

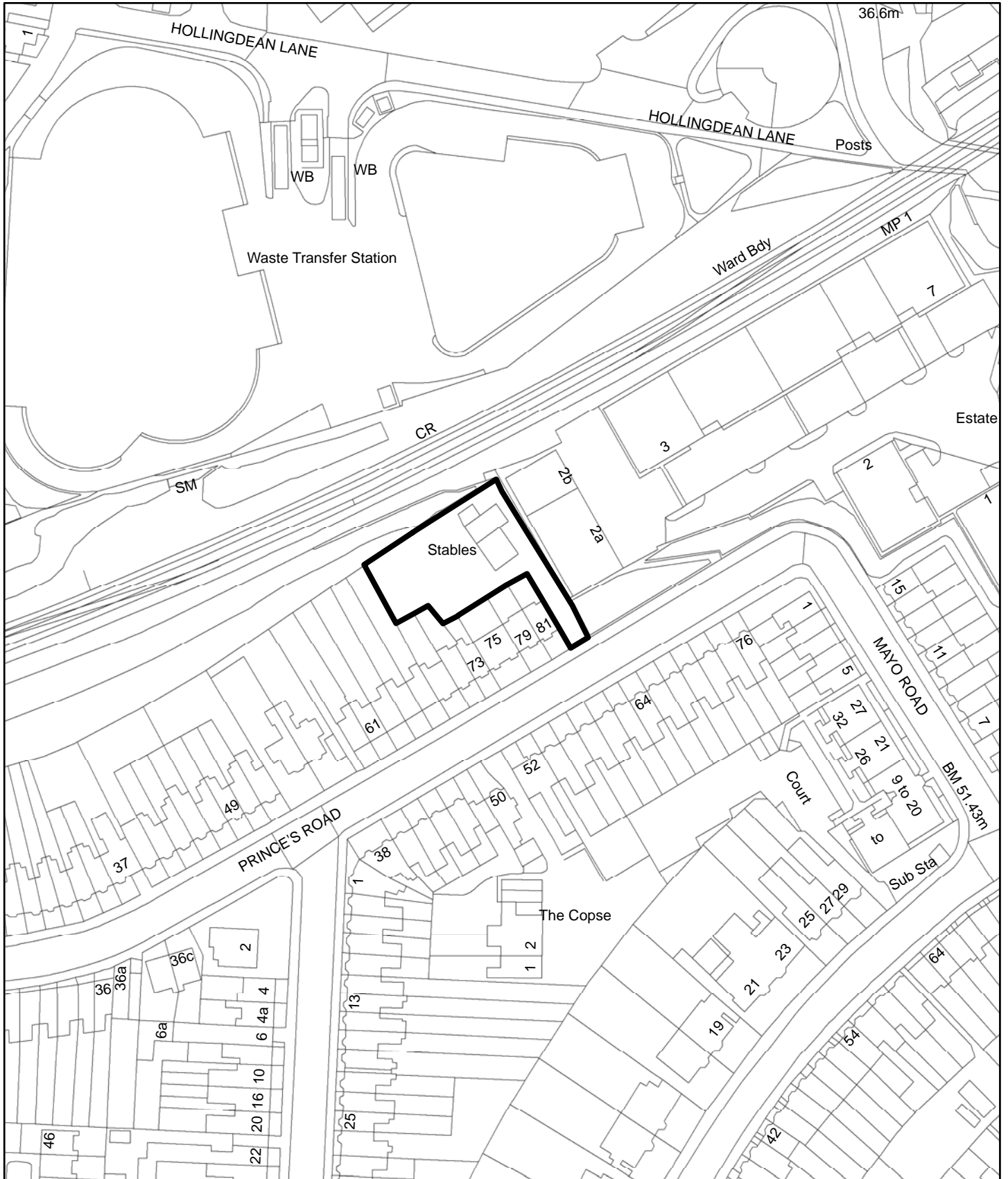
# **ITEM B**

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

**BH2013/03782**  
**Full planning**

**12 MARCH 2014**

# BH2013/03782 Land to rear of 67-81 Princes Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 12 MARCH 2014

<b><u>No:</u></b>	<b>BH2013/03782</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 two and 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. Erection of a street level lift gate house.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	06 November 2013
<b><u>Con Area:</u></b>	Round Hill	<b><u>Expiry Date:</u></b>	01 January 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Carelet Ltd, C/O Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA		

