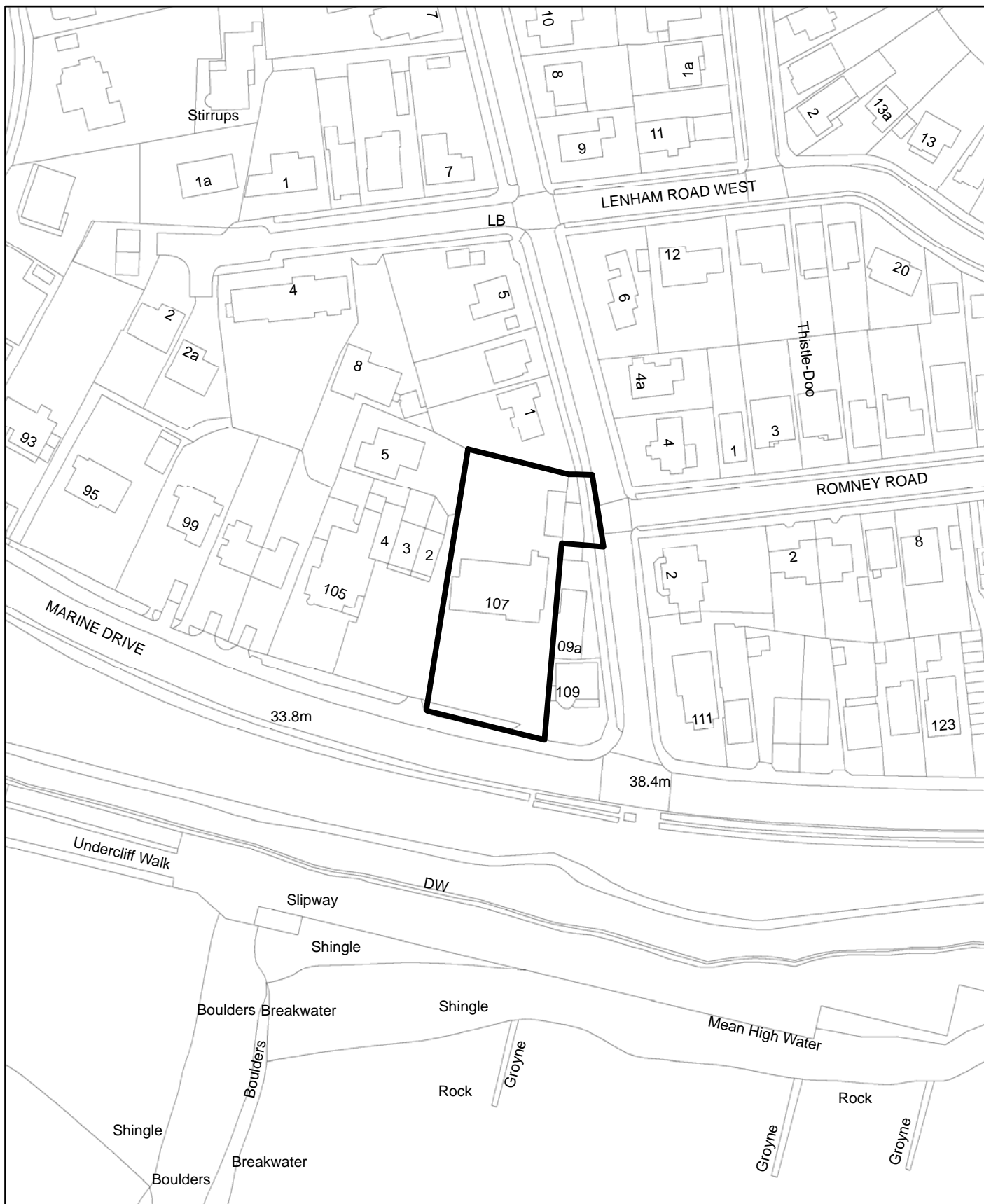


ITEM C

**107 Marine Drive, Rottingdean
BH2015/01745
Full Planning**

13 July 2016

BH2015/01745 107 Marine Drive, Rottingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

