

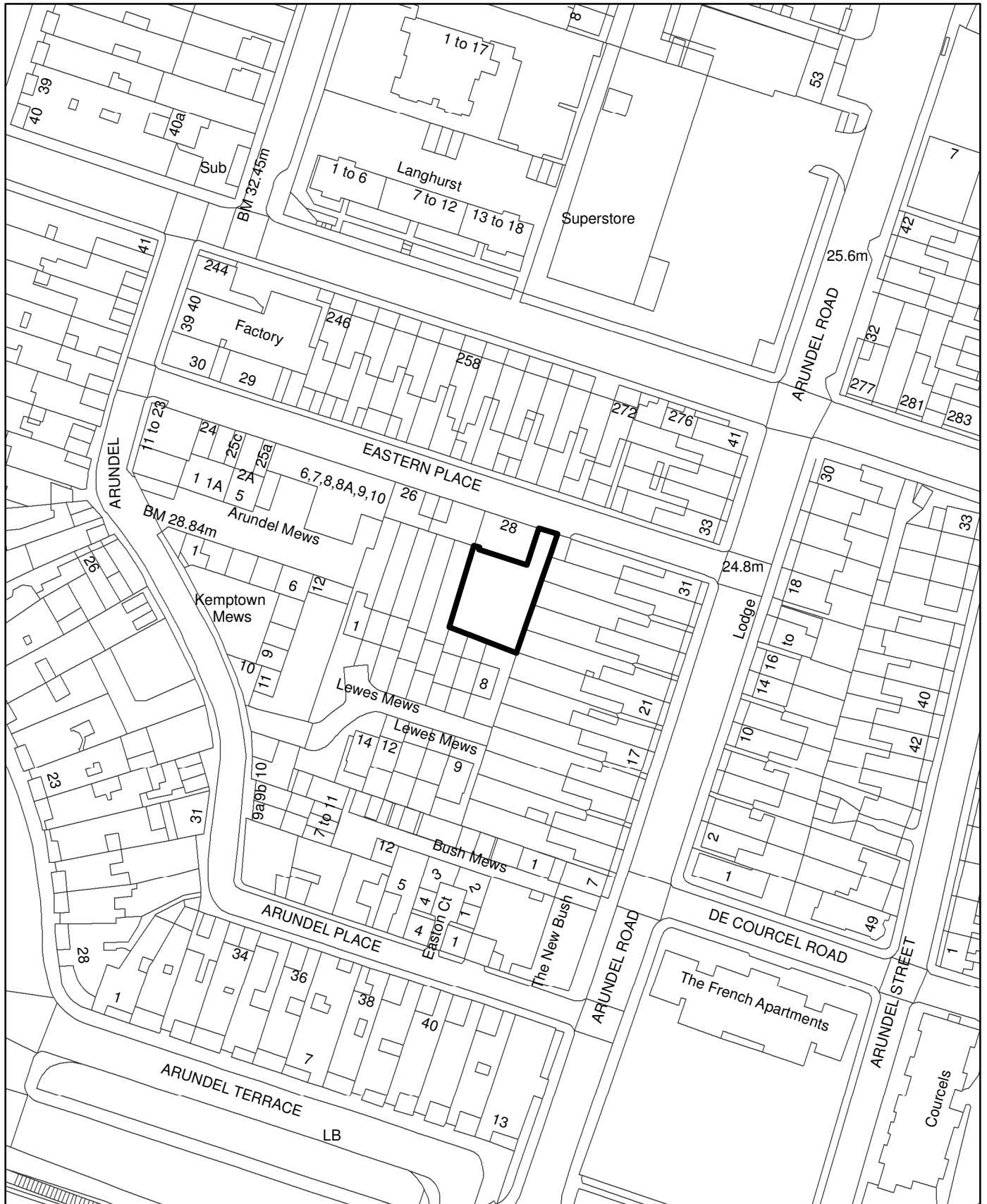
# **ITEM G**

**Land to Rear of 28 Eastern Place, Brighton**

**BH2014/01956**  
**Full planning**

**08 OCTOBER 2014**

# BH2014/01956 Land to Rear of 28 Eastern Place, Brighton



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/01956</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to Rear of 28 Eastern Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no four bedroom dwelling.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	24 June 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19 August 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Meloy Architects, 14 Whichelo Place, Brighton BN2 9XF		
<b><u>Applicant:</u></b>	Mr Christopher Pearce & Mrs Lucy Lauener, 28 Eastern Place Brighton BN2 1GJ		

## 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 relates to a vacant scaffolders yard located to the rear (south) of 28 Eastern Place, there are currently no structures on the site. The site is circa 1.8m lower than Eastern Place and is accessed to the side of 28 Eastern Place. 28 Eastern Place is a 2/3 storey (including basement) end of terrace property which appears to be in use as a live/work unit. The site is bounded to the west by a wall which is circa 3.2 to 4m high. To the south is a row of relatively modern 3 storey terraced properties which have a small private amenity space of circa 5m in depth. To the east of the site are pairs of two storey semi detached properties fronting onto Arundel Road, set within modest plots with garden lengths of circa 19m.

## 3 RELEVANT HISTORY

**BH2010/00119** - Erection of 3no two bedroom dwellings (C3) and 1no commercial unit (B1). Refused 6 March 2014. The reasons for refusal were as follows:

1. The proposed development, by reason of its, height, scale and design would result in an un-neighbourly form of development detracting from the amenity currently enjoyed by the occupiers of the adjoining properties in Lewes Mews by virtue of an overly dominant and overbearing impact and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.
2. The proposal, by reason of its inappropriate form, roof material, fenestration proportions and siting, restricted plot sizes and excessive site coverage, fails to demonstrate a high standard of design characteristic to the area or make a positive contribution to the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**BH2013/01251** - Erection of 4no two bedroom dwellings and 1no commercial unit. Refused 6 September 2013. The reasons for refusal were as follows:

1. The proposal, by reason of its inappropriate form, roof material, elevation treatment, architectural detailing and plot size, fails to demonstrate a high standard of design characteristic to the area or make a positive contribution to the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The applicant has failed to demonstrate that the proposed development would provide a suitable level of amenity for the future occupiers of the site in relation to outlook and levels of daylight as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development would result in an un-neighbourly form of development which would result in a detrimental impact upon the amenity of the adjoining occupiers by virtue of loss of outlook and overbearing impact, over-dominance and visual intrusion, the applicant has also fail to demonstrate that the proposal would not result in adverse loss of daylight to the adjoining properties in Lewes Mews contrary to policy QD27 of the Brighton & Hove Local Plan.

This application is currently subject to an appeal (AA/Q1445/A/14/223461).

**BH2012/03482** Replacement of metal windows with timber double doors with associated alterations to form obscured glass Juliette balconies to rear elevation. (Retrospective) Approved 09/04/2013

**BH2012/02179** Replacement of metal windows with timber double doors with associated alterations to form Juliette balconies to rear elevation. (Retrospective). Refused, 21/09/2012.

**73/205** Erection of 17 private dwelling houses and access road. Refused, 13/02/1973.

**56/1475** Use of premises for light industry. Approved. 29/05/1956.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of 1no four bedroom dwelling. The dwelling would be 10.8m in width, 8.8m in depth and up to a maximum of 5.5m in height with a flat roof. The dwelling would be finished in a dark stained timber cladding with deep aluminium windows and glazed doors. There would be a brown roof with five centrally sited rooflights and a panel of solar thermal tubes. Private amenity space would be provided to the south and west of the dwelling. Access would be from Eastern Place via a ramped entrance.

