

<u>No:</u>	BH2016/02329	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	308 Dyke Road Brighton		
<u>Proposal:</u>	Erection of three bedroom residential dwelling with associated parking and landscaping to replace existing garages.		
<u>Officer:</u>	Mark Thomas Tel 292336	<u>Valid Date:</u>	21/06/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 August 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Gregory Kewish Design, Kit Cottage Upton Cross Liskeard PL14 5AZ		
<u>Applicant:</u>	Mr Jonathan Stern, 4 Hove Park Way Hove BN3 6PS		

Councillors Ann Norman, Ken Norman and Taylor have requested this application is determined by Planning Committee.

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 site relates to land to the rear of 308 Dyke Road. The site currently comprises a row of 5 garages and is accessed via a driveway off Dyke Road between 306 & 308 Dyke Road. 308 Dyke Road is a detached two-storey building which comprises 5 flats. The house includes accommodation in the roof slope. One of the flats includes an outside terrace area over a rear extension. Dyke Road is predominately comprised of large detached buildings set in substantial grounds.

3 RELEVANT HISTORY

- BH2015/04424** Erection of three bedroom residential dwelling with associated parking and landscaping to replace existing garages. Refused 17/05/2016.
BH2014/04187 Variation of condition 2 of application BH2014/01009 (Demolition of existing garages and erection of 1no three bedroom house with off street parking.) to allow for alterations to proposed scheme including enlargement of basement level and revised fenestration. Approved 02/03/2015.
BH2014/01009 Demolition of existing garages and erection of 1no three bedroom house with off street parking. Approved 08/08/2014.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garages and the construction of a three bedroom dwellinghouse. The dwelling would be two-storeys tall. The dwelling includes green roofs and would be accessed via the existing side access.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Four (4) letters of representation have been received from **19 Maldon Road (x2), 21 Maldon Road, 310 Dyke Road**, objecting to the application for the following reasons:

- The development would be 'squeezed' between Maldon Road and Dyke Road gardens.
- Loss of security.
- Overlooking/ loss of privacy.
- Increased noise and disturbance during construction and occupation.
- The building would be out of character with the current late Victorian houses.

- 5.2 **Councillors Ann Norman and Ken Norman** object to the proposed development. A copy of their representation is appended to the report.

- 5.3 **Councillor Taylor** objects to the proposed development. A copy of their representation is appended to the report.

- 5.4 **Brighton and Hove Archaeological Society** recommend that the County Archaeologist is consulted for comment.

- 5.5 **East Sussex County Archaeology** comment on the proposed development as follows:

- The site is located within an Archaeological Notification Area defining an area of prehistoric occupation.
- In the light of the potential for loss of heritage assets on the site resulting from development, the proposals should be the subject of a programme of archaeological works. This should be secured by condition.

Internal:

5.6 Environmental Health: Comment

- The application seeks to a 3 bedroom house on land which formerly contained garages. Domestic garages are often used for the storage of fuels and oils, as well areas to make vehicle repairs, and as such there is the potential for the land to be contaminated.
- Given the above, it is prudent and appropriate in this instance to apply a condition, which will ensure that if there any unexpected findings encountered during the construction process, that works cease and a formal risk assessment by professional and competent individuals takes place to guide further action. This is referred to as a discovery strategy.

5.7 Sustainable Transport: Comment

- Although the applicant has referred to walking in the supporting evidence, he has not referred to mobility and visually impaired access and though footways in the vicinity of the site have been improved over the years by developer contributions there are still junctions along Dyke Road that could do with footway improvements (dropped kerbs in particular). There are accessible bus stops in the vicinity of the site but mobility scooters are not permitted on buses hence the importance of dropped kerbs for this growing mode of transport.
- SPGBH4 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 1 residential unit the minimum cycle parking standard is 2 cycle parking spaces in total (1 for residential units and 1 visitor spaces). The applicant has offered to install 4 cycle parking spaces in his supporting evidence however there is insufficient detail therefore cycle parking is requested by condition.
- In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed, near entrances and wherever practical, sheltered. As the applicant does not appear to have supplied this detail with his supporting evidence it will be requested by condition. It should be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for some people to use and therefore not considered to be policy compliant. As an alternative the Highway Authority approves the use of Cycle Works Josta 2 tier cycle rack(s) that will store one cycle above another Also, the Highway Authority approves the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 where appropriate.
- There are opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of on-site disabled car parking to be a reason for refusal.
- The applicant is not proposing any change to the vehicle access arrangements onto the public highway and for this single dwelling this is deemed acceptable.
- SPG04 states that the maximum car parking standard for within a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. The applicant is proposing 1 car parking spaces for each 3 bedroom property. For this development of 1 residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (1 space) is in line with the maximum standards and is therefore deemed acceptable in this case.
- There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any highway impact will be minimal so the application is deemed acceptable.
- It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, the following developer contribution is requested by way of a Grampian Condition

