

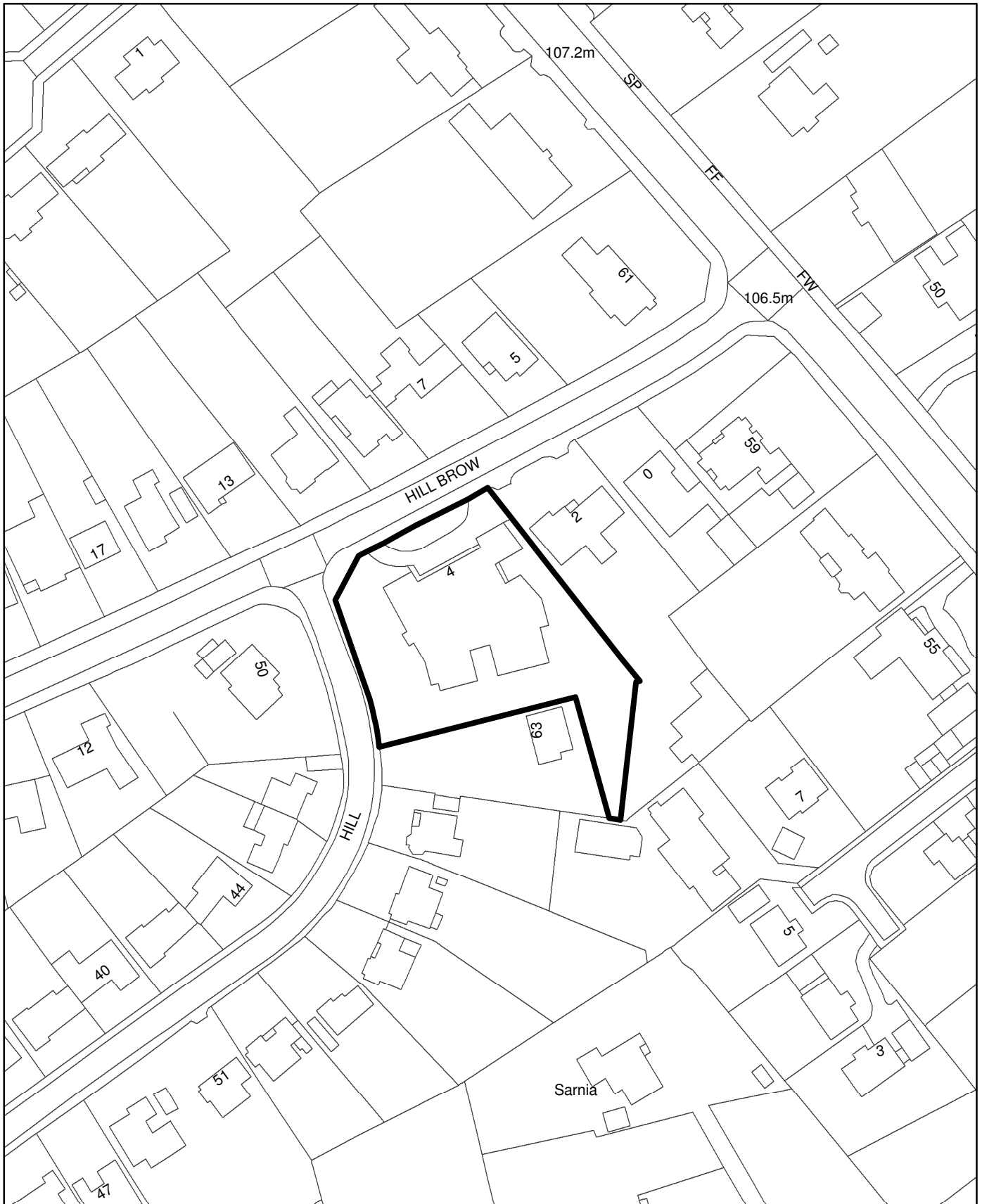
ITEM F

Flamingo, 4 Hill Brow, Hove

BH2013/04293
Full planning

06 AUGUST 2014

BH2013/04293 Flamingo, 4 Hill Brow, Hove.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2013/04293	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flamingo 4 Hill Brow Hove		
<u>Proposal:</u>	Demolition of existing dwelling and erection of 3no five bedroom houses with associated parking and landscaping.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	20 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DMH Stallard Planning, 100 Queens Road, Brighton BN1 3YB		
<u>Applicant:</u>	Sigma Homes Limited, c/o DMH Stallard Planning, 100 Queens Road Brighton BN1 3YB		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a large property located on the southern side of Hill Brow, on the corner with Hill Drive. The existing property amounts to a total site coverage of approximately 825m², including the garage. The property appears to have been extended in the past by way of rear and side extensions, one of which houses a swimming pool.
- 2.2 The existing dwelling is accessed from both Hill Brow (double access points) and Hill Drive (single access point). From Hill Brow the existing property appears as a single storey dwelling however from Hill Drive it appears as a two storey dwelling.
- 2.3 Due to the topography of the site the land levels alter from north to south and north-east to south-east across the site.

3 RELEVANT HISTORY

4 Hill Brow
None identified.

35 Hill Brow
BH2011/03287 – Demolition of existing dwelling and erection of 2no storey house with basement/garage level. Approved 08/02/2012

53 Hill Brow

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BH2009/03109 - Demolition of existing bungalow and erection of 2no. 3 storey dwelling houses. Approved 01/03/2010.

BH2007/04259 - Demolition of existing bungalow with redevelopment of 2 no. 3 storey house. Approved 05/06/2008.

BH2007/02762 - Demolition of existing bungalow with redevelopment of 2no 3 storey houses. Refused 13/09/2007. Appeal Dismissed.

61 Hill Brow

BH2012/03708 - Demolition of bungalow and erection of a two storey, five bedroom detached house. Refused 16/01/2013.

BH2012/02298 - Demolition of bungalow and erection of a two storey, five bedroom, detached house. Approved 14/11/2012.