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

##### **External**

- 5.1 **Neighbours: Fourteen (14)** representations have been received from the occupiers of **Nos. 2, 3 (x2), 4 (x2), 5 (x2), 8, 11 (x2)** and **12 Lewes Mews** and **Nos. 25, 27 and 29 Arundel Road** objecting to the scheme on the following grounds:

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- Significant loss of privacy, light and outlook,
- Visual intrusion,
- Overbearing impact,
- Inaccuracies in daylighting study for the previously refused application,
- Lack of consultation from the applicant in relation to adjoining properties,
- No daylighting study for the properties on Arundel Road,
- Lack of consultation between developers and adjoining properties,
- The plans are inaccurate and do not show the full representation of the existing boundary treatment,
- The applicant should be providing single storey B1 workshops which would provide employment for the area.
- The design is not in keeping with the area,
- Increased parking pressure,
- The land is contaminated,
- The site should be considered B8 and not sui generis and as such the loss of this use is contrary to policies EM3 and EM5.
- Eastern Place is not suitable for heavy goods vehicles over 5 tonnes,
- An overshadowing study has not been submitted,
- The existing brick wall on the west boundary is owned by 5 Lewes Mews and should not form part of the residential boundary.

5.2 **Nine (9)** representations have been received from the occupiers of **Nos.27, 252 (x2), 258, 260, 262 and 268 (x2), Eastern Place** and **Baldwins, Keymer Road, Keymer supporting** the application on the following grounds;

- Improved use compared to the scaffolding yard,
- Will help the housing shortage within Brighton & Hove,
- Improved visual impact compared to the existing empty site,
- The design will encourage wildlife and biodiversity.
- Contemporary design appropriate within this diverse Kemp Town area.

### **Internal:**

5.3 **Environmental Health: No objection**

The application seeks the erection of one four bedroomed dwelling to the rear of 28 Eastern Place, Brighton. The proposal is to redevelop what is effectively a brownfield site. Adjacent to the application site are a number of uses which are listed as potentially contaminated land due to their former uses and the potential to have caused localised contamination. These are:

- 1956 to 1974, Precision engineers located at 28 Eastern Place
- 1908 to 1914 – Laundry use at 23 Arundel Road
- 1955 Former depot site to the Western boundary.

5.4 It is therefore appropriate to consider a discovery strategy to ensure that any accidental or unexpected findings during construction maybe dealt with in a structured and ordered manner.

5.5 Additionally, given the proximity of the housing, a construction and environmental management plan may be appropriate. This will place the onus

on the developers to limit disturbance to neighbours and may be secured through the section 106 process.

**Sustainable Transport: No objection.**

5.6 Pedestrian and Vehicle Access

The applicant is proposing a shared access road with the existing vehicle crossover for both pedestrians and vehicles. This arrangement is acceptable for this size of development (one dwelling).

The Highway Authority does note that there is a raised kerb running across the southern footway a few metres east of the site access. This kerb is part of a nearby crossover is unnecessary and obstructs access to and from the site for pedestrians including wheel chair users and those less ambulant. It is requested that the applicant removes the kerb and liaises with the City's Network Coordination team regarding the levelling of the footway. The below condition is recommended to be attached to ensure that the site is fully accessible for all pedestrians.

5.7 Car Parking

The proposed car parking arrangement is acceptable and condition 1 is recommended to be attached.

5.8 Cycle Parking

The proposed cycle parking store is adequate for a development of this size and condition 2 is recommended to be attached.

5.9 Trip generation/ Financial contributions comment

The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

5.10 **Access Officer:** Approach to the houses from the public highway should be level or gently sloping. The ramp in this case is at an unacceptably steep gradient (around 1:10 stated), however, there is level access from the car parking space to the house.

5.11 **Arboriculture:** There is no vegetation on the site itself with the exception of one ivy clad wall. In a garden to the south east of the site and partially overhanging the site is a Leylandii. This is at some distance from the proposed new property and given the brick wall and concrete flooring in this vicinity, should not be affected by the proposed development.

