

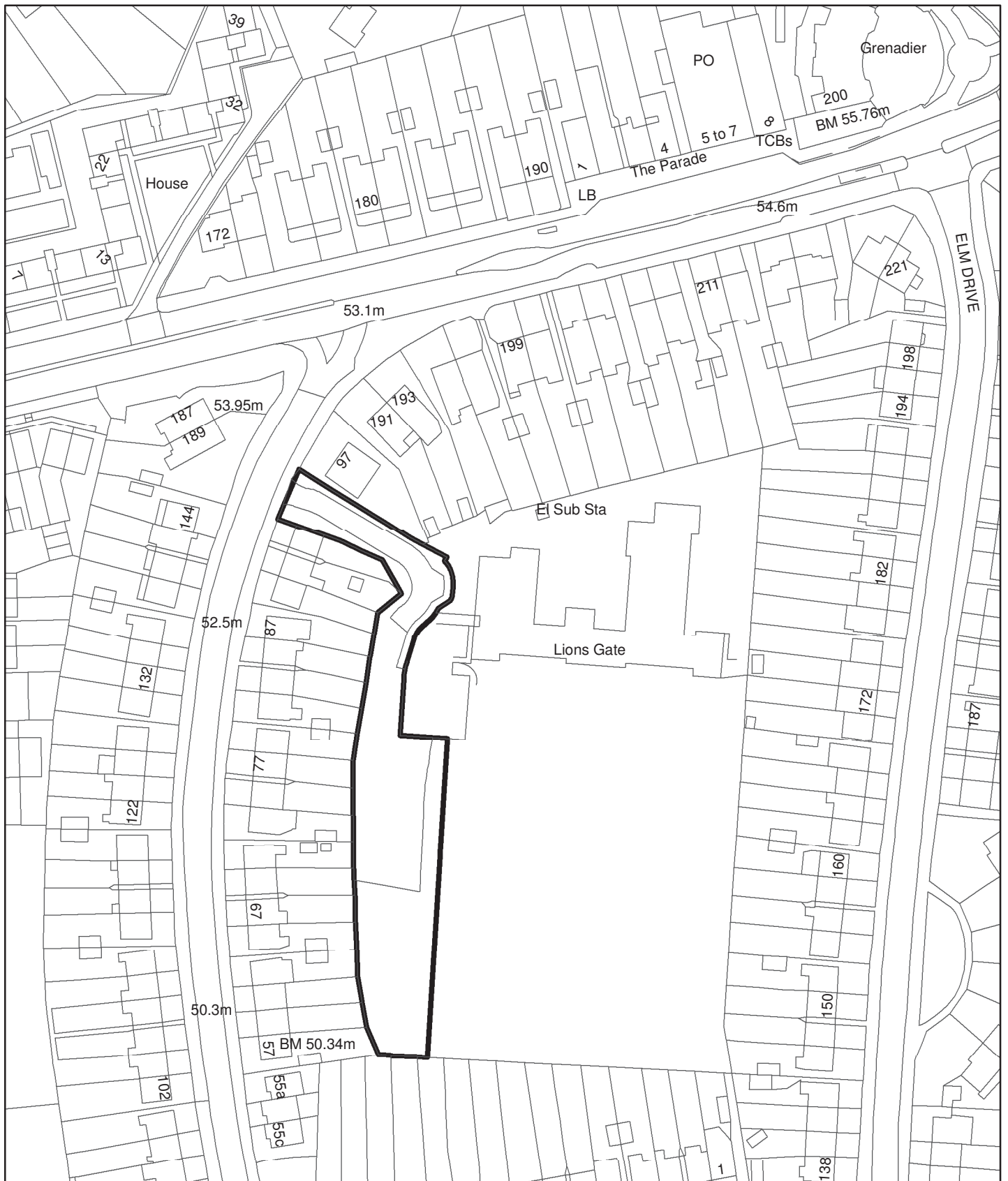
**PLANS LIST  
ITEM B**

**The Hyde, 95 Rowan Avenue, Hove**

**BH2013/00848  
Full planning**

**26 JUNE 2013**

# BH2013/00848 The Hyde, 95 Rowan Avenue, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00848</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Hyde 95 Rowan Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Construction of 5no four bedroom houses and access road off Rowan Avenue with associated works including car parking.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	26/03/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	21 May 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	BPM, 31a Warmdene Road, Brighton, BN1 8NL		
<b><u>Applicant:</u></b>	Birch Restorations Ltd, 1a Victoria Terrace, Hove, BN3 2WB		