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|--------------------------------------|---|----------------------------|----------------------------|
| <u>No:</u> | BH2015/01745 | <u>Ward:</u> | ROTTINGDEAN COASTAL |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 107 Marine Drive Rottingdean Brighton | | |
| <u>Proposal:</u> | Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage. | | |
| <u>Officer:</u> | Wayne Nee Tel 292132 | <u>Valid Date:</u> | 26/05/2015 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 21 July 2015 |
| <u>Listed Building Grade:</u> | | | |
| <u>Agent:</u> | Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA | | |
| <u>Applicant:</u> | PVJ Developments Ltd, C/O Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA | | |

At the meeting on 27 January 2016 the Committee resolved that it was Minded to Grant the application subject to a s106 agreement requiring a sustainable transport contribution. The engrossed unilateral undertaking was not received until after the adoption of the City Plan Part One therefore it falls that the application must be re-considered against the new development plan for the City prior to any formal decision being issued. This report has been updated accordingly to reflect the new policy framework set out in the City Plan Part One, principally policy CP20 on affordable housing.

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a plot of land located on the northern side of Marine Drive, close to the junction with Chailey Avenue. The pre-existing detached property (now demolished) was of chalet bungalow style that had been substantially extended in the past, at the rear and at roof level. The site has boundaries fronting Marine Drive and Chailey Avenue, but the actual corner itself comprises two adjacent dwellings outside of the site boundary (nos. 109 and 109A Marine Drive). Vehicular access to the site is from Marine Drive.

- 2.2 No. 109 Marine Drive is set to the east of the application site. This neighbouring property has limited space to the side and rear of the dwelling. No. 109A is located immediately to the north of 109 and abuts the boundary with 107.
- 2.3 The site is elevated above Marine Drive and as a result the property has a wall at the pavement edge to address the level change. The related part of Marine Drive is sited on a slight west to east gradient, which is reflected in the heights of the properties. In addition the application site is located at a significantly higher level than that related to no. 105 to the west. No. 1 Chailey Avenue to the north is located at a higher level than the site due to the presence of a slight south to north gradient.
- 2.4 An established hedge and fencing is located along the western and northern boundaries of the site. The southern most section of the eastern boundary adjoins nos. 109 and 109A Marine Drive and comprises walls of various heights whilst the northern section faces directly onto Chailey Avenue and comprises fencing, the height of which reflects the slight north to south gradient.
- 2.5 Development along the related section of Marine Drive is characterised by large scale, single and two storey, residential properties, set within generous plots. Exceptions to this are the block of flats located on the corner of Marine Drive and Newlands Road, no.105 Marine Drive which comprises both flats and dwellings, and 109 and 109A Marine Drive which have significantly smaller plots.

3 RELEVANT HISTORY

107 Marine Drive

BH2014/04169 Demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage – Refused 31/03/2015

BH2012/02416 Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue – Approved 05/04/2013.

BH2006/01287 Demolition of existing house. Construction of 3 terraced three-bedroom town houses and 6 linked houses comprising 3 three-bedroom, 2 four-bedroom and 1 two-bedroom units. Provision of 10 car-parking spaces. Refused 26/07/2006.

BH2004/01680/FP Demolition of existing building (C1/C3 use) and erection of two/three storey building (with cycle parking and car parking) to provide 14 (two-bedroom) residential units. Refused 12/08/2004. Appeal Dismissed.

Land at 105 & 107 Marine Drive

BH2007/03898 Demolition of existing buildings and erection of 6 one-bedroom; 15 two-bedroom; and 10 three-bedroom apartments, together with associated access, car parking and landscaping. Refused 28/01/2008. Appeal Dismissed.

105 Marine Drive

BH2011/01827 Erection of single storey 2 bed dwelling. Approved 20/03/2012.

