

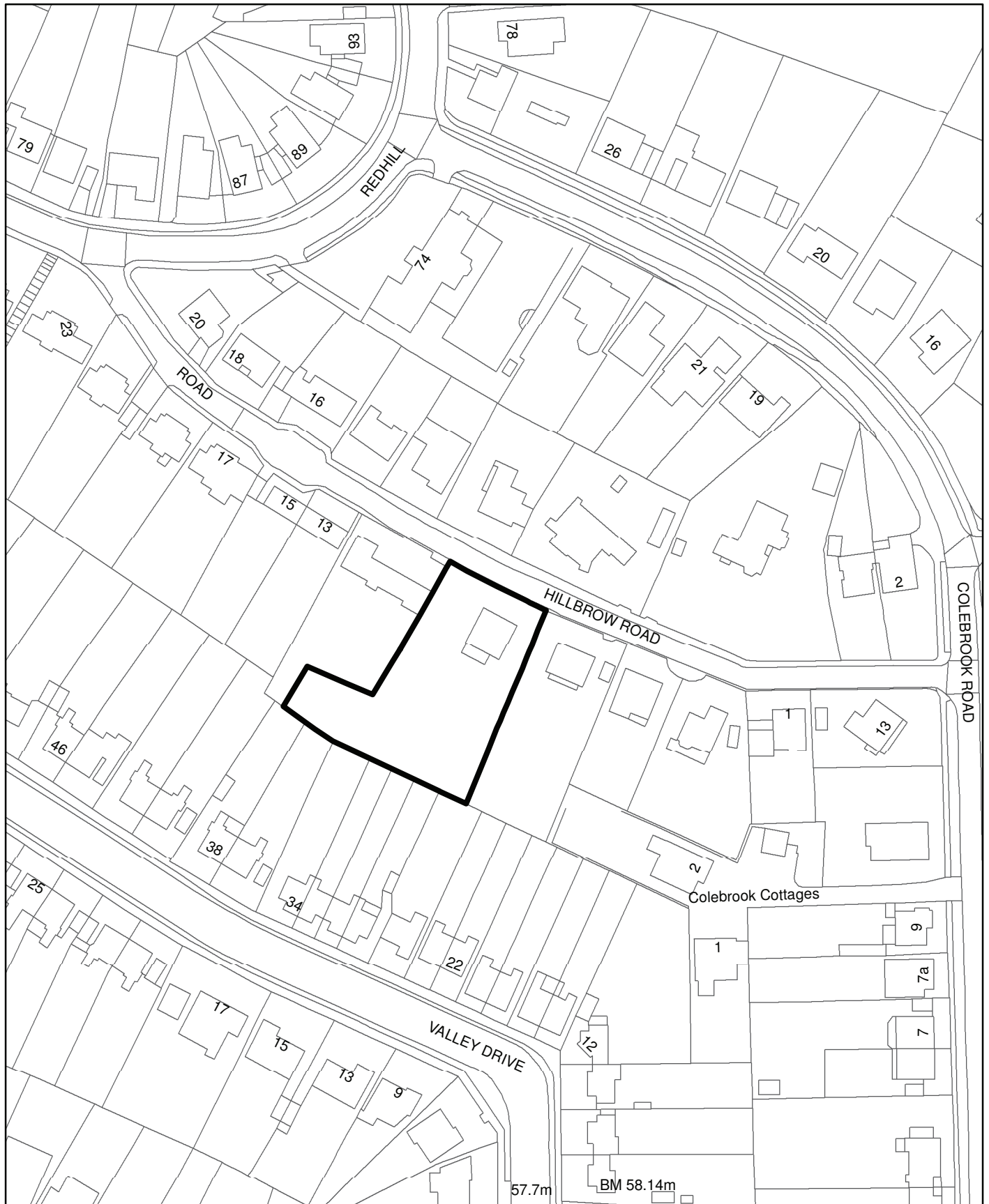
**PLANS LIST
ITEM F**

9 Hillbrow Road, Brighton

**BH2012/02370
Full planning**

31 OCTOBER 2012

BH2012/02370 9 Hillbrow Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/02370	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 Hillbrow Road, Brighton		
<u>Proposal:</u>	Erection of two detached houses with new access drive and associated parking.		
<u>Officer:</u>	Adrian Smith Tel: 290478	<u>Valid Date:</u>	31/07/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25/09/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Paul Newman, 1 Old London Road, Patcham		

