

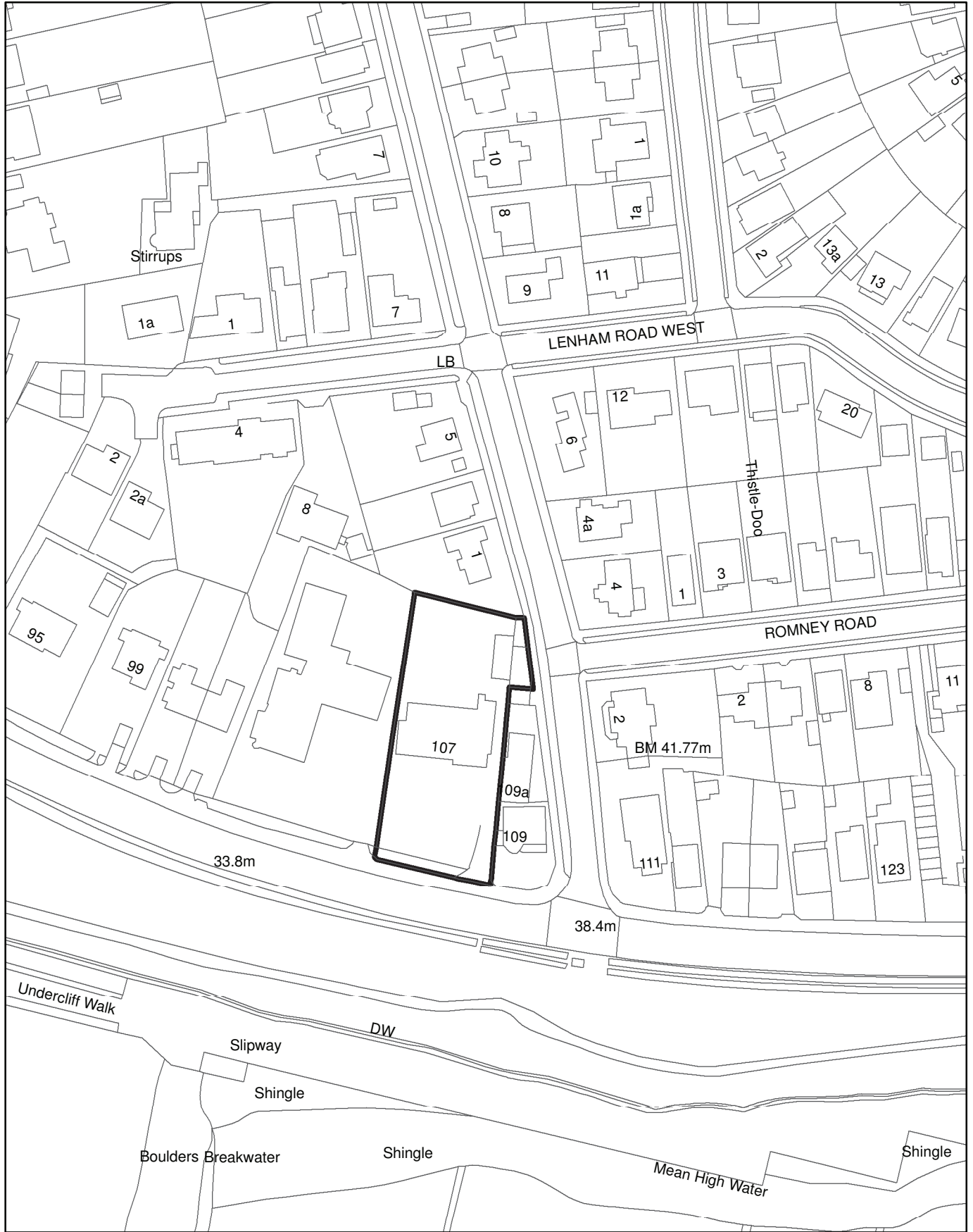
**PLANS LIST  
ITEM E**

**107 Marine Drive, Rottingdean, Brighton**

**BH2012/02416  
Full planning consent**

**21 NOVEMBER 2012**

# BH2012/02416 107 Marine Drive, Rottingdean



**Scale: 1:1,250**

|                                      |  |                            |                            |
|--------------------------------------|--|----------------------------|----------------------------|
| <b><u>No:</u></b>                    | <b>BH2012/02416</b>  | <b><u>Ward:</u></b>        | <b>ROTTINGDEAN COASTAL</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>   |                            |                            |
| <b><u>Address:</u></b>               | <b>107 Marine Drive, Rottingdean, Brighton</b>   |                            |                            |
| <b><u>Proposal:</u></b>              | <b>Demolition of existing dwelling, with associated B&amp;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.</b> |                            |                            |
| <b><u>Officer:</u></b>               | <b>Liz Arnold Tel 291709</b>   | <b><u>Valid Date:</u></b>  | <b>01/10/2012</b>          |
| <b><u>Con Area:</u></b>              | <b>N/A</b>   | <b><u>Expiry Date:</u></b> | <b>26/11/2012</b>          |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>   |                            |                            |
| <b><u>Agent:</u></b>                 | <b>PRP Architects, Studio 3, 62 Benett Drive, Hove</b>   |                            |                            |
| <b><u>Applicant:</u></b>             | <b>Mr &amp; Mrs R Turrell, 107 Marine Drive, Rottingdean, Brighton</b>   |                            |                            |

## 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 it is **MINDED TO GRANT** planning permission subject to the completion of a S106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a property located on the northern side of Marine Drive, close to the junction with Chailey Avenue. The site has an L-shape form with boundaries fronting Marine Drive and Chailey Avenue, the actual corner itself housing two additional dwellings outside of the site boundaries, namely nos. 109 and 109A Marine Drive. Vehicular access to the site is achievable from both Marine Drive and Chailey Avenue.
- 2.2 No. 109 Marine Drive is set to the south-east of no. 107. This neighbouring property has limited space to the side and rear of the dwelling. No. 109A is located immediately behind 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 land relating to no. 107 is located at a significantly higher level than that related to no. 105. No. 1 Chailey Avenue is also 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 The property appears to have been substantially extended in the past, at the rear and at roof level. The western part of the ground floor level of the existing property currently provides 3 bedrooms used for the applicant's Bed and Breakfast business whilst the upper floor level is used exclusively by the applicant with daytime accommodation within the eastern half of the ground floor level.