BH2010/03444 Conversion of existing building to create eight unit residential development comprising 3no two storey houses and 5no flats. Demolition of single storey extension to North, creation of dormer to South elevation and associated altered fenestration and landscaping. Approved 09/02/2011.

4 THE APPLICATION

Planning permission is sought for the demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

- 4.2 During the process of the application, amendments to the scheme were made, including the reduction in width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment, and alterations to the proposed entrance gates.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twelve (12)** letters of representation have been received from the occupiers of: **1(x2), 2, 3(x2), 4a, 6 Chailey Avenue, 14 Knole Road, 109A Marine Drive (x2), 20(x2) Lenham Road West** objecting to the application for the following reasons:

- Loss of previous hotel use;
- Overdevelopment of the site;
- Concerns over parking and new vehicle entrance onto Chailey Avenue which is already congested;
- Design is out of context;
- Inappropriate height, size and bulk of building;
- Loss of light and loss of privacy to no. 109A Marine Drive and 1 Chailey Avenue;
- Effect on foundations of no. 109a Marine Drive;
- Increased noise and disturbance.

A petition of **89 signatures** has been received objecting to the application for the following reasons:

- Overdevelopment
- Inappropriate size
- Noise and disturbance

- Overshadowing and loss of privacy
- Concerns over new vehicle entrance, traffic congestion and air quality.

Internal

5.2 **Transport: No objection**

The Highway Authority has no objections to the proposals subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a s106 or UU for a contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

5.2 **Trip Generation**

The trip generation is forecast to increase slightly above existing levels. The proposals comprise of 9 residential units (7 flats and 2 houses). Currently on-site there is a single residential property. Therefore the proposals are likely to increase trips above existing levels. However, subject to the suggested mitigation this increase in trips is not considered to warrant a reason for refusal.

5.3 **Car Parking**

The applicant is proposing 12 car parking spaces, 8 garages for the flats and 2 car parking spaces each for the houses. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and a maximum of 5 visitors' spaces. Therefore the proposed level of car parking is in line with the maximum standard quoted within SPG04 and is deemed acceptable.

- 5.4 A development of this size is likely to have 13 vehicles associated with it. Therefore the proposed level of car parking is deemed acceptable and not likely to result in significant levels of overspill car parking which would warrant a reason for refusal.

5.5 **Cycle Parking**

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling for residents and 1 space per 3 dwellings for visitors. For this development of 9 residential units the minimum parking standard is 9 cycle parking spaces for residents and 3 spaces for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 5.6 The applicant intends to provide a cycles store for the flats but it is not apparent as to the nature of these stands or what provision there is for the 2 houses. Therefore further details should be secured via condition to ensure the cycle parking stands are policy compliant.

Pedestrian Access

- 5.7 Pedestrian accesses provided from Marine Drive for the flats and Chailey Avenue for the 2 houses. The Highway Authority has no objections to these pedestrian access arrangements. However, it is noted that the pedestrian access to the flats is through the parking area which is not the most attractive route. The Highway Authority would look for further details as to how this route will be delineated to reduce conflict between pedestrians and vehicles.

Vehicular Access

- 5.8 The applicant is intending to retain the existing vehicular access point to the site, from Marine Drive. The number of vehicles likely to use this access is the same as a previous approval and therefore deemed acceptable. Due to the width of the access in order to ensure vehicles do not reverse back out onto the highway the Highway Authority would look for details of road safety signage within the site that states priority should be given to vehicles entering the site.
- 5.9 The applicant is also proposing 2 new vehicle crossover to access the 2 properties on Chailey Avenue. The Highway Authority has no objections in principle to these. It is recommended that the standard new vehicle crossover condition is included on any permission granted.

Developer Contribution

- 5.10 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £5250.
- 5.11 Overall contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area

- 5.12 **Environmental Health:** No comment

- 5.13 **Access Officer:** No objection

The layouts mainly look acceptable. The inside size of the lift should be 1400mm x 1100mm but it appears on plan to be about 1400mm x 900mm.