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 comprises a detached house and large L-shape garden located on the south of Hillbrow Road, Brighton. The site slopes steeply downward from the front/north of the site to the rear/south such that the houses on Hillbrow Road are significantly elevated above those to the rear. The site is largely overgrown and bordered by substantial trees and vegetation on all sides.
- 2.2 The surrounding street scene to the north, east and west of the site is formed of a variety of detached bungalows and houses on Hillbrow Road set in a highly vegetated landscape. Further houses sit on substantially lower land to the south of the site on Valley Drive. Within this part of the Withdean Area there are very few examples of backland development.
- 2.3 The Council's Urban Characterisation Study describes the Withdean Area as '*a very low density residential area of large detached houses in their own grounds surrounded by extensive mature trees bordering woodland, with an almost rural feel*'

3 RELEVANT HISTORY

BH2012/01015: Erection of two detached houses with new access drive and associated parking. Refused 05/06/2012 for the following reason:

1. *The proposed house to the rear of the site has an excessive footprint which is not considered to respond to the existing topography of the site and fails to relate to the garden setting in which it is located. Furthermore the combination of prominent sloping roof, combined with a series of flat roofs, is considered to result in a contrived design. As a result the design and appearance of the building is not considered acceptable for its location and*

the proposal would conflict with policies QD1, QD2, and HO4 of the Brighton & Hove Local Plan which seek to ensure that the houses are well designed and respond to the characteristics of the locality.

BH2011/01081: Erection of a detached three-bedroom house with parking fronting Hillbrow Road. Approved 01/06/2011. Not implemented.

BH2010/03549: Erection of two detached houses with new access drive and associated parking. Refused 07/01/2011 for the following reasons:

- 1. The formation of an additional house in the rear garden would result in an overdevelopment of the garden area harming the spacious character and appearance of the area and dominating the setting of adjoining gardens. The proposal is contrary to policy QD1, QD2 QD3, and HO4, of the Brighton & Hove Local Plan.*
- 2. The proposed development in the rear garden, by virtue of its siting, design, scale and access would result in a dominating development of the rear garden, which would be visually intrusive, overbearing and would harm the outlook from neighbouring properties and would be detrimental to the overall enjoyment of adjoining properties. The proposal would be contrary to policy QD1, QD2 QD3, HO4 and QD27 of the Brighton & Hove Local Plan.*

This application was the subject of an appeal which was dismissed 26/10/2011 due to the impact of the proposed house in the back garden on the properties at the rear in Valley Drive. The Inspector did not object to the principle of developing the rear of this site with a residential building.

4 THE APPLICATION

- 4.1 The application is a re-submission following the refusal under BH2012/01015 and again seeks full planning permission for the erection of two detached houses within the side and rear garden of 9 Hillbrow Road.
- 4.2 Plot 1 would sit in the side garden to 9 Hillbrow Road and would front the street. It would be separated from 9 Hillbrow Road by a proposed 3m wide pedestrian access road and steps to Plot 2. The proposal is for a split level four-bedroom two storey house of a similar scale and design as previously approved under BH2011/01081.
- 4.3 Plot 2 would sit at the foot of the rear garden which is at a significantly lower level than the houses on Hillbrow Road. The proposal is for a three-bedroom two storey split level house with an asymmetrical pitched roof accessed from the street via steps between 9 Hillbrow Road and the proposed house on Plot 1.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **Nos. 3, 7 (x2), 10 & 12 Hillbrow Road, and 28 & 34 Valley Drive**, objecting to the application for the following reasons:
 - The development is an overdevelopment of the site and not at all in keeping with the locality.
 - Reduction in outlook, views and sight lines to neighbouring properties.
 - Overlooking, loss of privacy and noise disturbance to adjacent rear gardens

