

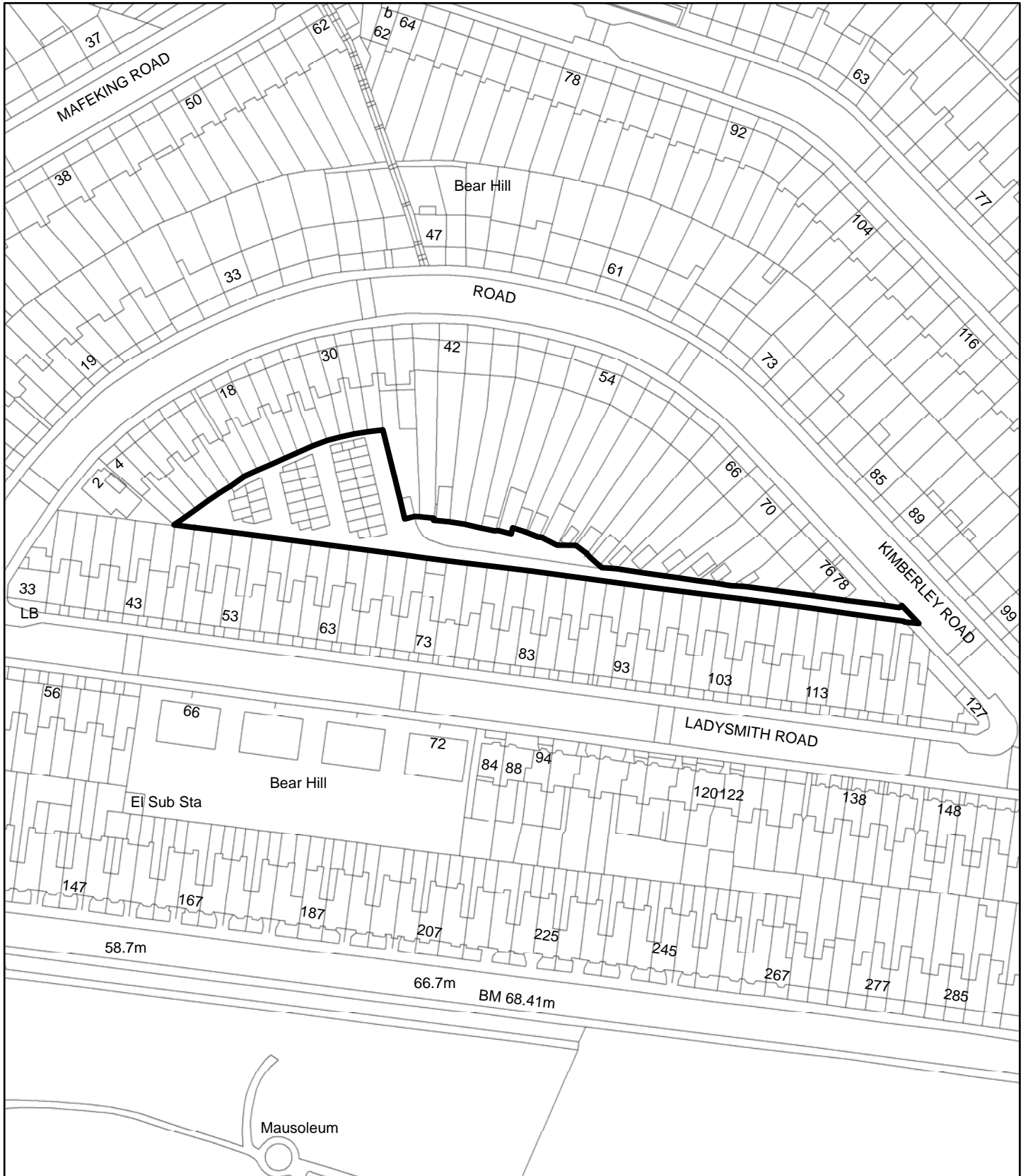
ITEM F

Land rear of 4-34 Kimberley Road, Brighton

BH2013/04082
Full planning

23 APRIL 2014

BH2013/04082 Land rear of 4-34 Kimberley Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|------------------------------------|
| <u>No:</u> | BH2013/04082 | <u>Ward:</u> | MOULSECOOMB & BEVENDEAN |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land Rear of 4-34 Kimberley Road Brighton | | |
| <u>Proposal:</u> | Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road. | | |
| <u>Officer:</u> | Andrew Huntley Tel 292321 | <u>Valid Date:</u> | 16 December 2013 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 10 February 2014 |
| <u>Listed Building Grade:</u> | N/A | | |
| <u>Agent:</u> | CJ Planning Ltd, 80 Rugby Road, Brighton BN1 6ED | | |
| <u>Applicant:</u> | Mr B Edwards, C/O CJ Planning Ltd, 80 Rugby Road, Brighton BN1 6ED | | |

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 wedged shaped area of land located behind the south terrace of Kimberley Road and north terrace of Ladysmith Road. The land previously comprised of 34 garages which are accessed from a long narrow strip of private land which runs between the two terraces and joins the public highway at the eastern side of Kimberley Road. The garages have subsequently been demolished, and there are piles of rubble within the site
- 2.2 The land slopes down west to east, and also south to north, with the highest point being adjacent to the entrance to the site. The site is secured by timber fencing approximately 1.8m high and an access gate which is currently secured by way of a padlock.

3 RELEVANT HISTORY

BH2008/03628 - Demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road. Approved 12/11/2010.

BH2007/01605 - Erection of five dwellings. Refused 14.02.08.

BH2006/02386 - Outline application for the demolition of 34 garages plus additional stores and construction of 6 dwelling houses. Provision of 9 vehicle parking spaces and 6 bicycle parking spaces. Refused 21.11.06.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of 4 no. two storey dwellings, associated parking, landscaping and resurfacing of access road. The development comprises a pair of semi-detached 3 bedroom dwellings to the eastern point of the site, and 2 detached 4 bedroom dwellings to the west of the site.
- 4.2 The pair of semi detached properties would each measure 5.1m wide (a total width of 10.2m), 8.0m deep x 3.9m to eaves level (as the first floor is partially within the roofspace) and 6.5m to ridge height. Internally, each property would comprise a living room, kitchen and wet room to the ground floor and three bedrooms and a bathroom at first floor level.
