

ITEM E

**St Andrews Day and Resource Centre, St
Andrews Road, Brighton**

**BH2013/03968
Full planning and demolition in a
Conservation Area**

12 MARCH 2014



**Brighton & Hove
City Council**



Scale: 1:1,250

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<u>No:</u>	BH2013/03968	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning and Demolition in a Conservation Area		
<u>Address:</u>	St Andrews Day and Resource Centre St Andrews Road Brighton		
<u>Proposal:</u>	Demolition of existing single storey building and garages and erection of 4no three bedroom houses and 3no two bedroom houses with associated car parking.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	21 November 2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	16 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road , Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Weatherstone, C/O Lewis and Co Planning, 2 Port Hall Road, Brighton BN1 5PD		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a narrow strip of land situated on the northern side of St Andrews Road. The site contains a single storey detached building fronting St Andrews Road. The building is a prefabricated structure with a pitched roof with a gable end fronting the street. This elevation provides a blank frontage facing the street. The site also consists of two rows of single storey garages that appear to have been vacant for sometime. The only access to the site is via an access road entered from St Andrews Road.
- 2.2 The site is set in a predominantly residential area and lies amongst two storey terraced properties on Grantham Road, Edburton Avenue and Southdown Avenue. The terraced properties characterise the area, with predominantly white rendered walls or red brickwork, and canted bay windows with distinctive detailing. The site is located within the Preston Park Conservation Area.

3 RELEVANT HISTORY

- BH2013/02965** Demolition of single storey building and rear garages and erection of 4 no. three bedroom houses and 3 no. two bedroom houses with associated car and cycle parking and landscaping – refused 12/11/2013
- BH2013/02966 (CAC)** Demolition of single storey building and rear garages – refused 12/11/2013
- BH2012/02832 (CAC)** Demolition of single storey building and rear garages – refused 30/11/2012

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BH2012/02831 Demolition of single storey building and rear garages and erection of 4no three bedroom houses and 3no two bedroom houses with associated car and cycle parking and landscaping – refused 30/11/2012; appeal dismissed 16/07/13

96/0980/FP Change of use from light industrial to day base for adults with learning difficulties – approved 14/01/1997

95/0185/FP Erection of single storey demountable building at rear to form additional office accommodation – approved 25/04/1995

89/2304/F Alterations to existing building including new windows on south and west elevations and infilling of windows on north elevation – granted 20/02/90 (Appeal allowed 26/02/91)

BN84/19F & 84/20LBC/CA Demolition of five garages and erection of Terrapin building to provide extra office accommodation – granted 06/03/84

BN78/1866 Use of premises for storage of small hardware for aircraft engineering and general manufacturing trades with ancillary offices (use of garages at rear to remain) Amendment to conditions imposed on permission BN77/2051 – granted 12/09/78

BN77/2282 Proposed alterations to existing storage and office premises – granted 13/12/77

BN77/2051 Use for storage/offices (Regularisation) – granted 13/12/77

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing single storey building and garages and erection of 4 no. three bedroom houses and 3 no. two bedroom houses with associated car parking.

4.2 The details of the proposal are as follows:

- The 4 no. three bedroom houses would cover approximately 176m², the 3 no. two bedroom houses covering 125 m². The rest of the site would largely form of private amenity space, parking spaces and access roads.
- Siting: The 4 no. three bedroom houses would form two pairs with parking spaces to the south of the rear gardens. The row of 3 no. two bedroom houses would be at the southern end of the site.
- Fenestration: The dwellings would have zinc clad projecting bay windows on the front, rear and side elevations. Many of the first floor windows would have Juliet balconies.
- Materials: Painted render walls, zinc cladding on the bay windows with powder coated metal windows, slate roofs.
- Amenity Space: Each dwelling would have a rear patio and garden for private amenity space.
- Car Parking: 7no. car parking spaces proposed.
- Cycle Storage: Cycle storage within each rear patio.
- Refuse storage: Refuse and recycling points on the side elevation of Unit 2.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twenty five (25)** letters of representation have been received from nos. 44, 46, 50, 52, 62, 70, 72 & 86 Southdown Avenue, nos. 5, 7, 9

(x2), 11 (x2), 13, 15, 19, 21, 23, 25, 27, 29, 31 & 49 Edburton Avenue, nos. 31 & 33a Grantham Road, and Flat A 133 Kings Cross Road (written in relation to 31 Edburton Avenue) objecting to the application for the following reasons:

- Cramming in residential use, overdevelopment;
- Loss of existing community use;
- Buildings not in keeping with conservation area;
- Poor layout of houses;
- Poor quality housing for future occupiers;
- Reduction in height and excavation does not significantly change the impact of the proposal;
- Taller walls than existing garages which would be overbearing;
- Overlooking towards properties on Edburton Avenue causing loss of privacy;
- Overshadowing and loss of light of neighbouring rear gardens;
- Party wall concerns, excavation would affect neighbouring properties;
- Would cause severe pressure on parking;
- Drawings are misleading, concerns that surveying is not accurate;
- Little difference in comparison to previous schemes;
- Noise disruption from building works and future residents;
- No details of safe demolition.

5.2 Environment Agency

No comment

Internal

Access:

- 5.3 The D&A Statement claims Lifetime Homes compliance; however there are a number of aspects of the scheme which do not comply with lifetime homes standards:
- 5.4 Even if it is not possible to provide level access from the public footway, the site would appear to be large enough to at least enable some attempt to be made to provide level or gently sloping access from the car parking to the entrances to the new units.
- 5.5 The approach to all entrances (front and back) should be level or gently sloping. Entrances should have a level landing and level threshold (15mm max upstand)
- 5.6 There should be at least 300mm clearance between the leading edge of the entrance doors and the adjacent wall. (plans still seem to show about 200mm)
- 5.7 The minimum width of compartment to achieve the space required for an accessible entrance level WC is 1.4m. Those shown in Units 5 – 7 still appear to be around 1.3m wide.
- 5.8 The bathrooms should be able to accommodate a 1.5m diameter turning circle if the bath is removed. All the bathrooms shown fail to meet that requirement.

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- 5.9 There should be an accessible bathroom on the same level as a main bedroom in each new house. The first floor shower room in Units 1 – 4 do not meet this requirement.

Transport:

- 5.10 Recommended approval as the Highway Authority has no objections to this application. The Highway Authority comments from previous applications BH2012/02831 & BH2013/02965 still stand. The Highway Authority recommends the inclusion of conditions.

Trip Generation & S106

- 5.11 The level of trip generation associated with the proposed development is deemed acceptable and similar to the existing land uses and in this instance the Highway Authority would not request a S106 contribution towards sustainable transport improvements.

Car Parking

- 5.12 The applicant is proposing 7 car parking spaces on-site, 1 per residential unit. For this development of 7 houses the maximum car parking standard is 7 spaces for residents and 4 spaces for visitors. Therefore the proposed level of parking is in line with the maximum car parking standards. Additionally, from recent site visits it appears that the garages are not currently in regular use as the main gate is locked with a large chain. In light of this the Highway Authority are of the view that this proposal would not cause significant overspill car parking adding to on-street car parking pressure.

Cycle Parking

- 5.13 The applicant states that they intend to provide 1 cycle parking space per unit. These are to be stored in the rear garden of each property. This is deemed acceptable for properties 1, 3 and 5. This is because there is a passageway to the side of each development which allows users to wheel their bike easily to the cycle parking. Cycle parking for properties 4, 6 and 7 mean that the user has to carry their bike through their property to access the cycle parking. This would not be deemed convenient to use. There are alternative locations and means of altering the access to cycle parking to ensure that it is policy compliant. Therefore the Highway Authority would recommend that the suggested amendments are made and that the standard condition is put on any permission granted.

Pedestrian Access & Highway Layout

- 5.14 The proposed footway is also blocked off as recycling collection points (B on drawing number TA540/11) are placed here. An alternative location for the recycling should be found. The applicant has confirmed that they are not offering the road for adoption. The Highway Authority recommends that an alternative approach is adopted which would be deemed acceptable, subject to the submission of relevant further details. The applicant could adopt a shared surface approach, so that all road users have equal access within the site. The Highway Authority is confident that there is adequate space within the existing extent of the road to provide an acceptable shared space design. Therefore they would recommend that this is conditioned.