## 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 Planning Obligation and to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a plot of land to the rear of Nos. 57-81 Rowan Avenue comprising of a builder's yard and surface parking area formerly associated with the adjoining field which belonged to a sports and social club.
- 2.2 The plot is 76m in length and 21m in width, tapering to a width of 12m at the southern end and has an area of 1441 square metres.
- 2.3 The plot would be accessed by extending the existing private road to Lion's Gate between the back gardens of houses in Rowan Avenue and the Lion's Gate car park to link up with the plot.
- 2.4 Historically the whole site belonged to the sports and social club and comprised pavilion/club building and a large playing field with ancillary surface car parking. The site is bounded to the north by houses in Hangleton Road, to the west by Rowan Avenue, to the east by Elm Drive and to the south by Maytree Walk.
- 2.5 The sports and social club building itself was demolished and re-developed as sheltered flats in 2001, leaving behind the playing field and surfacing parking area. The sheltered flat development is known as Lions Gate, and the access to the site was created by demolishing 95 Rowan Avenue.
- 2.6 The application site does not include the large open grass area in front of Lions Gate. This area is required to be retained as open space/recreation space under to the provision of the approval of Lion's Gate (**BH2002/02206/FP**), and works are underway to provide community allotments on this land, which is now leased to the Council.

- 2.7 The current application is not connected with either the Lions Gate development or the requirement of the applicant to provide the enhancements to the land east of the application site.

### 3 RELEVANT HISTORY

- BH2010/00102** – Certificate of Lawfulness for an existing use of the site as a builder’s yard for the purposes of securely storing builder’s plant, equipment, materials and re-claimed materials, no part of which exceeds 2 metres in height above ground level. Approved 4 May 2010.
- BH2009/01249** – Proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretaker’s flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities. Refused 3 September 2009.
- BH2008/02532** – Development of the site with 28 new sheltered residential units with one additional caretaker’s unit, associated support and recreational areas and private landscaped gardens. Refused 12 November 2008.
- BH2006/03568**: Certificate of Lawfulness to establish an existing use as a builder’s store and as a car park – refused on the 8<sup>th</sup> of January 2007. A subsequent appeal was lodged and then withdrawn.
- BH2005/01271/OA**: Outline application for 7 dwellings – appeal withdrawn on 7 September 2006.
- BH2005/00249/FP**: Conversion of lounge to form an additional 1 bedroom flat – refused on the 14<sup>th</sup> of March 2005 (loss of common room/communal facilities).
- BH2004/01816/FP**: Extension to existing development to provide 2 no. additional flats and laundry room – approved on the 23<sup>rd</sup> of September 2004.
- BH2003/02279/INV**.
- BH2002/02206/FP**: Erection of 39 flats for the elderly, caretaker’s accommodation and common room – approved with S106 on the 20<sup>th</sup> of January 2003.
- BH2001/02545/FP**: Proposed additional football/tennis facilities and changing facilities – approved on the 9<sup>th</sup> of April 2002.
- BH2000/03007/OA**: Demolish 95 Rowan Ave., residential development on northern part of site occupied by Clubhouse and tennis courts. Improvements to playing fields including new changing facilities and pitches – approved with S106 on the 9<sup>th</sup> of October 2002.
- BH1999/01245/OA**: Two storey block affordable flats, improvements to sports facilities – approved on the 2<sup>nd</sup> of December 1999.
- 3/94/0288(F)**: Internal and external alterations to form new entrance, caretaker’s flat and general upgrading to re-instate existing club (retrospective) – granted on the 4<sup>th</sup> of July 1994.
- 3/93/0579(OL)**: Outline application for conversion of clubhouse to form 2 no. detached houses – refused on the 8<sup>th</sup> of December 1993.
- 3/93/0578(O/L)**: Outline application for development of 8 linked residential units – refused on the 26<sup>th</sup> of November 1993.
- 3/93/0381(OL)**: Outline application for development of 8 linked residential units – refused on the 8<sup>th</sup> of September 1993.
- 3/93/0380(OL)**: Outline application for conversion of existing clubhouse to form 2 no. detached houses – refused on the 8<sup>th</sup> of September 1993.

