

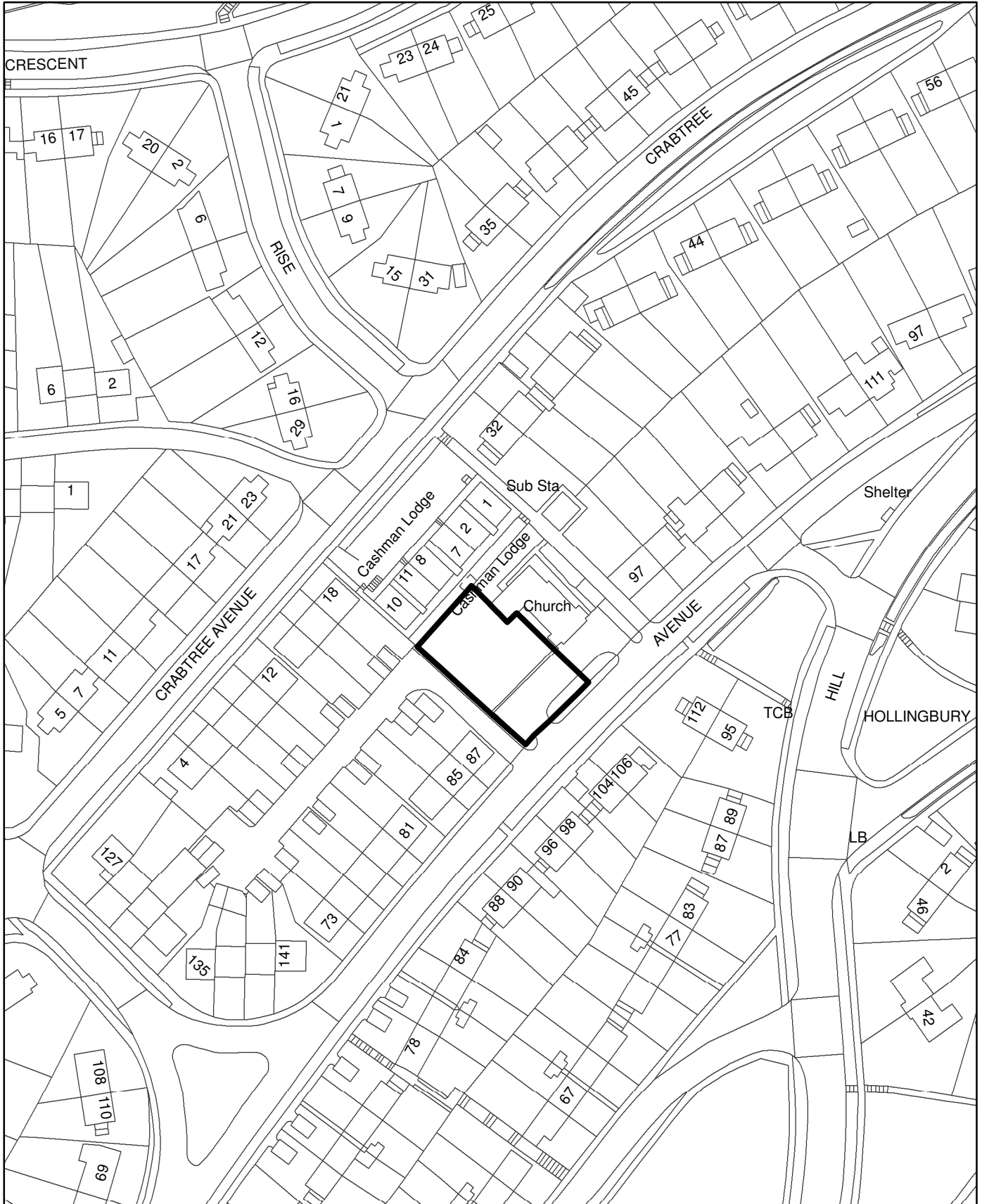
ITEM D

**Former Methodist Church, Lyminster
Avenue, Brighton**

**BH2014/01858
Full planning**

17 SEPTEMBER 2014

BH2014/01858 Former Methodist Church, Lyminster Avenue, Brighton.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2014/01858	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Methodist Church Lyminster Avenue Brighton		
<u>Proposal:</u>	Erection of 3no three bed terraced houses.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	05 June 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 July 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	RDjW Architects Limited, Quoin House, 9-11 East Park, Crawley RH10 6AN		
<u>Applicant:</u>	First Call Property Limited, 168 Church Road, Hove BN3 2DL		