Vehicular Access

- 5.15 As detailed on the proposed site layout plan, a new crossover at the location of the existing vehicular access from St Andrews Road is deemed acceptable. The Highway Authority would look for the redundant vehicle crossover to the front of the property to be reinstated back to footway via the inclusion of the suggested Grampian condition

Heritage:

- 5.16 Previous applications for residential development at the application site have been refused and considered at appeal. Whilst the appeal was dismissed, this was on the grounds of the impact on neighbouring amenity and no concerns were raised with regards to the principle of the development or the design and layout of the houses.
- 5.17 The Heritage Team previously raised concerns regarding the proposed asymmetrical roof design and this has now been amended to show pitches with gables which are symmetrical. Furthermore, the existing boundary walls will be preserved in situ. For the aforementioned reasons, the amendments to the design are welcomed and conditions are recommended.

Environmental Health:

- 5.18 The proposed development is on land that was once a warehouse. There are also several garages which have been on site since approximately 1954. Such uses could have resulted in localised land contamination. Therefore, as the end use of this development is for residential accommodation with gardens, a full contaminated land condition is recommended for this plan.

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.
- 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
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD15 Landscape design
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design
- SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the proposed design and scale and its impact on the Conservation Area, the impact on residential amenity for future

occupiers and existing neighbouring properties. Consideration is also given to traffic implications and matters relating to sustainability.

Background

- 8.2 The site has been subject to two previous planning applications for similar development to the current application; BH2012/02831 and BH2013/02965. Each application proposed for the demolition of a single storey building and rear garages, and erection of 4no three bedroom houses and 3no two bedroom houses with associated car and cycle parking and landscaping and each application was subsequently refused planning permission. BH2012/02831 was refused for reasons relating to the loss of community facilities, overdevelopment of the site, the effect on the character and appearance of Preston Park Conservation Area, the impact on the living conditions of future occupiers of the development, and the impact on the living conditions on neighbouring residents. An appeal (APP/Q1445/A/13/2191882) was subsequently dismissed on grounds of impacts on neighbouring amenity in relation to the proposed terrace of three units within the southern portion of the site.
- 8.3 The Inspector noted that the existing boundaries adjacent to the proposed terrace of three units within the southern portion of the site were to be replaced with lower boundary treatment of approximately 1.5m in height, down from approximately 3m as existing (measured from within the site). He concluded that if the boundary, which forms the established outlook from these dwellings, which is formed of the rear of the existing garages, were to be retained then the impact on the adjacent properties in Southdown Avenue would have a, '*...limited effect on outlook.*' In relation to the proposals impact on the neighbouring properties which Edburton Avenue, which are on high ground, he noted that although the height differences are less severe, the combination of the reduction in height of the boundary wall, combined with their proximity and height would result in the dwellings appearing unacceptably dominant and intrusive when seen.
- 8.4 A subsequent application was submitted (BH2013/02965) and the ridge height of the dwellings was reduced as the dwellings would be set further down into the ground with excavation, and asymmetric roof was altered to a standard pitch. The height of the boundary walls was also been altered. These amendments were however insufficient to address issues in relation to impacts on neighbouring amenity adjacent to the terrace of three and was refused for the following reason.
- *The proposed dwellings, by reason of the combination of eaves height and proximity to the site boundary, would represent a cramped and overbearing development to the detriment of the amenities of the occupiers of neighbouring properties on Edburton Avenue. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.*

Principle of Development

- 8.5 The existing buildings on the site are of little architectural value and consequently the loss of the buildings would not be of detriment to the Conservation Area. The Heritage Officer has previously stated that the demolition of the existing buildings would have a positive impact on the Conservation Area.

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- 8.6 The site is situated within the built up area and within Preston Park Conservation Area. The current use of the site is a day-care centre (Class Use D1), although it now lies vacant. The site also consists of two rows of single storey garages that appear to have been vacant for a considerable amount of time and are in a poor state of repair. According to the applicant the garages have in the past been used as private storage separate from the D1 use.
- 8.7 Policy HO20 indicates that planning permission would not normally be given for development that would result in the loss of community facilities. Exceptions may apply if a) the community use is incorporated or replaced in a new development, b) it is relocated to a more accessible location, c) nearby facilities are to be improved and d) it can be demonstrated that the site is not needed not only for its existing use but for other types of community use.
- 8.8 The applicant has stated that the use of the building ceased over 3 years ago. There is no indication that any of the exceptions in HO20 apply in this case. In the appeal, the Inspector stated that given that no specific need for community facilities in the area had been highlighted, and taking into account the length of time that the site has been unused, it was considered that there was no justification for seeking to retain the site for community purposes.
- 8.9 Given this material consideration, it is considered that the loss of the existing use and the principle of the change of use to C3 residential development is acceptable in this instance.
- 8.10 The principle of the type and scale of development proposed must be considered having regard to policies HO4, QD1, QD2 and QD3 of the Brighton & Hove Local Plan. It is considered that the principle of acceptability of the proposed use in this case relates to the density and scale of development proposed. The Inspector did not raise concerns regarding the density of the development and considered the layout and size of the proposed gardens to be acceptable; given this it is considered that there is sufficient justification to take an alternative view in relation to the scale of development proposed.