- 4.3 Each detached property would measure approximately 6.1m wide x 9.0m deep x 4.7m to eaves level and 6.7m to ridge height with a fully pitched roof. Each property would comprise a living room, kitchen/diner and wet room to the ground floor and four bedrooms and bathroom at first floor level.
- 4.4 The proposed layout provided for 1 no. allocated parking space per property open boundary front gardens, and a private rear garden for each unit.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from **6, 10, 16, 18, 65, 68, 72, 77, 78 Kimberley Road, 55, 69, 71, 73 and 105 Ladysmith Road** objecting to the application for the following reasons:

- Not enough space for vehicles or pedestrians.
- Not enough space for emergency services and refuse collection.
- Not enough car parking.
- Plot is too small
- Loss of light and privacy.
- Noise, dust and dirt nuisance if development goes ahead.
- Noise disturbance when properties are occupied.
- Tree close to boundary has caused damage to their fence and the tree should be removed and their fence repaired.
- The dwellings would be located further than the maximum distance from the entrance to the site recommended by the East Sussex Fire Service.
- Ownership of the access is unresolved and shows land in other ownership.
- Access too narrow for a fire appliance and not suitable for regular use.
- Lighting will increase light pollution.
- City clean would not collect refuse from the properties, which would lead to an accumulation of waste on the site or at Kimberley Road. This would create a health hazard and block the pavement.
- Errors within the application, including the site notice and OS plans.
- Received the notification letter 8 days after being issued and believe that insufficient time has been given.
- The proposal is not an efficient use of the land.

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- The garages had asbestos roofs and have been demolished without heed to health and safety regulations and have been left covered on the site.

5.2 **Fire Brigade:** Comments that the plans do not appear to indicate satisfactory access for fire appliances as required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans also do not show compliance with B1 standard of the Building Regulations. They would also recommend the installation of sprinkler systems.

Internal

5.3 **Environmental Health:** No objections subject to a land contamination and lighting conditions.

5.4 **Access:** Comments that all entrances should be level or gently sloping, that there is 300mm clear space at the leading edge of the entrance doors and that the stairs should be 900mm wide.