- The appearance of the house at Plot 2 remains large and out of character with the surrounding area.
- The development of Plot 2 represents an overdevelopment of the site. The proposed house at 15m wide represents a very large and obtrusive structure which is out of place in a garden setting.
- Noise and disturbance from the residential activity associated with the new house.
- The development would impact on wildlife habitats where foxes, badgers, frogs, toads and slowworms abound.
- The proximity of the house to boundary trees may damage the trees and/or result in pressure for this screening being removed. A number of mature apple trees have already been felled on the site.
- There are no arrangements for dealing with surface water run-off, as much of the site will become hardstanding.
- There are no means for dealing with sewerage and object to the use of a septic tank given its potential to overflow on sloping land.
- The pavement and street is narrow with limited parking available.
- Parking spaces appear insufficient, at least 2 are required per dwelling based on historical knowledge of the area.
- There will be no access to the houses for disabled persons.

Internal:

5.2 **Access:** Comment

Plot 2 cannot be a Lifetime Home due to the impossibility of providing level or gently sloping access. A decision will have to be made whether to accept the proposed Plot 2 despite non-compliance with HO13. The access to Plot 1 is also via an unacceptably steep slope and the level of the car parking area should be lowered to enable level access from there to the house. It is not clear from the elevations whether access to all entrances of Plot 1 is via a level threshold but it does not appear so from Section BB.

5.3 **Environmental Health:** No comment received.

5.4 **Sustainability:** No Objection

The sustainability standards expected for these 2 dwellings have been met for the house proposed on Plot 1 (code level 5), but have not been met in the house proposed for Plot 2 (Code level 4). However, adequate justification has been provided for this. The site and technical constraints inhibit the potential standard being met on Plot 2, however the submitted documents indicate that a high Code level 4 is achievable.

5.5 The information submitted for the house at Plot 2 indicates that positive measures will be incorporated, namely renewable technologies include solar thermal panels for hot water (4m²), an air source heat pump and secondary biomass water heating; passive solar design; highly insulated building fabric; low impact materials (timber frame); and Lifetime Homes.

5.6 Whilst it is disappointing that a Code 5 house is not possible on plot 2, in this instance the reasons given for a lower standard are acceptable provided the

commitment to achieve a high Code 4 is followed through. Approval is recommended, with the application of a condition securing Code level 5 for the house at Plot 1, and a high Code level 4 for the house at Plot 2 (scoring 76 points or more).

5.7 Sustainable Transport: Support

The proposed level of car parking for two vehicles is in line with SPG04 and deemed acceptable. SPG 4 states that a minimum of 1 cycle parking space is required for every dwelling and 1 secure space per 3 dwellings for visitors. For this development of 2 houses the minimum parking standard is 3 cycle parking spaces. It appears that the applicant intends to provide 2 cycle parking spaces per unit in line with the minimum standards quoted within SPG04. The proposed cycle parking should be secured through condition.

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 comprises:

- 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 (2005):

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste

PLANS LIST – 31 OCTOBER 2012

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed development and the impact on the character and appearance for the area, the impact on the residential amenity on neighbouring occupiers, matters relating to access and sustainability, and the standard of accommodation.

Principle of development:

8.2 There have been no material changes to national planning policy or the current development plan since the determination of the last application for the redevelopment of this site (BH2012/01015). The general approach for the assessment of applications relating to garden development has not changed in that such proposals will always need to be rigorously examined in respect of their impact on the surrounding area and the amenities of adjacent occupiers. Policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan remain applicable and do not expressly discourage planning permission for backland development, including development on previously un-developed gardens, provided that the proposed building is of a high design standard that responds well to the character or the area, does not harm neighbouring occupiers, and is acceptable in all other respects.

8.3 The challenge with this site is the steep slope of the land and the fact that a house in the rear garden would sit in isolation from other houses in the immediate area. The Local Planning Authority has consistently considered that the principle of developing this backland site with a new house is unacceptable

as such development would be uncharacteristic for the area and out of character with its garden setting. However, such matters were addressed in the appeal relating to the initial proposal for the development of this site refused planning permission under BH2010/03549. Although the appeal was dismissed on amenity grounds, the Inspector concluded that the principle of a new house at the foot of the rear garden would be acceptable.