Visual Impact

- 8.11 Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and/or the prevailing townscape. HE6 relates to development within or affecting the setting of Conservation Areas.
- 8.12 Much of the site is not visible from public view as it is surrounded by terraced properties to the east, south and west. The north of the site fronts St Andrews Road and so the most prominent parts of the site are the existing day care centre building and the boundary gate that leads into the site.
- 8.13 The existing buildings on the site are of little architectural value and consequently the loss of the buildings would not be of detriment to the

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Conservation Area. However the proposed buildings would have to be of an appropriate design that would preserve or enhance the character of the surrounding area.

- 8.14 The proposed dwellings would not share the defining characteristics of the property frontages of the surrounding area. The existing dwellings on neighbouring streets predominantly consist of two-storey terraced dwellings with early 20th Century cantered bay windows, and red brick or rendered exteriors. However the section of St Andrews Road containing the appeal site has more of a low-key appearance and consists of lower lying buildings and garage courts; it consequently has less in common with the surrounding frontages.
- 8.15 The dwellings would have projecting bays at the front and rear, and projecting front porches. The two pairs of dwellings would also have first floor bays on the side elevations, but these would have zinc cladding in contrast to the render on the main part of the dwellings. The dwellings would have symmetrical pitched roofs instead of the previously proposed asymmetrical roofs.
- 8.16 The size and scale of the dwellings would appear subservient to the more traditional houses surrounding the site. In the appeal the Inspector stated: *'I consider that the bay windows and porches are a simple modern reworking of the features found on the surrounding houses and overall I consider that the design approach is acceptable.'* Although the proposed design would contrast somewhat with these neighbouring properties, the simple design, rendered walls and the now improved appearance of the roofs would be an appropriate modern design that would be in context with this non-traditional part of the street.
- 8.17 Overall the proposal is considered to represent a suitable standard of design and would preserve the character and appearance of the conservation area in accordance with policies QD1, QD2 and HE6.

Standard of Accommodation

- 8.18 The proposed development is relatively high density however the units would provide outlook from north and south facing windows. The layout of each unit is considered to be acceptable with respect to natural light and ventilation and each is considered to be of an adequate scale for this form of development.
- 8.19 The surrounding area has a character of terraced properties with long narrow rear gardens for private amenity space. The proposed development makes provision for each unit to have a limited size of private amenity space with relatively small rear gardens. Given the character of this form of development the provision is considered to be acceptable in this instance and it is not considered that refusal of the application could be sustained on this ground alone. The scheme is therefore considered to adequately accord to policies HO5 and QD2 in this respect.
- 8.20 Local Plan policy HO13 states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that

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wherever it is practicable, Lifetimes Homes criteria have been incorporated into the design.

- 8.21 On assessment of the floor plans the development appears to fail some of the Lifetime Homes standards; however a condition is recommended requiring details to be submitted to ensure the scheme to fully accords. The external changes can also be requested by condition.
- 8.22 The proposal scheme makes adequate provision for both cycle parking and refuse/recycling storage; however the Transport Team have requested that they are relocated. Given that there are suitable alternative locations at the rear of the dwellings, a condition requesting further information would be appropriate in this instance.
- 8.23 The proposed access drive would run aside the extent of the west flank walls of Units 2 and 4. The access drive would be used by residents of all seven dwellings and so there would be some noise and disturbance in close proximity to dwelling windows. In the appeal the Inspector stated: *'This is not an unusual arrangement within housing developments of this size and I consider that taking account of the small number of dwellings the activity associated with the access would not result in material nuisance or loss of amenity to the occupiers of the dwellings.'*
- 8.24 The proposal would therefore accord with policy QD27 in respect of future occupiers.

