

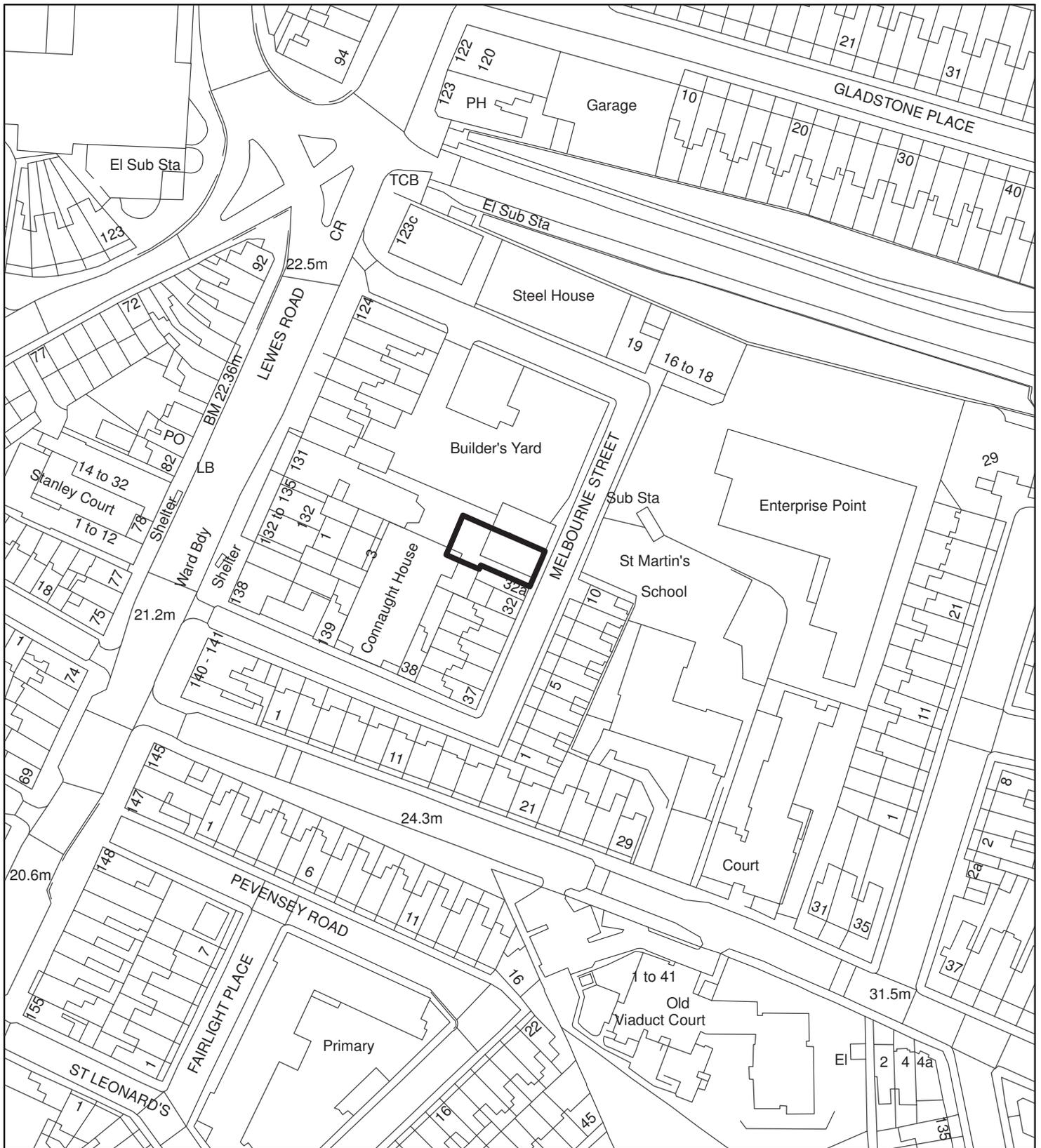
# **ITEM B**

**31 Melbourne Street, Brighton**

**BH2014/04116**  
**Full planning**

**1 APRIL 2015**

# BH2014/04116 31 Melbourne Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/04116</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>31 Melbourne Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of three storey block containing 3no self contained flats.</b>		
<b><u>Officer:</u></b>	Wayne Nee Tel 292132	<b><u>Valid Date:</u></b>	16 December 2014
<b><u>Con Area:</u></b>	n/a	<b><u>Expiry Date:</u></b>	10 February 2015
<b><u>Listed Building Grade:</u></b>	n/a		
<b><u>Agent:</u></b>	Roger Fagg Architect Ltd, 14C Fourth Avenue Hove BN3 2PH		
<b><u>Applicant:</u></b>	Mr E Barakat, 2A Church Road Hove BN3 2FL		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is situated to the west of the eastern length of Melbourne Street, and forms an open piece of land between the north elevation of 32 Melbourne Street which forms part of the historic terrace of properties and to the south of recently constructed 3 storey modern apartment block (planning application BH2009/00655). The site once formed part of the larger former Covers Yard site which last operated as a builders merchants and upon its closure was subdivided into a number of smaller sites.
- 2.2 In the wider context the site is set amongst a mixed industrial and residential street. The residential properties are predominantly of a traditional terrace design with similar distinctive features such as canted bay and bow windows as well as panelled doors. The properties mostly consist of painted rendered walls, although a notable exception is the end of terrace property immediately south (32 Melbourne Street) which consists of brickwork. St Martin's Primary School is situated opposite the site to the east.

## 3 RELEVANT HISTORY

**BH2013/04046** Erection of three storey block containing 5no self-contained flats – Refused 30/01/2014 (Appeal dismissed 30/01/2014)

**BH2013/02253** Erection of three storey block containing 5no self contained flats – refused 13/09/2013

**BH2012/02826** Erection of three storey block containing 5no self contained flats – refused 02/11/2012(Appeal dismissed 19/06/13)

**BH2012/00711** Erection of three storey block containing 5no self contained flats on vacant land. Refused 30/04/2012

**BH2011/03216:** Erection of three storey block containing 5no self contained flats on vacant land. Refused 19 January 2012.