Design and Appearance:

Plot 1:

- 8.4 Plot 1 would sit in the side garden to 9 Hillbrow Road facing onto the street. The proposed house would be of a similar modern appearance to the house proposed under appealed application BH2010/01015, and largely identical to that approved under BH2011/01081. The main difference between this proposal and that approved under BH2011/01081 is that the width of the house has been reduced by 0.7m to accommodate access steps to Plot 2. The scale, form, materials (rendered elevations and a zinc roof) and detailing of the proposed house remains identical in all other respects to the approved scheme, where it was determined to have an acceptable impact on the street scene. In this respect there are no material planning reasons to justify a different determination with regard the development of Plot 1.

Plot 2:

- 8.5 The principle of developing Plot 2 with a residential dwelling has been established in the appealed decision BH2010/03549 and the subsequent refused scheme BH2012/01015. The previous scheme for a house on the site was refused permission on the basis that it was considered to have an excessive footprint which did not satisfactorily respond to the topography of the site and failed to satisfactorily relate to its garden setting. The combination of a prominent sloping roof combined with a series of flat roofs was also considered to result in a contrived design that failed to satisfactorily relate to its surrounds.
- 8.6 The proposed house has been reduced in width from 18.6m to 15m, with an overall reduction in footprint from 160sqm to 120sqm. The resultant building now sits more comfortably in its plot and is of a scale and design more proportionate to that of the surrounding area. The previous complicated and convoluted roofline has been simplified to a single asymmetrical pitched sloping zinc roof above stone and copper clad walls, with a lower mono-pitched roof to the east side. When viewed from the higher land levels to the north, the bulk of the building would be formed by the main 11.6m wide pitched roof, with all main living accommodation at lower ground floor level behind. In this respect the proposed house would not now have an excessively dominant or imposing impact on the surrounding area. The introduction of a dual pitched roof has further enabled a reduction in scale when viewed from Valley Drive to the south, with the building appearing single storey in height and the roofslope above pitching in line with the slope of the land.
- 8.7 The proposed development would therefore represent an efficient use of the site and a suitable overall design standard as required by policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

Landscaping:

- 8.8 The proposed site layout plans provide for an indicative landscaping scheme for both dwellings and detail that the majority of trees on the site and all boundary trees are to remain in situ. The plans detail an appropriate mix of hard and soft landscaping with suitable lawned gardens/terraces, a wildlife pond, and opportunities for new tree planting. Conditions are recommended to secure a detailed scheme, including materials and plant species where appropriate.
- 8.9 The Arboriculture Team have not commented on this application, however they have previously raised no objection to the previous applications which were located closer to the boundary trees. Conditions can be attached to secure appropriate root protection scheme in accordance with the British Standard. Subject to the recommended conditions the proposed development accords with policies QD15 and QD16 of the Brighton & Hove Local Plan.

Standard of Accommodation:

- 8.10 Policy QD3 of the Brighton & Hove Local Plan requires that all developments make effective use of a site incorporating an intensity of development appropriate to the locality, the nature of the development, and proposed uses. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause loss of amenity to the proposed residents, whilst policy HO5 requires the provision of private useable amenity space in new residential development.
- 8.11 The proposal seeks planning permission for a four bedroom house on Plot 1, and a three bedroom house on Plot 2. The size, layout and outlook to both properties are sufficient to make for a good standard of residential accommodation. In terms of amenity space, as previously approved Plot 1 would be served by large rear terraces stepping down with the topography of the land. Plot 2 would have direct access to large terraces and the remaining gardens at the foot of the site, an area totalling in excess of 400sqm. Such provision is commensurate to that provided by other plots in the area, and would not excessively compromise the remaining garden area to 9 Hillbrow Road. For this reason the proposed development represents a good standard of residential accommodation suitable for family occupation, in accordance with the requirements of policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.12 The design and access statement confirms that the lifetime homes standards have been incorporated into the internal design of each house where possible. This is corroborated by the plans which show suitable corridor and door widths, level thresholds, and the provision of a power supply for a stairlift for the access steps to Plot 2. The access officer has commented on the proposal, highlighting that the proposal does not strictly comply with some aspects of Lifetime Homes, in particular the multiple steps to Plot 2, the lack of an accessible entry level wc, and the lack of allocated space for a through-floor lift. The topography of the site precludes easy access to plot 2 for wheelchair users however a power supply would be included in the design to enable the installation of a chairlift at a future date if so required. Whilst not ideal, on balance such an arrangement is considered acceptable in this unique circumstance. Minor alterations can be made without harm to the proposal to meet the other identified shortcomings.