Impact on Amenity

- 8.25 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use 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. The current application has been amended with the aim of addressing the only reason for refusal which relates to the impact on neighbouring amenity in relation to the proposed terrace of three units. The ridge height of Units 3, 4, 5, 6 and 7 have been reduced by 0.5m when compared to the previous application and 1.2m when compared with the appeal scheme. In addition the roof profiles of Units 3 and 5 are now set further away from the boundaries of properties on Edburton Avenue.
- 8.26 The new dwellings would be in close proximity to the boundaries of many adjoining sites. The dwellings, as well as the surrounding amenity spaces and driveways, would intensify the use of the site in a narrow plot surrounded by neighbouring properties and associated amenity spaces. The land level of the site and the surrounding area falls steeply from east to west, meaning the first floor rear windows of terraced properties to the east on Edburton Avenue overlook the site with greater effect than the properties on Southdown Avenue to the west. In the appeal, the Inspector noted inaccuracies of the neighbouring garden levels on the cross section drawings; these have since been amended.

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- 8.27 The layout of the site includes two pairs of dwellings with a row of three dwellings at the south end of the site. The row of three dwellings would be sited closer to both east and west boundaries than the rows of two dwellings. All three rows of dwellings would be visible from various neighbouring windows and gardens.
- 8.28 The proposed end dwelling of this row to the west (Unit 7 on the plans) would be 1m away from the rear boundary of neighbouring properties on Southdown Avenue. Only Unit 7 would be prominently visible from these neighbouring properties. The proposed eaves height would be 0.5m lower than the previous proposal, and the maximum height has been reduced by approximately 1.2m when compared with the appeal scheme (BH2012/02831). The existing walls of the garages (at an approximate height of 3.5m) act as a boundary wall for these gardens. The Inspector considered that if the wall is retained at the present height then the proposal would have a limited effect on the outlook at the rear of the Southdown Avenue houses. The application now indicates a wall of the same height as the garages on this boundary; given the Inspector's decision it is considered that the relationship between the proposed dwellings and the rear gardens of properties on Southdown Avenue would be satisfactory.
- 8.29 The dwellings proposed closest to the site boundaries would all be prominent from neighbouring gardens to an extent. However there is a greater distance between the rear of the properties which front onto Southdown Avenue and the two proposed pairs of dwellings due to the proposed access drive. The proposed dwellings to the south of the site would have a back to back arrangement with properties on Grantham Road, with a minimum separation distance of 18m which is considered acceptable to avoid having a harmful impact on amenity.
- 8.30 The neighbouring properties on Edburton Avenue are on higher land than the application site. The garden levels of these properties mean that the boundary walls and garages do not provide as much of a height block on this side. The section drawings indicate that the boundary walls would be retained. The drawings now show a boundary wall of 1.8m adjacent to Units 3 and 5 which is just below the height of the proposed eaves heights of the proposed dwellings. It is considered that further details relating to the retention of the walls can be conditioned to ensure the existing boundaries are adequately retained and adequate screening is provided.
- 8.31 In the appeal decision relating to BH2012/02831, the Inspector concluded that:
Whilst the relative height of the proposed dwellings as compared with the adjacent gardens would not be as great as at Plot 7 a combination of the height and proximity of the buildings, together with the lower boundary wall would result in the dwellings appearing unacceptably dominant and intrusive when seen from the gardens of the nearest Edburton Avenue houses.
- 8.32 Following refusal of the most recent application BH2013/02965, the proposed ridge heights of Units 3-4 and 5-7 have been reduced by 0.5m, the eaves height of Unit 7 has now been reduced by 0.5m, and the roof of Unit 4 would be set 0.5m further away from the boundary. The maximum height has been reduced

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by up to 1.5m when compared with the appeal scheme (BH2012/02831). Taking these amendments into account along with the retention of the boundary wall heights, it is considered that the proposal would overcome the Inspectors concerns, and so the relationship between the proposed dwellings and the properties which front onto Edburton Avenue would be satisfactory.

- 8.33 In terms of overlooking, the proposed side bathroom windows of units 1-4 and ground floor side windows can be conditioned to be obscure glazed. The front and rear facing windows and the small side windows on the bays would have oblique views towards neighbouring rear gardens, however these views would not be so significant as to warrant refusal of the application on this basis.
- 8.34 Issues relating to party walls have been raised but are not material planning considerations in the determination of the application.

Sustainable Transport

- 8.35 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents. As stated above, given that there are suitable locations at the rear of the dwellings, a condition requesting further information of the cycle storage would be appropriate in this instance.
- 8.36 Sustainable Transport have been consulted on this application and do not consider that there are exceptional circumstances which might include significant implications for highway safety as a result of the loss of the existing garages and there appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. The proposed parking spaces are considered acceptable.
- 8.37 The existing vehicle crossover would be made redundant and so it has been suggested by the Transport Team for the footway and curb to be reinstated. This can be secured via a condition.