**BH2010/03279:** Erection of 6no three bedroom residential houses and associated works. Approved 16<sup>th</sup> June 2011.

**BH2010/00855:** Erection of 4no 3 storey three bed dwelling houses, 2no two bed maisonettes and 1no (B1) Office Unit incorporating associated parking and cycle spaces. Withdrawn 20<sup>th</sup> October 2010.

**BH2009/02187:** Demolition of Connaught House and 38 Melbourne Street – approved 26<sup>th</sup> September 2009.

**BH2009/00655:** Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear. Refused 8<sup>th</sup> July 2009. Allowed at appeal 18<sup>th</sup> August 2010.

**BH2008/01461:** The demolition of disused existing Connaught Church and adjacent vacant dwelling No.38 Melbourne Street and redevelopment of the site to provide 6 new build, low energy town houses. Withdrawn 14<sup>th</sup> August 2008.

**BH2007/00884:** Permission refused 5<sup>th</sup> July 2007 for demolition of yard buildings and No.38 Melbourne Street, erection of 3 storey and part 6 storey, and part 7 storey residential buildings, conversion of Connaught House to provide 5 office suites and 10 residential units, and use of 124 Lewes Road as retail and offices, providing a total of 54 residential units, and 11 car parking spaces. Appeal dismissed 27<sup>th</sup> June 2008.

**BH2006/00902:** Withdrawn application for the demolition of yard buildings, partial demolition of Connaught House and 38 Melbourne Street, erection of 7-storey and 3-storey residential buildings, creation of residential and office units within Connaught House, and use of 124 Lewes Road as retail and offices, totalling 58 residential units, including 48 affordable housing units, with 11 car parking spaces.

**68/1279:** Permission refused 23<sup>rd</sup> July 1968 for change of use of the Connaught Institute to a joinery works. Applicants were the Trustees of the Connaught Institute. Permission refused on neighbour amenity grounds.

**68/1185:** Permission granted 9<sup>th</sup> July 1968 for change of use of the Connaught Institute from meeting hall to storage or warehouse. Applicants were the Trustees of the Connaught Institute.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of three storey block containing 3no self contained flats.

The details of the proposal are as follows:

- Size: The three storey building footprint would cover approximately 84m<sup>2</sup>.