**3/82/0533:** Ground floor changing room extension – approved on the 22<sup>nd</sup> of October 1982.

**3/81/0488:** Extension to car park to form addition parking for 18 cars – granted on the 25<sup>th</sup> September 1981.

**3/79/0399:** Erection of Groundsman's store/garage – granted on the 6<sup>th</sup> August 1979.

**3/78/0725:** Extension to club room bar area, bar extension and resiting of 20 car parking spaces – granted on the 26<sup>th</sup> February 1979.

**M/14696/70:** Extension to existing sports pavilion and clubhouse with parking for 24 vehicles – granted on the 3<sup>rd</sup> August 1970.

**M/11432/65:** Outline application for residential development – allowed to lapse on 11<sup>th</sup> May 1965.

**M/3471/54:** Sports Pavilion – granted on the 10th December 1954.

**M/1903/51:** Recreation ground – granted on the 20<sup>th</sup> December 1951.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for the construction of 5 no. four bedroom dwelling houses arranged as a pair of semi-detached properties opposite a row of three terrace houses. A vehicular manoeuvring space is proposed between the two rows of dwellings and the houses would be 19m apart.

4.2 Ten cycle parking spaces are proposed and the site boundaries would be delineated by 2m high close-boarded timber fences. All fenestration is proposed to be grey powder coated aluminium.

4.3 Gated passages to the side of the properties would provide access to rear gardens and semi-permeable patio areas incorporating space for refuse and recycling storage and water butts.

##### 4.4 House Type 1

House type 1 represents the design of the two semi-detached houses proposed in the northern part of the site. These would have painted render walls with brick plinths and bay windows together with flat roof porches of lead with standing rolls.

4.5 Each property would have a single parking space in front (one being of disabled size); kitchen/dining room, living room and W.C. at ground floor level; three bedrooms and a bathroom at first floor level; and a fourth, master bedroom and en-suite in the loft space.

4.6 The houses would have a single rooflight on the front roof slope and a small flat roof dormer on the rear roof slope.

##### 4.7 House Type 2

4.8 House Type 2 represents the design of the three terrace houses proposed in the southern part of the site. These would have painted render walls and slate grey plain tiled roofs but would not have bay windows.

- 4.9 Each property would have a single parking space in front and a similar configuration to the internal layout, with 3 bedrooms at first floor level and a fourth, master bedroom in the attic space.
- 4.10 The houses would have single rooflight on the front roof slopes and a small flat roof dormer on the rear roof slope.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External

**Neighbours:** Eleven (11) letters of representation have been received from **148 (x2), 178 Elm Drive; 7 (x2), 9 May Tree Walk; 65 (x2), 67 (x2), 89, 93, 4/95, 97 Rowan Avenue, objecting** to the application for the following reasons:

- Encroaches on green area.
- Too big a development for the location.
- Remaining area will become vulnerable to development.
- Inappropriate site for housing despite housing need.
- Intrusive.
- Height equal to three storeys due to gable ends as opposed to hipped roofs.
- No space between the buildings and neighbours' houses.
- Additional noise.
- Loss of privacy.
- Loss of light.
- Overshadowing.
- Security lighting nuisance.
- Disturbance to wildlife.
- Disturbance to elderly residents of Lions' Gate.
- Extra traffic.
- Sharing the access to Lion's Gate may lead to accidents with elderly residents.
- Increased congestion.
- Poor access.
- Inadequate parking provision.
- No provision for visitor parking or deliveries.
- Over spill parking into surrounding streets.
- Buses have difficulty driving around parked cars in the street.
- Some cars drive the wrong way along Rowan Avenue.
- Inadequate local services/facilities to serve the dwellings.
- The land should be used as a garden for local people.

### Internal:

#### 5.2 **Country Archaeologist:** No objection.

The proposed development is situated within an Archaeological Notification Area defining an area of Prehistoric and Roman remains potential. In light of the potential for loss of heritage assets on this site resulting from development, the area affected by the proposals should be the subject of a programme of archaeological works. Conditions are recommended accordingly.