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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing Delivery
- CP5 Culture and Tourism
- CP6 Visitor Accommodation
- CP7 Infrastructure and developer contributions
- CP8 Sustainable Buildings
- CP9 Sustainable Transport
- CP11 Flood Risk
- CP12 Urban Design
- CP14 Housing Density
- CP15 Heritage
- CP19 Housing Mix
- CP20 Affordable Housing

Brighton & Hove Local Plan:

- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- 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 & Demolition Waste
- SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the impact of the proposal upon the character and appearance of the area, the impact upon the living conditions of neighbouring properties, the standard of accommodation proposed, the impact upon the local highway network/parking and sustainability issues.

Background

- 8.2 A previous application (BH2014/04169) - for the demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue – was refused for the following reasons:
- 8.3 *“The development, by reason of its flat roofed design, would have significantly more mass and bulk at a higher level than the existing building and would have a materially greater visual impact on the street scene. The additional mass and bulk at first floor level in close proximity to the side boundaries of the site would result in a building which would not be in sympathy with nearby buildings. The development, by reason of its design, mass and bulk would appear an overly dominant and intrusive addition to the street scene and would be of detriment to the character and appearance of the street scene and surrounding area. The development would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood. This harm outweighs the benefit provided by the proposal, which is contrary to Local Plan policies QD1, QD2, QD3 and QD5.”*
- 8.4 *“The development, by reason of its siting, mass and bulk, would be overbearing and result in a harmful loss of light for occupants of 109a Marine Drive. The off-street parking to the rear of the building would be in close proximity to residential gardens at 109 Marine Drive and 1 Chailey Avenue and would result in increased noise and disturbance for occupants of these adjoining properties, to the detriment of their residential amenity. This harm outweighs the benefit provided by the proposal, which is contrary to policy QD27 of the Brighton & Hove Local Plan.”*
- 8.5 In this current application, the number of flats proposed within the building has been reduced to 7 (with 2 additional dwellings now proposed in a separate building to the north of the site), there has been a reduction in the width of the building, alterations to the materials, and the parking spaces are relocated to the south of the site.

The City Plan Part 1 Inspector’s Report was received February 2016. This supports a housing provision target of 13,200 new homes for the City to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24 March 2016. The City Plan Inspector indicates support for the Council’s approach to assessing the 5 year housing land supply and has found the Plan sound in this

respect. The five year housing land supply position will be updated on an annual basis.

Principle of Development

The pre-existing two storey dwelling and attached single storey annexe has recently been demolished on site. Historically this building had bed and breakfast facilities, however according to the applicant this use of the building had ceased, and before demolition there was no evidence on site of bed and breakfast facilities. It is not clear the extent to which the B&B function of the premises operated and if it was incidental to a primary residential use. This is not though considered a key determining issue as the building has now been demolished and so the previous use has been lost. The application site is outside the core area boundary, as outlined the Brighton & Hove City Plan policy, and there would be no objection to its loss. The principle of residential development on the site is therefore considered acceptable.

Affordable Housing

National planning policy on affordable housing, as set out the National Planning Practice Guidance following the Written Ministerial Statement of 28 November 2014 (as upheld by the Court of Appeal on 11 May 2016), states that affordable housing contributions should not be sought from developments of 10-units or less. The Court of Appeal Judgement provides authority that this threshold is not to be applied as mandatory. Instead it forms part of National Planning Policy and as such forms a material consideration to be weighted alongside the development plan and all other material considerations. As formal national policy, the Council attaches substantial weight to the contents of the Written Ministerial Statement and the updated NPPG guidance.