BH2012/01154 - Demolition of existing bungalow and erection of new dwelling house. Refused 07/06/2012.

50 Hill Drive

BH2014/01168 - Demolition of existing six bedroom two storey house and erection of 2 no. five bedroom houses and 1no. four bedroom house with associated alterations and landscaping. Refused 11/06/2014.

61 Dyke Road Avenue

BH2005/02238/RM - Reserved matters application for two-storey detached house fronting Hill Brow pursuant to outline permission BH2005/01432/OA. Approved 24/01/2006.

BH2005/01432/OA - Outline application for detached two storey house fronting Hill Brow. (Revision to approved BH2005/00675/OA). Approved 04/07/2005

BH2005/00675/OA - Outline application for detached two storey house fronting Hill Brow. Approved 28/04/2005.

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing dwelling and the construction of 3 no. five bedroom houses with associated parking and landscaping.

4.2 The site would be subdivided on a south to north basis in order to provide three new plots;

- House 1 would be located on the western side of the site with the main frontage and entrance facing onto Hill Drive and would have a plot width of between approximately 17.8m and 26m. This house would have an internal gross floor area of 350m² and private amenity space of approximately 220m². The ridge height would be 108.850 AOD whilst the lower ground floor internal floor level would be 95 AOD.
- House 2 (middle house) would have a plot width of between approximately 13.6m and 14.2m. This house would have an internal gross floor area of approximately 350m² and a private amenity area of 290m². The ridge height would be 110.150 AOD whilst the lower ground floor internal floor level would be 96 AOD.
- House 3 would be located on the eastern side of the site and would a plot width of between approximately 16.4m and 21.4m (excluding the southerly

most garden area). This house would have an internal gross floor area of approximately 335m² with a private amenity area of approximately 830m². The large garden area is in part due to the extended southerly 'finger' of garden that runs to the east of no. 63 Hill Brow. The ridge height would be 110.150 AOD whilst the lower ground floor internal floor level would be 99 AOD.