- 5.3 **Brighton & Hove Archaeological Society:** No objection.
- 5.4 **Sustainable Transport:** No objection.
- 5.5 The proposed trip generation is forecast to increase above existing levels as there are to be 5 new residential units on the site. In light of this a financial contribution of £7500 is required to go towards accessible bus stops in the area including those on Rowan Avenue and Elm Drive.
- 5.6 The proposed level of parking is in line with the maximum car parking standards set out in SPGBH4.
- 5.7 The proposed cycle parking in the rear gardens of each property is acceptable except for the middle terrace house. This is because it would require users to carry their bikes through the property. Therefore alternative cycle parking for this unit should be provided. This could be located to the front of the unit and be secured via condition.
- 5.8 The applicant is retaining the existing access from Rowan Avenue. The applicant is intending to extend the existing access road into the site to provide vehicular access. To ensure the road where the residential properties are located is pedestrian friendly the Highway Authority would look for appropriate treatments on entry to the site. Ideally the applicant should provide rumble strips or a change in material to identify or designate to drivers that this is an area where pedestrians could be. This treatment will also assist in slowing vehicle speeds down and ensure it is a safe environment. It is recommended this is secured by condition.
- 5.9 The applicant is intending to extend the existing footway on the access road into the site. The footway is approximately 1.2m to 1.3m in width within the site. Ideally the footway should be widened to provide better pedestrian provision. There is scope to widen the footway and narrow the carriageway slightly and it is recommended further details are secured via condition.
- 5.10 In addition the Highway Authority recommends that a Grampian condition is imposed to require the developer to bring the existing access and adjacent footway up to adoptable standards prior to occupation of the development.
- 5.11 **Accessibility Officer:** No objection.  
The proposals appear to meet Lifetime Home standards. All entrances should have level thresholds, including the rear doors.
- 5.12 **Environmental Health:** No objection.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006) Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration.
- 6.4 Due weight should be given to relevant policies in the existing development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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) March 2012

#### 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  
SU4 Surface water run-off and flood risk  
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  
QD15 Landscape design  
QD20 Urban open space  
QD27 Protection of Amenity  
QD28 Planning Obligations  
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  
HO13 Accessible housing and lifetime homes  
SR20 Protection of public and private outdoor recreation space



HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 – Presumption in Favour of Sustainable Development

CP8 – Sustainable Buildings

CP9 – Sustainable Transport

CP12 – Urban Design

CP14 – Housing Density

CP16 – Open Space

CP17 – Sports Provision

CP18 – Healthy City

## **8 CONSIDERATIONS & ASSESSMENT**

The principal considerations in the determination of this application relate to the principle of development; design and appearance; impact on amenity; sustainable transport; and sustainability.

### **8.1 Principle-**

With the exception of the area of the site which benefits from a lawful use as a builder's storage yard, neither the former surface car park nor the open grass areas of the site constitute previously developed land. Those parts of the application site qualify as privately owned urban open space.

8.2 Policy QD20 of the Local Plan 'Urban open space', states planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.

8.3 The loss of an area of open space important to people will only be considered in exceptional circumstances. For example, where it can be demonstrated that the proposal is of national importance or essential to meet social, environmental and/or economic needs, which cannot be located elsewhere. Where such exceptional circumstances apply, the planning authority will require alternative appropriate open space provision of a suitable size, type, layout character, appearance and location.

8.4 Planning permission for the development of areas of public and private open space that are not considered to be important to people, will only be permitted where the applicant can satisfy the planning authority that:

- a. there are no alternative open space needs in the area, such as deficiencies in outdoor recreation space, accessible natural green space or allotments; or
  - b. the area of open space is not suitable to meet alternative open space needs.
- 8.5 Policy SR20 of the Local Plan 'Protection of public and private outdoor recreation space', states planning permission will not be granted for development on areas of outdoor recreation space, other than that which is incidental and appropriate to the respective recreation uses, unless it can be demonstrated that the land is not an important open space under the terms set out in policy QD20; and
- a. there is not an existing deficiency in accessible outdoor recreation space in the respective locality and it will not create a deficiency in outdoor recreation space;
  - b. the land physically cannot be made accessible to the public;
  - c. the sports, recreation and amenity facilities can best be retained and enhanced, including where appropriate the creation of suitable access to the public, through the redevelopment of a small part of the site.; or
  - d. the proposal is of benefit to the local community and includes the provision of an appropriate alternative site, which is accessible to the public, provides similar community and amenity facilities, and, is in a suitable location so as to serve the original catchment area.
- 8.6 With regards to criteria 'c' and 'd' where planning permission is granted for development on an area of outdoor recreation space, conditions will be imposed or a planning obligation will be sought in order to ensure that the onsite facilities are retained and enhanced or similar facilities are provided on an appropriate alternative site.
- 8.7 The Planning Statement submitted by the applicant on 23 April 2013 seeks to put forward the case that the application site meets the exceptions set out in policies QD20 and SR20 and is therefore appropriate for development in principle.
- 8.8 The applicant contends that:
- The site has no value as an open space.
  - The site is not publicly accessible.
  - The site has no recreational, amenity, historical, conservation or wildlife value.
  - The site is not a high quality open space.
  - The part of the application site not comprising either car park or builder's yard will form the rear gardens of three of the proposed houses.
  - The irregular shape of the application site does not lend itself to a viable recreational facility.