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 site comprises an area of green amenity space adjacent to the Methodist Church Hall located on the north side of Lyminster Avenue, including also part of the Methodist Church Hall car park fronting Lyminster Avenue. The hall is currently occupied by a nursery. The surrounding area is formed of residential terraces and semi-detached houses set on sloping land.

3 RELEVANT HISTORY

BH2014/00426- Erection of 3no three bed terraced houses. Refused 22/04/2014 for the following reasons:

1. *Insufficient information has been submitted to demonstrate that the loss of the open space would not be harmful to the needs of the wider community or to the continued viability of the Church Hall as a community facility. This harm is considered to outweigh the benefit provided by the additional dwellings and the proposal is therefore contrary to policies QD20, HO20 & SR20 of the Brighton & Hove Local Plan.*
2. *The proposed development, by virtue of the scale, bulk and design of its roof form, represents an overly-scaled and incongruous addition that fails to reflect the positive characteristics of the street scene, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

The application is a re-submission following the above refusal and again seeks planning permission for the erection of a terrace of three 3-bedroom houses on the amenity space adjacent to the Church Hall/nursery.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Twenty six (26) letters have been received from **84 Crabtree Avenue; 18 Crabtree Avenue; 7 (x2) Friar Close; 36 Friar Road; 45, 77, 79 (x2), 81, 87, 104 (x2) Lyminster Avenue; 46 Midhurst Rise; 37 Fernhurst Crescent; 15 Hartfield Avenue; 28 Petworth Road; 71 Woodbourne Avenue; 54 Wilmington Way; 16 Birch Grove Crescent (x2); 45 Rustington Road; 11 Morecambe Road; 2 Dale Crescent; 10 Greenfield Crescent; and Unknown, objecting** to the proposed development on the following grounds:

- The church and garden have been used for church and community related activities since 1953 and was originally designed as a space for the local people. Since the Methodists left the site in 2010, the use of the building and garden continued, run by volunteers in the community
- The church use is a form of community use and the community will lose out if it is gone.
- Loss of community facilities.
- The outside space adjacent to the Church Hall is used for community events by the local community such as picnics, childrens games, summer parties, bonfire parties, scouts, fetes, table top sales. There is little other community space in Hollingbury
- The land is valuable green space. Loss of this open space and limited access to the nursery
- The remaining garden area for the Church Hall as proposed is disproportionately small compared to the capacity of the church and does not allow for community events in the same manner as existing
- The applicant has failed to demonstrate that equivalent or better facilities are located in the area. The closest community centre (Old Boat Corner) does not have the benefit of a large outdoor private area
- The site is a natural habitat for various small animals and insects, including slowworms. There are a number of garden ponds in the area.
- Loss of sunlight to the main church windows, and to the remaining small nursery garden
- The applicant's map of other community facilities in the area is inaccurate. The other facilities are not local
- The applicant does not understand the significance of the loss of this garden
- Overlooking of houses to the side and rear, including from the proposed rear raised decking, which higher than boundary fences
- Overdevelopment of the site
- Loss of views
- It is not clear how foul sewage will be managed
- A tree on the site has been removed without consultation
- Potential loss of street light
- The nursery has doubled the rents so the scouting and guiding groups can no longer afford to use the building, with the scouting group now closed. The community are now unable to use the building at all.
- Loss of vehicle visibility exiting the adjacent private access road

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Increased accident risk on Lyminster Avenue
- The development would preclude refuse and delivery vehicles accessing the private access road adjacent
- The building will still appear taller than the Church Hall and will appear overbearing
- The parking and drop off area is essential to prevent traffic and parking chaos
- Increased parking pressure from new residents and insufficient onsite parking for the church/nursery, resulting in increased highway safety issues in a narrow road

5.2 **Councillor G Theobald** has objected to the loss of the community use of the land and supports the views of the residents.

