

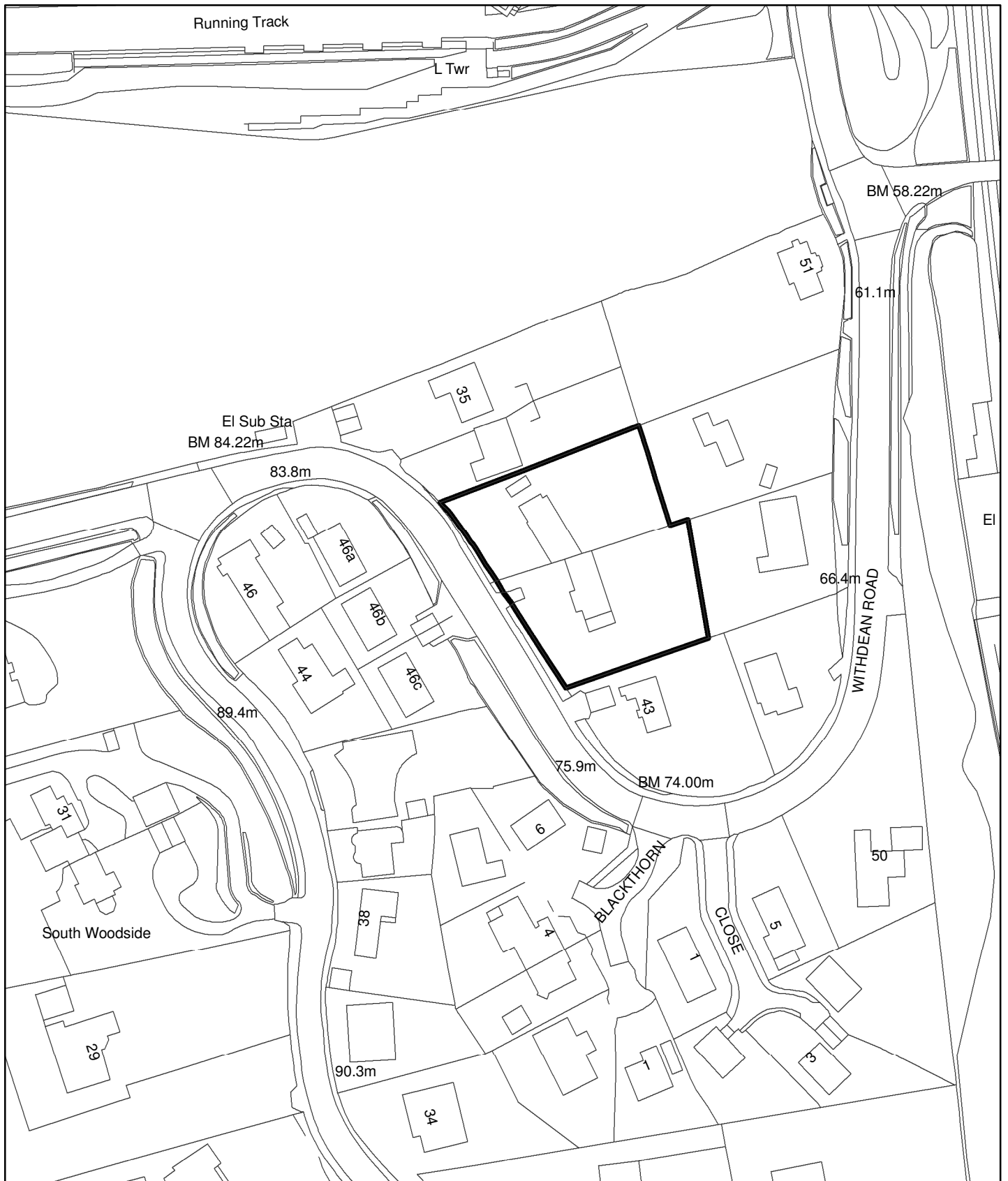
ITEM G

39 & 41 Withdean Road, Brighton

BH2013/03456
Full planning

02 APRIL 2014

BH2013/03456 39 & 41 Withdean Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 02 APRIL 2014