**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 to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement dated 8<sup>th</sup> July 2013 and the Conditions and Informatives set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises a rectangular plot of land to the rear of Nos. 67-81 Princes Road, Brighton, within the Round Hill Conservation Area. Nos. 67-81 Princes Road form a row of terraced houses set on the side of a hill that rises from east to west. To the rear/north of the terrace is a further significant drop in land of approximately 1 - 2 storeys on which the site is located. Beyond is a further drop in land occupied by the Brighton to Lewes railway line and Hollingdean Waste Transfer site. To the east of the site is the Centenary Industrial Estate, also at a lower level. To the west the rear garden to 65 Princes Road forms the western boundary to the site.
- 2.2 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.
- 2.3 There is a Tree Preservation Order on a Horse Chestnut tree located just inside the site on the land adjacent to no.81 Princes Road.
- 2.4 The site is located within a Controlled Parking Zone (Zone J).

**3 RELEVANT HISTORY**

**BH2013/00139-** Construction of 6no. three storey, 2no bedroom terraced houses with pitched roofs & solar panels. Provision of private and communal gardens, waste & refuse facilities & cycle store with associated on street car parking. Erection of a street level lift gate house. Approved 14/08/2013 subject to a S106 Agreement to secure a £9,000 sustainable transport contribution.

**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 09/07/2010 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.*

Appeal Dismissed 26/10/2010. The Inspector did not uphold reasons for refusal nos. 2 and 3, only refusal reason no. 1.

**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 22/07/2009.

**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 dismissed.

**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 11/12/2006.

**BH2005/02279-** 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. Refused on 03/02/2006.

**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. Refused 24/02/2005. Appeal Dismissed.

**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 is a resubmission of the most recent scheme approved under application reference BH2013/00139. It again seeks planning permission for the erection of six three storey, two bedroom terraced dwellings, but with alterations. These alterations include:

- Increasing the land levels and height of the approved building by between 0.9m and 1.5m
- Removing the approved lower ground floor level to the westernmost house, enlarging its footprint, and adding two new windows to the western flank wall
- Minor alterations to the footprint of the five easternmost houses
- Elevational alterations to the front/south elevation of the terrace
- Fenestration changes to the rear/north elevation to include French doors at ground floor level
- Revised position of access footway.

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

##### **External**

5.1 **Neighbours: Seventeen (17)** letters of representation have been received from **20, 21, 36b, 43, 55, 58, 62, 69 & 73 Princes Road; 56, 62 & 66 Richmond Road; 47 Roundhill Crescent; 63 Florence Road; 8 & 17 D'Aubigny Road; and 51 Upper Lewes Road, objecting** to the application for the following reasons:

- The submission contains misleading information and inaccuracies. No parking has been allowed in the CPZ for the development as claimed, it was previously approved as being car-free. The additional height is stated as being 1.2m but instead varies on each new dwelling up to 1.46m. The development would be visible from public streets contrary to the applicants claim as it would be visible from Davey Drive to the north. The dereliction of the land is due to the applicant's neglect, not residents
- The need for the developers to change the height of the terrace to reduce excavation costs is indicative of the site being unsuitable for such a development
- The proposal constitutes garden grabbing of the worst kind
- Overdevelopment of the site in an already overpopulated area
- Increased bulk
- Overlooking, loss of privacy and quality of outlook. These issues should be assessed for each individual house
- Loss of views
- The proposal is out of scale with the surrounding area and the increase in size will exacerbate this