- Layout: The ground floor would consist of a two bedroom flat; the first floor would consist of a two bedroom flat, and the second floor consisting of a one bedroom flat.
- Fenestration: All elevations of the building would include a variety of window styles and sizes.
- Materials: The building would consist of part brickwork and part white painted render, with a single ply/standing seam roof. The windows would consist of aluminium. The ground floor railings at the front would consist of metal.
- Amenity Space: Ground floor two bedroom flat to have sole use of rear garden space that would be accessed via the side passageway entered from Melbourne Street.
- Car parking: No car parking spaces are proposed.
- Cycle storage: Proposed at the rear of the property and accessed via the passageway.
- Refuse Storage: Proposed at the side/rear of the property and accessed via the passageway.

4.2 During the process of the application, minor alterations were made to the roof, minor alterations were made to the roof, fenestration and front elevation materials.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

5.1 **Neighbours: Four (4)** individual letters of representation have been received from **131 Lewes Road (x2), 145 Ditchling Rise, and Viaduct Lofts Melbourne Street** objecting to the application for the following reasons:

- Already over developed site and surroundings;
- Area cannot support more flats after Covers Yard development;
- Legal right of way over access from the side passageway;
- Impact on emergency exit from community centre on Lewes Road;
- Existing overloaded transport infrastructure and parking cannot support this;
- Increased noise and disturbance;
- Would increase air pollution.

5.2 **Councillor Emma Daniel** has objected to the application. Correspondence attached.

### **Internal:**

#### **Access Officer:**

5.3 The proposals accord with Lifetime Homes standards. It is not clear if there would be weather protection over the main entrance.

#### **Environmental Health:**

5.4 31 Melbourne Street has had a long history of use including recently as a storage area for cement and concrete and prior to that, a garage. An above ground, bunded fuel storage tank was located in the site's area according to a desk top study and ground investigation report that has been provided (Report J8667, Soils Ltd, 25/02/2005). Historical maps show that there were once

terrace houses at the site's location which were then replaced with a single structure (probably the garage).

- 5.5 31 Melbourne Street is also adjacent to / part of a larger site that was once a Builders' Yard which was prioritised for further inspection under the contaminated land regime within the Environmental Protection Act 1990. Within this area there was also a sheet metal works.
- 5.6 There have been several site investigations for the whole site (once called Cover's Yard) including potentially several validation/verification reports for different parts of the site. There is a complex history of site investigation which is not sufficiently covered by the provision of the desk top study and ground investigation report quoted above. For example, it is known that some underground fuel storage tanks were discovered during works for a previous planning application.
- 5.7 With respect to this planning application and for future enquiries by the public, the pertinent contaminated land information should be: specific to this planning application; easily accessible; easy to read, and easy to understand.
- 5.8 Additionally, from the desk top study and ground investigation report provided, it is noted that it was undertaken in 2005 since when, there have been significant changes to guidance relating to contaminated land. It is also noted that one of the contaminants of concern, that should form part of a standard screening suite for site investigations was omitted from this investigation. Namely: asbestos, both as loose fibres and asbestos containing materials.
- 5.9 Therefore, all of the contaminated land information relating to this site should be reviewed, taking into consideration the specific site details such as the position of end receptors, water services, tanks and pipework (removed or left in place etc). Additionally, one borehole on the edge of the site is unlikely to constitute a sufficient site investigation for this planning application when considering its history.
- 5.10 Consequently, it is recommended that the full contaminated land condition is applied to this planning application and previous site investigations should be reviewed and updated for this plan.

**Transport:**

- 5.11 Recommended approval as the Highway Authority has no objections to this application subject to the applicant providing the recommended improvements detailed below. The Highway Authority's comments still stand from the previous application (BH2013/02253 and BH2013/04046).

Car Parking

- 5.12 The applicant is not proposing any on-site car parking spaces. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore the maximum car parking standard for this development of 3 residential units is 3 for residents and 2 for visitors.