- 8.14 At a local level policy CP20 of the City Plan Part One (adopted 24 March 2016) requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper, (approved by the Economic & Culture Committee on 16 June 2016) 9 units of the mix proposed within Zone 2 would require a contribution of £329,000 (equivalent to two two-bedroom units).
- 8.15 Although contrary to National Policy on the application of affordable housing thresholds, the Council considers there to be significant local circumstance that warrants the application of greater weight to policy CP20 than the national threshold set out above. This local circumstance is based on a combination of overall housing shortfalls, the identified need for affordable housing, and the substantial proportion of the housing being delivered through small scale development of 10 units or less within the city.
- 8.16 In the case of Brighton & Hove, the housing provision target within the City Plan Part One is for 13,200 new dwellings to be provided up to 2030. This represents 44% of the city's objectively assessed housing need which was assessed to be 30,120 dwellings. The City Plan Inspector accepted this provision given that the city is highly constrained in terms of opportunities for further growth and expansion.

- 8.17 The need for affordable housing provision in Brighton & Hove is acute. This need is evidenced by the Council's Background Study Paper 'Objectively Assessed Need for Housing (June 2015) which identifies entry-level house prices 9.6 times the earnings of younger households, a current affordable housing need of 11,528 households, and a net annual need of 2,105 households per annum. This equates to a net annual need of 810 affordable homes, which on its own is a greater figure than the projected total annual delivery of all housing types which is 660 units over the plan period. Overall the report demonstrates an acute need for new affordable housing provision in the city. This need was acknowledged by the Inspector in her assessment of the City Plan Part One and by her approval of the policy (CP20) to secure affordable housing provision / contributions in respect of schemes of 5 units or more.
- 8.18 In addition to the above, a substantial proportion of the housing delivered in recent years within the city has been through small scale development of 10 units or less. This theme is projected to continue in forthcoming years and therefore it is essential to the successful delivery of the Council's affordable housing strategy as set out in the City Plan Part One that schemes of 5 units or more do contribute to the delivery of affordable housing.
- 8.19 In the period 2010 to 2015, schemes of less than 10 residential units delivered 53% of all new housing units in Brighton & Hove. Schemes of 5-9 units delivered 469 new housing units in Brighton & Hove which equates to 24% of the housing units delivered across the city as a whole. This is a substantial proportion and to not secure affordable housing provision in respect of such schemes would have a significant detrimental impact upon the delivery of affordable housing in the city during the plan period.
- 8.20 For these reasons, and having regard the individual merits of the application site, the Council considers that significant weight should be given to the lower thresholds set out in Policy CP20, above and beyond the substantial weight that the National Policy on affordable housing thresholds otherwise carries. The applicant has agreed to pay the financial contribution and the recommendation is subject to the s106.

Design

- 8.9 Policy CP12 of the City Plan sets out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate.
- 8.10 The pre-existing building on the application site was a single storey property with accommodation located within the hipped roof. The property included a large dormer window within the front roofslope, with an associated terrace area and a large rear dormer window. A single storey hipped roof annexe extended to the north at the rear of the property, on the eastern side.