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- There are few green spaces in this conservation area and the development would preserve little of this green site
- Amenity harm for prospective residents from the seven days a week operation of the nearby waste transfer station, including noise, odour, light pollution and longer term health risks. The waste transfer station was granted longer operational hours for up to 15 hours a day 363 days a year on 7 August 2013
- Noise from passing trains
- The additional height would compromise views into and out of the conservation area
- Harm to the TPO tree adjacent to the site
- The applicants are ignoring local concerns over the impact of the development
- The development is inappropriate for its location
- The development does not have onsite parking and would disproportionately consume parking in the CPZ
- The land remains a haven for wildlife and the need for this natural barrier is absolute
- The applicants should respect their existing permission
- Reduction in property prices
- The site is contaminated, contrary to the application forms
- The site is Greenfield land and should therefore meet level 5 of the Code for Sustainable Homes
- The permitted scheme already treats the applicants generously
- Insufficient detail on the enlarged lift shaft and gate house as this may reduce refuse and recycling facilities behind
- No detail is provided on the changes to house F
- The development is unsuitable for disabled persons
- The solar panels are ugly

### 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:** No objection.

The noise report dated 19 February 2014 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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- 5.5 Potential land contamination at the site has been identified. Planning conditions are recommended to secure further investigation of this matter and appropriate mitigation measures.
- 5.6 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.
- 5.7 **Arboriculture: No objection**  
No objection subject to all remaining trees to be retained within the site being protected to BS 5837 (2012). The Horse Chestnut tree at the entrance to the site is protected by Tree Preservation Order and should be protected as per the Arboricultural Report .
- 5.8 **Heritage: No objection**  
The proposed houses would still remain satisfactorily subservient in height to the Princes Road properties.
- 5.9 **Sustainable Transport: No objection**  
No objection subject to a contribution of £9,000 towards sustainable transport infrastructure in the vicinity of the site is required.
- 5.10 **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) is a material consideration.

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- 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:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The principle of 6 two-bedroom dwellings in a terrace to the rear of 67-81 Princes Road has been established by way of the appeal decision relating to application BH2010/00083 and the subsequent permission granted under BH2013/00139. This application retains the same number of units in a terrace of broadly the same footprint as approved, but with the build height increased by between 0.9m and 1.5m. Further alterations to the footprint of the westernmost house are proposed along with minor elevation and fenestration alterations. Access to the development via a gatehouse arrangement alongside 81 Princes Road remains as approved, whilst the general layout and landscaping arrangements remain as previous. Matters relating to transport impacts, sustainability, ecology and trees also remain as previously approved.
- 8.2 Since planning permission was granted under BH2013/000139, there have been no physical changes to the site or surrounds which would materially affect the consideration of this application. However, in the intervening period the Materials Recovery Facility and Waste Transfer Station to the north of the site has been granted permission to extend its operating hours under planning application BH2013/02219. Operations at the Materials Recovery Facility and Waste Transfer Station were previously restricted to 07.00-19.00 Monday to Friday and 07.30-16.00 on Saturdays following a Bank Holiday, with communal bin operations at the Waste Transfer Station permitted from 06.00 to 22.00 Monday-Saturday. No operations were permitted on Sundays or Bank Holidays. Since the granting of permission for the terrace of six houses under BH2013/00139, all operations at the Materials Recovery Facility and Waste Transfer Station hours have been extended to 07.00 to 22.00 daily.
- 8.3 On this basis the main considerations relating to the determination of this application concern the impact of the additional height and revised front elevations (including revisions to house F) on the appearance of the development and amenities of adjacent occupiers, its impact on views into and out of the Round Hill Conservation Area, and the impact of the extended operating hours at the nearby Materials Recovery Facility and Waste Transfer Station on the amenities of future occupiers.