- 2.6 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, the recent development at no.105 Marine Drive which comprises both flats and dwellings and 109 and 109A Marine Drive.

### 3 RELEVANT HISTORY

#### 107 Marine Drive

**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.

**BH2010/02652:** Conversion of existing building to create a 9 unit residential development comprising 6no two storey houses and 3no flats. Erection of first floor extension to North elevation and dormer to South elevation and associated altered fenestration and landscaping. Refused 11/10/2010.

**BH2010/01299:** Conversion of existing building to create a 9 unit residential development comprising 6no two storey houses and 3no flats. Erection of first floor extension to north elevation and dormer to south elevation and associated altered fenestration and landscaping. Refused 15/07/2010.

**BH2003/02584/FP:** Demolition of existing building. Erection of a block of 14 x 2 bedroom apartments with associated bin store, cycle store and car parking (Duplicate Application). Refused 29/09/2003.

**BH2003/02581/FP:** Demolition of existing building. Erection of a block of 14 x 2 bedroom apartments with associated bin store, cycle store and car parking. Refused 29/09/2003.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing dwellinghouse, which comprises associated B&B facilities, accessed via Marine Drive, and the erection of a new building containing 7 flats and the erection of a detached 4 bedroom house, accessed via Chailey Avenue.
- 4.2 In order to accommodate the proposed development the existing building fronting Marine Drive would be demolished to ground floor slab, in addition to the existing attached rear single storey annexe being demolished.
- 4.3 The proposed development within the southern section of the site would comprise 6 no. 2 bedroom and a 1 no. 1 bedroom flats. This development would be formed of a single storey building with accommodation in the roofspace. The proposed roofspace accommodation would include the provision of three front and three rear dormer windows. The proposed front dormer windows would provide access onto terrace areas. This development would be accessed from Marine Drive and would be provided with 8 off-street parking spaces within the front curtilage.
- 4.4 The proposed dwellinghouse would be of a detached form and would be accessed via Chailey Avenue. This two-storey house would contain 4 bedrooms (one provided within the roofspace) and would be provided with an off-street parking space.