The applicant contends that the proposal would not result in the loss of open space which is important to people and there is no social or environmental need for the retention of the space. In any case the physical constraints of the application site would make such provision undeliverable.

These circumstances are considered sufficient to meet the exceptions set out in policy QD20.

8.9 In terms of meeting policy SR20, the applicant submits that:

- The site is located approximately 235m walking distance from an alternative
- recreation space at Knoll Recreation Ground.
- The land physically cannot be made accessible to the public.

The case put forward by the applicant is considered sufficient to meet the exceptions set out in policy SR20.

In view of the above, the proposed development is considered acceptable in principle.

**8.10 Design and Appearance-**

The proposed layout is considered acceptable and the boundary between the site and the back gardens of houses in Rowan Avenue would be buffered and screened with fences and planting.

8.11 The proposed density is considered acceptable and the five dwellings would not have a cramped appearance. The form and design detailing of the proposed dwellings is traditional, with rectangular plan forms and pitched roofs, albeit using more modern finishes such as painted render walls and aluminium fenestration. In terms of height, bulk and scale the proposed dwellings would be in keeping with the characteristics of the existing houses which bound the site. In respect of design, scale, form and external appearance, the proposed development is considered to be compliant with policies QD1 and QD2 of the Local Plan.

8.12 The proposal is for 5 dwellings and each would have four bedrooms. As such the proposal does not provide for a mixture of housing types and sizes. However, the provision of 4 bedroom dwellings is considered appropriate to the site context and the number of dwellings proposed has limited scope for providing a range of house sizes. The proposed development would make more effective and efficient use of the site and help to meet housing need within the city.

The proposal is considered to be compliant with policies QD3, HO3 and HO4 of the Local Plan.

**8.13 Landscaping:**

There are no trees within the application site and the applicant states that existing hedges along the site boundary will not be removed. In this regard there is no conflict with policy QD16 of the Local Plan 'Trees and Hedgerows'.

8.14 The drawings submitted by the applicant indicate that some consideration has been given to a proposed landscaping scheme at the design stage, in accordance with policy QD15 of the Local Plan 'Landscape Design'.

- 8.15 The plans indicate landscaping between each property and alongside the access road into the site. This will help to green the development and provide screening between the development and existing houses in Rowan Avenue. The precise details of the landscaping scheme, such as species, planting density and height, can be agreed by condition in the event approval is granted.

**Impact on amenity-**

8.16 Future occupiers:

The proposed houses would be accessible and can meet Lifetime Home standards whereby the design would cater for people's changing mobility needs without the need for structural alterations. A condition may be imposed accordingly in the event permission is granted. In this regard the proposal complies with policy HO13 of the Local Plan.

- 8.17 Each of the five dwellings would benefit from a rear garden and patio area for private, useable amenity space. The size of the rear gardens is considered appropriate to the scale of the dwellings, which could be occupied by families. As such proposal is considered to meet the requirements of policy HO5 of the Local Plan.

- 8.18 The front elevations of the dwellings proposed would be 19m apart. This is a normal front to front separation distance and is acceptable.

8.19 Neighbouring residents:

Neighbour letters received raise objections based on harm to amenity, including loss of privacy and overshadowing.

- 8.20 The neighbouring properties most likely to be affected by the development proposal in terms of amenity are nos. 57 to 81 Rowan Avenue. The two Type 1 dwellings would be more than 24m from the rear elevations of nos. 73-79 Rowan Avenue whilst the three Type 2 houses would be between 19m and 20m from the rear elevations of nos. 65-67 Rowan Avenue. The Type 2 houses would be situated between 1m and 2m from the edge of the plot, unlike the Type 1 houses which would be set further inside the plot boundary due to the proposed accessed road running alongside them.