Internal:

5.3 **Policy:** No objection.

The applicant has sought to demonstrate the land is not 'urban open space' by virtue of a covenant, removed in 2013, which restricted it to an ancillary use to the Church use. They assert the land was not legally allowed to be used as open space (public or private) when the covenant was in place. The applicant then indicates there is sufficient open space surrounding the site so that the development of the site will not create a deficiency and thus will not infringe on policies QD20 or SR20. They also assert the removal of the covenant has enabled the former Chapel to be used more widely by the Community and that the former covenant was so restrictive that the land cannot be considered to fall under the heading of community facility. In addition to this the applicant indicates there is an abundance of community centres available in the area all of which have outdoor areas, therefore they argue that policy HO20 is either met or does not apply.

5.4 This land has, until now, been used in conjunction with the Church. To this extent it has been used for community activities within a single planning unit. It was identified as open space in the open space audit and included on the Submission City Plan Part 1 Schedule of Changes to the Policies Map which was subject to public consultation. No objections were received to the identification of this land as open space. The supporting text to QD20 makes it clear that urban open space does not have to be accessible to the public. Indeed it forms a finite asset for future generations and the supporting text states "development ...should only be considered after alternative open space needs have been taken into account" (paragraph 3.92). It is not therefore accepted that policies QD20 and SR20 do not apply. Similarly, a church use is widely recognised to be a community use/facility therefore it is also not accepted that HO20 does not apply.

5.5 The Open Space Study Update 2011 indicates that citywide there is a need to provide in excess of an additional 200 hectares of open space by 2026 in order to meet the needs of the future population (section 1.2). The City Plan policy CP16 and supporting text clearly set out the importance of open space and the role of existing space in helping to meet the needs of the increasing population within

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

the tightly constrained city. The loss of open space to a use that increases the need for its provision therefore needs to be very carefully considered.

- 5.6 The applicant has provided details of surrounding open spaces and community facilities. The Open Space Study Update 2011 provides two tables which provide an analysis of open space at a Ward and Sub Area level (Tables 3.2.1 and 3.2.2). The Ward of Patcham is not shown to have an overall deficiency. To this extent policy SR20 is satisfied subject to meeting QD20. The application site is not a space that would reasonably serve as a citywide 'facility'. This site could be more effectively used as a local open space and serve as an asset to future generations and the increasing population. However this should be balanced against the need for housing and potential implications for the public should this proposal be refused in view of the 'local' open space analysis.
- 5.7 At the present time there is not a five year supply of housing land as the council has not agreed a housing target with the City Plan Planning Inspector against which to identify a five year supply. As such, the proposal should be considered against paragraphs 14 and 49 of the NPPF – a presumption in favour of sustainable development. The key test for decision-taking is that 'planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
- 5.8 There is a significant objectively assessed need for housing in Brighton & Hove (18,000 -24,000 homes by 2030) to which the development proposal would contribute. This needs to be weighed up against the loss of part of a community facility and open space. In view of the information submitted by the applicant and the quantitative analysis of open space provided in the Open Space Study Update 2011 (Table 3.2.1 and 3.2.2) it is considered that on balance, in the absence of any evidence to demonstrate the land can viably be retained and enhanced as an open space since being severed from the community building, the benefits of additional housing outweigh the loss of this open space. Whilst policy QD20 seeks the provision of alternative open space regard should be given the objective of the policy taking into account the weight given to housing by the City Plan Inspector and recent appeal inspectors. In view of the development footprint, the proposed private garden space, and the previous use of this land, it is considered that on balance the objectives of policies QD20 and SR20 are satisfied.
- 5.9 Similarly, in the absence of any evidence to demonstrate the land can viably be retained and enhanced as an open space since being severed from the building which is being retained in community use, it is felt that on balance the partial loss of a community area is outweighed by the benefits of additional housing. On this basis it is considered policy HO20 is satisfied.
- 5.10 **Sustainable Transport:** No objection.
No objection subject to details of cycle parking.
- 5.11 **Environmental Health:** No objection.