and Highway Works Informative in accordance with policies TR1, TR8 and QD28 of the Brighton & Hove Local Plan.

- Pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) are requested at the junction of (and across) Barrowfield Drive with Dyke Road to create or improve access to facilities and amenities within the vicinity of the site such as dwellings (friends & family), education, employment, shops, postal services, leisure, medical and transport land-uses.

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 City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control

- SU10 Noise Nuisance
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- 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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the scheme is appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability and standard of accommodation.
- 8.2 **Principle of Development**
The site is located within the Built-up Area as designated in the Brighton and Hove Local Plan and comprises five domestic garages. There are extant permissions for the construction of a two storey, three bedroom, detached house on the site (BH2014/01009 and BH2014/04187). Both dwellings are of similar footprint, form and height, with both incorporating a basement level. The main difference between the two schemes is the enlarged basement area consented under BH2014/04187.
- 8.3 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.4 Given the current housing requirements within the City, the existing use of the site and the extant planning permission, the principle of residential use can be accepted, subject to meeting other development plan policies detailed below.
- 8.5 **Design:**
Planning permission is sought for the construction of a detached dwelling house following the demolition of the existing garages. The dwelling would be up to two-storeys high in the style of a chalet bungalow, and includes excavation works so that the ground floor level would sit lower than the existing ground level.
- 8.6 The dwelling is modern in design and includes a mix of flat green roofs and 'sarnifil' clad slopes with a standing seam effect. The proposed house would be

surrounded by a small green area which includes bin and cycle storage. The house would have rendered walls and grey powder coated aluminium windows. The dwelling would be accessed via the existing vehicular access and the scheme includes one off-street parking space. The contemporary design approach is considered acceptable in principle, and is comparable to the approach undertaken for consented applications BH2014/01009 and BH2014/04187.

- 8.7 The dwelling would largely fill the northern part of the proposed site, being set close to the north (1.3m separation), east (1.3m) and west (0.85m) boundaries, and extending to within 5.2m of the southern boundary. The undeveloped area to the south of the site would provide for a medium sized garden. A further amenity space would be provided to the north-east corner where the building would step away from the northern and eastern boundaries to form an additional garden/ courtyard space. The stepped building line and new garden area is the main difference between the current scheme and refused application BH2015/04424, and introduces a welcomed visual relief over the refused scheme. It is noted that the consented schemes, BH2014/01009 and BH2014/04187, occupy a similar floor area to the proposed development, and moreover that the consented schemes would have had a greater visual impact from the public realm due to the setting of the house encroaching on the break between nos. 306 and 308 Dyke Road. Furthermore, the proposed dwelling appears less bulky than the consented schemes due to the reduced overall height and the less angular built form. The proposed dwelling would also appear less cramped than that proposed under BH2015/04424 due to the increased separation from the north and east boundaries.
- 8.8 Overall, the bulk of the property compared to that of the extant permissions would be lessened by an overall reduction in height and the introduction of a simpler, less blocky built form. The dwelling would have a similar overall ground coverage as the extant proposal, but would have less visual impact from the public realm due to the building being positioned away from the break between nos. 306 and 310 Dyke Road. It is welcomed that the proposed dwelling would feature more separation from the boundaries than that proposed under BH2015/04424. Overall, it is not considered that the proposed development would result in significant harm to the character and appearance of the recipient property beyond that of extant permissions BH2014/01009 and BH2014/04187. Furthermore, it is considered that the scheme has been revised sufficiently to overcome the reason for refusal of BH2015/04424.
- 8.9 **Impact on Amenity:**
Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10 The main impact of the proposed development would be towards the neighbouring properties at nos. 308 Dyke Road to the west, 310 Dyke Road to the north and nos. 17-21 Maldon Road to the east. It is noted that the proposed dwelling would be of comparable height and proximity to the boundaries with nos.