<u>No:</u>	BH2013/03456	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 & 41 Withdean Road Brighton		
<u>Proposal:</u>	Demolition of existing houses and erection of 3no detached houses with associated landscaping.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	16 November 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Baobab Developments, Paul Templeton, 5 Fisher Street , Lewes		

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 the southern plots of a site under redevelopment on the eastern side of Withdean Road, near to Blackthorn Close.
- 2.2 The site is part of a wider former redevelopment site for which planning permission was granted for the demolition of four properties and the construction of 5 new residential properties. The development upon plot one of the former site has been commenced and is a substantially completed building.
- 2.3 The site subject of this application now comprises two large dwellings that have been vacant since approximately 2007. The dwellings are derelict and the land heavily overgrown. The rear garden includes dense undergrowth and tree and slopes steeply to the rear.
- 2.4 The site, along with the adjacent partly constructed site has been vacant for several years whilst the appointed receivers attempted to find a purchaser. As a result of the time lapsed and vacancy, the receiver sought a number of permissions to extend the life of the development and separate plot one from the remainder of the site as on-going concerns.
- 2.5 Part of the former plots 2, 3 & 4 now appears to be within the curtilage of plot 1, of which the construction has recommenced. As such, the site subject of this application encompasses a reduction in plot size and width to that previous approved.

3 RELEVANT HISTORY

3.1 Initial planning consents for five dwellings and subsequent changes

BH2007/03716 - Demolition of four existing detached houses and construction of five new dwellings. – Approved 22/05/2008

BH2009/00153 - Amendments to application BH2007/03716, incorporating the relocation of houses within plot to facilitate proper vehicular access, alterations to cladding materials in certain areas, introduction of pavilion-style bin stores adjacent to road. – Approved 06/05/2009

3.2 Permissions to allow continuation of Plot one and secure on-going consent for 3 dwellings upon reminder of the original site

BH2010/00391 - Demolition of three existing detached houses and construction of 3no new detached dwellings. (amendment to reduce size of the upper floor balconies, and revised location of building to southern plot (plot 4).) – Approved 20/12/2010

BH2010/00920 - Alterations to the driveway, the stairway to side of property from upper to lower terrace and the windows. (Part retrospective) – Approved 21/06/2010

BH2013/00274 - Certificate of lawfulness proposed to confirm that completing the development in accordance with consent BH2010/00920 would be lawful and would not require any further planning approvals from the City Council. – Approved 26/03/2013

3.3 Other Related planning applications

BH2012/01327 - Application to extend time limit for implementation of previous approval BH2009/00153 for amendments to application BH2007/03716 (Demolition of four existing detached houses and construction of five new dwellings) incorporating relocation of houses within plot to facilitate proper vehicular access, alterations to cladding materials in certain areas, introduction of pavilion-style bin stores adjacent to road. – Withdrawn 17/10/2012

BH2009/01380 - Application for Approval of Details Reserved by Condition 9 of Application BH2009/00153 - Site Waste Management Plan. – Approved 01/09/2009

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of existing houses (39 & 41 Withdean Road) and the erection of 3 detached houses with associated landscaping.

4.2 The proposed dwellings are large detached modern dwellings set within the sloping topography of the site. The buildings are expressed predominantly as two storeys from the street due to the small scale of the upper storeys, their set back siting from the road and the low lying position of the basement/lower ground level.

4.3 The dwellings have been designed to project back into the site and present limited street frontages. The designs of the buildings correspond with each

other in terms of siting, scale, height and detailing approach, but do have distinct individual elements, including glazing patterns, cladding and layouts.

- 4.4 The proposed dwellings each have side facing rear terraces at upper floor level, with the exception of unit 3 which has been amended to respond to potential amenity impact and would have an enclosed rear facing terrace feature.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **43, 45, 47, 49 (x2), 51** Withdean Road objecting the application for the following reasons:

- The design of the dwellings is out of keeping with the character and appearance of the area
- The proposal is an over development of the site. The combined foot print and overall floorspace of the dwellings is out of proportion with the existing and vicinity.
- Because of the steep sloping topography, the dwellings will in effect become five storeys
- The development is too close to neighbouring properties and would cause loss of privacy, overlooking and an overbearing presence
- 35 Withdean Road is a failure in design terms and was allowed on the basis that the development would not exceed the height of the then existing properties.
- The previous development became bankrupt and sufficient funds to fund the development should be demonstrated to ensure that the site does not remain vacant.
- The development would lead to a loss of light and create overshadowing.
- The proposal would be on a site smaller than the three properties consented
- The balconies would overlook neighbouring properties and the drawings are inaccurate
- There is a lack of clarity with regards to the fencing and boundary treatment.
- There is insufficient information to judge the height and proximity to neighbouring properties
- The new scheme should be considered in light of its merits and not upon the basis of previous approvals on the site.

- 5.2 From further consultation **43 Withdean Road** comment further:

- The removal of the balcony overlooking the garden of 43 Withdean Road is much welcomed.

- 5.3 **Neighbours: Five (5)** letters of representation have been received from, **59 Hendon Street, F3, 64 Regency Square, 78 Stoneham Road, 35 (x2), 46B Withdean Road** supporting the application for the following reasons:

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- The proposal is a nice design, fitting architecture to Brighton and has a little fun with materials
- Enjoys the Architect's work and is interested to see the proposal being developed upon the site.
- Supports the application but request that the windows facing into the garden of 35 Withdean Road are obscurely glazed.
- The designs are high quality and an exciting direction for interesting modern architecture in the City.
- The narrow west elevation which maximises space between the houses and minimises the overall impact of the development, but the roof top 'Gloriette' has the potential to be intrusive to neighbouring gardens. The proposal is a huge improvement upon the current planning consent.

Internal:

Arboriculture: Comment

- 5.4 The Arboricultural report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with its contents.
- 5.5 All trees surveyed as part of the Arboricultural report have been categorised as either "C" or "U" grade trees. This means they are all low-grade.
- 5.6 The Arboricultural Section does not object to the loss of any of these trees to facilitate the development, however, as many trees as practicable should be retained on the boundaries of the site as they provide good screening. The protection of all trees to be retained should be made a condition of any planning consent granted.
- 5.7 A robust landscaping scheme should also be made the subject of any consent granted and this scheme should include plans for gapping up the boundary planting as appropriate.
- 5.8 Overall the Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.

Sustainable Transport: Comment

- 5.9 Recommended approval as the Highway Authority has *no objections* to this application subject to the inclusion of the necessary conditions on any permission granted.

Trip Generation & S106

- 5.10 The proposals are not considered to significantly increase trip generation above existing permitted levels. This is because the number of residential units is increasing from 2 to 3. The scale of the development is below the temporary recession measures threshold for when S106 can be sought; therefore the Highway Authority would not look for a S106 contribution in this instance.

Car Parking

- 5.11 The applicant is proposing 2 on-site car parking spaces per unit. SPG04 states that the maximum car parking standard for a residential development outside a

CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with SPG04 and deemed acceptable and is not deemed to cause a significant transport impact given the location and nature of the development.

Cycle Parking

- 5.10 SPG 4 states that a minimum of 1 cycle parking space is required for every dwelling. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 5.11 The applicant is providing large garages and an adjacent store which are deemed adequate for the storing of bikes. Therefore the standard cycle parking condition should be included on any planning permission granted.

Vehicular Access

- 5.12 The applicant is proposing amended vehicular access to the new properties. The Highway Authority would recommend that the standard condition is included on any permission granted.

Access Consultant: Comment

- 5.13 The proposals are acceptable. Access to some of the dwellings appears steep, but access from vehicles and parking areas are acceptable. The floorspace is more than adequate to accommodate any future requirements.

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
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the scheme, the impact upon the character and appearance of the area and the residential amenity of adjacent occupants. In addition, sustainability, arboriculture and transport are also key considerations.