5.5 **Sustainability:** No response.

5.6 **Sustainable Transport:** No objection subject to parking and cycle storage conditions.

5.7 **Arboriculture:** The Arboricultural Section has no objection to the proposals in this application subject to the further information required regarding landscaping being supplied either pre- or post- the granting of consent.

5.8 **City Clean:** No response.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

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- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

| | |
|------|---|
| TR1 | Development and the demand for travel |
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| TR19 | Parking Standards |
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU9 | Pollution and nuisance control |
| SU10 | Noise nuisance |
| SU11 | Polluted land and buildings |
| 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 |
| QD5 | Design – street frontages |
| QD15 | Landscape design |
| QD17 | Protection and integration of nature conservation features |
| QD20 | Urban open space |
| 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 Guidance

| | |
|--------|-------------------|
| SPGBH4 | Parking standards |
|--------|-------------------|

Supplementary Planning Documents

| | |
|-------|-------------------------------------|
| SPD03 | Construction and demolition waste |
| SPD08 | Sustainable Building Design |
| SPD11 | Nature Conservation and Development |

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to firstly, the site's planning history, the principle of redevelopment of the site for 4 dwellings, the impact of the development upon the character and appearance of the area, the amenity of adjacent residential occupiers, traffic issues, sustainability and waste minimisation.

Planning History:

8.2 Application BH2008/03628 for the demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road was approved by Committee on the 12/11/2010.

8.3 The application was approved as it was determined that the proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would have achieved acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to conditions, the proposals would have had an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety.

8.4 However, this permission was not implemented and subsequently expired which, has led to this application being submitted with the intention of gaining planning permission for the same development. The previous permission was determined in accordance with the policies of the adopted Brighton & Hove Local Plan 2005, which is still the Local Planning Authority's adopted plan. As such, this previous approval carries significant weight in the determination of this application.

Principle:

8.5 The application site is located within an existing built up area and was formally used for garaging for neighbouring properties. Therefore, the site is defined as a 'brownfield' site and as such, the principle of redevelopment is acceptable.

8.6 At present, there is no agreed up to date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Due to OAN requirement for Brighton & Hove and the significant

shortfall in housing land, a great deal of weight should be attached to housing proposals that would help fulfil this need. The specific impacts of the development are considered fully below.

Design and Character:

- 8.7 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.8 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:
- a. Height, scale, bulk and design of existing buildings;
 - b. Topography and impact on skyline;
 - c. Natural and developed background or framework against which the development will be set;
 - d. Natural and built landmarks;
 - e. Layout of street and spaces;
 - f. Linkages with surrounding areas;
 - g. Patterns of movement within the neighbourhood; and
 - h. Natural landscaping.
- 8.9 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.
- 8.10 The plans that have been submitted show the same design and external appearance of the development, as was contained within approved application BH2008/03628. The buildings themselves have a traditional pitched roof with rendered walls. All dwellings include front projecting open porches and a number of window openings. The pair of semi detached properties include a low eaves height with the upper floors partially contained within the roofspace, whilst the detached properties include a front facing gable end, with a low pitched roof profile.
- 8.11 Whilst the design is fairly basic, the dwellings are considered to integrate effectively in terms of their appearance and are not considered to cause any harm to the character and appearance of the wider area.
- 8.12 Overall, the proposal's design and impact on the character and appearance of the area is considered acceptable.

Residential Amenity:

- 8.13 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

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- 8.14 The siting of the proposed dwellings, facing east-west ensure that there would be no direct overlooking into the surrounding residential properties themselves. However, there would be an overlooking impact into some of the rear gardens.
- 8.15 To the west of the site plots 1 and 2 are situated at the lowest level of the land, and are approximately at the same base level as the surrounding properties. The upper floor rear windows would result in a degree of overlooking to neighbouring properties. With Plot 1, there is a distance of around 9.5m to number 53 Ladysmith Road, albeit at a very oblique angle. With Plot 2 there is a distance of approximately 12.5m to 14 Kimberley Road, again at an oblique angle. However, there is no direct back to back overlooking since it will mainly be to the end of the gardens only. This degree of mutual overlooking is to be expected and is reasonable within a residential area. In addition, the level of overlooking is the same as within the previously approved application, and a refusal on loss of privacy this time, would likely be considered to be unreasonable by an Appeal Inspector.
- 8.16 The issue of overlooking is slightly more complex to the east of the site (plots 3 and 4), as the levels of the site rise so these are at an elevated position compared to plots 1 and 2 and the existing surrounding properties. That said, plot no. 4 would cause limited overlooking, due to its positioning centrally within the site, and thus it would only be possible to overlook the very rear of the neighbouring properties gardens (most notably nos. 36-40 Kimberley Road). These gardens have substantial garage and shed structures in this location and thus any overlooking would not be harmful.
- 8.17 With regard to plot no. 3, this issue is slightly more sensitive. This plot sits 0.9m lower than its neighbour to reduce its impact on privacy. Angled views towards the rear of the existing properties and the most areas of the rear gardens are unlikely to cause significant overlooking. Therefore the resultant area which would have some limited overlooking would be towards the end of the rear gardens thus on balance would be acceptable in this instance.
- 8.18 With regard to loss of light, the scheme is not considered to cause a detrimental impact on the properties situated to the south of the development site due to the sun path going east to south to west.
- 8.19 The properties to the north may result in limited loss of light to the rear gardens, but due to the separation distances of the proposed development to the existing properties and the presence of the existing boundary fence, it is unlikely to cause any detrimental impact to the dwellings themselves. As such it is considered that there would be no adverse impact sufficient to warrant a refusal on these grounds.
- 8.20 The scheme would provide 4 dwellings capable of family occupation. The dwellings would have either three or four bedrooms and given the footprint are likely to provide an acceptable standard of living accommodation for the proposed occupiers.

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- 8.21 Each would have a sufficient level of private amenity space. All the dwellings have access to a rear garden, although the front garden and boundaries are to be open. Furthermore some of the rear gardens are of an irregular shape with a diminishing wedge shape, despite this it is considered that the amount of amenity space would be adequate and could not warrant refusal on these grounds alone.
- 8.22 The Council's Access Officer has stated that the proposal shows steps at the rear doors rather than being level or gently sloping, that there should be a 300mm clear space at the leading edge of the entrance doors and that the stairs should be 900mm wide (presently scale at 800mm). The amended plans now show that access is level/gently sloping to the rear doors, that there is a 3300mm clear space of the entrance doors and the stairs are now 900mm wide.
- 8.23 Overall, it is considered that the proposals impact on neighbouring amenity and the amenity of future occupiers is the same as was approved under application BH2008/03628. As that application was approved under the current local plan, a refusal on amenity grounds would likely be considered to be unreasonable. Therefore, no objections are raised in regard to amenity.

Traffic Considerations:

- 8.24 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.25 Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.
- 8.26 The proposed access arrangements have not been altered since the approval of planning permission BH2008/03628; where upon it was considered that the potential number of vehicle movements which could occur from the existing garages would be significantly greater than those from 4 family dwellings. While the garages have been demolished, it is considered that an objection on transport impact is unlikely to be able to be sustained and taking into account the previous approval, could be considered to be unreasonable.
- 8.27 According to the submitted block plan, the access track is approximately 120m long and between 2.7 and 3.5m wide. The site can only be accessed from the existing access and there is little opportunity to increase the width or provide further passing opportunities.
- 8.28 The comments from the Highways Authority are noted, in that there is no objection to the development subject to conditions in regard to car parking and cycle storage, which are considered reasonable and necessary.
- 8.29 The comments from the East Sussex Fire and Rescue Service state that the plans do not appear to indicate satisfactory access for fire appliances as required by Section B5 of the Approved Document to the Building Regulations

and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans also do not show compliance with B1 standard of the Building Regulations. They would also recommend the installation of sprinkler systems.

- 8.30 The issue of access for emergency vehicles is dealt with under the Building Regulations, and thus it is not within the remit of the planning system to refuse an application on these grounds. If a development cannot provide adequate access for emergency vehicles, then this is controlled through the Building Control stage. In light of the previous approval, a refusal on such grounds would likely be considered unreasonable and incur a costs award against the Council.