Sustainability

- 8.38 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.39 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The completed sustainability checklist details that the proposal would meet Code Level 3 to include solar PV equipment. Subject to conditioning to ensure code level 3, it is considered that the proposal is in line with the requirements of SPD08.

Contaminated land

- 8.40 The proposed development is on land that was once a warehouse. There are also several garages which have been on site since approximately 1954. Such

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uses could have resulted in localised land contamination. Therefore, as the end use of this development is for residential accommodation with gardens, a full contaminated land condition is recommended for this plan.

9 CONCLUSION

- 9.1 The proposed development would make a more efficient and effective use of this site. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding Preston Park Conservation Area. There would be no significant harm to neighbouring amenity. The proposal accords with Development Plan policies.

10 EQUALITIES

- 10.1 The proposed dwelling would comply with policy HO13: lifetime homes standards subject to a planning condition.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 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
Site plan	TA540/01	A	21 November 2013
Existing site survey	TA540/02	C	19 February 2014
Existing sections	TA540/03	D	19 February 2014
Existing elevations 2	TA540/04	D	19 February 2014
Proposed block plan	TA540/10	C	21 November 2013
Proposed site layout	TA540/11	D	19 February 2014
Typical plans Units 1,2,3,4	TA540/12	C	21 November 2013
Typical plans Units 5,6,7	TA540/13	B	21 November 2013
Proposed elevations 1	TA540/14	C	21 November 2013
Proposed elevations 2	TA540/15	D	19 February

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Proposed elevations 3	TA540/16	D	08 January 2014
Proposed street elevation	TA540/17	C	21 November 2013
Site sections 1	TA540/18	C	21 November 2013
Proposed sections 2	TA540/19	C	21 November 2013
Site sections 3	TA540/20	C	21 November 2013
Existing section EE	TA540/05		19 February 2014
Proposed site section EE	TA540/21		19 February 2014
Levels survey	7215		19 February 2014
Levels survey	7215-ELEVS		19 February 2014

- 3) The side elevation bay windows servicing the bathrooms and WCs of all units hereby permitted shall be obscure glazed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) 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.
- 5) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) Notwithstanding the details on the approved plans, the development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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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.

- 7) Prior to the occupation of the development the applicant shall reinstate the redundant sections of the existing vehicle crossover in St Andrews Road to the front of the property back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 8) No development shall take place until detailed drawings, including levels, sections and constructional details of the access road within the site to include 'rumble strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

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

- 9) (i) No works pursuant to this permission shall commence 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;

(Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);

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;

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 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 a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under

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the provisions of condition (i)c 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) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- 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 condition (i) c.”

- 10) Notwithstanding the approved drawings, no development shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate the new dwellings hereby permitted will be constructed to Lifetime Homes standards. The development shall be carried out in accordance with the approved details prior to 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) The hard surfaces 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.
- 12) Notwithstanding the details on the approved plans, no development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 13) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 14) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed

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siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 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 3 for all residential units have been submitted to the Local Planning Authority; and
(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 16) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 17) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 18) A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition

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and construction works, shall be submitted to and approved by the Local Planning Authority before works commence. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement.

Reason: To ensure satisfactory protection of the existing boundary walls which are considered to be an important feature within the conservation area, in accordance with policy HE6 of the Brighton & Hove Local Plan.

- 19) No development shall commence until details of the treatment to all boundaries to the site including details of any retained walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 20) 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, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 21) 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.

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:

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- (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 proposed development would make a more efficient and effective use of this site. The proposed development can be adequately accommodated on site without detriment to existing or future occupiers. Subject to conditions to control the development in detail there would be no adverse impact upon the character or appearance the wider street scene and surrounding Preston Park Conservation Area. There would be no significant harm to neighbouring amenity. The proposal accords with Development Plan policies.
- 3) In relation to Condition 9, the phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environmentagency.gov.uk) website.
 - 4) The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
 - 5) The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
 - 6) 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).
 - 7) The applicant is advised that the proposed location of the refuse/recycling stores would block the footway and the cycle parking is considered inconvenient to access for a number of units. The details are considered

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unacceptable by the Highway Authority and alternative locations should be considered in relation to conditions 6 and 12.