5.12 Should either of the above species need to be clipped back to the boundary prior to development commencing, the Arboricultural Section would have no objection.

Overall, the Arboricultural Section has no objection to the proposals in this application.

## **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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites

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QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

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

### Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications and sustainability.
- 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.

### **Planning History**



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- 8.3 This application follows two previously refused schemes for both residential and a commercial unit on the site. The most recent of these schemes proposed a building with three, two storey residential units and a single story commercial unit adjoined to the rear of No.28 Eastern Place (BH2014/00119). The proposal was considered unacceptable and was refused in March 2014 for the following reasons,

*1. The proposal, by reason of its inappropriate form, roof material, fenestration proportions and siting, restricted plot sizes and excessive site coverage, fails to demonstrate a high standard of design characteristic to the area or make a positive contribution to the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*

*2. The proposed development, by reason of its, height, scale and design would result in an un-neighbourly form of development detracting from the amenity currently enjoyed by the occupiers of the adjoining properties in Lewes Mews by virtue of an overly dominant and overbearing impact and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.*

- 8.4 This application is currently subject to an appeal (AA/Q1445/A/14/223461).

- 8.5 The applicant has attempted to address the reasons for refusal by proposing a single residential dwelling on the site, by relocating the development further away from the boundaries of the site and the rear of No.28 Eastern Place and by altering the design, detailing and materials.

### **Principle:**

- 8.6 The principle of the development has been accepted in the two previously refused applications as set out below.

- 8.7 The lawful use of the site is as a scaffolders yard, which has been in situ for over 30 years. The site was used for the storage and distribution but also the repair and maintenance of the scaffold, and as such the site would be classed as a sui generis use. Local Plan Policy EM3 seeks the retention of industrial land (use classes B1, B2 and B8), whereby the site would only be released if it could be demonstrated that the site was unsuitable for modern employment needs. As the existing lawful use is not considered to fall within either a B1, B2 or B8 use class there is no policy presumption against the loss of employment floorspace. A residential use is an appropriate use which would add to the existing housing stock within the city. The principle of the proposed development on the site is therefore considered acceptable.

### **Design:**

- 8.8 Policy QD3 of the Local Plan seeks the most efficient and effective use of sites, whilst policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

- 8.9 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height,

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scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

- 8.10 Whilst the contemporary, flat roofed design approach of the previously refused scheme was considered acceptable in principle, the overall site coverage of the development was considered excessive, the individual plots too cramped and the proposed use of materials and detailing inappropriate.
- 8.11 The proposal has been reduced in scope and scale in comparison to the previously refused scheme. The mixed use scheme has been replaced with a single detached residential dwelling with private garden. Whilst the general, two storey, flat roofed form would be retained it would be sited 1.2m further away from the east boundary and 2m further away from the south boundary in comparison to the previously refused scheme. The building would be detached from No.28 Eastern Place, with a set back of 4.2m from the rear of this building. The height of the building would remain unchanged.
- 8.12 The detached design and increased separation from the site boundaries has reduced the overall site coverage significantly and as such the overall plot coverage and extent are considered to be acceptable in the context of the existing neighbouring development and would not result in an overly cramped form of development.
- 8.13 By separating the development from the rear of No.28 Eastern Place the proposal appears as a coherently designed building in its own right, rather than as a substantial extension to the existing property. The 4.2m space between the proposed dwelling and rear elevation of No.28 Eastern Place creates a significant visual gap and minimises the visual impact of the proposal with the site.
- 8.14 The part rendered, part timber clad finish of the previously refused scheme in conjunction with the tall and narrow fenestration that partially spanned ground and first floor levels resulted in a somewhat awkward and top heavy appearance. As revised, the proposed contemporary dwelling would have a more balanced and coherent appearance. The elevations would all be finished in a dark stained timber other than a rendered wall adjoining the newly created rear yard to No.28 Eastern Place. The extensive use of full height aluminium glazing and sliding doors at ground floor level in addition to the deep windows at first floor levels serve to break up the bulk of the building and provide an acceptable level of visual interest.
- 8.15 Whilst the timber cladding and the brown roof would not be characteristic materials within the immediate vicinity, in the context of this detached, contemporary design which is considered to be appropriate in regards to form, design, scale and plot coverage it is not considered to detract significantly from the overall appearance and character of the building or the wider locality. Whilst the proposal would be partially visible in views from the north east it is set well back from the street frontage and a significantly lower ground level and as such is not considered to result in any significant harm to the visual amenity of the Eastern Place streetscene.

