site, the applicant is advised to contact Network Rail to inform them of intention to commence works no less than 6 weeks prior to the date of works commencing on site. Any scaffolding which may be constructed within 10m of the railway boundary fence must

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be erected in such a manner that at no time any poles shall over-sail the railway and protective netting around the scaffolding must be installed.

- 7) The applicant is advised to contact the Council's Arboriculturalist prior to development commencing on site once the protection measures for the Chestnut tree at the entrance to the site as set out in the tree report submitted with the application have been put in place.



**APPENDIX 1****Individual objection letters received from:**

Belton Road	
Crescent Road	4 27 37
D'Aubigny Road	8
Ditchling Rise	
Lauriston Road	
Mayo Road	1 14
Mayo Court Mayo Road	3
Princes Crescent	87
Princes Road	19 30 30 38 40 43 43 46 50 54 55 56 60 62 65 68 69 73
Richmond Road	35 39 58 80 84
Roundhill Crescent	26 (F1 107)
Springfield Road	
Upper Lewes Road	33 51
Wakefield Road	6 28

Total: 37

**Standard letters of objection received from:**

Ashdown Road	11
Beechwood Close	
Belton Road	7 25 34
Crescent Mansions	
Crescent Road	3 4a 5 9 15 18 24 33 34 34 46 47 47 51
D'Aubigny Road	3 4 4 5b
Ditchling Rise	
Ditchling Road	76 86a 100
Mayo Road	3
Mayo Court Mayo Road	14
Princes Crescent	25 33 43 49 49 53 55 55a 57 69 75 77 93
Princes Road	9 10 14 15 17 21 22 25 26 26 34 36 36 36c 37 41 42 43 44 48 51 50-52 50-52 54 55 57 61 62 62 64 69 72 74
Roundhill Crescent	(Fb 3)19 30 34 36 40a 45 47 59 59 65 69c 71 83 87
Roundhill Street	8 19
Richmond Road	7 (F4 15) 10 11a 14 16a 26 35 37 41 56a 61 62 66 66 106 108
Springfield Road	
Wakefield Road	6 13 13 14 15a

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Total: 114

**Additional comments attached to standard letters of objection received from:**

Crescent Road	
Princes Road	36 61 62 62
Princes Crescent	75
Springfield Road	

Total: 5