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

##### **External**

- 5.1 **Neighbours: Six (6) letters of representation have been received from 1 (x2), Blind Veterans UK Estates Surveyor on behalf of occupiers of 2, 3 and 4 Chailey Avenue and 109A Marine Drive objecting to the application for the following reasons:**
- overdevelopment,
  - increased parking demand in Chailey Avenue and exacerbation of existing parking problems. Not enough parking is has been allocated to the proposed flats. Chailey Avenue is already heavily used by traffic using it as a short-cut and the road has street parking along most of it thereby restricting the area for moving vehicles. Site lines and visibility along Chailey Avenue are already compromised and the hazard risk will increase if further development allowed with access into Chailey Avenue,
  - the driveway for the proposed house into Chailey Avenue will cause considerable danger coming into the road opposite the junction with Romney Road,
  - the forecourt of the property cannot provide sufficient parking for residents, visitors and service vehicles. Appears to be inadequate parking facilities for the new house in Chailey Avenue.
  - problems with access and egress on to increasingly busy South Coast Road, Marine Drive,
  - overlooking,
  - intrusion of noise and disturbance,

## PLANS LIST – 21 NOVEMBER 2012

- the new buildings should not exceed the height of the existing building in anyway as this would block sun and light to neighbours,
- loss of privacy,
- as the front of the garden is taken up with parking spaces, where are the spaces for children to play on?,
- the proposed house does not have a garage,
- will the proposed driveway for the house also provide access from the flats into Chailey Avenue?
- the garage shown on the plans relates to no. 107 not 109A, this garage should be returned to no. 109A and should not be developed at a later stage or demolished to provide further access into Chailey Avenue,
- the proposed development should result in the removal of all dustbins or any waste away from the living space of 109A,
- shame to lose the current residence, which is the only Bed and Breakfast in Rottingdean and is a long established thriving business, and
- additional pollution.

### **Internal:**

- 5.2 **Arboriculturist:** There is nothing of any arboricultural value on the site, however conditions should be attached to protect the hedge that provides screening between the development site and neighbouring properties.
- 5.3 **Access Officer:**  
(17/09/2012 and 22/10/12) Amendments are required with regards to both the proposed flats and house.
- 5.4 **Environmental Health:** Has no comments.
- 5.5 **Sustainable Transport:**  
(*Original comments 13/09/12*) Recommends approval as the Highway Authority has no objections to the application subject to conditions regarding retention of parking area, cycle parking, car parking management, disabled parking and a contribution towards sustainable transport infrastructure.
- 5.6 (*Additional comments 15/10/12 following receipt of confirmation regarding existing use of property*). The Highway Authority would request a S106 contribution of £1350.
- 5.7 (*Comments 17/10/12*). The Highway Authority would look to secure £1350 towards pedestrian improvements in the local area. This would include improvements to Chailey Avenue including at its junction of Romney Road.
- 5.8 (*Final comments 06/11/12 following receipt of amended drawings*) Recommends approval subject to conditions regarding retention of parking area, cycle parking and car parking management.

## **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  |
| TR19 | Parking standards   |
| SU2  | Efficiency of development in the use of energy, water and materials |
| SU13 | Minimisation and re-use of construction industry waste              |
| 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   |
| 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  |
| HO9  | Residential conversions and the retention of smaller dwellings      |
| HO13 | Accessible housing and lifetime homes                               |
| SR15 | Protection of hotels / guest houses                                 |

#### 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 loss of the existing bed and breakfast facilities, 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 Application BH2007/03898 related to nos. 105 and 107 Marine Drive. Planning permission was sought for the demolition of the existing buildings and the erection of 6 one-bedroom, 15 two-bedroom and 10 three-bedroom apartments, with associated car parking. This application was refused on many grounds, including the siting, design, height, bulk, massing and external appearance of the development, unsatisfactory levels of private amenity space, unacceptable level of privacy for future occupiers, lack of on-site affordable housing, failure to provide a mix of affordable housing, and adverse impacts upon the amenities of neighbouring properties. This refusal was upheld at appeal.
- 8.3 This application seeks permission solely in respect of land at 107 Marine Drive as since refusal of application BH2007/03898 and the subsequent appeal applications relating solely to 105 Marine Drive have been approved, allowing the conversion of the existing building to provide 8 residential units and the construction of a single storey 2 bedroom dwelling to the rear of the existing building. During the Case Officer's site visit in respect of the current application it became apparent that works relating to the approved neighbouring conversion are underway.