Subject to the standard condition requiring all standards to be met (where applicable), the development would meet the requirements of policy HO13.

Impact on Amenity:

- 8.13 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14 In the determination of the appeal scheme, the Inspector concluded that despite the length of the gardens, a sizable house so close to the southern boundary would be overbearing. Specific mention is given in his report to the 'extensive wall of development looming large over the gardens'. It is the outlook from the gardens in Valley Drive which ultimately meant this appeal was dismissed.
- 8.15 The previous scheme (BH2012/01015) satisfactorily resolved the Inspector's concerns over its impacts on neighbouring amenity. The amenity impacts of the proposed house on Plot 1 remain as previously consented, and are therefore considered acceptable. The house on Plot 2 was previously deemed acceptable in terms of its impacts on the gardens to Valley Drive to the rear. The revised design maintains the same distance to the southern boundary (5m), with the simplified roof form further reducing any oppressive or overlooking impact. The addition of the east side balcony would not result in overlooking as it would face taller retaining walls to the north, and substantial boundary vegetation to the south. Subject to the provision of boundary fences as proposed, no amenity harm to neighbouring properties would occur as a result of this development.

Sustainable Transport:

- 8.16 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.17 The Sustainable Transport Team have not raised an objection to this application, stating that the two onsite parking spaces and four cycle spaces is an acceptable provision for the scale of development proposed. Such provision is complimented by the availability of unrestricted street parking if required. Plot 1 would have a single allocated off-street car space and two cycle spaces, whilst Plot 2 would have a single off-street parking space with stepped access down to the house and adjacent cycle parking. Although the number and length of steps to the house is large, such matters have previously been considered acceptable and have not raised any significant concerns. Subject to conditions securing the parking and cycle provision, no harm is identified having regard policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

Sustainability:

- 8.18 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new residential development on previously undeveloped land should include a

completed sustainability checklist and should achieve Level 5 of the Code for Sustainable Homes. A Sustainability Checklist and Energy and Sustainability report have been included with the application.

- 8.19 The application details that the proposed house on Plot 1 will meet Code for Sustainable Level 5, which is in accordance with the aims of Supplementary Planning Document on Sustainable Building Design (SPD08). The Sustainability officer is in agreement that this standard can be met on this plot and a suitable condition is recommended to secure this.
- 8.20 With regard Plot 2, the application details that only Level 4 of the Code for Sustainable Homes would be met. SPD08 specifies that a lower standard to that prescribed for a development type may be acceptable where adequate justification is provided. The application details that there are a number of site constraints that would preclude a Code 5 development. These constraints include the overshadowing of the site from the boundary trees which would compromise the use of solar technologies, the distance to the roadway which would preclude fuel deliveries for biomass, and the sheltered nature of the site which would preclude wind technologies. The Sustainability officer accepts that these site specific constraints preclude the reasonable achievement of a Code 5 development, and instead would be prepared to accept a high Code 4 development that achieves a score of 76 points or more (Nb a Code 4 development requires between 68 & 83 points in the overall Code assessment). This is secured by condition. Subject to these recommended conditions, the proposal would meet the required standards for Greenfield development under policy SU2 and SPD08.

Ecology/Nature Conservation:

- 8.21 Residents have commented on the wildlife habitat that the extensive gardens currently provide, stating that protected species may be present, in particular badgers and slowworms. The Council's ecologist has examined the site and found no evidence of badger setts (although there is evidence the site is used by a foraging badger), but is of the opinion that there is a strong likelihood of reptiles such as Slowworms and possibly Common Lizard being present. The applicants have been unable to commission a full reptile survey as the reptile season has now ended (March – September). The next available time for such a survey would be in Spring 2013. Should any reptiles as protected under the Wildlife and Countryside Act 1981 (as amended) be present onsite, SPD11 'Nature Conservation and Development) requires a contribution via a Section 106 agreement towards their translocation to an alternative habitat. The Council currently operates a site at Wild Park suitable for reptile translocation. In this case, Annex 6 of SPD11 would require a contribution of £2,100 towards the preparation and 10 year upkeep of a new reptile habitat at Wild Park, with all costs associated with the capture and transportation of any reptiles also borne by the applicants. However, no such contribution can reasonably be sought until it has been established as to whether protected species are indeed present onsite.
- 8.22 In order to proceed with the determination of this application in a timely manner it is considered suitable to require a full reptile survey prior to the