- 5.13 A previous application on this site (BH2011/03216) was refused as it did not provide for the forecast demand for travel that the proposals created. The Highway Authority were of the view that when taking into account existing parking demand and committed developments in the local area the immediate proximity of the site would be at capacity in terms of on-street parking availability. Therefore any overspill parking from the proposed development would cause vehicles to be parked inappropriately and dangerously. Therefore the previous application was deemed to be contrary to Local Plan policies TR1 Development and the demand for travel and TR7 Safe development. In order to try and address this reason for refusal the applicant re-submitted (BH2012/00711). The applicant's transport consultant suggested that some of the existing parking restrictions in the local area could be converted to parking spaces with no detriment to highway safety. This would therefore provide additional on-street parking spaces which could potentially be accommodated by vehicles from this development.
- 5.14 The provision of up to 8 additional on-street spaces would not fit well within the aspirations of the Council to promote sustainable travel. The site is also within an Air Quality Management Area (AQMA) and along the Lewes Road corridor which is subject to sustainable transport improvements through the Local Sustainable Transport Fund (LSTF). Therefore the addition of 8 additional on-street parking spaces in this location would not sit well within this area and would be contrary to the aspirations for the LSTF.
- 5.15 A potential solution that fits better within the Council's aspirations would be as follows:
- The applicant should provide 2 years membership for each residential unit to City Car Club. The nearest car club bay is on St Leonard's Road and there is soon to be a bay on Melbourne Street. This would reduce the likelihood of residents owning a car and help mitigate the forecast overspill car parking. This should be secured via a S106 agreement.
  - The applicant should contribute towards the implementation of Pedal Cycle Parking Spaces within the existing carriageway and where deemed necessary the inclusion of motorcycle parking spaces. The Highway Authority has consulted with Tracy Davison (Cycling Officer) and she is agreeable to the implementation of on-street cycle parking in this location.
  - The Highway Authority may consider the addition of one or two extra on-street parking spaces should it fit in with the wider design of the scheme to provide for sustainable trips. The applicant would be liable for all associated costs including the necessary amendment to the Traffic Regulation Order (TRO). The Highway Authority's view is that subject to providing the above improvements through a S106 agreement the potential overspill car parking and previous reason for refusal would be addressed.

#### Cycle Parking

- 5.16 SPG 4 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 3 flats the minimum parking standard is 3 cycle parking spaces (1 for each unit) and 1 space for visitors. 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 and wherever practical, sheltered. The applicant is intending to provide 4 cycle parking spaces. These spaces are accessed through a passage way to the side of the property.

#### Access

- 5.17 The applicant is not intending any vehicular access to the site. Therefore the Highway Authority would look for the redundant vehicle crossover to the front of the property to be reinstated back to footway via the inclusion of the suggested Grampian condition (detailed below). The reinstatement of footway will ensure the development will be in accordance with policy TR8 (Pedestrian Routes) and TR7 (Safe Development) of the Brighton & Hove Local Plan, by providing short, safe, attractive and direct routes for walking.

### **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
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
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
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
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development

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
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
-----	--

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the determination of this application are the principle of development, the impact of the proposed development with respect to scale and design, neighbouring and future occupants' residential amenity, traffic implications, sustainability and biodiversity.

### **Background:**

- 8.2 A previous planning application (BH2013/004046), for the erection of a three storey block containing 5no self contained flats, was refused for the following reasons:

- 8.3 *The proposed development, by reason of its design, scale, architectural detailing and height, would not sympathetically relate to either the modern development to the north of the site or to the traditional terraced properties to the south. The development would therefore fail to justify the loss of the visual gap which acts as a transition break between the two styles of development. As a result the proposed development would appear incongruent and overly dominant causing harm to the character of the street scene contrary to Brighton and Hove Local Plan policies QD1, QD2, QD3 and HO4.*
- 8.4 *The applicant has failed to demonstrate that the development will accord to Lifetime Homes Standards contrary to policy HO13 of the Brighton & Hove Local Plan.*
- 8.5 In this current application, the number of proposed flats has been reduced to three, the design of the roof has been altered, there have been cladding and fenestration changes to the external elevations, and the upper floor Juliet balconies have been removed.

**Principle of Development:**

- 8.6 The application site previously formed part of the wider former Covers Yard builders Merchants which operated as a single planning unit. A previous application which related to the remainder of the Covers Yard site to the rear (BH2009/00655) was allowed at appeal. Part of the consideration of this application related to the principle of the change of use from a Builders Merchants to C3 residential. The Inspector considered that the previous use operated as a sui generis use and the loss of the use was therefore not specifically protected by any Local Plan policy.
- 8.7 As the current application site formed part of the original planning unit which was in operation less than 10 years ago, the lawful use of the building is a builder's merchant (sui generis use). There is no policy protection of the existing use and so the principle of the change of use to C3 residential development is therefore considered acceptable.

