

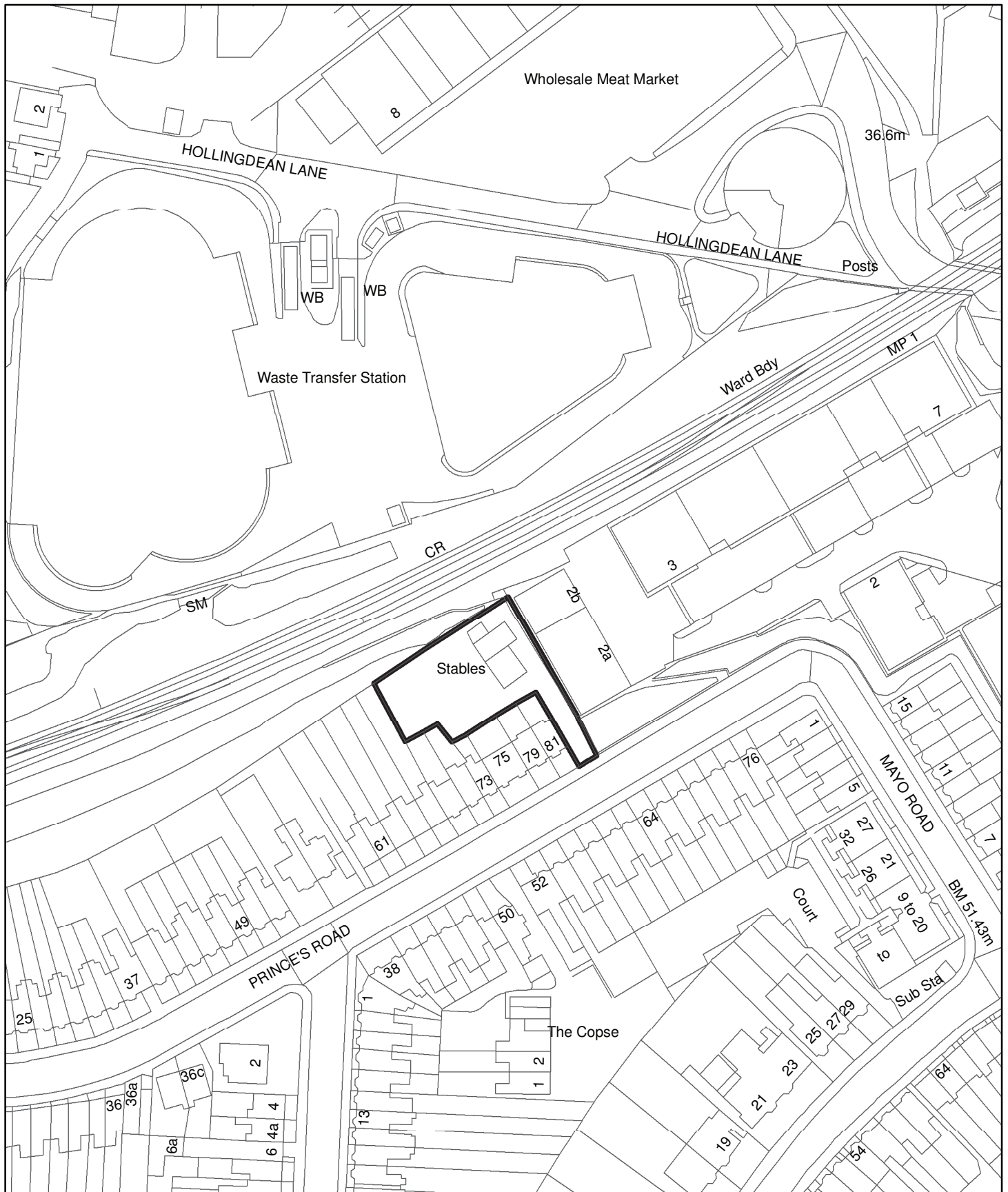
**PLANS LIST
ITEM E**

**Land at Rear of 67 to 81 Princes Road,
Brighton**

**BH2012/01583
Extension to time limit full planning**

08 AUGUST 2012

BH2012/01583 Land at Rear of 67 to 81 Princes Rd, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/01583	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	Land at Rear of 67 to 81 Princes Road, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2009/00847 for the construction of 4no. two storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities and erection of a street level lift gate-house with cycle store.		
<u>Officer:</u>	Sue Dubberley Tel: 293817	<u>Valid Date:</u>	23/05/2012
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	18 July 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Stiles Harold Williams, 69 Park Lane, Croydon, Surrey		
<u>Applicant:</u>	Carelet Ltd, 40 Cornelius House, 178-180 Church Road, Hove		

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 Informative set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a rectangular plot of land to the rear of Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.
- 2.2 Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road.
- 2.3 Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep access down into the site.
- 2.4 The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terraced houses, and approximately 11m above the railway corridor. Beyond the railway line to the north is the Hollingdean Waste Transfer site which partially obscures the site however due to its elevated position the site is quite visible, from the north in particular. There is also a level change increasing from east to west across the site.

- 2.5 There is a Tree Preservation Order on a horse chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.
- 2.6 The site is located within the Round Hill Conservation Area.

3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

BH2010/00083: Construction of 6 no. three-storey, two bedroom terraced houses with pitched roofs and solar panels. Provision of private and communal hardens, waste and refuse facilities and erection of a street level lift gate-house with cycle store. Refused 15/06/2010 and subsequently dismissed on appeal.

BH2009/00847: Construction of 4 no. two-storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store. Approved 28/07/2009.

BH2007/04444: Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space. Refused 18 June 2008.

BH2006/03214: Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one parking space. Refused on the 11 of December 2006.