- 4.3 Houses 1 and 3 exploit the sloping nature of the site with the provision of a lower ground floor level.
- 4.4 The proposed dwellings would comprise the following materials;
- Plain slate/tile roofs,
 - Brick,
 - Cladding,
 - Render, and
 - Aluminium windows

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from nos. **2 (x2), 5, 7, 9, 11, 13 and 50 Hill Brow, 61 Hill Drive** objecting to the application for the following reasons:

- Over-development. The density is excessive, 2 larger houses are more appropriate for the neighbourhood. Results in loss of green surrounding area,
- Design is too modern and completely out of keeping with neighbouring properties. Houses are too high, bulky and wide. There are no other 3 storey houses in area other than conversion of existing roof space. Proposal would materially change the character of Hill Brow/Hill Drive and the visual aspect and sense of space enjoyed by a number of Hill Brow dwellings. The heights should reflect the gradient of the site and Hill Brow,
- Construction site will damage existing roads and pavements and construction will cause nuisance to neighbours,
- Additional vehicle access points onto Hill Brow, which is an already tight and tricky T-junction, will cause traffic safety issues
- There are a number of nursing homes and residential homes in the surrounding area and the development would increase the pedestrian hazards,
- Impact upon neighbouring amenity including, loss of sunlight, daylight, over-shadowing and actual and perceived loss of privacy and over-looking. Dwellings will include great expanses of glass,
- The large dwellings would have small garden areas,
- Conifer hedge which provides screening is likely to be removed,
- The proposed front building line is set approximately 4m further forward than neighbouring properties and the general building line in the related part of the street. The building line of the three houses has also been "cranked" relative to the rest of the street, with lower level properties this would not be a concern but with the larger height of properties proposed this will be very visible,

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- There is no proper street elevation so it is difficult to relate the development to the context of the street setting,
 - There are inconsistencies between drawings,
 - The gaps between neighbours would not be sufficient to respect the character of the related part of Hill Brow,
 - There are covenants which restrict development on the site, specifically the construction of three houses, and
 - Replacing one house with three will have a negligible effect on the housing shortage and in any case these properties are unlikely to be within the financial reach of these people most in need of homes,
- 5.2 **One (1)** letter of representation have been received **25 Hill Drive** supporting the application on the grounds that policy QD2 requires development proposals to emphasis and enhance the positive qualities of the local neighbourhood. This development with its traditionally shaped house, is probably doing just that, where as the existing house actually is more at odds with the local stock.
- 5.3 **Councillors Bennett and Brown:** Object to the application. Correspondence attached.
- 5.4 **County Ecologist:**
(Comments 23/01/2014 and 23/06/2014) Further information is required to assess the potential impacts of the proposed development on biodiversity. In addition to whatever mitigation may be required for protected species, the site offers opportunities for enhancement which will help the Council address its duties and responsibilities.
- 5.5 (Final comments 7/07/2014 following receipt of Ecology Survey) Provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on bats and can be supported from an ecological perspective.
- Internal:**
- 5.6 **Access Officer:** Approach to all entrances should be level or gently sloping, otherwise the properties all meet Lifetime Homes Standards.
- 5.7 **Arboriculturist** (Comments 29/01/2014 and 16/06/2014) Loss of three trees and one group of trees, none of which are worthy of Preservation Orders. Overall there is no objection to the proposals in the application subject to conditions regarding the retention and protection of existing trees and landscaping.
- 5.8 **Environmental Health:** The council's mapping system identifies that it is built on a former farm and a pit is shown and there is potential for it to contain contaminants.
- 5.9 Given the above, it is prudent and appropriate in this instance to apply a condition, which will ensure that if there are any unexpected findings encountered during the construction process, that works cease and a formal risk assessment by a professional and competent individual takes place to guide further action. This is referred to as a discovery strategy.

- 5.10 **Network Co-ordination:** Require the construction of a cross-over to be a minimum of 1m from a lamp column. However if the column needs to be removed then Street Lighting would need to authorise this.
- 5.11 **Sustainable Transport:** (Comments 17/01/2014 and 23rd June 2014) Recommend approval as the Highway Authority has no objections to the application subject to the approval of the arboriculture and network co-ordination teams and the inclusion of conditions relating to retention of parking area, cycle storage and new/extended/redundant cross-overs.

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) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the 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)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development

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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
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the provision of three dwellings within the site, the impacts of the proposed development upon the visual amenities of the Hill Brow and Hill Drive street scenes and the wider area. The living conditions for future occupiers, the impact upon the amenities of the neighbouring properties and issues including sustainability, arboriculture, ecology and transport must also be assessed.

