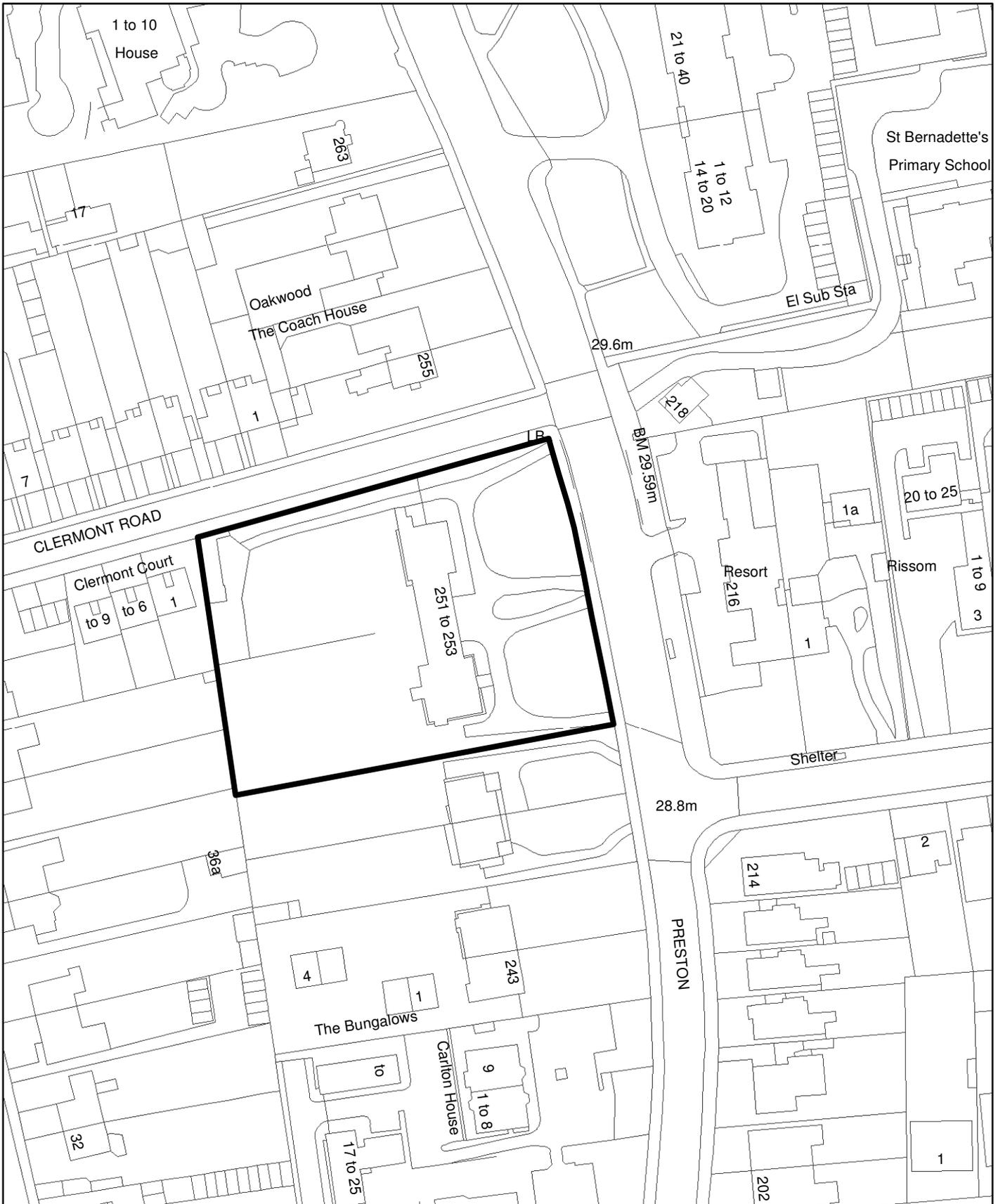


# **ITEM A**

**251-253 Preston Rd Brighton  
BH2016 / 00403  
Full Planning**

**08 June 2016**

# BH2016/00403 251-253 Preston Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2016/00403</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>251-253 Preston Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>17/03/2016</b>
<b><u>Con Area:</u></b>	<b>Preston Park</b>	<b><u>Expiry Date:</u></b>	<b>16 June 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Yelo Architects Ltd, Olivier House 18 Marine Parade Brighton BN2 1TL</b>		
<b><u>Applicant:</u></b>	<b>Southern Housing Group, Mr Colin Thomas Spire Court Albion Way Horsham West Sussex RH12 1JW</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves 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 application site comprises a pair of linked three-storey Victorian villas set in a substantial plot on the west side of Preston Road, at the junction with Clermont Road. The buildings are currently vacant having previously been in use by the City Council's Fostering and Adoption teams and the Child Protection Unit. A 2m high boundary wall fronts Preston Road and Clermont Road, punctuated by three main access points.
- 2.2 The site falls within the Preston Park Conservation Area. A number of mature trees sit throughout the site, of which 27 are covered by a Tree Preservation Order.
- 2.3 The adjacent buildings to the north and south along Preston Road form substantial mansions now converted into flats. A short terrace of modern flats sits to the rear/west, with Preston Park Hotel and a nursery school opposite to the east.

**3 RELEVANT HISTORY**

**BH2015/00395-** Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 25no apartments (C3). Erection of 7no single dwelling houses (C3) to rear of site to provide a total of 32no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works. Refused 17/07/2015 for the following reasons:

- 1. The proposed link extension, by virtue of its massing, detailing and material finish, represents an excessively scaled addition that would detract from the appearance of the period villas and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. The proposed development of seven houses in the rear gardens to the site, by virtue of their layout, positioning and site coverage, massing and material finish, represents excessively scaled additions that would permanently erode the original gardens to the site and the historic development pattern of the area, thereby detracting from the appearance of the site and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**93/0764/CC/FP-** Change of Use from a childrens community home to a mixed use childrens resource centre, comprising residential and non-residential social services for children. Approved 02/11/1993

**81/276-** Conversion/addition to form community home for residential accommodation for children with staff accommodation (reserved matters). Approved 31/03/1981

**78/364-** Outline application for the conversion of and additions to existing properties to form a community home providing residential and daycare accommodation for children together with staff accommodation. Approved 19/04/1978

**50/581-** Adaptation and use as a technical college. Deemed granted 08/08/1950.

Pre-Application Consultation:

Following the above refusal of application BH2015/00395 the applicants have undertaken positive pre-application discussion with officers, including a pre-application presentation with Members on 8 December 2015.

#### **4 THE APPLICATION**

- 4.1 Planning permission is again sought for the conversion of the two villas to form 22 one, two and three bedroom flats, including the demolition of the existing link and the erection of a new three storey link building. A further six two-storey dwellings are proposed within the rear garden along with communal garden space.

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

##### **External**

- 5.1 **Neighbours: One (1)** letter of representation has been received from **Unknown**, objecting to the application for the following reasons:

- The new houses do not appear congruent with the architecture of the existing houses on Clermont Road and Clermont Terrace
- The car parking assessment is unrealistic, with the survey assessing peak times (9am-7pm) only twice when there was a much lower availability of spaces (7-19)
- There is rarely any capacity for additional parking on Clermont Road during peak hours
- 1 parking space per unit is insufficient
- Insufficient parking for carers for the wheelchair units

- 5.2 **Environment Agency:** No comment received

- 5.3 **East Sussex Fire and Rescue:** No objection

- 5.4 **Southern Water:** No objection

- 5.5 **Sussex Police:** No objection

- 5.6 **County Archaeology:** No objection  
No objection subject to a Programme of Archaeological Works being secured by condition

- 5.7 **Historic England:** No objection

- 5.8 **Conservation Advisory Group:** Objection

The Group recommend refusal for three reasons:

1. The Group was disappointed at the appearance of the houses. The design of the exterior is too fussy; the inclusion of an internal courtyard is inappropriate and the Group believe this will result in the houses being too small and lacking light. The proposed appearance is totally out of character with existing buildings in the conservation area.
2. The Group do not object to the principle of a link building and think this is a reasonable attempt, but consider the overall appearance is rather too bland

and would benefit from slightly more styling to the fenestration or outlining of the building.

3. The Group questions the location of the parking area, which requires a convoluted route around the building. It is suggested that parking in the north east corner of the site could possibly be more appropriate

**Internal:**

5.9 **Ecology:** Comment

Insufficient evidence has been provided to assess the potential impacts of the development on bats. Although no evidence of bats was found in the buildings, the buildings maintain low bat roost potential. There are also multiple records of bats from the local area (not identified in the ecology report). As such, further surveys are required to ascertain presence/absence and to inform appropriate mitigation. Surveys must be carried out prior to granting planning permission.

- 5.10 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.