17 and 19 Maldon Road, and 310 Dyke Road as the dwelling which was considered acceptable by applications BH2014/01009 and BH2014/04187. The proposed dwelling would be lower in height overall and greater in separation from the boundary with no. 306 Dyke Road than the extant scheme. For these reasons it is not considered that significant levels of overshadowing, loss of outlook or increased sense of enclosure would occur beyond that permitted by BH2014/01009 and BH2014/04187.

8.11 The proposed western elevation would stand 2.9m to the eaves, and would be set 0.85m back from a 2.5m boundary treatment. This arrangement is similar to that to the northern and eastern elevations, and given that such an impact has been considered acceptable under extant permissions BH2014/01009 and BH2014/04187, refusal in terms of the level of overbearing impact is not recommended in this instance.

8.12 The proposed boundary treatments (which are as per BH2014/01009 and BH2014/04187) would adequately safeguard surrounding residential properties from harmful levels of overlook and loss of privacy.

8.13 Standard of Accommodation:

Policy QD27 of the Brighton and Hove Local Plan states that planning permission for any development will not be granted where it would cause loss of amenity to the proposed residents, whilst policy HO5 requires the provision of private useable amenity space in new residential development.

8.14 The proposal seeks planning permission for a 3 bedroom house with a floor area and layout which would provide spacious living conditions. Each principal room would have a suitable outlook and access to natural light.

8.15 A garden is proposed to the front, although it would be in a backland siting, obscured from view from the street. The provision of garden space is considered suitable for the size of accommodation proposed, in accordance with policy HO5 of the Brighton and Hove Local Plan.

8.16 Step-free access to the (new-build) dwelling appears to be achievable; therefore, in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

8.17 Sustainability

Policy CP8 of the City Plan Part One requires new residential development demonstrate efficiency in the use of water and energy. The applicants have submitted a Sustainability Checklist. Details have been provided within the Checklist detailing the energy efficiency measures that are proposed.

8.18 It is noted that in relation to sustainability the Government have advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard. Government have introduced transitional optional standards for energy and water usage and it is recommended these standards be secured by condition to address the requirements of Policy CP8.

8.19 Transport

The proposed level of parking is within the maximum parking standards of SPG04. Any overspill parking is unlikely to have a significant impact on the highway. Cycle storage would be provided within a dedicated store for three cycles. Whilst an indicative location for the store has been submitted, full details/elevations have not been provided. These details could be secured by condition.

8.20 It is likely that the development would result in a small uplift in trip generation. It is not considered that this would be significant nor amount to a severe impact on highway and transportation networks.

8.21 The development would likely result in an uplift if pedestrian movements. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall be secured by condition at the junction of (and across) Barrowfield Drive with Dyke Road to create or improve access to facilities and amenities within the vicinity of the site.

9 CONCLUSION

9.1 The proposed development would have an acceptable impact on the character and appearance of the locality, and on the amenity of occupiers of neighbouring properties. The proposed dwelling would provide acceptable living conditions for future occupiers.

10 EQUALITIES

10.1 Level access would be available to the proposed dwelling.

11 PLANNING CONDITIONS / INFORMATIVES

11.1 Conditions:

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

Plan Type	Reference	Version	Date Received
Site location and block plans	PL000	-	21 st June 2016
Site layout plan	PL001	-	21 st June 2016
Proposed ground and first floor plans	PL002	-	21 st June 2016
Proposed south elevation	PL003	-	21 st June 2016

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Proposed east elevation	PL004	-	21 st June 2016
Proposed contextual elevation	PL005	-	21 st June 2016
Proposed west elevation	PL005	-	21 st June 2016
Proposed north elevation	PL006	-	21 st June 2016
Proposed section AA	PL007	-	21 st June 2016
Proposed section BB	PL008	-	21 st June 2016
Proposed sections CC & DD	PL009	-	21 st June 2016
Proposed contextual elevations	PL010	-	21 st June 2016

3. No extension, enlargement or alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C, D and of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
5. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

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7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
8. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall have been installed at the junction of and across Barrowfield Drive with Dyke Road.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.
9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
11.
 - i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site

is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 have an acceptable impact on the character and appearance of the locality, and on the amenity of occupiers of neighbouring properties. The proposed dwelling would provide acceptable living conditions for future occupiers.