**Principle of development:**

- 8.4 The proposal seeks demolish the existing two storey dwelling, with associated B&B facilities, and attached single storey annexe to ground floor slab level and subdivide the plot on an east to west basis. The southern sited plot would accommodate a new building containing 7 flats whilst a new detached dwellinghouse would be constructed within the north-eastern corner of the proposed northern plot.
- 8.5 Policy SR15 of the Brighton & Hove Local Plan seeks to prevent the loss of existing bed and breakfast accommodation located within the defined core hotel area of the City. As the site falls outside of the core area it is therefore not afforded protection under this policy. The loss of the existing bed and breakfast facilities therefore does not contravene the current Local Plan.



- 8.6 The application site is located within the built up area boundary as defined on the Local Plan Proposals Map and as such development is acceptable in principle although any development must adequately accord with relevant policies of the Brighton & Hove Local Plan.
- 8.7 The recently published NPPF sets out a presumption in favour of sustainable development. The definition of previously developed land is contained in Annex 2 of the NPPF and excludes land in built-up areas such as private residential gardens and states also that it should not be assumed the whole of a curtilage should be developed even if a site is considered to be previously developed land.
- 8.8 One of the core planning principles set out in the NPPF is always to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These issues are discussed in further detail below.

**Design:**

- 8.9 Policies QD1, QD2, QD3 and QD5 set 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. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.
- 8.10 No. 107 Marine Drive currently comprises of a single storey property with accommodation located within the hipped roof. A large dormer window is located within the front roofslope, with an associated terrace area and a large rear dormer window. A single storey hipped roof annexe extends to the north at the rear of the property, on the eastern side. Due to the presence of a slight south to north gradient the internal ground floor within the southern section of the existing property is located approximately 1.1m above related external ground level. The ridge of the main section of the property is located approximately 6.3m above ground level.
- 8.11 The proposal would result in the demolition of the existing property and related annexe, except for the existing ground floor slab. Following this demolition and the sub-division of the plot a new building containing 7 flats would be erected within the southern section of the site. This new building would have a slightly longer footprint to that of the existing main building, extending 4.2m southwards closer to the Marine Drive frontage, in addition to reflecting the existing hipped roof chalet bungalow appearance, albeit with south facing first floor balconies and ramps at ground floor level in order to provide access.
- 8.12 The overall height of the proposed flat development would not exceed that of the existing dwelling (approximately 6.3m) and therefore the ridge of the proposed property would remain located below that related to no. 109A Marine Drive. In addition the overall width of the property being reduced, from a maximum of approximately 27m to a maximum of approximately 22m.

- 8.13 The ground floor level of the flat development would project beyond the front roofslopes eaves line in order to accommodate the proposed first floor front terraces. A mono-pitched roof, separate to the main hipped roof, would be located along the western, southern and eastern edges of this projecting section, below the proposed first floor south facing terraces and would over hang the related elevations in order to provide a suspended porch.
- 8.14 The proposal would result in a Marine Drive frontage which is more symmetrical than that of the existing dwelling.
- 8.15 The footprint of the proposed detached house would be located within the north-eastern corner of the northern section of the site. This new dwelling would comprise two storeys in addition to having accommodation within roof form. The northern side of the rear elevation would project further to the west than the southern side and would comprise a projecting hipped roof with an eaves line located lower than that of the main hipped roof in addition to a hipped roof dormer. Two rooflights would be inserted within the main rear roofslope.
- 8.16 The southern end of the proposed front elevation would project further to the east than the northern part. The roof over this section would also have an eaves level located lower than the rest of the main roof. A hipped roof dormer would be inserted on the southern side of the front elevation.
- 8.17 A suspended porch would be located on the front elevation of the proposed dwelling in addition to a Juliet balcony above. Two Juliet balconies would also be located within the rear elevation of the proposed dwelling.
- 8.18 The proposed detached dwelling 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 forms. However one common characteristic is the presence of large dominant roofslopes, a characteristic which the proposed detached dwelling would replicate.
- 8.19 It is acknowledged that the proposed dwelling would not reflect the common east facing building line formed by nos. 1 and 3 Chailey Avenue and which would be replicated at no. 5 by the development of two new dwellings approved under application BH2010/03947. However the built form of the proposed dwelling 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.
- 8.20 The ridge 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 ridge related to nos. 109A Marine Drive, which fronts onto Chailey Avenue, but would be lower than that related to no. 1 Chailey Avenue.