- 5.11 The site has been identified as having some potential to support reptiles, albeit low. Given the sub-optimal condition of the habitats present and the fact that the development site is surrounded by walls, roads and urban developments, it is considered that a precautionary approach to site clearance is acceptable. A method statement for the protection of reptiles during site clearance should be provided.

- 5.12 It is considered unlikely that the site supports any other protected species and therefore no specific mitigation is required.

5.13 **Arboriculture:** No objection

Twenty seven trees at the above site are covered by Tree Preservation Order (No 14) 1978.

- 5.14 The Arboricultural Report submitted with the application is useful and whilst there are a few minor differences of opinion the Arboricultural Section is in broad agreement with its contents.

- 5.15 Much of our observations follow those submitted under the earlier scheme and remain equally applicable. This latest scheme is in many ways an improvement on its predecessor with the dwellings aggregated together in a terrace towards the Western boundary. This reduces the overall impact on the trees and more securely contains the inevitable additional tree losses through indirect aspects such as roads and car parking. It also provides a more useful amenity space adjacent Clermont Road and between the new dwellings and the existing building.

- 5.16 The proposed roadway, car parking and cycle storage to the frontage and flank has potential for conflict with the trees. Whilst much of this is already hard surface

considerable care in its construction will be needed so as not to damage existing tree roots that will inevitably occupy the soil underneath. A detailed method statement and “no dig” form of construction will be essential if tree losses are to be avoided. In terms of design the location of the cycle storage appears to be obtrusive and poorly thought out. This is especially the case with the frontage where the cycle parking will cut into the green space and towards the South of the site where tree rooting is also likely to be damaged.

5.17 Overall, the Arboricultural Section has no objection to the principals proposed in this application subject to minor amendments and suitable conditions being attached to any consent granted regarding protection of the trees and replacement planting.

5.18 **Environmental Health:** No objection

5.19 **Heritage:** No objection

This application follows pre-application discussions arising from the refusal of a previous application and there are two main aspects to the application.

5.20 The principle of new houses within the rear garden area was previously considered acceptable in principle. This application proposes six two storey houses in terraced format along the rear boundary on the southern side of the site. The proposed siting would ensure that an appropriately large garden area is retained between the existing villas and the new development, thereby retaining the historic setting of the villas, and this siting would also limit the visibility of the new houses from Clermont Road. The short terraced form would be sympathetic to the traditional urban grain of the conservation area west of Preston Road and would echo a traditional mews arrangement, so creating an appropriate relationship with the two villas. The new houses would be clearly contemporary in design but in their scale, proportions and pitched roof form they would nevertheless reflect elements of a traditional mews form, whilst having sufficient design quality and interest in their own right.

5.21 The three storey link building is retained from the previous application with only a slight reduction in height. Concern remains about the appropriateness of linking the two villas at this scale and this aspect of the proposals does result in some harm to their significance as large, detached villas. However, the footprint of the link building has been notably reduced from the previous scheme and the building is sympathetically set back from the villas where they adjoin. The design of the building itself is now much improved. The rhythm of the elevations has been broken down into appropriate vertical divisions, with ‘voids’ at each end and centrally, whilst the proportions of the windows generally reflect the traditional window hierarchy seen on the villas. Although the rear elevation projects further than the existing main elevations it does align with the stair tower to 251 and it would not be unduly intrusive in the oblique views from Clermont Road. Views from Preston Road would still be significantly screened by trees, despite the removal of some trees, and therefore the harmful terracing effect of the link building would not be overly apparent at this distance. Subject to further details, the proposed materials are considered to be sympathetic to the original villas and surrounding area whilst at the same time distinguishing old from new.

5.22 The application proposes to retain the surviving part of the flint boundary wall that originally divided the two rear gardens and this is welcomed. The application also includes comprehensive landscaping proposals for the site which would enhance the role that the front and rear gardens play in visually greening the area and which would respect the setting of the villas.

5.23 **Education:** No comment received

5.24 **Housing:** No objection

5.25 **Planning Policy:** No objection

The application is a significant revision to an earlier scheme (BH2015/00395) which comprised 32 dwellings (25 self-contained flats and 7 detached houses). This application was refused on two grounds, neither of which were policy related.

5.26 The former uses of the site provided important services and facilities of a community nature. As such it is reasonable to consider Local Plan Policy HO20 'Retention of community facilities'. The policy seeks to resist the loss of community facilities but provides for certain exceptions. Information submitted with the planning application indicates that all the teams operating from Preston Road were successfully re-located to the Moulsecomb Hub at the end of 2012. This demonstrates compliance with clause b) of Policy HO20.

