

<u>No:</u>	BH2022/03840	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	72 Crescent Drive South Brighton BN2 6RB		
<u>Proposal:</u>	Application to vary condition 1 of planning permission BH2018/00104 to allow the addition of photovoltaic solar panels to roof, alterations to external materials, changes to internal layout, the addition of a canopy over the front door and the provision of an access ramp		
<u>Officer:</u>	Charlotte Bush, 292193	tel: <u>Valid Date:</u>	15.12.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.02.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Hutchinson Design Associates Victoria Chambers 170-174 South Coast Road Peacehaven BN10 8JH		
<u>Applicant:</u>	Mr Leon Cooper 92 The Promenade Peacehaven BN10 8LN		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. *To be added on the late list*
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Not used - dwelling is under construction
3. The render and roof tiles shall be carried out in accordance with the details hereby approved and the hard surfacing materials and other external materials shall be implemented as approved under application BH2022/02881.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM1 and DM18 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The windows in the western elevation of the development hereby permitted shall be obscure glazed and non-opening, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.

5. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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 DM1 of Brighton & Hove City Plan Part 2.
6. Not used - Energy informative added.
7. The residential unit hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.
8. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
9. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following: a. details of all hard surfacing; b. details of all boundary treatments; c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. 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 DM33 and DM35 of the Brighton & Hove City Plan Part Two.
11. 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 policies CP8 & CP11 of the City Plan Part One.
12. 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) (England) Order 2015, 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 DM18,DM20 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.
13. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

15. The development hereby permitted shall incorporate at least one (3) swift bricks within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. The water efficiency standard required by condition 7 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.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION

- 2.1. The application relates to a plot of land which formed the rear garden of No.72 Crescent Drive South. The site is accessed via an existing long access route between 68 and 74 Crescent Drive South which also provides access to 70 Crescent Drive South, and has been extended to reach the approved new dwelling. The topography of the area is a steep south to north incline.
- 2.2. The existing property at No.72 has been remodelled to form a detached two storey dwelling. Permission has also recently been granted at the adjacent site of number 80 & 80A for 4 x two storey single dwelling houses under permission ref BH2016/05020, BH2017/03149 and BH2017/03138. To the east of the application site there is a single storey bungalow; and two chalet bungalows to the rear.
- 2.3. Permission was granted under application BH2018/00104 for a single storey three-bedroom detached bungalow to be finished in York stone cladding and smooth coloured render and zinc coated aluminium sheeting to the roof.
- 2.4. Construction of the dwelling has commenced however at the time of the officer site visit the development has not yet been completed. Concerns have been raised regarding the height and positioning of the dwelling as built on site not being in accordance with the approved plans. However, this potential breach of condition has been investigated by the Council's Planning Enforcement Team and no breach was found.

3. RELEVANT HISTORY

- 3.1. **ENF2022/00549** - Enforcement case - house not built-in accordance with approved plans. Case closed, no breach of planning.
- 3.2. **BH2022/02881** - Application for approval of details reserved by condition 3 (external material samples) of BH2018/00104. Approved 8/11/2022.
- 3.3. **BH2018/00104** - Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house. Approved 3/05/2018
- 3.4. **BH2017/01731** - Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house. Withdrawn.
- 3.5. **BH2016/05736** - Remodelling of existing dwelling including increased roof ridge height to create first floor level, two storey front extension, single storey rear extension with roof terrace, rear decking with glass balustrade and steps to garden. Erection of single storey flat roofed detached double garage, revised fenestration and other associated alterations. Approved 13/12/2016
- 3.6. **BH2016/02774** - Remodelling of existing dwelling including increased roof ridge height to create first floor level, two storey front extension, single storey rear extension with roof terrace, rear decking with glass balustrade and steps to garden. Erection of single storey flat roofed detached double garage, revised fenestration and other associated alterations. Refused 19/09/2016

4. APPLICATION DESCRIPTION

- 4.1. This application seeks to make amendments to the plans approved under condition 1 of application BH2018/00104.
- 4.2. The proposed alterations are as follows:
- Changes to the internal layout;
 - Alterations to external materials - replacing the stone cladding with painted white render; replacing the zinc coated aluminium sheeting with slate effect tiles;
 - Addition of a canopy over front door and a ramp to door;
 - Inclusion of photovoltaic solar panels to roof; and
- 4.3. Whilst the property is already under construction, the above alterations to the property have not yet been undertaken.
- 4.4. The scheme subject of this current application has been amended over the lifespan of the application. The original plans submitted showed the garage converted into habitable living accommodation. This proposed conversion has since been omitted from the proposal on the advice of the planning officer in order to address the comments received from the Local Highways Authority. A long window on the northern elevation was also proposed to be removed, but this has now been reinstated. Clarification on the land levels has also been provided.