Principle of Development:

- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the

benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

Visual Amenities:

- 8.3 Policies QD1, QD2 and QD3 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. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.
- 8.4 The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings. The principle of modern designed dwellings on this site is not objected to, however the resulting properties must respect their context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.
- 8.5 The size, positioning and proposed construction finish materials of the proposed dwellings are set out in section 4 above.
- 8.6 Policy QD2 requires developments to take into account the prevailing characteristics of the surrounding area. The site would be subdivided into three separate plots on a south to north basis. The resulting plot sizes and proposed dwelling footprints are considered in keeping with the character of the area and would not result in a cramped form of development or an over-development of the site.
- 8.7 The height of the flat roof of the existing dwelling measures 103 AOD. The ridge heights of the proposed dwellings vary from 110 AOD (House 3 and 2) to 108 AOD (House 1). Due to the varied chalet bungalow and two storey form of properties in the immediate vicinity of the site, the stepping down of dwelling heights to reflect the gradient of Hill Brow is not characteristic and therefore it is not considered that the same ridge height for House 2 and 3 would be of detriment to the visual amenities of the Hill Brow street scene. The ridge heights of the proposed House 2 and 3 would not be significantly higher than that of the eastern neighbouring dwellings whilst a significant gap would be located between House 1 and the western neighbouring property, 50 Hill Drive and therefore the higher height of House 1 compared to no. 50 would not be of detriment to the visual amenities of Hill Brow.
- 8.8 The Hill Brow and Hill Drive street scenes provide an array of dwelling type, form, designs and style. The design of each of the proposed 3 dwellings is slightly different but they would all be of a complimentary contemporary design with two storeys fronting Hill Brow and Hill Drive, with a main gable end pitched roof, the ridge of which would be orientated on a north to south basis, and a subordinate gable end pitched roof, relating to the associated garages. Each dwelling would have a chimney that exceeds the height of the main ridge of the

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dwelling and a chimney stack that extends down the rear elevation. A flat roofed dormer window would also be located one side of the proposed dwelling (eastern roofslope for Houses and 2 and western for House 3). The dormers extending from the elevation do not conform with the advice contained in SPD12. However, given the acceptability of the scheme overall, this element is not considered sufficient to refuse on this bases. It is considered that the proposed design would not be of detriment to the visual amenities of the Hill Brow or Hill Drive street scenes.

- 8.9 The Hill Brow facing frontages of the proposed dwelling would comprise 2.5 storeys (with accommodation in the roofspace). Houses 1 and 2 would comprise 3 storeys at the rear plus roof space accommodation whilst House 3 would comprise 2 storeys with roofspace accommodation.
- 8.10 The height/design/scale/massing of the proposed dwellings is similar to other developments previously approved (details set out in section 3 above).
- 8.11 The northern elevation of House 2 and 3 would comprise triangular shaped windows adjacent to the proposed roof forms, square casement windows, a garage door and the main entrance to the dwellings. The north facing gable end of House 1 would comprise triangular shaped windows adjacent to the proposed main pitched roof forms, square casement windows and gable end of the proposed garage. The western side of House 1 would contain square casement windows, the entrance door and a garage door.
- 8.12 The proposed rear elevation would comprise pairs of full height sliding glazed doors, Juliet balconies and terraced areas. The amount of glazing reduces at each higher floor level, but the amount of glazing does appear significant. The existing southern established vegetation would limit the visibility of the rear elevations from within a majority of the Hill Drive street scene. For this reason, it is not considered significant to justify a refusal on this basis.
- 8.13 The proposed northern building line of the attached garages dwellings would not project forward of that of the existing dwelling whilst the main bulk of each dwelling would be set back. The northern building line of 4 Hill Brow is already located forward of that of the eastern neighbouring properties, nos. 0 and 2 Hill Brow.
- 8.14 In respect of House 1 the western building line would be set further to the west than that of the existing dwelling. However the front building line of the properties on the southern side of Hill Drive follow the swept curve of the road. It is considered that the proposed western building line of House 1 would respect this swept curve of Hill Drive and would not result in the proposed dwelling being overly dominant within the Hill Drive street scene despite being of a large scale, bulk and massing than the existing dwelling. In addition the existing established vegetation located along the southern boundary of the site helps to screen House 1 from views within parts of Hill Drive, although it is acknowledged that the height of this existing vegetation cannot be ensured or its retention guaranteed long-term.