BH2005/02279: erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space. Refused on 3rd February 2006.

BH2004/03605/FP: Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. Refused 24 February 2005 and subsequently dismissed on appeal.

65.2110: O/A Erection of 24 garages. Refused.

53/703: O/A 22 lock-up garages. No decision.

50/958: Proposed use of land as poultry farm and erection of hen house. Approved.

50/958: Proposed Nissen Hut to keep hens. Refused.

4 THE APPLICATION

- 4.1 Planning permission is sought to extend the time limit for implementation of previous approval BH2009/00847 for the construction of 4no. two storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities and erection of a street level lift gate-house with cycle store.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** 19, 39, 40, 42, 43 (x 2), 44, 46, 47, 50 (x2), 53, 54, 55 (x2), 56, 62, 68, 69, 72, 73, 75, 76 Princes Road, 56, 23 Richmond Road, 33 Prince's Crescent, 11 Mayo Road, 30 Lauriston Road, 8 D'Aubigny Road, 33, 66 Crescent Road, 1 email, objecting to the application for the following reasons:

- Increased pressure on parking in the area.
- Noise and disturbance.
- Loss of privacy.
- Devaluation of property.
- Since introduction of nearby CPZ in 2010 there has been a significant increase in parking pressure in Round Hill and has resulted in some residents moving from the area.
- Application does not include a valid up to date survey on current available on-street parking spaces for example Ditchling Road is now in a CPZ. The parking survey submitted in support of the 2009 application used the same data for the unsuccessful application BH2010/00083 which was also refused on appeal.
- Land should be used for common space or allotments.
- The site is valued as a green lung which separates the built-up Round Hill from two busy industrial estates.
- Emergency and service vehicles regularly have trouble negotiating the corner due to parked vehicles.
- Proposed houses would be too close to the waste transfer station and railway line, the smell and noise would be intolerable.
- Access to the site is very challenging and much too steep to allow off road parking.
- Development is unsuitable for the area.
- Disruption for residents during building works.
- Applicants have stated that the scheme is financially unviable when they applied for 6 houses on the site in 2010.
- Appeal against the refusal of BH2010/00083 for 6 houses was refused in July 2010 on the grounds that there was not enough capacity for a possible 6 extra cars.