5. REPRESENTATIONS

- 5.1. **Eight (8)** letters (4 from the same objectors) have been received objecting to the proposed scheme for the following reasons:
- The rear of the building under construction is both higher and possibly even closer to my rear fence than the 2018 plan.
 - The plans then do not show how drainage of the toilet and other water will be dealt with.
 - Additional traffic.
 - Poor design.
 - Increased overlooking.
 - Poor layout.
 - The block plan is inaccurate.
 - Solar panels will block view.
 - Loss of the garage will mean that cars cannot turn around on site and will have to reverse onto the main highway.
- 5.2. **Two (2)** letters have been received in support of the proposed scheme for the following reasons:
- Good design
 - Accessible to those with disability

- Ample parking space

6. CONSULTATIONS

6.1. Sustainable Transport: Additional comments received in response to swept analysis submitted. Objection

Unable to support as the applicant Swept path analysis (tracking)

- Has not provided a route showing the manoeuvres from the indicated car parking space on the drawings (Car tracking diagram 1 and 2)
- Does not use a suitable size vehicle that demonstrate a family car can access the site conveniently. A large car should be used in the analysis.
- Does not include the proposed ramp. It is stated by the applicant agent this will be "clipped" by cars, and therefore residents are likely to make multiple manoeuvres to avoid the ramp. This would not being acceptable to the LHA (or residents nearby due to the noise and air pollution).

6.2. The removal of the garage will result in a potential loss of storage for cycle parking. Cycle parking was requested via condition at app BH2018/00104. We therefore ask for further details regarding cycle parking for the property via condition.

6.3. Sustainable Transport: Objection

The proposed removal of the garage and new parking space and pedestrian ramp will mean that there is no turning head for vehicles. This will mean that vehicles are likely to reverse the full length of the drive (approx. 100 meters) or making unacceptable manoeuvres to leave in a forward gear. This is contrary to DM33 policy of City Plan.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

CP14 Housing density

CP19 Housing mix

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM22 Landscape Design and Trees

DM33 Safe, sustainable and active travel

DM35 Travel Plans and Transport Assessments

DM36 Parking and servicing

DM43 Sustainable Drainage

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The approved scheme BH2018/00104 for 'Erection of a single storey three bedroom detached dwelling (C3) to rear of existing house' was approved on the 3rd May 2018. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions.
- 9.2. Since the determination of application BH2018/00104, the Brighton and Hove Local Plan has been superseded by the Brighton and Hove City Plan Part Two (CPP2) and as such Local Plan Policies have now been fully replaced by policies of the CPP2. The relevant policies of CPP2 are similar in wording and aims of the Local Plan policies that it replaces and as such the principle of a new dwelling on the site remains acceptable, notwithstanding the fact that the development has already commenced.
- 9.3. The considerations to be taken into account in this application solely relate to the changes to condition 1 of the previous permission which relates to changes to the approved plans.

- 9.4. An assessment of the proposed alterations to the approved scheme are as follows:
- Changes to the internal layout - The conversion of the garage to habitable living space has been omitted since submission of the application. All other changes to the internal layout meet with requirements of the Nationally Described Space Standards (NDSS) and still provide a good standard of living accommodation,
 - Alterations to the materials - The stone cladding has been omitted to the north elevation with all external walls to be painted render. The approved zinc cladding of the mono-pitch roof would be replaced with slate effect tiles. The proposed changes to materials are not considered cause harm to the overall appearance of the dwelling and removal of the stone cladding is welcomed,
 - The addition of a canopy over the front door and a ramp to the door, and
 - Inclusion of photovoltaic solar panels to roof - the inclusion of solar panels would reduce the use of fossil fuels, which is encouraged. The panels will be situated behind a parapet wall on the on the northern elevation so will not be readily visible to No.70 and 72 Crescent Drive South. Given the length the gardens to 63 and 65 Brownleaf Road, the proposed photovoltaic solar panels are not considered to have a significant impact on these neighbouring properties.
- 9.5. Overall it is not considered that the proposed external changes would have a detrimental impact upon the visual amenities of the dwelling or the wider area and would not have a harmful impact upon the amenities of neighbouring properties, in accordance with policies set out above.
- 9.6. The concerns raised by the Council's transport team are noted. However the access to the new dwelling and the built form of the dwelling is as per the approved scheme. Since submission of this application the intention to convert the garage into living space has been omitted and therefore the garage is retained for parking in addition to other onsite parking provision. Whilst the proposed ramp, not shown with the submitted Swept Path Analysis, may impact slightly on the turning area in front of the dwelling, and may result in more manoeuvres being required to avoid the ramp, it is not considered that refusal on this basis could be sustained.

Other matters

- 9.7. Concerns have been raised about the access to the site. The agent has provided a copy of the title plan which matches the site plan outlined in red on the on drawing numbered 1313/01 with the addition of the access also outlined in red. Outlined in green is the retained house at No.72. The owner of the access road was issued Notice and Certificate B was completed on the application form, as required.
- 9.8. Concerns have also been raised about the height of the dwelling (the shell of which is mainly constructed) not meeting the approved planes. This has been investigated by the Council's Planning Enforcement Team and no breach has been found. The plans provided with this application clarify the land gradient in relation to the dwelling.

10. CONCLUSION

- 10.1. The proposed amendments to the approved plans would not cause adverse harm to the character and appearance of the building or the streetscene. There will be no negative impact on the standard of accommodation to be provided or space provided. The proposed scheme is therefore recommended for approval.

11. EQUALITIES

- 11.1. A 1:12 gradient ramp has been added to the entrance of the property to allow access to the dwelling to those with disabilities, and the internal space includes a layout which could be adapted to those with disabilities.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposal would be more energy efficient. In accordance with policies CP10 and DM37, an enhancement of biodiversity on site is required and conditions requiring a bee brick and swift brick/boxes are recommended.