5.27 Where an exception to Policy HO20 applies, the policy indicates that the priority is for residential schemes which may include mixed use schemes such as live-work units. As such, a proposal for residential development is considered acceptable in principle. 40% affordable housing provision is indicated; this is welcomed and in compliance with City Plan Policy CP20.

5.28 City Plan Policy CP16 (part 2) requires new development to contribute to the provision of public open space, whilst Policy CP17 (part 5) makes a similar requirement for sport provision. An appropriate financial contribution towards meeting this need is determined using the open space 'ready reckoner', which gives a figure of £81,500, including £12,936 towards indoor sport.

5.29 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and that the applicant enters into a S106 agreement to contribute towards pedestrian improvements and/or public transport improvements to the value of £17,500.

5.30 **Economic Development:** No comment

5.31 **Sustainability:** No objection

5.32 **Sustainable Drainage:** No objection

## 6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove 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
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

#### Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4     Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

## **8     CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of conversion, the design of the proposed extension and new buildings and their impact on the appearance of the site and Preston Park Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters.
- 8.2 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 24<sup>th</sup> 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 **Principle of Change of Use:**  
The villas at 251 & 253 Preston Road were originally constructed as single dwellings however they have not been in residential use for several decades, with planning records indicating use as a technical college from 1950, as a childrens community home from 1978, and as a childrens resource centre comprising residential and non-residential social services from 1993. The site was last occupied by the City Council's Fostering and Adoption teams and the Child Protection Unit as a mix of B1 and D1 uses. These uses included offices for health and social services staff, therapeutic services, assessment and consultation provision, training and meeting rooms. There was no residential use of the site. Given the longstanding mix of several uses on the site the last lawful use of the site is considered to be sui-generis in nature.
- 8.5 Policy HO20 of the Brighton & Hove Local Plan seeks the retention of community facilities unless one or more of four exception tests are met. These tests allow exceptions if the community use is replaced within a new development, is relocated to a location which improves its accessibility, nearby facilities are to be improved to accommodate the loss, or it can be

demonstrated that the site is not needed for community use. In this instance the existing community use and services have been relocated to the Moulsecomb Hub, a location with improved accessibility. As such both tests a) and b) of policy HO20 have been met. Where an exception has been met, policy HO20 attaches a priority to residential schemes. As such the return of the site to residential use is considered acceptable in principle.

**8.6 Design and Appearance:**

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods. Policy CP15 seeks to conserve and enhance the city's historic environment, prioritising positive action for those assets at risk through, neglect, decay, vacancy or other threats, and ensuring that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings.

8.7 Policy HE6 requires development within conservation areas to show a high standard of design and detailing reflecting the scale and character or appearance of the area. Such development should preserve or enhance its character or appearance.

8.8 Paragraph 137 of the NPPF identifies that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 advises that where 'less than substantial harm' to a heritage asset is identified, this should be weighted against the public benefits of the development.

8.9 This is consistent with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' means resulting in no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can though be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area.

- 8.10 The Preston Park Conservation Area Character Statement details that the site falls within the Clermont Estate. The Statement states that  
'Along Preston Road the villas are mainly semi-detached and date from c.1870. They are two storeys plus a half basement tall, with canted bays and large sash windows beneath overhanging eaves supported on elegant brackets. These houses once stood in large gardens set well back from the busy road, but regrettably many of these have become car parking areas although the substantial front boundary walls and many mature trees and shrubs do conceal most of the buildings from public gaze. All of these houses have been converted into flats and many have been altered or extended unsympathetically as a result.'
- 8.11 The site as existing comprises two large painted stucco Victorian villas set in substantial plots on the west side of Preston Road. The villas sit behind large boundary walls within large vegetated gardens dominated by a number of trees, including 23 trees protected by a Tree Preservation Order. A two storey 1950's extension links the two villas. Within the Preston Park Conservation Area the villas and the sites adjacent at 247 & 249 Preston Road and to the rear at 38 & 39 Clermont Terrace form the last remaining original plots in the immediate area that have not otherwise been encroached with backland development or wholly redeveloped.
- 8.12 Previous uses of the buildings at 251-251 Preston Road and their subsequent alterations and extensions have eroded some of their original grand quality, as has the absence of maintenance within the largely overgrown gardens. Notwithstanding this, the villas and the large gardens that surround them contribute positively to the overall character and appearance of the conservation area and in the reading of its historical evolution. Historic maps show some previous buildings along the rear boundary, however these are of the scale of small stores/stables and orangeries/glasshouses ancillary and subservient to the main villas.
- 8.13 Conversion and link extension  
The proposed conversion of the two villas back into residential use is welcome. The alterations to facilitate this conversion would remove many of the previous harmful alterations and restore original detailing to the benefit of their appearance. Likewise the landscaping proposals to reduce the overgrown site frontage and better expose the protected trees are welcome. As such these elements of the proposal would have a positive impact on the appearance of the site and wider conservation area.
- 8.14 The previous proposals included a three storey link extension between the villas to replace the existing two storey link. The link was considered to be excessively scaled and with a massing and detailing that would detract from the appearance of the period villas and the wider Preston Park Conservation Area.
- 8.15 The proposed link extension has been reduced in footprint and height, with the massing and detailing amended to reduce the horizontal volume of brickwork previously proposed. The link extension, although still large, now sits in a more subservient and less visually dominant manner between the two villas. The