5.12 **Ecology:** No objection.

From the information provided in the report it is considered unlikely that protected species (reptiles) are present on site. However, because of the anecdotal evidence of the presence of slow worms and the number of local records of reptiles, it is recommended that a precautionary approach be taken to site clearance.

5.13 Vegetation should be progressively cleared using hand tools, under ecological supervision, during the reptiles' active period (generally March to October). Once cleared, the site should be kept unsuitable for reptiles. If protected species are found, work should stop and advice should be sought from an ecologist on how to proceed.

5.14 **Access:** No objection.

5.15 **Arboricultural:** No objection.

No objection to the loss of the Holm Oak tree.

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
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- 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
- HO20 Retention of community facilities
- SR20 Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable neighbourhoods
- CP16 Open space

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of residential development on the land, the design of the building and its impact on the wider street scene, its impact on neighbouring amenity, the standard of accommodation to be provided, and sustainability and transport issues. The applicants have provided a history of the covenant on the land via a Freedom of Information request to help demonstrate their case however matters relating to covenants on land are not material planning considerations. In this instance the content of the covenant is considered relevant as background

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

information on the history and use of the site, but the presence or otherwise of the covenant does not carry weight in the determination of the application.

8.2 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. The specific impacts of the development are considered fully below.

8.3 **Background:**

The Methodist Church Hall was constructed in 1952 and was used as such until 2011 when the Methodists vacated and the site was placed on the market. The Hall and grassed land adjacent operated as a single entity and was subject to a covenant which restricted its use to a church hall, church or chapel or ancillary use to the Methodist church. Upon vacation, the covenant was relaxed in 2012 by the Council to allow a nursery to occupy the building and land immediately to the front, northeast and northwest.

8.4 The revised covenant now excludes the main area of grassed land to the southwest of the building and the car park space in front, the subject of this application. In relaxing the covenant the Council argued that the use of the building by community groups was effectively in breach of the previous covenant, and by removing this restriction the Council was protecting the future of the building for community use. In reaching this decision the Council judged that the potential loss of the grassed area (the subject of this application) had to be balanced against the potential closure and loss of the church hall together with all community use. Matters relating to the future use of the grassed land would then be addressed through the planning process. The new covenant grants lease of the church hall and the land immediately to the front, northeast and northwest to the nursery provided the owner allows the sharing of the site with community groups at modest rates.

8.5 **Principle of Development:**

In assessing the merits of this application consideration should be had to the nature of the current use of the grassed land and its degree of value to the local community, and its importance to the viability of the Church Hall. Such considerations should then be balanced against the absence of a five year housing supply and the subsequent requirement for new housing development to be considered against paragraphs 14 and 49 of the NPPF.

8.6 In planning terms, the site as existing forms part of the wider Church Hall site (Use Class D2), currently occupied as a childrens nursery with associated parking to the front. The application site relates solely to the 480sqm area of