Environmental Health:

- 8.31 The Council's Environmental Health department have stated that broken-up asbestos is present on the site from the demolition of the previous garages and is currently on the site. As asbestos possesses a risk to human health Environmental Health have recommended that a contaminated land condition be attached to any approval. However, the safe removal of asbestos is covered by non-planning legislation and as such its safe removal would have to be controlled through Environmental Health. As such, it would not be appropriate to add a contamination condition.

- 8.32 The majority of the site lighting is perimeter bollard style lighting with the exception of two columns on the access road which could potentially impact the rear of the properties at Ladysmith Road. The design and access statement, whilst stating that these are standard columns, does not show how high or what element of light spill would result from these. From the image shown, there are no apparent cowls and the light seems uniform in all directions. The application states that all the lighting will be controlled by passive infra red sensors, which should in theory, only activate the lights when they are needed. Environmental Health have recommended that specific lighting conditions be attached to ensure that they do not have a detrimental impact on neighbouring amenity. It is considered that these could be secured by suitably worded conditions.

Sustainability:

- 8.33 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate efficiency in the use of energy, water and materials.
- 8.34 The application provides information confirming how the proposal would incorporate energy or water efficiency measures. In addition, all rooms have access to natural daylight and ventilation and as such it is considered that this would conform to Policy SU2.
- 8.35 The applicants have submitted a Sustainability Checklist, in accordance with SPD08. This checklist confirms that the development would achieve level 3 of the code for sustainable homes. This is in accordance SPD08 for proposals on brownfield sites. A condition would need to be attached to ensure that the development met Code Level 3.

Landscaping and Nature Conservation:

- 8.36 Policies QD15 and QD17, and the guidance set out in SPD11 require that development proposals include high quality landscaping and nature conservation enhancements.
- 8.37 A landscaping plan has been submitted with the application. The Council's Arboriculturist has stated that they have no objections to the proposal and that the species proposed for replanting will all work in this location. However, further information is needed. Precise Latin names/species are needed as the generic shrubs proposed have many different types with differing heights/widths, along with the sizes of the proposed planting, planting distances and densities as well as mulching methods. In addition, limited information has been provided on the fencing dividing the proposed garden areas or that of nature conservation enhancements. However, it is considered that this information can be secured by a suitably worded condition.

Waste minimisation:

- 8.38 Policy SU13 of the Brighton & Hove Local Plan requires the reduction of demolition and construction waste. While a waste minimisation statement has not been provided to demonstrate how construction waste would be minimised. This could be covered by a suitably worded condition.
- 8.39 Conditions are also recommended to require the provision of refuse and recyclables storage to ensure that adequate recycling options are incorporated into the scheme.

9 CONCLUSION

- 9.1 The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 None identified.

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.

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- 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 | 8240/01 | A | 02.12.2013 |
| Proposed New Dwellings | 8240/4 | C | 02.12.2013 |
| Proposed Floor Plans | 8240/5 | D | 02.12.2013 |
| Sections & Roof Plans | 8240/6 | A | 02.12.2013 |
| Proposed Landscaping | 8240-11 | A | 02.12.2013 |
| Proposed Bin & Bike Stores | 8240-12 | | 02.12.2013 |
| Existing Site Plan | 8240-15 | | 16.12.2013 |

- 3) 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.
- 4) The first floor windows in the north and south elevations of Plots 1 and 2 of the development hereby permitted shall not be glazed otherwise than with obscured glass 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.
- 5) 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.
- 6) The external finishes of the development hereby permitted shall be those as stated within the application form.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for

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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.

- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

- 9) 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.

- 10) 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.

- 11) The new dwelling(s) 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.

- 12) 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

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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.

- 13) 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.

- 14) No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 15) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

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

- 17) Prior to the commencement of the development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

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

- 18) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part 1.

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

- 19) The approved lighting installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation."

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

- 20) 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 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.

11.2 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.

PLANNING COMMITTEE LIST- 23 APRIL 2014

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:- The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.
- 3 The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 4 The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 5 The applicant is advised that details of the Council's requirements for Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 6 The deposited plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes as will be required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans do not show compliance with B1 standard of the Building Regulations. Fire hydrants' provisions should also be shown on the plans.