**Design and Appearance:**

- 8.8 Local Plan policies QD1, QD2, QD3 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites and presenting an interesting and attractive frontage particularly at street level. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.
- 8.9 The Urban Characterisation Study identifies the site location as being within the central fringe area of the Lewes Road Corridor. The study describes this area as being comprised of 'an architecturally mixed retail and residential area of two to four storey buildings hard onto the street. Mainly late Victorian but with poor quality 20th Century infill. An uncoordinated public realm'.
- 8.10 The application site sits between the approved development that has recently been constructed to the north of the site (BH2009/00655) which is of a modern

design with mono pitched roofs and constructed in a mixture of modern materials, including Reglit glazing, aluminium windows, dark brick and white painted render. To the south of the site is the period terrace. The proposed building would be sited close to no. 32a Melbourne Street which is of a slightly different design to the rest of the terrace without a double height bay to the front and consists of external brickwork. The property appears to have been built some time after the rest of the terrace however it is still of a significant age. The remainder of the dwellings in the terrace are of the same design and are fully rendered.

- 8.11 The overall design approach to the scheme is similar to the previously unacceptable design. The appearance of the proposed block is unrelated to the properties to the south of the site, and bears more relation to the modern apartment blocks to the north. The proposed building is on the building line of the adjacent property to the north, and set back approximately 2m from the front building line of the end of terrace property to the south, which reduces its overall prominence within the street scene.
- 8.12 The existing gap between the new modern designed development to the north and the historic terrace to the south is approximately 9m, which is sufficient to provide clear separation from the more traditional properties. The visual gap acts as a transition break between the two styles of development. The proposed scheme would infill this important area of separation, narrowing the gap to only 1.3m.
- 8.13 The relationship of the proposed roof with the existing neighbouring building to the south is an improvement to that of the previously refused scheme. The roof would have a single form which would relate better to the prevailing pattern of roof forms on in this context. The roof height has been lowered on the south end so the roof at this point is lower than the ridge of the neighbouring roof. This has created a more substantial visual gap between the roofs, which relieves the dominance of the proposed building in respect of the traditional properties in close proximity. The result is an improved relationship between the proposed building and the neighbouring end of terrace property.
- 8.14 In the appeal decision of the previous application (BH2013/04046), the Inspector highlighted that the proposal would be visually different to the existing modern building it would be attached to. In terms of the detailing of the proposed building, the front elevation now relates more appropriately to the adjoining modern apartment blocks. The proposed width of the building from the front is only 0.2m wider than the individual apartment blocks which reduces its prominence on the street. Amendments received during the course of the application have altered the height of the roof to reflect the existing terrace and to incorporate fenestration detailing that is more reflective of the existing terrace. The frontage is similar to but not matching the apartment blocks. The ground and first floor tiled front wall would have a similar form to the aluminium and glazed entrances to the north. The proportions of the fenestration would also now relate more to the neighbouring fenestration.
- 8.15 Overall it is considered that the proposal would accord with the relevant design policies.

**Impact on 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.
- 8.17 The proposed building would abut the south elevation rendered wall of the modern apartment blocks to the north. The proposed upper floors would be set back in line with the rear elevations of no. 32A Melbourne Street to the south and the Covers Yard building to the north. The ground floor rear wall and garden boundary would be close to the private amenity space and ground floor rear windows of the apartment blocks to the north. Although this would enclose this area to an extent it would not be so significant as to warrant refusal of the application on this basis.
- 8.18 The proposed side (south) elevation windows would have the potential to overlook the rear garden of the terraced property to the south. As this window is a secondary bedroom window it could be conditioned to be obscure glazed and fixed shut should the application be acceptable in this respect. The rear elevation windows would have similar views to that of other rear windows of nearby properties.
- 8.19 Objections have been raised from residents concerning the loss of emergency access however this issue is not a material planning consideration but is instead a private legal matter, and so has not been assessed in the context of the planning application. Concerns have also been raised over potential air pollution, however it is considered that there is no evidence that would suggest that this proposal would significant impact on this matter.