- 8.11 The proposal is for the erection of a replacement three-storey building, which also includes a lower ground floor, containing 7 flats. The proposed building would have a similar siting to the previous but with a longer footprint at the rear. The proposed excavation to enable a lower ground floor would mean that the height of the proposed development would not exceed that of the pre-existing dwelling. Therefore the ridge of the proposed property would remain located just below that related to no. 109A Marine Drive.
- 8.12 The immediate part of Marine Drive is characterised by a wide range of properties generally set back from the street. There are many dwellings with a traditional appearance with traditional pitched roofs with red/brown concrete tiles and dormers. Many properties are fully rendered, some have brickwork or a mix of both. There are also examples of more modern design buildings including the flat roof design of 93 Marine Drive which includes rendered walls, extensive glazing, balconies and metal cladding.
- 8.13 The proposed flat roof design of the building with a metal clad top floor and glass balustrades would contrast somewhat with the more traditional dwellings to either side of the application site. In the appeal decision for proposed apartments at 105 & 107 Marine Drive in 2008 (BH2007/03898), the Inspector stated that the contrasting design set well back from the road could be regarded as acceptable in this seafront location.
- 8.14 It is accepted that the proposed building would have more mass and bulk at a higher level than the existing building, and that it would have a greater visual impact on the street scene. However the bulk at upper floor level has been significantly reduced from the previously refused application (BH2014/04169). In this application the building has been amended to be reduced further in width, and so the mass and bulk at first floor level has now been set further away from the side boundaries of the site. The external materials include a combination of render and facing brick which relates to the form and rhythm of the building, and would break down the horizontal emphasis of the building.
- 8.15 The proposed pair of semi-detached dwellings would front onto Chailey Avenue. This street scene, within the immediate vicinity of the site, comprises a mix of 1 and 2 storey detached houses of various sizes, style, designs, building forms and with various roof rooms. However one common characteristic is the presence of large dominant roofslopes, a characteristic which the proposed dwellings would replicate.
- 8.16 The proposed dwellings would be sited on a similar footprint to that of the detached dwelling approved under BH2012/02416. It is acknowledged that the proposed dwellings would be set at an angle and so would not truly reflect the common building line formed by the properties to the north on the western side of Chailey Avenue. However the built form of the proposed building could not replicate this common building line due to the restrictions of the orientation and shape of the related plot. It is not considered that the failure to respect the existing building line would have a detrimental impact upon the visual amenities of Chailey Avenue and the wider area given that nos. 109 and

109A, which are also viewed with the Chailey Avenue street scene, have a staggered eastern building line.

- 8.17 The proposed ridge height and form of the dwellings would be comparable to the approved detached dwelling under BH2012/02416. The eaves height of the proposed detached dwelling would respect the south to north gradient presence within Chailey Avenue as it would be located higher than that of the eaves related to nos. 109A Marine Drive, but would be lower than that related to no. 1 Chailey Avenue.
- 8.18 Currently a large visual gap is located between the roof forms of nos. 1 Chailey Avenue and 109A Marine Drive. The proposed building fronting Chailey Avenue would result in this gap between roof forms reducing, however it is considered that the proposal would retain a significant gap between the roof form no. 109A Marine Drive, and as a result it is not considered that the proposal would have a harmful impact upon the amenities of the Chailey Avenue street scene or appear as a cramped form of development.
- 8.19 It is recommended that a condition is attached requiring samples of the proposed external finish materials to be submitted and approved by the Local Planning Authority. Overall it is considered that the design, scale and style of the proposed buildings would integrate well within the existing street scenes and therefore will not be of detriment to the visual amenities of the Marine Drive or Chailey Avenue street scenes or the wider area.

Standard of Accommodation

- 8.20 In general the proposed dwellings would benefit from acceptable levels of natural light, outlook and privacy. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.21 Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. Each flat would benefit from a private outdoor terrace. A communal outdoor amenity space is also shown to the south. The proposed semi-detached pair would have access to private outdoor gardens. Overall the size of the proposed outdoor amenity space is considered acceptable given the scale of the development.
- 8.22 Policy TR14 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes provision for refuse storage and cycle storage in purpose built stores at the south of the site. These are considered acceptable in principle subject to further details required via condition. The proposed cycle storage and refuse

storage of proposed semi-detached properties does not appear on the drawing, however this could be accommodated on the site and details of this can be conditioned.

Impact on Amenity

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

The proposed ground and first floor of the building facing Marine Drive would be in close proximity to the rear garden of no. 109a Marine Drive to the east. The distance between the proposed building and the boundary line of this neighbouring property would be approximately 2.2m at ground floor level and 3m at first floor. The development would be more visible for the occupiers of this neighbouring property which has a relatively small rear garden area. However the building would now be set at a distance away that would mean that the impact of loss of light, overshadowing and sense of enclosure would not be so significant as to warrant refusal of the application.