In conclusion, the development is considered to provide a suitable standard of design and appearance for new development within this location.

**Impact on Amenity:**

Neighbouring occupiers

- 8.16 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.
- 8.17 The previously refused application was considered to be an un-neighbourly form of development resulting in an overly dominant and overbearing impact and visual intrusion to the properties to the south in Lewes Mews.
- 8.18 In the current application the south elevation of the building would be sited 2m further to the north with an increased separation of 1.2m from the eastern boundary in comparison to the previously refused scheme. Whilst the overall height of the building remains unchanged the bulk and mass of the development has been shifted a significant distance from the rear elevations of the properties in Lewes Mews and as such is considered to have overcome the previous concerns relating to the overly dominant and overbearing impact and visual intrusion that could have resulted from the positioning and scale of the building previously proposed. Whilst it is acknowledged that the southern elevation would still appear as blank featureless façade there is considered to be sufficient separation from this properties to mitigate against any significant detrimental impact and would not result in a harmful sense of enclosure.
- 8.19 A daylighting report was submitted as part of the previous application, assessing the impact of the proposed development upon the three closest adjoining properties to the south, Nos. 6, 7 and 8 Lewes Mews. Assessed under BRE guidance it was not considered that the loss of daylight to the rear elevations of the adjoining properties on Lewes Mews would be so significant as to warrant refusal. The increased separation between the current proposal and the rear elevations of the properties on Lewes Mews would reduce this impact even further. Furthermore, these properties are sited due south of the proposal and there would not be any significant loss of sunlight to these properties.
- 8.20 The two previously refused proposals were not considered to have a significantly detrimental impact upon adjoining properties in regards to overlooking. The current proposal is similar to the two previous proposals in that there is only fenestration to the east and west facing elevations at first floor level. The main first floor windows would be set in 1m from the external facades and would serve the four bedrooms. There would also be narrow secondary windows sited to the far ends of these elevations. There would be no direct views into the rear elevations of adjoining properties, other than to the dwellings on Arundel Road which are over 23m away and whilst there would be views into adjoining gardens there is already significant existing overlooking to these gardens as you would expect within a city location with a tight urban grain and the proposal would not warrant refusal on these grounds.

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8.21 Whilst the proposal would result in a degree of loss of light and outlook and visual intrusion to No.28 Eastern Place this property is sited at a higher ground level and only partially in residential use and as such the proposal is not considered to have a significantly harmful impact upon the amenity currently enjoyed by the occupiers of this property.

### Future Occupiers

8.22 Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account.

8.23 The application proposes adequate private amenity space to the south and west of the dwelling. The proposed layout is acceptable in regards to room types and sizes with adequate levels of outlook and natural light levels throughout and the application is acceptable in this regard.

8.24 Policy HO13 requires new residential dwellings be built to lifetime home standards. The Planning Statement advises that the dwelling has been designed to meet lifetime home standards and this is apparent on the proposed floorplans. The plans clearly show that the dwelling can be adapted to meet the needs of people with disabilities without major structural alterations. On this basis the proposal is considered to comply with the overall aims of policy HO13.

8.25 The access to the site would be resurfaced with the gradient reduced from 1:6 to 1:10 and would improve access to the site for pedestrians.