**Design and Appearance:**

- 8.4 The main alterations are to the height of the development and to the footprint of the westernmost house (house F), and to the appearance of the front (south) elevation, incorporating less timber cladding and more render.
- 8.5 The plans detail that the threshold to each dwelling is to be raised by between 0.9m and 1.5m from the levels approved under BH2013/00139. These levels are calculated relative to AOD, and are assessed against existing AOD survey levels across the site. The applicants are seeking to alter the land levels to reduce the degree of excavation required to implement the approved development. This alteration would raise the level of each dwelling with the ridge lines rising between 0.9m and 1.5m, at an average of 1.28m. The general design of the terrace would remain as approved, being two storeys in height (plus basement) with a pitched roofline stepping in line with the topography of the site. The proposed terrace would remain subservient in scale to 67-81 Princes Road and would not have a substantially different or more harmful impact on the appearance or setting of the Round Hill Conservation Area beyond that previously granted. Minor alterations are proposed to the front elevation and to the layout and footprint of the westernmost house (house F), however again these would not substantially alter the appearance of the terrace or its setting within the Round Hill Conservation Area. For these reasons the proposed development remains compliant with policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.

**Impact on Amenity:**

- 8.6 Policy QD27 states that planning permission for any development will not be granted where it 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.
- 8.7 The main concern is the impact of the raised building on the amenities of 67-81 Princes Road. These properties are located approximately 18m to the south of the proposed terrace. As stated, the terrace would be increased in height by between 0.9m and 1.5m, with the greatest rise being to unit 3 which would rise by 1.5m. The applicant has provided a drawing comparing the height of the current proposal with the height of that previously approved under BH2013/00139 and that of a taller scheme for 8 houses determined on appeal under application BH2007/04444. Whilst the Inspector dismissed the 2007 appeal, the appeal was not dismissed on the grounds of loss of amenity, which the Inspector considered acceptable. In particular the Inspector concluded that the height of the 2007 scheme would have '*no material impact on outlook*', whilst the reduced height of the scheme from a previous proposal, '*reduced the perceived impact sufficiently to minimise any overlooking or perception of overlooking from below*'. The Inspector concluded that '*the impact on existing households, in terms of living conditions, would be acceptable. The requirements of saved Local Plan Policy QD27 would be satisfied*' (para 18).
- 8.8 It should be noted that the 2007 scheme is not directly comparable to the current scheme, in that the terrace was 3.1m wider, had a considerably more varied roofline, and 8 units as opposed to 6. However, the position of the

building in the site was broadly comparable to the current scheme, at a separation of 20m from 67-81 Princes Road. The comparative drawing shows the current scheme to be variously between 1.2 and 1.7m lower than the 2007 scheme, the only exception being to a 6m wide central section and 5m wide western section where the 2007 scheme was variously 0.8m and 2m below that currently proposed. It is also noted from the 2007 plans that the upper level windows across the terrace were both larger and in a higher position than currently proposed, and also included balconies facing towards 67-81 Princes Road. As such, the 2007 scheme had a considerably greater impact on outlook and privacy than the current proposal, with the Inspector concluding this impact to be acceptable. Accordingly, although a scheme of differing design, there are no substantive grounds to conclude that the amenity impact of the raised building currently proposed would have a significantly harmful impact on neighbouring amenity beyond that which has previously been considered acceptable at appeal. For this reason the proposal is considered to remain in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 8.9 The Environmental Health Team have recommended that a Construction Environmental Management Plan (CEMP) be secured by a 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.