Internal:

5.2 **Heritage:** No comments received.

5.3 **Sustainability:** Support. No additional comments on this as it is a renewal and the standard meets SPD08.

5.4 **Sustainable Transport:** Support approval as the Highway Authority has no objections to this application. The Highway Authority's comments from the previous application (BH2009/00847) still stand as there have been no material changes from the previous application.

5.5 However, due to this development being below the threshold as to when S106 contributions are sought under the Temporary Recession Relief Measures a S106 for sustainable transport will not be sought on this occasion.

5.6 **Arboriculturalist:** We would like to reiterate our comments on the original application as follows:

- The updated Arb Report submitted with this application should provide the tree with adequate protection as long as it is followed to the letter, however, the position of the tree here is so close to the access road, that its retention post-development cannot be guaranteed.
- The Arboricultural Section would like it made a condition of any planning consent granted that all trees remaining on site are protected to BS 5837 (2005).
- The Horse Chestnut should be protected as per the submitted Arb Report, the Arboricultural Section would like to be notified when the protection measures are in place and view prior to any development commencing.

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:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

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 Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure

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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
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
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Proposals in Conservation Areas.

Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Planning Advice Notes (PAN)

PAN03:	Lifetime Homes
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The extant consent expired on 28 July 2012. This application was submitted prior to that date. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.
- 8.2 A site visit has revealed that there have been no other material changes to the site since the grant of permission in 2009. The entrance to the site has suffered from fly tipping in the past, and a recent inspection of the site indicates this is no longer happening. Therefore issues relating to the principle of the development, design and appearance of the development, impact on residential amenity, construction and demolition waste, sustainability, and highways remain identical

to the previous application. There has been no change in local policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

The National Planning Policy Framework (NPPF)

- 8.3 Since the 2009 approval the National Planning Policy Framework (NPPF) has come into effect and represents a material change. However the NPPF encourages Local Authorities to proactively drive and support sustainable development to deliver homes, business and industrial units, infrastructure and thriving places. This proposal is considered to be in accordance with the NPPF as it encourages sustainable development, provides housing and is appropriate in terms of its design and impact on sustainable transport.

Transport

- 8.4 There has been a change in approach regarding transport contributions since the previous approval. Condition 16 of the previous approval required details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development. In order to satisfy this condition an informative was added to the earlier approval stating that this could be addressed by the applicant entering into a S106 agreement to contribute £6,000 towards improved sustainable transport in the area. However, due to this development being below the threshold of 5 units or more as to when S106 contributions are sought under the Temporary Recession Relief Measures, a S106 for sustainable transport contribution is no longer sought.
- 8.5 The objections are noted which state that changes to the CPZ in the local area, for example Ditchling Road is now in a CPZ, have had an impact on parking. Some objections also relate to the fact that the application does not include a valid up to date survey on current available on-street parking spaces and that the parking survey submitted in support of the 2009 application used the same data for the unsuccessful application BH2010/00083 which was also refused on appeal. It is noted however that the 2010 application was for six house and not the four for which the extension of time is now sought. Furthermore, as state above the Traffic Engineer has raised no objections to the extension of time limit.

9 CONCLUSION

- 9.1 The principle of the development has been accepted under planning permission BH2009/00847; the site has not significantly changed since permission was granted in 2009. There have been changes in national planning policy guidance and a change in the Council's approach regarding transport contributions since approval was granted in 2009, however this does not affect the acceptability of the scheme, as such the application is recommended for approval as being in accordance with National and Local Plan policy.