### **Sustainable Transport:**

8.26 Policy TR1 of the Local Plan requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.27 The applicant is proposing a shared access road with the existing vehicle crossover for both pedestrians and vehicles. This arrangement is acceptable for this size of development (one dwelling).

8.28 It is noted that there is a raised kerb running across the southern footway a few metres east of the site access. This kerb, which is part of a nearby crossover is unnecessary and obstructs access to and from the site for pedestrians including wheel chair users and those less mobile. As such a condition is recommended that the part of the pavement is levelled to ensure that the site is fully accessible for all pedestrians.

8.29 The proposed car parking arrangement is in accordance with SPGBH4 – Parking Standards and is considered acceptable.

The proposed cycle parking store is adequate for a development of this size and the proposal is acceptable in this regard.

- 8.30 The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

**Sustainability:**

- 8.31 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. The dwelling provides an acceptable level of natural light and ventilation and makes provision for features such as cycle and refuse stores. SPD08 – Sustainable Building Design requires new dwellings on previously developed land to meet Code Level 3 of the Code for Sustainable Homes (CSH). The sustainability checklist confirms that the proposed dwelling will meet Code Level 3 and the proposal is acceptable in this regard.

**Environmental Health:**

- 8.32 Given the previous use of the site the Environmental Health Officer has requested that a full land contamination condition is applied to the scheme which could be secured by condition. Given the compact and tight nature of the site a Construction Environment Management Plan is also considered appropriate in this instance.

**9 CONCLUSION**

- 9.1 The development would make efficient and effective use of the site and would have no significant adverse impact upon the character and visual amenity of the site or the wider surrounding area. The development would provide a dwelling with an acceptable standard of accommodation and without significant detriment to neighbouring amenity or highway safety.

**10 EQUALITIES**

- 10.1 None.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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.

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Plan Type	Reference	Version	Date Received
Site location plan	0143/PA/100		24 June 2014
Existing and proposed block plans	0143/PA/101		13 June 2014
Plan as existing	0143/PA/102		13 June 2014
Elevations as existing	0143/PA/103		13 June 2014
Site layout plan	0143/PA/200		13 June 2014
Proposed ground floor plan	0143/PA/201		24 June 2014
Proposed first floor plan	0143/PA/202		24 June 2014
Proposed north and east elevations	0143/PA/203		13 June 2014
Proposed south and west elevations	0143/PA/204		13 June 2014
Proposed sections AA and BB	0143/PA/205		13 June 2014
Detail façade section and elevation	0143/PA/206		24 June 2014
Datum survey land levels	7359		13 June 2014

- 3) Access to the flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse 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.
- 5) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to

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and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- 8) 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.

### Pre-Commencement Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no 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 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.

- 10) 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.

- 11) No development shall take place until details of the construction of the brown roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 12) No development shall take place until samples of the materials 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.

- 13) Prior to the commencement of the development, details of a scheme of works to remove the raised kerb running across the southern footway east of the site entrance to create an accessible footway and route to the proposed dwelling are to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 14) 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.

- 15) No development shall take place until a Constructional Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate contractor or similar scheme.)
  - b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site.
  - c) details of hours of construction including all associated vehicular movements.
  - d) details of the construction compound.
  - e) a plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP. **Reason:** In the interests of highway safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

### Pre-Occupation Conditions:

- 16) Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post



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Construction Code Certificate issued by an accreditation body confirming that the residential unit 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.

- 17) 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.

- 18) 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.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The development would make efficient and effective use of the site and would have no significant adverse impact upon the character and visual amenity of the site or the wider surrounding area. The development would provide a dwelling with an acceptable standard of accommodation and without significant detriment to neighbouring amenity or highway safety.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council approved Manual for Estate roads and under licence from the Highways Operations Manager. The

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applicant should contact the Network Co-ordination Team (01273 293 366).