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

grassed land to the west of the building and the parking area to the front, with the Church Hall and its use to remain as existing. As the grassed land is considered to form part of the wider D2 use of the site in planning terms, its release for alternative uses must be considered against both policy HO20 of the Brighton & Hove Local Plan and paragraph 70 of the NPPF. Policy HO20 accepts the loss of community facilities when the use is replaced within a new development, is relocated to a location which improves its accessibility to its users, when existing nearby facilities are to be improved to accommodate the loss, or where it can be demonstrated that the site is not needed for community use. Paragraph 70 of the NPPF advises that against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 8.7 The grassed land also forms urban open space protected under policy QD20, and is included as open space in the proposals map for the submission City Plan Part One. Policy QD20 resists the loss of areas of public or private open space that are important to people because of their recreational, community, social or amenity value (amongst others). The supporting text to QD20 advises that urban open space does not necessarily have to be accessible to the public and that the loss of an area of open space important to people will only be considered in exceptional circumstances. If not considered important open space, development will be permitted where there are no alternative open space needs in the area, or the area is not suitable to meet alternative open space needs. To a lesser degree the site forms public and private outdoor recreational space therefore policy SR20 also applies. Policy SR20 advises that the loss of such space should be considered against the tests of policy QD20, including amongst others that there is not a deficiency of outdoor recreational space in the area.
- 8.8 In this instance the grassed land forms urban open space under private ownership, previously by the Methodist Church, now by the applicants. The land is constrained by its limited 480sqm area, its private ownership, and by being fenced on all sides. Historic use of the land by the local community appears to have been both in connection to, and with the agreement of, the church, with this use continuing since the Methodist Church vacated the hall in September 2010. During this time the hall was closed for a period of time to be upgraded, with a nursery subsequently occupying the building on a long lease in November 2013 under the terms of the revised covenant. The applicants have advised that a church group also uses the hall once a month. The active use of the building by a nursery demonstrates that the church hall can viably function without the need for the grassed area to the southwest side.
- 8.9 Residents have highlighted that the outside space is valued in their community and is used for community events such as picnics, childrens games, summer parties, bonfire parties, scouts, fetes and table top sales. This is supported by photographic records submitted by the residents. The applicants argue that the terms of the previous covenant meant that the community technically has never had the right to use the land. Notwithstanding this, it is clear from the representations received that the land has been operating for the benefit of the community for many years, with or without the relevant consents. On this basis

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

the site is considered urban open space with a degree of recreational, community, social and amenity value.

- 8.10 Residents have also highlighted that this space is the only such suitable space in the immediate area which serves their needs. The applicants contend that there are suitable community facilities with accompanying open space in the wider area, including Old Boat Community Centre, Hollingdean Community & Childrens Centres, Patcham Community Centre, and Hollingbury, Carden and Withdean parks.
- 8.11 The Open Space Study Update 2011 identifies a surplus of open space in the Patcham ward, although much of this is at or close to the urban fringe. In the immediate vicinity of the site the open space allocations in the proposal map for the submission City Plan Part One show only grass verges and small patches of steeply sloping open land. The nearest usable public open space is at the Old Boat Community Centre and Carden Park at the bottom of Carden Hill to the north (an approximate 10min walk). Residents have provided a newspaper article which warns that the Old Boat Community Centre is at risk of closure, however there is no indication that this is necessarily inevitable or imminent. In any case the closure of the building itself would not preclude persons using the substantial public land adjacent within Carden Park.
- 8.12 In this instance it is not considered that the grassed land is vital to the viability of the church hall as a nursery or other community facility. There is no doubt that the land is valued by the local community, however its broader value and usability is somewhat limited by virtue of its size, private ownership, and by being fenced on all sides. The land does not provide a recreational space used on a regular basis in the manner of a small park or playground and there is no indication that its use by the community is anything other than occasional. Further, its small size and minimal planting do not provide for a high quality amenity space that has a positive impact on the general qualities of the street. In the event the land is developed, the recreational needs of the wider community would still be met in the form of larger recreational spaces at Carden Park at the foot of Carden Hill, albeit a 10 minute walk downhill, and elsewhere in the wider area.
- 8.13 In light of the above the value the land has to the immediate local community must be balanced against the benefit of the development in providing housing for the city. Given the absence of a five year housing land supply the provision of housing as part of this submission carries significant weight and is considered to outweigh the benefits of retaining the open space, which are restricted by virtue of its limited size, amenity value, and use. On this basis the loss of the grassed land is considered acceptable having regard policies HO20, QD20, SR20 of the Brighton & Hove Local Plan.
- 8.14 **Design and Appearance:**
The street scene to the immediate southwest of the site is formed of terraced houses with gable ends, each stepping with the rise in street level. Hip roofed semi-detached houses sit opposite on higher ground level, with further hip roofed semi-detached houses beyond the Church Hall to the northeast of the site. To the

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

rear is a two storey terrace set between pairs of semi-detached houses, all on lower ground level to the site.