- 8.24 To the west, the proposed building would have greater bulk toward the western boundary with no. 105 Marine Drive, which is a flatted development. However, due to the retained distances between the buildings it is considered that the overbearing nature of the proposed building would not be so significant or harmful as to warrant refusal of the application.
- 8.25 The new building would include upper floor south facing balcony areas. These external amenity areas would create views overlooking the front communal garden and beyond towards Marine Drive. The proposed upper floor windows on the side elevations would be obscure glazed apart from 3 east facing windows that would face directly toward the blank side elevation of no. 109A Marine Drive. Due to the oblique nature of the views from the balconies towards neighbouring properties and the use of obscure glazing it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties from overlooking and a loss of privacy. Views from windows to the northern elevation of the proposed development would be towards the semi-detached properties with a level of overlooking that would be expected in this circumstance.
- 8.26 It is not considered that the provision of 9 dwellings within an established residential area, and the intensification of the use of the site, would have a significant adverse impact upon the amenities of neighbouring properties by way of increased noise or disturbance.
- 8.27 The proposed semi-detached properties would be located approximately 1.2m from the boundary with no. 1 Chailey Avenue. It is noted that this neighbouring property comprises two windows within the southern elevation at first floor level. This northern neighbouring property is located at a slight angle onto Chailey Avenue and as a result a minimum distance of approximately 2.5m would be located between the northern elevation of the proposed house and the southern most

elevation of no. 1 Chailey Avenue which relates to the attached side garage. A minimum distance of approximately 4.8m would be located between the northern elevation of the development and the main elevation of no. 1 which comprises south facing windows. Overall it is not considered that the construction of the proposed semi-detached properties would have a significant adverse impact upon the amenities of the northern neighbouring property, no. 1 Chailey Avenue, with regards to loss of light/sunlight or having an overbearing impact.

8.28 Windows are proposed within the northern elevation of the proposed new house. The proposed north facing first floor windows would be obscure glazed and fixed shut and so would not have a significant adverse impact upon the amenities of no. 1 with regards to loss of privacy or overlooking. Furthermore it is not considered that views from the glazed openings within the front and rear elevation of the dwelling-house would have a significant adverse impact upon the amenities of neighbouring properties given the distance between neighbouring properties, the development's orientation in respect of no 1 Chailey Avenue and the oblique views which would be provided.

Sustainable Transport

8.29 Policy CP9 of the Brighton & Hove City Plan Part One requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

8.30 The site is not within a Controlled Parking Zones (CPZ) and as a result uncontrolled on-street parking is available within the vicinity of the site. The future occupiers of the proposed flats would have use of 12 parking spaces located to the south of the site, accessed via Marine Drive. SPG04 sets out the maximum parking standards for developments and as a result the provision of parking spaces accords with SPG04.

8.31 The proposed cycle store would provide spaces for the flats, however further details by condition would be required with regard to the type of cycling parking proposed as well as details of the cycle storage for the houses.

8.32 The development would result in an increased demand for travel and the transport team has identified off-site improvements which would be required to facilitate the development. An agreement would be required for the developer to either carry out the identified works or to provide a contribution towards the improvements being carried out by the Council.

Sustainability:

- 8.33 Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

9 CONCLUSION

- 9.1 For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.
- 9.2 Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES

The development would need to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A contribution of £329,000 towards affordable housing contribution.
- A contribution of £6750 towards sustainable transport measures, specifically relating to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

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 |
|-----------|-----------|---------|---------------|
|-----------|-----------|---------|---------------|