- 8.21 Currently a large visual gap is located between the roof forms of nos. 1 Chailey Avenue and 109A Marine Drive. The proposed detached dwelling 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 of the proposed detached dwelling and 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.
- 8.22 It is stated that the proposed developments would be constructed of the following materials;
- stock brick,
  - render,
  - tile hanging,
  - plain sand faced tiles, and
  - white uPVC windows/doors.
- 8.23 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.
- 8.24 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.

**Landscaping:**

- 8.25 The Council's Arboriculturist has confirmed that there are no trees of any arboricultural value within the site. However an established Euonymous hedge which helps to screen parts of the site from neighbouring properties. It is considered that this hedge should be protected as far as possible during the course of the construction of the development.
- 8.26 Although some details of proposed landscaping of the development are shown on the plans submitted and set out within the submitted Design and Access Statement details of tree species, proposed numbers, sizing, etc have not been provided. The proposed tree species is considered important due to the coastal location of the site. It is considered that further landscaping details should be sought via a condition if overall the proposal is deemed acceptable.

**Impact on Amenity:**

For Future Residents

- 8.27 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. With regards to this policy the Local Planning Authority will take into account the provision of front gardens, back gardens and balconies.
- 8.28 The proposed detached house would be provided with a private usable rear garden which is considered to be of a sufficient size in respect of the scale of the dwelling proposed.

- 8.29 In respect of the proposed flats the ground floor units (3 no. two bedroom flats and a 1 no. one bedroom flat) would be provided with their own private rear garden areas. The 3 no. two bedroom flats to be located within the roofslope of the property would be provided within front balcony areas. A communal amenity space is also shown to the south-west of the car parking area. Overall the size of the proposed external amenity space is considered acceptable given the scale of the development.
- 8.30 It is considered that the room sizes proposed for both the flat and house developments are adequate for their function and all habitable rooms appear to have appropriate levels of natural light and ventilation.
- 8.31 It is noted that the proposed bedroom within the roofslope of the detached dwelling would obtain light and ventilation via two rooflights and therefore would not have vertical positioned windows however as this would be the 4<sup>th</sup> bedroom for the proposed dwelling it is not considered that refusal on this basis could be sustained.
- 8.32 Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). Since submission of the application amendments have been made to the proposal in order to address concerns raised by the Council's Access Officer, such as the length and gradient of the proposed ramps located on the front elevation of the proposed building which would contain the flats and the approach and parking area of the proposed dwelling. It is recommended that a condition is attached to an approval to ensure full compliance with this policy.
- 8.33 A distance of approximately 8.8m would be located between the southern elevation of the proposed detached house and the northern elevation of the proposed north facing elevation of the flat development. However it is considered that the proposed boundary between the two elements of the development (comprises of vegetation and a wall with a height of approximately 1.8m on the southern side) would mitigate loss of privacy and overlooking between ground floor windows. Furthermore the proposed upper floor window within the southern elevation of the detached house would relate to a bathroom window and as a result it could be ensured that this window contains obscured glazing in order to prevent loss of privacy and overlooking towards the proposed dormer windows within the north facing roofslope of the flat development.

For Neighbouring Residents

- 8.34 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.

- 8.35 Due to the existing residential character of the area it is not considered that the principle of the provision of the 7 flats and detached dwellinghouse would have a significant adverse impact upon the amenities of neighbouring properties. Furthermore the principle of the intensification of plots along Marine Drive has been established following the approval of application BH2010/03444.
- 8.36 The proposed detached dwellinghouse would be located a minimum of approximately 0.6m 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 2.4m would be located between the northern elevation of the proposed house and the southern most elevation of no. 1 which relates to the attached side garage. A minimum distance of approximately 4.6m would be located between the northern elevation of the development and the main elevation of no. 1 which comprises south facing windows. The northern most roofslope would be of a hipped form. Overall it is not considered that the construction of the proposed dwellinghouse 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.
- 8.37 Windows are proposed within the northern elevation of the proposed new house. The proposed north facing two ground floor windows would relate to a living room area whilst the upper floor window would relate to a WC and separate bathroom area. Due to the positioning of these proposed windows in context with the existing windows within no. 1 Chailey Avenue it is not considered the inclusion of the north facing windows with the proposed dwellinghouse would 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 dwellinghouse 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.
- 8.38 The eastern building line of the proposed detached dwelling would be set further to the west than the built form of no. 109A Marine Drive, which would be located to the south of the proposed dwelling. As a result it is not considered that the proposed detached dwelling would have a significant adverse impact upon the amenities of this southern neighbouring property.
- 8.39 Due to the proposed siting of the new dwellinghouse within Chailey Avenue, its design, the distance between the development and existing properties on the eastern side of Chailey Avenue and its positioning in respect of these properties it is not considered that the proposed new dwellinghouse would have a significant adverse impact upon the amenities of properties located on the eastern side of Chailey Avenue.
- 8.40 Due to the overall height and footprint of the proposed flat development not exceeding that of the existing building it is not considered that this element of