10 EQUALITIES

- 10.1 The development will be required to meet Part M of the Building Regulations and a condition is imposed to ensure that the development where reasonable meets Lifetime Homes standards.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Plan	0409-01		7 th April 2009
Lower Ground Floor Proposed	0409-04		7 th April 2009
Section A02	0409-06		7 th April 2009
Sections A03 and A04	0409 – 07		7 th April 2009
Sections and street elevation as existing	0409 – 10		16 th April 2009
Proposed roof plan	0409 – 02	A	3 rd July 2009
Ground floor plan as proposed	0409 – 03	A	3 rd July 2009
NE elevation as proposed and long section	0409 – 05	A	3 rd July 2009
Elevations proposed	0409 – 08	B	3 rd July 2009
Rear elevation as existing	0409 – 09	A	3 rd July 2009

- 3) BH12.06 No permitted development (extensions) – Cons Area.
- 4) The windows on the north west elevation of each unit servicing the bathrooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) Notwithstanding the approved drawings the window proportions in the ‘gatehouse’ extension shall be of similar proportions to those within the existing properties in Princes Road. All new windows in the ‘gatehouse’ extension shall be painted softwood and shall be retained as such.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 6) The external finishes of the ‘gatehouse’ extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building (number 81 Princes Road).

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 7) BH04.01 Lifetime Homes.
- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and QD17 of the Brighton & Hove Local Plan.

- 9) BH05.10 Hard surfaces.

11.2 Pre-Commencement Conditions:

- 10) BH12.01 Samples of materials – Cons Area.
- 11) No development shall take place until protection measures for the TPO Chestnut tree at the entrance to the site set out in the tree report submitted 7th April 2009 have been fully implemented. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The development shall then be carried out in strict accordance with these protections.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.
- 12) No development shall take place until details of the ambulant stairs including railings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to ensure a satisfactory appearance to the development and to comply with policies HO13 and QD1 of the Brighton & Hove Local Plan.
- 13) BH05.08 Waste Minimisation Statement (1 – 4 housing units or less than 500sqm floor space).
- 14) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the

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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.

15) BH15.06 Scheme for surface water drainage.

16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, including a timescale for implementation, for implementation which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, together with measures for their protection in the course of development to BS 5837 (2005). The scheme shall include a nature conservation plan produced by a qualified ecologist and shall include details of the construction and maintenance of the wildlife pond, landscape planting, sedum roofs, chalkland grassland roofs, green walls and bird and bat nesting boxes on each house defining the number of boxes of each type to used and should be manufactured from 'woodcrete' or equivalent. The plan shall also include materials to be used, dimensions, plant species and cross sections of the green roofs.

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 and QD17 of the Brighton & Hove Local Plan.

17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

- 18) No development shall commence until noise mitigation measures in line with those detailed on pages 13 and 14 of the noise assessment submitted on 5th June 2009 have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To safeguard the amenity of the occupiers of the development and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

- 19) No development shall take place until details of the door within the south east elevation of the 'gatehouse' extension shown on the approved drawings has been submitted to and approved in writing by the Local Planning Authority. The door and surround shall be painted softwood and the scheme shall then be carried out in accordance with the approved details and retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 20) BH02.07 Refuse and recycling storage (facilities).

- 21) The iron gate within the front wall shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 22) BH06.03 Cycle parking facilities to be implemented.

- 23) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.4 Informatives:

1. 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 principle of the development has been accepted under planning permission BH2009/00847; the site has not significantly changed since permission was granted in 2009. There have been some changes in national planning policy guidance and a change in the Council's approach regarding transport contributions since approval was granted in 2009

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however this does not affect the acceptability of the scheme as such the application is recommended for approval as being in accordance with National and Local Plan policy.

2. The applicant is advised to contact the Council's Arboriculturalist prior to development commencing on site once the protection measures for the Chestnut tree at the entrance to the site as set out in the tree report submitted with the application have been put in place.
3. Prior to any works commencing on site, the applicant is advised to contact Network Rail to inform them of intention to commence works no less than 6 weeks prior to the date of works commencing on site. Any scaffolding which may be constructed within 10m of the railway boundary fence must be erected in such a manner that at no time any poles shall over-sail the railway and protective netting around the scaffolding must be installed.
4. Any further investigation works carried out in terms of Condition 22 and land quality and contamination shall include leachability testing to determine the risk to ground water and additionally the potential for ground gases to impact on the proposed development.