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|--|------------|----|------------|---------|
| Site location plan | 1486-P-200 | P1 | 27 2015 | October |
| Proposed bock plan | 1486-P-201 | P1 | 27 2015 | October |
| Proposed site plan_ground floor | 1486-P-204 | P2 | 27 2015 | October |
| Proposed site plan_lower ground level | 1486-P-205 | P1 | 27 2015 | October |
| Lower ground floor plan | 1486-P-206 | P1 | 27 2015 | October |
| Ground floor plan | 1486-P-207 | P1 | 27 2015 | October |
| First floor plan | 1486-P-208 | P1 | 27 2015 | October |
| Second floor plan | 1486-P-209 | P1 | 27 2015 | October |
| Roof plan | 1486-P-210 | P2 | 27 2015 | October |
| Site sections 1 | 1486-P-211 | P2 | 27 2015 | October |
| Site sections 2 | 1486-P-212 | P2 | 27 2015 | October |
| South elevation | 1486-P-213 | P2 | 27 2015 | October |
| North elevation | 1486-P-214 | P1 | 27 2015 | October |
| North elevation indicating proposed garden fence | 1486-P-215 | P1 | 27 2015 | October |
| East elevation | 1486-P-216 | P2 | 27 2015 | October |
| West elevation | 1486-P-217 | P2 | 27 2015 | October |
| Marine Drive boundary elevation | 1486-P-219 | P1 | 27 2015 | October |
| Marine Drive vehicular access elevation | 1486-P-220 | P1 | 27 2015 | October |
| Chailey Avenue elevation – existing and proposed | 1486-P-224 | P1 | 27 2015 | October |
| Proposed 'figure & ground' plan | 1486-P-226 | | 27 2015 | October |
| Proposed site plan key to sections | 1486-P-227 | P2 | 27 2015 | October |
| Site sections 1 overlay of existing building | 1486-P-228 | P1 | 27 2015 | October |
| Site sections 2 overlay of existing building | 1486-P-229 | P1 | 27 2015 | October |
| South elevation overlay of | 1486-P-230 | P1 | 27 | October |

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| | | | |
|--|------------|----|-----------------|
| existing building | | | 2015 |
| North elevation overlay of existing building | 1486-P-231 | | 27 October 2015 |
| Marine Drive boundary elevation – existing | 1486-P-218 | | 12 May 2015 |
| Proposed house floor plans | 1486-P-221 | | 12 May 2015 |
| Proposed house elevations | 1486-P-222 | | 12 May 2015 |
| Proposed house elevations 2 | 1486-P-223 | | 12 May 2015 |
| Site survey | 1486-P-202 | P1 | 27 October 2015 |
| Existing plans and elevations | 1486-P-203 | | 12 May 2015 |
| North elevation overlay of existing building | 1486-P-232 | | 27 October 2015 |
| East elevation overlay of existing building | 1486-P-233 | P1 | 27 October 2015 |
| West elevation overlay of existing building | 1486-P-234 | P1 | 27 October 2015 |
| Marine Drive boundary elevation overlay of existing building | 1486-P-235 | P1 | 27 October 2015 |
| Section F-F existing and proposed comparison | 1486-P-236 | | 27 October 2015 |

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 properties.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy CP11 of the Brighton & Hove City Plan Part One.

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse 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.

- The upper floor windows indicated as obscure glazed on the drawings hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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.

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6. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. 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 policy QD15 of the Brighton & Hove Local Plan.
8. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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.
9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove Submission City Plan Part One.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

Pre-commencement conditions

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11. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings 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: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
12. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the information submitted, no development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The scheme shall include indications of existing hedgerows on the land together with measures for their protection during the course of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
14. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a scheme of works to provide a segregated footway in the car park area to the new residential access have been 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 policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Pre-occupation

15. Prior to first occupation of the development hereby permitted, details of appropriate signage to the access, to ensure vehicles entering the site have priority shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 or the Brighton & Hove Local Plan.

16. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.

17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

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:-

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For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.

Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

3. The applicant is advised to contact the Council's Network Co-ordination team and obtain the necessary license prior to any works commencing on the adopted highway and that they are liable for all the associated costs including the relocation of the street lighting.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 13 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

Note:

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Information pursuant to conditions 11 – 14 has been submitted to the Local Planning Authority. The information at the time of writing this report is being assessed and if the information is acceptable, the conditions will be updated in the Additional Representations List accordingly.