Planning History:

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- 8.2 The planning history is a key consideration in this case and must be afforded significant weight as a material planning consideration.
- 8.3 Approval was granted for five large detached dwellings of a greater scale and on a larger site than the current proposal in 2007 under reference **BH2007/03716**. In addition, that development and subsequent approval **BH2009/00153** were commenced and as such are extant permissions.
- 8.4 One of the five dwellings permitted upon the site was commenced. A recent Certificate of Lawfulness (**BH2013/00274**) reflects this and confirmed the lawfulness of the development upon the site and by extension would permit the remainder of the dwellings approved under reference (**BH2010/00920**). It should be noted that part of the land comprising the remainder of the plot does not form part of the current application.
- 8.5 The site and the adjacent plot and structure were placed into receivership and as part of this process planning approvals were sought to consolidate the permissions. In late 2010 permission (ref **BH2010/00391**) was granted for the demolition of existing detached houses and construction of 3 new detached dwellings, including an amendment to reduce the size of the upper floor balconies, and revised location of the building to southern plot 4. This permission expired in December 2013..
- 8.6 The outcome of this is that the plot as presently exists forms part of a wider permission, whereby the remaining 4 houses from 2007 & 2009 could still be constructed; and until recently permission still existed for three large detached buildings resembling the adjacent property at Plot one, although part of the plot required comprises part of the curtilage of plot one.

Density:

- 8.7 The National Planning Policy Framework (NPPF) with a presumption in favour of sustainable development and Local Plan policies QD3 and HO4 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which is currently in use but which has the potential for re-development.
- 8.8 The application relates to a site of approximately 0.23 hectares assembled from 2 residential plots which has an existing density of 8.5 dwellings per hectare. The proposal would increase this to over 12 dwellings per hectare. Whilst this density is low it is marginally greater than previously approved on this portion of the site and is in keeping with the pattern of surrounding development. Given the substantial variation in site levels, a higher density would be difficult to achieve without changing the design approach to houses. The proposed development maximises the use of level ground and the street frontage increases density whilst having regard to the characteristics of the local area, and for these reasons the proposed density is considered acceptable.

Design:

- 8.9 Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to

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the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

- 8.10 The proposed dwellings are large detached properties that are designed to sit comfortably within the topography of the site and surroundings. The new houses are considered well designed and would not harm the character and appearance of the area.
- 8.11 The proposed dwellings by reason of their scale, massing, height, detailing and materials would be an improvement upon the previously consented schemes, which as discussed earlier in this report should be afforded weight as a material consideration. Notwithstanding, the proposal based upon its own merits is considered to represent a high quality standard and form of architecture which responds positively to the site and its constraints.
- 8.12 The dwellings are a series of three detached dwellings of long and horizontal emphasis. The dwellings are designed to be set over three storeys of accommodation, with lower ground floor and first floor levels articulated with smaller floor plates above and below a central dominant ground floor. The new dwellings are essentially that of a masonry base level with a lighter and contemporary detailed timber box with steel frame with timber studwork, clad in softwood. Each of the dwellings would be treated with different staining of autumnal tone.
- 8.13 The buildings are contemporary designed, detailed and landscaped and would provide a high quality contrast to the suburban character of the area. Each of the dwellings have a general southern emphasis, largely blank northern elevations, with terraces and main aspects facing towards the south with the exception of plot 3.
- 8.14 The front boundary treatments are brick boundary walls with hardwood panels that vary in height with the topography of the site of between 1.3m and 2.5m. The vehicle entrance would have side sliding car entrance gates. The proposed boundary treatments are considered acceptable in an area where there are significant variations in boundary treatments and in the context of the modern design of the scheme. However, further larger scale details and materials samples of the final means of enclosure are required.
- 8.15 The design, scale, massing and coverage of the dwellings are an improvement upon the previous approvals. The previously consented schemes are similar to the building upon the adjacent plot to the north. The large areas of render, greater height of the upper floor would produce a more dominant appearance than the current proposal and the coverage of each plot was considerably larger in footprint.
- 8.16 The proposed design still puts forward a scheme of significant scale, but would represent an improvement in scale terms when compared to previous schemes. The modern design and scale by reason of the proposed quality is acceptable given the low density and the variation of detailing and materials in the surrounding area. The quality of materials and finishes are an important factor

in ensuring that a site which currently presents a negative appearance due to its medium term vacant status and dilapidated state of the buildings. Appropriate materials can be secured by condition.