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- 8.15 Overall it is considered that the proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed contemporary detached dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes.

Impact Upon Amenity:

- 8.16 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Future occupiers

- 8.17 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. All three proposed dwellings would have access to private external garden areas of a size considered adequate for the scale and character of the dwellings proposed.
- 8.18 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). The comments made by the Council's Access Officer are noted in that all entrances should be level or gently sloping. Compliance with Lifetime Homes Standards can be ensured via the attachment of a condition to an approval.

- 8.19 It is considered that the standard of accommodation proposed is acceptable.

Neighbouring Amenities

- 8.20 The northern most building line of the existing dwelling is located approximately 21.7m from the southern boundary of properties located on the northern side of Hill Brow, opposite the site. These north neighbouring properties are set back within their sites from the southern boundary. Although the proposed dwellings comprise north facing windows, given the distance that would be located between the site and the dwellings on the northern side of Hill Brow, it is not considered that the proposal would result in significant overlooking or loss of privacy to these neighbouring properties.
- 8.21 Despite objections received it is not considered that the proposal would have a significant adverse impact upon the amenities of the northern neighbouring properties within regards to loss of light/daylight or overshadowing given the distance between the bulk of the proposed dwellings and northern neighbouring properties.
- 8.22 The proposed rear elevations would comprise significant amounts of glazing and terrace/balcony areas. No. 63 Hill Drive is located directly to the south of the site. This neighbouring property is located towards its eastern boundary. The only private garden area of this neighbouring property is located on its southern side

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as the area to the west provides the pedestrian and vehicular access point to this neighbouring property.

- 8.23 The window openings within the northern side of no. 63 appear to be either secondary windows or relating to non-habitable rooms as they are obscurely glazed. The proposed dwelling would be located a minimum distance of approximately 17.8m from the boundary with no. 63. Established vegetation currently provides significant screening between the site and no. 63. Whilst it is noted that the height and density of the existing boundary screening cannot be guaranteed long term it is considered that vegetation along the southern boundary of the site and the distance between the proposed southern elevations and the boundary with no. 63 mitigates the impacts of the proposal upon the amenities of this southern neighbouring property with regards to overlooking or loss of privacy. Views from the rear upper floor windows would be towards the north facing roofslope of no. 63 which does not currently contain any rooflight or dormer windows.
- 8.24 The east facing elevation of no. 50 Hill Drive, the western neighbouring property, faces towards the north-western corner of no. 4 Hill Brow rather than directly towards the eastern elevation. It is noted that a recent application which sought permission for the demolition of the existing dwelling at no. 50 and the provision of 3 new dwellings, with front or side elevations fronting Hill Drive and no. 4 Hill Brow, was refused. The eastern boundary of no. 50 currently comprises established vegetation of a sufficient height. Due to the slight variation in levels between the plots of nos. 4 Hill Brow and 50 Hill Drive, the easting eastern boundary treatment of no. 50, the physical separation between the two sites due to the Hill Drive road and the gardens areas of the proposal providing an open area to the south of the dwellings (which will allow daylight/sunlight to infiltrate towards no. 50), it is considered that the proposal would not have a significant adverse impact upon the amenities of no. 50 Hill Drive with regards to overlooking, loss of privacy, loss of light/sunlight or overshadowing and would not prejudice any subsequent re-development applications at 50 Hill Drive.
- 8.25 The ground floor level of no. 2 Hill Brow is set higher than that of no. 4. The proposed eaves line of the eastern facing main roofslope of House no. 3 would be located level with the top of the garage door of no. 2. It is considered that the proposed ground floor windows within the east facing elevation of House 3 would face onto the existing shared boundary between the site and no. 2, currently a wall with a close boarded fence above. The proposed first floor east facing window would relate to a bathroom area and therefore it can be ensured that this window contains fixed glazing and is non-openable unless located 1.7m above related floor level.
- 8.26 The southern building line of House 3 would be sited further to the south than that of no. 2. The eastern building line of House 3 would angle further away from no. 2 from north to south and result in the distance between the eastern elevation of House 3 and the western elevation of no. 2 varying from between approximately 4m to 6m. Due to the pitched roof form of House 3 and the angled relationship between the two properties it is not considered that the proposal would have an overbearing or harmful impact upon the amenities of no. 2 Hill Brow. Furthermore

within the immediate vicinity of the site the plot widths allows for mutual overlooking between adjacent neighbouring properties.