8.15 As previous, the application proposes a residential terrace formed of three houses stepping with the gradient of the street, to be completed in brick with tile hanging. It is considered that the site can accommodate three dwellings set in a terrace, subject to the overall scale and form of the buildings complementing the general character of the area.

8.16 The previous scheme was refused in part owing to the excessive scale and massing of the terrace, in particular owing to its roofline that was significantly taller than the surrounding buildings. The terrace has now been amended with its overall height and massing reduced to be more proportionate to the existing dwellings in the area. In particular, the ridge line of the terrace has been reduced so the buildings now step in line with the street, whilst gable ends have been included rather than hips to reflect the gable ended terraces of similar appearance adjacent to the southwest. As a result of these amendments the terrace would now sit more comfortably in scale and appearance with the residential character of the street. Although the terrace would sit in close proximity to the Church Hall, it is not considered that its dominating relationship is of sufficient harm to override the positive aspects of the proposal in terms of its overall design and delivery of additional housing units. For these reasons the proposed development is considered to represent an appropriate addition to the street in accordance with policies QD1 and QD2 of the Brighton & Hove Local Plan.

8.17 Ecology and Landscaping:

The plans detail that the site will be predominantly lawned, with raised decking to the rear and a hardstanding to the front for vehicles. Subject to a condition requiring further details of materials, boundaries and planting, the proposed landscaping would accord with policy QD15 of the Brighton & Hove Local Plan.

8.18 Residents have stated that slowworms are on the site. The applicants have provided a preliminary ecological appraisal which identifies no immediate signs of protected species being present. The County Ecologist is of the view that risk to protected species is unlikely but has recommended that site clearance be handled sensitively as a precaution. This is set out in an informative.

8.29 **Standard of Accommodation:**

The proposed dwellings would have three-bedrooms and be of a good size with each room being of a good size with access to natural light and ventilation. Each unit would be serviced by a rear garden proportionate to those in the area to comply with policy HO5, whilst a condition is recommended to ensure the development meets lifetime homes standards in accordance with policy HO13. It is noted that the garden to the eastern house directly abuts the Church Hall, with two first floor windows directly overlooking. Although not an ideal arrangement, in this instance given the use of the Church Hall it is not considered that any harm from overlooking would be so significant as to warrant the refusal of permission.

8.20 **Impact on Amenity:**

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 8.21 The main concern is the impact of the development on the amenities of adjacent occupiers, particularly those on lower ground to the rear and adjacent to the south. The proposal would have no discernable impact on properties opposite and beyond the Church Hall to the north.
- 8.22 To the rear, 1-12 Cashman Lodge sits on significantly lower ground level at a separation of 25m from the rear elevation of the development. Owing to the sloping site the rear terrace to each dwelling would sit broadly level with the first floor windows to Cashman Lodge at a separation of 22.5m. It is noted that a solid fence would replace the existing mesh fence between the sites, however given the position of the boundary 5m from Cashman Lodge, it would only serve to protect the amenities of the ground floor flats. The raised position of the terrace would introduce elevated views across to the first floor flats at Cashman Lodge however at the distance proposed such views would be generally limited and not significantly harmful. Although views from the elevated outside amenity space would be more prolonged and imposing on residents of Cashman Lodge, this would not be so significant at the distance proposed to justify the refusal of permission. Similarly, although the terraces would afford views to the southwest, such views would be across the adjacent access road and over rear gardens, rather than directly into windows and no significant amenity harm is identified. For these reasons the proposed development would not result in a significant or harmful loss of amenity, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.23 **Sustainable Transport:**
Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.24 The proposal will provide onsite parking for each dwelling with no bicycle storage detailed. The provision for onsite parking (one space per dwelling) meets the maximum standards set out in SPGBH4. The Sustainable Transport officer has raised no objection subject to a condition requiring details of cycle parking facilities. No contribution towards sustainable transport infrastructure in the vicinity of the site is required in this instance.
- 8.25 Residents have identified that the position of boundary walls to the front west corner of the site would preclude delivery and refuse vehicles from accessing the garage compound adjacent to the site, as vehicles currently need to overpass the kerb and footway. The plans indicate that the front boundary wall would be located within the application site and approximately 1m from the edge of the adjacent access road. From the site visit the marks from wheels would be located close to the edge of the proposed wall, however there remains sufficient space for vehicles to make the turn if so required.