Landscaping:

- 8.17 The site slopes down from the street to the rear. There are a significant number of bushes, shrubs and trees upon the site and, particularly towards the rear, the planting provides screening with some amenity value.
- 8.18 The landscaping is an integral element of a successful design in this case as the dwellings have been designed to fit with the topography of the site, to sit with each other and those which surround the site.
- 8.19 The Arboricultural report submitted with the application is comprehensive and the Arboricultural team is in full agreement with its contents. All trees surveyed as part of the Arboricultural report have been categorised as low-grade.
- 8.20 The Arboricultural team do not object to the loss of any of these trees to facilitate the development, however, as many trees as practicable should be retained on the boundaries of the site as they provide good screening. The protection of all trees to be retained should be made a condition of any planning consent granted.
- 8.21 A robust landscaping scheme should also be made the subject of any consent granted and this scheme should include plans for gapping up the boundary planting as appropriate. Planning conditions are recommended for this purpose.

Impact on Amenity:

- 8.22 The proposed dwellings by reason of their siting, massing, height, orientation and aspect would not have any unduly harmful impact upon the amenities of adjacent and nearby residential occupiers.
- 8.23 The previous approvals upon the site must be given weight as a material consideration in this case, but also it is noted that changes to the neighbouring dwelling, involving the construction of side facing dormer windows in the northern roof slope of 43 Withdean Road, have occurred since the previous scheme was granted. The proposal must also be rigorously examined in light of changes since the previous approvals.
- 8.24 The new dwellings by reason of their lower massing, bulk and height would have a reduced presence and therefore are less likely to have a light, overshadowing or outlook impact when compared with those previously approved. Notwithstanding the previous approvals, the neighbouring dwellings are sited within spacious and low density plots and are sufficiently well spaced to ensure that the outlook and light to occupiers is not significantly affected. Given existing screening and proposed landscaping it is considered that the proposed buildings would not be unduly prominent from properties to the rear. Where views may be afforded due to the differences in ground levels, the terraces would overlook the roof of the nearest property and not directly into the building.

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- 8.25 No.43 Withdean Road, adjacent to the site to the south, has windows and dormer windows on the side elevation close to the boundary. The proposal buildings have been designed as a rough 'L' shape, with a horizontal and east west emphasis and the garage element forming the northern most end of each unit. This results in each of the units being sited sufficiently far back from each other in the main body and from the southern boundaries as feasible. The result is that the side window facing no.43 is sited up to 10 metres from the boundary of 43 Withdean Road. The relatively low lying and screened boundary with the lower ground and ground floors along with the set back position of windows on the upper floor would have an acceptable residential amenity impact and would be an improvement upon previous approvals which, given the new dormers in the roof of 43 Withdean Road, could have led to a previously unexpected but harmful impact.
- 8.26 The area of primary concern was the proposed upper floor terrace and the potential for loss of privacy between Unit 3 of the proposal and 43 Withdean Road. The distance and screening does afford some mutual screening, but due to the advance position nearer the boundary and the raised level of the terrace; it was considered that at least some level of overlooking could be perceived by users either property. Therefore the terrace at Unit 3 has been omitted and replaced with an internalised terrace which has a rear facing aspect; given the modern design it is considered that the changes would not compromise the design qualities of the scheme but also secure additional benefit above the previously consented scheme. Additional screening or changes to the terraces to the rear and with a side aspect of proposed units 1 & 2 are not required due to the relationship, emphasis of the design and the blank flank elevations of the plots 2 & 3 to which the terraces would face.

Sustainable Transport:

- 8.27 The proposals are not considered to significantly increase trip generation above existing permitted levels. This is because the number of residential units is increasing from 2 to 3. The scale of the development is below the temporary recession measures threshold for when S106 can be sought; therefore a S106 contribution would not be sought in this instance.
- 8.28 The applicant is proposing 2 on-site car parking spaces per unit. Adopted parking standards state that the maximum car parking standard for a residential development outside a CPZ is one car parking per unit and one space per two units for visitors. Therefore the proposed level of car parking is in accordance with adopted standards and is considered acceptable and would not cause a significant transport impact given the location and nature of the development.
- 8.29 Adopted parking standards state that a minimum of 1 cycle parking space is required for every dwelling. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.30 The applicant is providing large garages and an adjacent store which are adequate for the storing of cycles. Therefore the standard cycle parking condition

to secure the cycle parking should be included on any planning permission granted.