- 8.21 The proposed dwellings would not have any windows or other openings on their flank elevations. In terms of height, the proposed eaves height of 5.4m and ridge heights of 9.2m are comparable with the height of existing houses in Rowan Avenue.

- 8.22 For reasons including the height and scale of the proposed dwellings, their distance from adjoining houses in Rowan Avenue, and the absence of windows or other openings in the flank elevations, the proposal is not considered likely to have an overbearing impact or lead to overshadowing or overlooking. The development proposal would be situated to the east of houses in Rowan Avenue and therefore for the greater part of the year, the high summer sun arcing from the north-east and lower winter sun arcing from the south-east through to the south-west, would provide sunlight into the rear gardens of properties in Rowan Avenue.

- 8.23 Lions Gate is situated to the north of the application site some 28m away from the rear elevations of the nearest proposed dwellings. As such, the proposal would not overshadow or have an overbearing impact on occupiers of Lions Gate. The proposed roadway would form a continuation of the existing access route into Lions Gate, which also benefits from a car park. The number of vehicular movements associated with the proposed development, together with the site context of being near to the Lions' Gate car park are such that the amenity of Lions Gate residents should not be compromised as a result of the proposal.
- 8.24 For the above reasons the proposed development is considered to be acceptable in terms of policy QD27 of the Local Plan.

**Sustainable Transport-**

- 8.25 In order to meet the requirements of policies TR1 and TR19 of the Local Plan, new development should provide for the transport demand generated in accordance with the maximum parking standards set out in SPGBH4: Parking Standards.
- 8.26 The applicant proposes 1 car parking space in front of each dwelling, two of which would be wide enough for potential disabled use. This level of off-street parking provision accords with the maximum level of 1 space per dwelling set out in SPGBH4 and is therefore considered acceptable. Neighbour comments regarding potential over-spill parking in surrounding streets are noted, the planning policy position is also intended to encourage alternative methods of transport.
- 8.27 In terms of meeting the requirements of policy TR14 of the Local Plan, secure, convenient and ideally sheltered cycle parking facilities are required in accordance with the minimum standards set out in SPGBH4. One cycle parking space is required per dwelling, with an additional space for visitors per 3 dwellings. The minimum level of cycle parking provision for the development is therefore 6 cycle spaces.
- 8.28 The applicant is proposing 10 cycle parking spaces, 2 in the rear garden of each of the dwellings. This is acceptable in principle, but Sustainable Transport has raised the issue of the mid-terrace house needing to carry bikes through the inside of the property to get them into the back garden, and this would not meet the requirements of policy TR14 in terms of convenience. However, there is space in front of the property to provide cycle storage instead, and it is recommended a planning condition should secure further details in the event approval is granted.
- 8.29 Policies TR7 and TR8 of the Local Plan seek to ensure that development does not increase the danger to users of adjacent pavements, cycle routes and roads; and to ensure proposals provide for the needs of pedestrians and take account of pedestrian links within and outside the site boundaries.

- 8.30 Sustainable Transport recommends that the footways proposed within the site are widened and that dropped kerbs are provided, for example at the points where the two footways abut the front parking areas. These details may be requested by condition, in the event approval is granted. In addition, due to the poor condition of the existing access surface for vehicles and pedestrians connecting the site to Rowan Avenue, Sustainable Transport recommends that a condition is included on any permission granted in order for the access and adjacent footway to be brought up to adoptable standards prior to occupation of the development.
- 8.31 Trip generation:  
Sustainable Transport have identified that the proposed development of 5 houses would increase levels of trip generation above those generated by the current uses of the application site. For example, the grass area to the southern end of the site produces no vehicular trips and similarly the surface parking area associated with the nearby former sports and social club does not generate vehicular trips in itself. In light of this, in accordance with policies TR1 and QD28 of the Local Plan, the applicant is requested to enter into a s.106 Agreement for provision of £7500 to go towards providing accessible bus stops in Rowan Avenue and Elm Drive.