8.26 Further concern has been raised at the loss of parking for the Church Hall, which would be reduced to a small area to the front of the building only. Although street parking is common in the area given the absence of driveways to most properties, it is considered that there is sufficient space to accommodate the needs of the Hall in the wider area. There is no evidence that the proposed parking arrangement for the dwellings and Church Hall would be unduly dangerous, with visibility in both directions appropriate for a residential area. For these reasons the proposal accords with policies TR1, TR7, TR14 & TR19 of the Brighton & Hove Local Plan.

8.27 Sustainability:

The site forms previously developed brownfield land by virtue of its historic connection with the use of the Church Hall. Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that residential developments of this size on previously developed land should achieve Level 3 of the Code for Sustainable Homes (CSH).

8.28 The application is supported with a Sustainability Checklist which details that all 3 properties will meet level 3 of the Code for Sustainable Homes. This is secured by condition along with full details of refuse and recycling facilities, which are shown indicatively to be placed to the front of the site.

9 CONCLUSION

9.1 Whilst the value of the land to the local community is fully appreciated, given the absence of a five year housing land supply the provision of housing as part of this submission carries significant weight and is considered to outweigh the benefits of retaining the open space, which are restricted by virtue of its limited size, amenity value, and use. The design of the proposed dwellings would complement the appearance of the street without significant harm to neighbouring amenity or to highway safety, in accordance with development plan policies.

10 EQUALITIES

10.1 The development is required to meet Lifetime Homes standards

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
Existing site plan and block	4417-001	A	05/06/2014

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

plan			
Proposed site plan and block plan	4417-002	B	05/06/2014
Proposed site plan	4417-003	C	05/06/2014
Proposed floor and roof plans	4417-004	B	05/06/2014
	4417-005	B	05/06/2014
	4417-006	D	25/06/2014
Proposed street scene	4417-007	D	25/06/2014
Proposed elevations	4417-008	D	25/06/2014
	4417-009	B	25/06/2014
	4417-010	C	05/06/2014
	4417-011	C	25/06/2014
Proposed sections	4417-012	A	05/06/2014

- 3) Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling 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.

11.2 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 5) 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.
- 6) 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.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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) 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.

- 8) 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.

- 9) 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.

11.3 Pre-occupation conditions:

- 10) 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.

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 COMMITTEE LIST- 17 SEPTEMBER 2014

Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

Whilst the value of the land to the local community is fully appreciated, given the absence of a five year housing land supply the provision of housing as part of this submission carries significant weight and is considered to outweigh the benefits of retaining the open space, which are restricted by virtue of its limited size, amenity value, and use. The design of the proposed dwellings would complement the appearance of the street without significant harm to neighbouring amenity or to highway safety, in accordance with development plan policies.
3. The applicant is advised that a precautionary approach should be taken to site clearance as there has been anecdotal evidence of slow worms and other protected reptiles in the area (although none have been directly identified as being present onsite). Vegetation should be progressively cleared using hand tools, under ecological supervision, during the reptiles' active period (generally March to October) and once cleared, the site should be kept unsuitable for reptiles. If protected species are found, work should stop and advice should be sought from an ecologist on how to proceed.