Vehicular Access

- 8.31 The applicant is proposing amended vehicular access to the new properties. The Highway Authority recommends the accesses are acceptable and that a condition is included on any permission granted requiring their provision before occupation.

Sustainability:

- 8.32 The development proposes Level 3 of Code for Sustainable Homes. SPD08 advises that in cases of new build residential for between 3 to 9 units that Code Level 3 along with other measures would be sought This would be consistent with the previous approvals on the site.
- 8.33 Gardens and residential curtilages were reclassified within the NPPF as not being with previously developed land and in such cases Level 5 of Code for Sustainable Homes can be sought upon Greenfield sites. In this case there are two large dwellings sited across the site, with some outbuildings and ancillary terraces, paving, driveways etc. Much of site is therefore previously developed land and it is considered that the lower standard should be applied in this case.
- 8.34 The applicant's submitted sustainability checklist outlines that that the proposal would meet Level 3 of Code for Sustainable Homes, but fails to detail how this would be implemented. In addition, it is considered that there would be ample opportunity to incorporate further sustainability measures into the property it is therefore recommended that conditions are placed to ensure that adopted sustainability standards are met.

Other Considerations:

- 8.35 The properties have level street access and each contains accessible staircases serving the three floors. Room sizes are generous with wide doors and corridors. Several bathrooms have both a shower and bath with sufficient floor area to facilitate side transfer. All properties have a toilet at ground floor level. Scope existing for future adoptability. A condition should be placed to ensure that lifetime homes standards are met through the development.
- 8.36 Each of the dwellings would provide a large amount of living accommodation and as such it is considered that they would afford a high standard of living for occupiers.

9 CONCLUSION

- 9.1 The proposal is for the redevelopment of 2 individual plots with 3 dwellings. The land falls sharply both to the south and east and is well screened by existing trees. The proposed buildings are of larger footprint than the existing but retain a similar front building line and as a development are smaller in mass and scale than the adjacent property and previous approvals for the site.
- 9.2 Existing and proposed planting, together with the relationship of the site to surrounding properties with changes in land levels, enables the development to

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be accommodated without causing demonstrable harm to the amenities of neighbouring properties. It is considered that the properties, which will be built to Lifetime Homes standards, would form a high quality design street section and which fits in its context and topography.

10 EQUALITIES

10.1 The development would be required to meet Part M of the Building Regulations and conditioned to meet Lifetime Homes.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Plan & Location Plan	1310_001_P	-	10/10/2013
Unit 1 Plans	1310_003_P	-	16/10/2013
Unit 1 Elevations	1310_004_P	-	10/10/2013
Unit 2 Plans	1310_005_P	-	16/10/2013
Unit 2 Elevations	1310_006_P	-	17/03/2014
Unit 3 Plans	1310_007_P	A	17/03/2014
Unit 3 Elevations	1310_008_P	B	17/03/2014
Existing Site Plan	1310-009_13.09.09	-	10/10/2013
Existing Sections/Elevations	1310-016_13.09.09	-	16/10/2013
Existing Sections/Elevations	1310-017_13.09.09	-	16/10/2013
Previously approved and proposed schemes	1310-020_P	-	20/11/2013
Site elevations and sections	1310-030_P	-	17/03/2014
Tree Plan	J37.79/02	-	05/11/2013

- 3) No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C 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

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occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 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 QD1 of the Brighton & Hove Local Plan.
- 5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing larger scale details at 1:20 scale of the proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied **Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 8) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. **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.

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- 9) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. **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.
- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a 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

11.3 Pre-Occupation Conditions:

- 11) 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
- 12) 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 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.
- 13) 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

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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.

- 14) 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.
- 15) The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 16) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

11.4 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. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. 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

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(ii) for the following reasons:-

The development is considered to make an efficient and effective use of land and maintain an appropriate density and siting which would maintain the positive qualities of the character and appearance of the neighbourhood. The development is well designed, would not harm the amenities of adjacent residential occupiers and would accord with development plan policies.