- 8.27 It is noted that the objection from no. 2 refers to overlooking and loss of privacy to the rear garden area. However due to the variation in height between the site and no. 2 and the angled positioning of House 3 in relation to no. 2 it is considered that any views from the upper floor rear facing windows would be oblique.

Sustainable Transport:

- 8.28 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.
- 8.29 The pedestrian and vehicles access to House 2 and 3 would be from Hill Brow whilst the access to House 1 would be from Hill Drive. Such access is considered acceptable to the Council's Transport Officer. Each house will have an individual cross-over. The cross-over related to House 3 is existing however new cross-overs would be provided for House 1 and 2. The existing cross-over on Hill Brow, to the west of the proposed cross-over 2, and the existing cross-over on Hill Drive, to the south of cross-over 1, would become redundant. A condition could be attached to an approval relating to the implementation of the proposed cross-overs in addition to a condition relating to the reinstatement of the redundant cross-overs. The existing tree referred to by the Council's Transport Officer in vicinity of proposed cross-over 2 would be removed as part of the proposal, an issue discussed in further detail below.
- 8.30 Each dwelling would have sole use of a double garage located to the north of the dwellings. The plans submitted show the provision of cycle storage facilities in each of the proposed garages. The provision of such facilities could be secured via a condition.
- 8.31 SPG04 states that a maximum number of car parking spaces for new dwellings outside of the City's controlled parking zones is 1 space per dwelling and 1 car space per 2 dwellings for visitors. It is noted that a double garage would be provided for each of the proposed 3 dwellings which results in the proposal exceeding the maximum car parking standards however it is not considered that refusal on this basis could be sustained.
- 8.32 Due to the Council's current short term recession measures and having regard to the scale of development proposed, a financial contribution towards off-site highway improvement schemes within the vicinity of the site would not be sought in this instance.

Sustainability:

- 8.33 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.
- 8.34 The Sustainability Checklist submitted indicates that the proposed dwellings would be constructed to Code for Sustainable Homes Level 4. It is considered that this level is acceptable given that the proposal would incorporate both developed and undeveloped land (as defined by Annex 2 of the National Planning Policy Framework), an issue which can be ensured via the attachment of a condition.
- 8.35 Plans submitted show the provision of an area for the storage of refuse and recycling at the sides of the dwellings. The provision of such facilities can be ensured via the attachment of a condition.

Landscaping:

- 8.36 As part of the application an Arboricultural Report has been submitted, the contents of which is agreed with by the Council's Arboriculturist.
- 8.37 Should the application be granted two individual trees (a Pear tree and a Field Maple) and a group of 3 Lawson Cypress trees (located to the north-west of the existing dwelling) would be removed in order to accommodate the proposal. A willow tree would also be removed however it is noted that this does not need to be removed to facilitate development but should be removed for reasons of sound arboricultural management regardless of whether permission is granted for this proposal.
- 8.38 The Willow, Pear and Lawson Cypress Trees are not considered to be worthy of Tree Preservation Orders and therefore the Council's Arboriculturist does not object to their loss, subject to suitable replacement trees being included as part of a landscape scheme, an issue which can be ensured via the attachment of a condition.
- 8.39 The Council's Arboriculturist is concerned about the loss of the Field Maple located on Hill Brow outside the existing dwelling. However the Arboriculturist acknowledges that this tree is a juvenile tree that was only planted in 2009 and therefore subject to it being replaced no objection to its removal are raised, an issue which can be ensured via a condition.
- 8.40 All the other trees, hedges and scrubs on site, which are to be retained, should be protected during the course of the development, an issue which can be ensured via a condition.

Ecology

- 8.41 An Initial Bat Survey was submitted as part of the application however the County Ecologist considered that this survey was not sufficient. A subsequent Bat Survey has since been submitted which is considered sufficient to inform appropriate mitigation/compensation measures.

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8.42 The survey concludes that there is no evidence of bat roosts within the site however the boundaries of the site, particularly the Leyland Cypress Hedge, provides foraging and communing habitats.