**Standard of Accommodation:**

- 8.20 Local Plan policy HO13 states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is practicable, Lifetimes Homes criteria have been incorporated into the design. The proposed units appear to meet many of the Lifetime Homes criteria, however, it does not appear that there would be weather protection over the main entrance. The development meeting all Lifetime Homes criteria can be conditioned.
- 8.21 In general the proposed dwelling would benefit from acceptable levels of natural light, outlook and privacy.
- 8.22 Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. The ground floor flat would have access to the rear garden which is considered comparable to the neighbouring garden areas in the location. The upper floor flats would have no amenity space. However given the character of this form of development and the surrounding context the provision for these proposed flats is considered to be acceptable in this instance and it is not considered that

refusal of the application could be sustained on this ground alone. The scheme is therefore considered to adequately accord to policies HO5 and QD2.

**Sustainable Transport:**

- 8.23 Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. 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 development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4. The site is within reasonable access to public transport and the site is not within a Controlled Parking Zone (CPZ).
- 8.24 The Local Highways Authority are of the view that when taking into account existing parking demand and developments currently under construction in the local area, the local highways network within the immediate proximity of the site would be at capacity in terms of on-street parking availability.
- 8.25 The applicant has agreed to enter in to a legal agreement to secure the provision of 2 years membership to City Car Club for each of the first occupiers of the residential units, a contribution towards the implementation of on-street cycle and potentially motorcycle parking spaces, re-instatement of the vehicle crossing, and an amendment to the TRO to provide additional on-street parking spaces.
- 8.26 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes provision for refuse storage. Cycle storage is also shown on the plans at the rear however further information of this and of refuse storage would be required through planning condition.
- 8.27 The proposal therefore, subject to this agreement, accords with Local Plan Policies TR1, TR7, TR19, and QD28.

**Sustainability:**

- 8.28 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.29 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards.
- 8.30 In accordance with SPD08 the applicant submitted a sustainability checklist which details commitment to achieving Code Level 3 of the Code for Sustainable Homes which meets the minimum requirements of the SPD. Subsequently the applicant has agreed that the proposed development would achieve Code Level 4. Subject to conditioning to ensure code level, it is considered that the proposal is in line with the requirements of SPD08.

**Land Contamination:**

8.31 The Council’s Environmental Health team have expressed concern over the previous use of the site and therefore the potential for contaminated land exists. A full land contamination condition is required.

**9 CONCLUSION**

9.1 As amended, the proposed residential development would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport and sustainability would be successfully addressed.

**10 EQUALITIES**

10.1 The proposed development would meet all relevant Lifetime Homes criteria.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- Contribution of £8,000 towards sustainable transport improvements and provide each of the first occupiers of the residential units with 2 years membership to City Car club.

**11.2 Regulatory Conditions:**

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

Plan Type	Reference	Version	Date Received
Site plan	RFA/MS/PA /001		16 December 2014
Existing east elevation and site plan	RFA/MS/PA /002		08 December 2014
Proposed site plan	RFA/MS/PA /010		08 December 2014
Proposed floor plans	RFA/MS/PA /011	A	09 March 2015
Proposed elevations	RFA/MS/PA /012	A	09 March 2015

- 3) The first floor window in the south elevation of the development 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

## PLANNING COMMITTEE LIST- 1 APRIL 2015

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.

4) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

(Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);

and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

**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.

5) 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.

PLANNING COMMITTEE LIST- 1 APRIL 2015

**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.

- 6) 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.

- 7) The new dwelling(s) 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.

- 8) 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.

- 9) 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.

- 10) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

11.3 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 proposed residential development would be of an appropriate appearance, no significant harm to future occupiers or neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport and sustainability would be successfully addressed.

**Subject:** Re BH2014/04116- 31 Melbourne Street, Brighton- Planning Application Neighbourhood ref : 1729235

**Follow Up Flag:** Follow up

**Flag Status:** Red

Re BH2014/04116- 31 Melbourne Street, Brighton- Planning Application Neighbourhood ref : 1729235

Officer- Wayne Nee

Dear Wayne,

I am emailing to request that this application does come forward to committee to decide upon. Residents directly affected by the scheme have requested that I object to the scheme on the grounds of over-development. They will lose amenity due to the pressure on a small area which has already recently experienced development.

Please can you assure me that this objection has been noted and is in time to ensure the application comes before committee?

Sincerely  
Cllr Emma Daniel  
Hanover and Elm Grove