#### **Sustainability-**

- 8.32 Policy SU2 of the Local Plan requires development to be efficient in the use of energy, materials and water. Notwithstanding the builder's yard occupying a portion of the site, the plot is predominantly Greenfield. For this reason, in accordance with SPD08: Sustainable Building Design, each dwelling should achieve a minimum of Level 5 of the Code for Sustainable Homes.
- 8.33 The applicant has submitted a Sustainability Checklist which confirms the proposed development would achieve Level 5 of the Code for Sustainable Homes. This is considered to be acceptable.
- 8.34 Policy SU4 of the Local Plan states measures to minimise surface water run-off from application sites should be incorporated where practicable and appropriate. Commonly this can be achieved by using porous and semi-permeable materials for hard surfaced areas.
- 8.35 The applicant is proposing to use semi-permeable materials for the hardstanding areas within the development, including the patios to the rear of the proposed dwellings. These measures would help surface water drain away naturally rather than add pressure to the sewage infrastructure and potentially increase risk of flooding. The precise details of the semi-permeable hard surfacing materials can be agreed by condition, in the event approval is granted.

## **9 CONCLUSION**

- 9.1 The applicant has made a satisfactory case for meeting the exceptions provided for in policies QD20 and SR20 of the Local Plan and as such the residential development of the site is considered acceptable in principle.
- 9.2 The form, scale, design, materials and layout of the 5 houses proposed are considered appropriate to the site and its context and the houses would not have a discordant or unduly dominant appearance.
- 9.3 The proposal would not have a significant adverse impact on residential amenity and future occupiers would benefit from appropriately sized rear gardens and houses built to meet Lifetime Home standards.
- 9.4 The impact on transport is considered acceptable with the appropriate contribution and the applicant is proposing that the development would achieve Level of the Code for Sustainable Homes, which is welcome.

## 10 EQUALITIES

- 10.1 The houses can meet Lifetime Home standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Section 106 Agreement - Heads of Terms

- Contribution of £7,500 for improvements of accessibility to bus stops in the vicinity of the site.

### 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
Existing Site Plan and Sections	01		18 Mar 2013
House Type 1	02A		22 Mar 2013
House Type 2	03A		22 Mar 2013
Proposed Site Plan	04		18 Mar 2013
Existing and Proposed Site Plan	05		18 Mar 2013
Location and Block Plan	06A		25 Apr 2013

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) The new dwellings hereby permitted shall be constructed to meet Lifetime Homes' standards prior to its 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.

- 5) The 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.

- 6) 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.

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

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

- 8) The development hereby permitted shall be constructed in accordance with the approved drawings showing existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures.

**Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

- 9) 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.

11.3 Pre-Commencement Conditions:

- 10) No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum 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.

- 11) 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 as indicated in the approved Arboricultural Report.

**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.

- 12) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved 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 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.

- 13) No development shall take place until details of an appropriate road treatment in the form of rumble strips or a raised table have been submitted to and approved in writing by the Local Planning Authority, in order to improve road safety on the access road. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To improve the safety of all road users, in the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

- 14) No development shall take place until detailed drawings of the proposed footway and carriageway provision including the implementation of dropped kerbs to be provided, have been submitted to and approved by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** In the interests of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 15) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Archaeological Investigation which shall be submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved programme of archaeological work. **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded and to comply with policy HE12 of the Brighton & Hove Local Plan.

#### 11.4 Pre-Occupation Conditions:

- 16) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit 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.

- 17) The development hereby permitted shall not be occupied until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination or results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 16.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 18) The development hereby permitted shall not be occupied until a scheme of works to ensure the existing access arrangements including the adopted footway on Rowan Avenue are brought up to an adoptable standard. The scheme of works shall be submitted and, once acceptable, approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interests of highway safety and to comply with policies TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

#### 11.5 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

- 2) This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The applicant has made a satisfactory case for meeting the exceptions provided for in policies QD20 and SR20 of the Local Plan and as such the residential development of the site is considered acceptable in principle.

The form, scale, design, materials and layout of the 5 houses proposed are considered appropriate to the site and its context and the houses would not have a discordant or unduly dominant appearance and would not be readily visible from the public highway.

The proposal would not have a significant adverse impact on residential amenity and future occupiers would benefit from appropriately sized rear gardens and houses built to meet Lifetime Home standards.

The impact on transport is considered acceptable and the applicant is proposing that the development would achieve Level 5 of the Code for Sustainable Homes, which is acceptable.