commencement of works. This survey would link with a Section 106 agreement (completed prior to the formal determination of the application) to provide the above contribution and undertake the species translocation. In the event no protected species are found onsite by the survey, the requirements of the Section 106 would be void.

9 CONCLUSION

9.1 For the reasons detail above, the proposed development has satisfactorily overcome the concerns that prompted the previous refusals of permission. The two houses would represent a good design standard appropriate to their context, would provide for a good standard of residential accommodation that would not harm the amenities of adjacent occupiers, and would meet the appropriate sustainability requirements, in accordance with development plan policies.

10 EQUALITIES

10.1 Conditions are attached to ensure that both developments meet Lifetime Homes Standards where appropriate.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106

- Payment of a contribution of £2,100 prior to commencement of development should reptiles be found.

11.2 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 and block plan	TA617/01	A	31/07/2012
Existing plans	TA617/02		31/07/2012
	TA617/03		31/07/2012
	TA617/04		31/07/2012
	TA617/05		31/07/2012
Proposed plans	TA617/10	G	31/07/2012
	TA617/11		31/07/2012
	TA617/12		31/07/2012
	TA617/13		31/07/2012
	TA617/14		31/07/2012
	TA617/15		31/07/2012
	TA617/16		31/07/2012

PLANS LIST – 31 OCTOBER 2012

	TA617/20	G	31/07/2012
	TA617/21	G	31/07/2012
	TA617/22	F	31/07/2012
	TA617/23	D	31/07/2012
	TA617/24	D	31/07/2012
	TA617/25		04/09/2012

- 3) 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 dwellinghouses hereby permitted 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 2005.
- 4) All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan 2005.
- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan 2005.

11.3 Pre-Commencement Conditions:

- 6) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan 2005.
- 7) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- evidence that the development hereby permitted on Plot 1 (fronting Hillbrow Road) is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 have been submitted to the Local Planning Authority; and
 - a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development on Plot 1 will achieve Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

PLANS LIST – 31 OCTOBER 2012

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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
- (a) evidence that the development permitted on Plot 2 (within the rear garden to 9 Hillbrow Road) is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 (scoring 76 points or more in the overall Code assessment) have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development on Plot 2 will achieve Code level 4 (scoring 76 points or more in the overall Code assessment) has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

- 9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan 2005.

- 11) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and

no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan 2005.

- 12) No development shall commence until a full reptile survey of the site been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out between the months of March and September and any reptiles protected under the Wildlife and Countryside Act 1981 (as amended) found to be present onsite shall be re-located in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of any protected species and to comply with Policy QD18 of the Brighton & Hove Local Plan 2005.

11.4 Pre-Occupation Conditions:

- 13) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved on Plot 1 (fronting Hillbrow Road) shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built on Plot 1 has achieved a Code for Sustainable Homes rating of Code level 5 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

- 14) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved on Plot 2 (within the rear garden to 9 Hillbrow Road) shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built on Plot 2 has achieved a Code for Sustainable Homes rating of Code level 4 (scoring 76 points or more in the overall Code assessment) 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 2005 and Supplementary Planning Document SPD08 Sustainable Building Design.

- 15) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan 2005.

- 16) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan 2005.

- 17) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan 2005.

11.5 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 proposed development has satisfactorily overcome the concerns that prompted the previous refusals of permission. The two houses represent a good design standard appropriate to their context, provide for a good standard of residential accommodation that does not harm the amenities of adjacent occupiers, and meet the appropriate sustainability requirements. A Section 106 agreement and condition will ensure that any protected species found to be present onsite will be managed appropriately. Subject to the recommended conditions and the completion of the Section 106 agreement, the proposal is in accordance with development plan policies.