the proposal would have a significant adverse impact upon the amenities of the neighbouring properties with regards to loss of light/sunlight or overshadowing.

- 8.41 The new building within the southern section of the site would comprise of first floor south facing balcony areas. These proposed external amenity areas would provide views overlooking the proposed front car parking area and beyond towards Marine Drive. No windows are located within the western elevation of no. 109A Marine Drive however windows are located within the western elevation of no. 109 which is located to the south-east of the proposed flat development. Due to the height variation between the proposed balcony areas and the neighbouring ground floor west facing windows, the slight orientation of no. 109 away from no. 107 and the oblique views which would be provided from the proposed balconies towards the side of no. 109 it is not considered that the proposal would have a significant adverse impact upon the amenities of this south-eastern neighbouring property.
- 8.42 Due to the limited number of glazed openings within the proposed west facing elevation of the proposed flat development, the presence of the established hedge along the western boundary of the site and the variation in height between land related to nos. 105 and 107, it is not considered that the proposal would have a significant adverse impact upon the amenities of future occupiers of 105 Marine Drive which is currently under conversion to provide a mixture of flats and dwellings.
- 8.43 Views from the proposed glazed openings with the northern elevation of the proposed flat development, including the three dormer windows, would be towards the new boundary with the proposed detached dwellinghouse. This relationship is comparable with that between the approved flat block and rear house on the adjoining site, 105 Marine Drive.
- 8.44 Objections regarding overlooking and loss of privacy to nos. 109 and 109A are noted however it is considered that any views towards these neighbouring properties would be oblique and would not be different to those obtained from glazed openings within the existing property.
- 8.45 Overall it is not considered that the proposed development would have a significant adverse impact upon the amenities of the neighbouring properties.

**Sustainable Transport:**

- 8.46 Policy TR1 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.



- 8.47 The site is not located within one of the City's Controlled Parking Zones (CPZ) and as a result free on-street parking is provided within the vicinity of the site.
- 8.48 The proposed dwellinghouse would have sole use of a hard-standing area at the front of the dwelling, accessed from Chailey Avenue, whilst the proposed flats would have use of 8 parking spaces located to the south of the development upon the existing hard-standing area, accessed via Marine Drive. SPG04 sets out the maximum parking standards for developments. For a development of the type and scale proposed, outside of a CPZ, the maximum number of car parking spaces would be 11 (including 4 for visitors) and as a result the proposal for the provision of a total of 9 parking spaces accords with SPG04.
- 8.49 No details have been submitted as part of the application stating how the applicant intends to manage the proposed 8 parking spaces for the proposed flats and how residents would be allocated car parking spaces. As a result it is recommended that a condition is attached requiring further details of the allocation of spaces and how the spaces would be managed.
- 8.50 Within SPG04 it is stated that a minimum of 1 cycle parking space should be provided for residents of each residential unit and 1 space per 3 dwellings for visitors. Since submission of the application the design and positioning of the proposed cycle store in respect of the flats has been amended in order to address concerns raised by the Local Planning Authority in respect of being an inadequate size to accommodate the number of cycles required and impact upon the amenities of the ground floor flat within the western section of the building. The cycle store now shown would be located to the south of the proposed flat development along the western boundary of the site. No elevational details of this proposed facility have been provided however it is stated that it would be a Bromley Shelter. Whilst the proposed shelter is considered acceptable the proposed stands are not deemed appropriate as only one wheel of the bike can be secured. Furthermore no pathway is shown along the eastern edge to provide access from the parking area. It is considered that amendments to address these issues can be requested via a condition.

**Sustainability:**

- 8.51 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.52 Within Annex 2 of the recently published NPPF the definition of previously development land excludes land in built-up areas such as private residential gardens. The footprint of the proposed detached house would be larger than that of the existing buildings located to the rear of no. 107 Marine Drive. As a result it is concluded that the land upon which the single dwelling would be constructed constitutes Greenfield land. The proposed flats would however be constructed within the footprint of the existing dwelling and therefore constitutes brownfield land.