8.43 Section 5 of the submitted report sets out 3 recommendations;

- the survey being updated if the development does not commence within 12 months of the report,
- the Leyland Cypress Hedge being retained, and
- additional roost sites, either in the form of bat boxes or bat bricks being provided as part of the scheme.

8.44 The compliance with the recommendations in the report can be ensured via conditions.

8.45 In addition to the recommendation set out in the Bat Survey the County Ecologist recommends that any external lighting take account of best practice guideline and that the Leyland Cypress Hedge remain unlit, issues which can also be ensured via conditions.

Other Considerations:

8.46 The Council's mapping system has identified the site as former farm land and a pit and as such it is considered that there is potential for the site to contain contaminants. As a result it is recommended that a condition is attached to an approval in respect of any contamination discovered during implementation of the development.

9 CONCLUSION

9.1 The proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes. 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, subject to the compliance with conditions, it is considered that the new residential properties 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 Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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- 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
Location & Block Plans	1213/13/P/0 1	Rev. C	25 th June 2014
Site Layout Plan Context Elevations	1213/13/P/0 2	Rev. F	25 th June 2014
Proposed Floor Plans, Elevations & Sections [Plot 1]	1213/13/P/0 3	Rev. C	22 nd May 2014
Proposed Floor Plans, Elevations & Sections [Plot 2]	1213/13/P/0 4	Rev. C	22 nd May 2014
Proposed Floor Plans, Elevations & Sections [Plot 3]	1213/13/P/0 5	Rev. C	18 th July 2014
Site Sections 1 and 2	1213/13/P/0 6	Rev. B	25 th June 2014
Site Sections 3 and 4	1213/13/P/0 7	Rev. A	22 nd May 2014
Existing Floor Plans, Elevations	1213/13/P/0 8	-	22 nd May 2014
Content Elevations	1213/13/P/0 9	Rev. D	22 nd May 2014
Site Sections 5 and 6	1213/13/P/1 0	-	25 th June 2014

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - D 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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles 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.

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- 5) 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.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 7) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 8) The first floor window in the east elevation, of House 3 hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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.
- 9) 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.

11.2 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

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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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the dwellings are occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

- 12) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 13) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 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.

- 14) No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

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

- 15) No development shall commence on site until a 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, including night scented species, 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 and replacement trees.

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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.

- 17) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 18) No development shall commence until details showing the type, number, location and timescale for implementation of the compensatory bat boxes/bricks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

- 19) Unless otherwise agreed in writing with the Local Planning Authority the recommendations set out in Section 5 of the Nocturnal Emergence and Dawn Re-Entry Bat Surveys, received on the 25th June 2014, shall be implemented in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential 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 4 as a minimum 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.

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

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

- 22) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be

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retained for use by the occupants of, and visitors to, the development at all times.

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

- 24) The new crossovers and access shall be constructed prior to the first occupation of the development hereby permitted.

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

- 25) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers located to the west of proposed cross-over 2 on Hill Brow and to the south of proposed cross-over 1 on Hill Drive, back to a footway by raising the existing kerb and footway.

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

11.4 Informatives:

1. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. 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).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light

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Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

6. 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 proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes. 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, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties.

From: Vanessa Brown
Sent: 15 January 2014 18:51
To: Liz Arnold
Subject: 4 Hill Brow BH2013/04293

Dear Ms Arnold

Re: BH2013/04293 4 Hill Brow

As Ward Councillors we are writing to object to these plans for three extremely large five bedroomed houses on this site. We believe this is an overdevelopment.

The roofs are particularly large and high making the houses higher than the surrounding houses and much higher than no.3 Hill Drive which is adjacent to the site. All the houses would also be higher than no. 2 Hill Brow although they are situated further down the hill. We are not sure that the plans reflect this accurately. There does not seem to be a plan showing the street elevations.

No. 63 Hill Drive will suffer severe overlooking and loss of privacy. Their entire garden is situated at the front of their property and these houses all have large terraces and many full length windows and doors on each level overlooking the garden. They will also overlook the bedroom windows and a bathroom. There is some protection from trees and hedging at the moment but there is no guarantee that these will stay particularly as they are not very attractive.

If this proposal should be recommended to be passed we would request a site visit and ask that the decision is taken by the Planning Committee.

Yours sincerely

Vanessa Brown

Jayne Bennett