**Standard of Accommodation:**

- 8.10 The general layout and standard of accommodation remains as per the extant permission, with the reduced size of house F being of similar size and layout to the other houses in the terrace. Since the granting of permission in August 2013 the hours of operation of the nearby Materials Recovery Facility and Waste Transfer Station have increased to 0700 to 2200 daily. The proximity of the Materials Recovery Facility and Waste Transfer Station (approximately 40m to the north) is such that noise could have a potentially significant impact on the peaceful enjoyment of future residents.
- 8.11 A Noise Assessment has been submitted covering potential disturbance from both the Materials Recovery Facility and Waste Transfer Station, and the adjacent railway line in between. The report includes an assessment of the potential impact of the extended opening hours for the Materials Recovery Facility and Waste Transfer Station and concludes that the impact would be insignificant. The extended operating hours of the Materials Recovery Facility and Waste Transfer Station would increase average daytime noise levels by 1db, but would not increase average night time levels. The mitigation measures included in the report would be sufficient to ensure that internal and external noise levels fall comfortably below the maximum advised by the World Health

Organisation and BS8233, with average internal levels at approximately 20db (WHO threshold 40db) and average external noise levels at 50db (WHO threshold 55db). The mitigation measures detailed in the report include whole house ventilation systems and Sound Reduction Windows, with those facing the adjacent railway line to achieve an acoustic performance of at least 33Rw. These measures are secured by condition as previous and sufficient to ensure that the amenities of future occupiers would be protected in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

**Other Considerations:**

- 8.12 Matters relating to sustainability and transport remain as per the current permission. The site provides no onsite parking given the limited access and steep gradient through the site therefore a condition is attached to secure a car-free development in accordance with policy HO7. Although the applicants have stated that on-street parking will be provided for residents, no justification for an exception to policy HO7 has been put forward. The site is within a CPZ with good links to public transport routes therefore, as previously justified under application BH2013/00139, it is considered appropriate to ensure that the development remains car-free. Acceptable details of secure covered bicycle parking have now been provided, along with a revised lift arrangement capable of holding a standard sized bicycle. The previous conditions to secure such measures are now not necessary and have been removed.
- 8.13 In terms of sustainability, it has been established via the extant permission that the development should seek to meet level 4 of the Code for Sustainable Homes in this instance. Appropriate conditions are recommended to secure this level. In terms of contaminated land, again a full contaminated land investigation and remediation programme where necessary is required by condition prior to works commencing. All other conditions secured under the extant permission are retained and updated where necessary to reflect the new set of plans and alterations therein.

**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, accords with the Development Plan.

**10 EQUALITIES**

- 10.1 The dwellings are not fully Lifetime Homes Standard compliant, with three being accessible only via ambulant stairs.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Deed of Variation**

- To the S106 Agreement dated 8<sup>th</sup> July 2013 to refer to this application.

**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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan and Block Plan	1391-P-101-P1		06/11/2013
Existing Elevations and Sections	1391-P-102-P1		06/11/2013
Proposed Gatehouse Elevations	1391-P-103-P2		24/01/2014
Proposed Lower Ground Floor Plan	1391-P-104-P2		19/02/2014
Proposed Ground Floor Plan	1391-P-105-P2		19/02/2014
Proposed First Floor Plan	1391-P-106-P1		06/11/2013
Proposed Roof Plan	1391-P-107-P1		06/11/2013
Proposed Elevations	1391-P-108-P1		06/11/2013
Proposed Sections	1391-P-109-P1		06/11/2013
Proposed Elevations and Sections	1391-P-110-P1		06/11/2013
Proposed Elevations	1391-P-111-P3		19/02/2014
South east elevation	1391-P-113-P2		19/02/2014

- 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 dwellinghouses 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

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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.
- 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.

### 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.
- 10) No works shall take place until full details of the doors and windows within the 'gatehouse' extension shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The

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door, windows and surrounds shall be painted softwood and retained as such thereafter and the 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.

- 11) 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 received on 06 November 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.

- 12) No development shall take place until full details of the ambulant stairs including railings have been submitted to and approved in writing by the 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.

- 13) 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.

- 14) 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.

- 15) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 as a minimum 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 as a

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minimum 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.

- 18) (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.

- 19) 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.



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**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:

- 20) 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.

- 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 as a minimum 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 19 February 2014, 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

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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 Round Hill 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, 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 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to

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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 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.