- 8.53 As part of the application Sustainability Checklists have been submitted in respect of both elements of the proposal. Within these checklists it is stated that the proposed flat development would be constructed to level 3 of the Code for Sustainable Homes whilst the proposed dwelling, which would constitute Greenfield development, would be constructed to level 5. The proposal therefore accords with sustainability policies of the Brighton & Hove Local Plan and SPG08, such compliance can be ensured via attachment of conditions.
- 8.54 Policy SU2 of the Brighton & Hove Local Plan requires all new developments to make provision for adequate refuse and recycling facilities. Such details can be ensured via a condition.

Waste Management:

- 8.55 A Waste Minimisation Statement has been submitted as part of the application. Within this statement it is stated which demolition waste would be reused, how new construction materials would be sourced and stored on site and how waste would be managed. It is recommended that a condition is attached to an approval to ensure compliance with his statement.

## **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. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, 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**

- 10.1 The development would be required to comply with all reasonable Lifetime Homes criteria and to meet Part M of the Building Regulations.

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Planning Obligation:

**Section 106 to secure:**

- A contribution of £1,350 towards pedestrian improvements in the local area. This would include improvements to Chailey Avenue including at its junction of Romney Road.

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.

PLANS LIST – 21 NOVEMBER 2012

- 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 |
|--|-----------|---------|---------------|
| Location Plan                                      | 14        | -       | 31/10/2012    |
| Conversion to 7 Flats, Buildings as Existing       | 06        | -       | 01/08/2012    |
| Conversion to 7 Flats                              | 07        | Rev. B  | 29/10/2012    |
| Conversion to 7 Flats – 1 Detached House Site Plan | 08        | Rev. D  | 31/10/2012    |
| Detached House Modified Proposals                  | 09        | Rev. D  | 29/10/2012    |
| Detached House + 7 Flats Contextual Elevations     | 11        | Rev. A  | 05/10/2012    |

- 3) 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.
- 4) The vehicle parking areas 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.
- 5) 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 SU4 of the Brighton & Hove Local Plan.
- 6) 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.
- 7) The first floor window within the southern elevation of the dwellinghouse hereby approved shall not be glazed otherwise than with obscured glass and fixed shut 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.

- 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 and QD15 of the Brighton & Hove Local Plan.

- 9) Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 1<sup>st</sup> August 2012 shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

### 11.3 Pre-Commencement Conditions:

- 10) 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.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, no development of the residential flats hereby approved shall commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development of the flats will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development of the flats will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2

of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 12) Unless otherwise agreed in writing by the Local Planning Authority, no development of the dwellinghouse hereby approved shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development of the dwellinghouse will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
  - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development of the dwellinghouse will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 13) No development shall commence until a Scheme of Management of the vehicle parking, in respect of the flats hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures;
- (a) Details of how each car parking space will be allocated and managed,
  - (b) Details of measures to ensure that each car parking space is for the use of its allocated owner.

The approved scheme must be implemented prior to the occupation of the development and shall be retained as such thereafter.

**Reason:** To ensure that the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan.

- 14) Notwithstanding the cycle storage facilities shown in the drawings hereby approved the development hereby permitted shall not be commenced until revised cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted 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.

- 15) No development shall take place until a scheme for the storage of refuse and recycling has 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.

- 16) Notwithstanding the information submitted, no development shall commence on site 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 policies QD1 and QD15 of the Brighton & Hove Local Plan.

#### 11.4 Pre-Occupation Conditions:

- 17) Unless otherwise agreed in writing by the Local Planning Authority, none of the flat units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body 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.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built 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 and Supplementary Planning Document SPD08 Sustainable Building Design.

#### 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 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 attached



## PLANS LIST – 21 NOVEMBER 2012

conditions the scheme would comply with the requirements for sustainability, waste management, 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.

2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. 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](http://www.communities.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The applicant is advised that in respect of condition 14 whilst the proposed shelter is considered acceptable the cycle parking is not as only the front wheel of bikes can be secured. The applicant should provide a similar shelter and ideally 5 Sheffield type stands to provide policy compliant cycle storage. A footpath should also be provided along the eastern edge of the proposed facilities.