reduced height and inset footprint from the main south elevation now sits free of the quoins and cornice detailing of the villas, with recessed balcony sections suitably breaking down the form of the extension into two solid elements that better respect the proportions of the villas. Similarly the scale of the windows has been reduced so that they now better complement the windows to both villas.

8.16 As before, the extension would be completed in contemporary vertical and horizontal clay banded cream/white bricks, with bronze detailed inset balconies and windows. Samples of these materials and finishes have been submitted, and visuals of the likely juxtaposition with the finishes to the villa buildings provided. The long cream/white clay brick has a rougher texture than previously proposed, whilst the bronze finish to the windows and balconies would be used less extensively than before. Overall, it is considered that these finishes, combined with the reduced form and massing of the link extension, would have a suitable recessive appearance that would not dominate or unduly detract from the primacy of the restored villa buildings to either side.

8.17 Houses

The previous application proposed seven houses within the original rear gardens to the villas, five of which were set in an arc through the centre of the gardens. It was considered that the layout, coverage, scale and massing of the houses would permanently erode the original gardens to the site and the historic development pattern of the area, thereby harming the appearance of the site and wider Preston Park Conservation Area. The gardens have remained undeveloped and now form one of the few remaining original garden spaces to the original buildings fronting Preston Road. As such the gardens and the resulting space between the buildings that surround contribute positively to the character and appearance of the Conservation Area.

8.18 This proposal seeks to place six houses in a linear terrace close to the rear boundary of the site, facing into the gardens and towards the rear of the villas. This positioning better respects the historic linear development pattern of the area, and would retain a substantial part of the original rear garden area to the front and north side. Historic maps show the site of the houses previously housed outbuildings and orangeries, therefore some development along this part of the rear boundary is not without historic precedent.

8.19 The houses all include pitched roofs and would be completed in the same materials (cream/white clay brick with bronze windows and zinc roofs) as the link extension, thereby bring a design continuity to the new building elements within the site. The design of the houses, although somewhat stark when seen in elevational form, is punctuated by brick detailing, windows and recessed elements that would bring suitable visual interest.

8.20 Heritage officers consider the principle of placing houses along the rear of the site to be acceptable, and consider the scale and treatment of the houses to be suitable.

8.21 It remains that the overall scale of the extension and the addition of dwellings within the previously undeveloped rear gardens would cause some harm to the appearance and setting of the two villas and the character and appearance of the Preston Park Conservation Area. However the improvements to the design and layout of the proposals are such that the identified harm is significantly less than that afforded by the previous proposals. This harm is considered 'less than substantial' under paragraph 134 of the NPPF, but nevertheless carries significant importance and weight under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.22 As with the previous scheme, the overall package of proposals include a number of heritage and other benefits. These include the restoration and re-occupation of the villas buildings, the design quality of the new build additions, the landscaping works, the maintenance works to the protected trees, and the provision of 28 residential units including 11 affordable units. Many of these benefits are public benefits that would significantly enhance the appearance of the site and conservation area and help meet the city's identified housing needs. Taken as a whole, it is considered that the overall benefits of the revised development now outweigh the harm afforded by the scale and impact of the new build elements. The proposals are therefore considered to comply with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan, paragraphs 132, 134 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**8.23 Trees, Landscaping and Ecology**

Trees

The site contains substantial gardens to the front and rear with a total of 95 individual trees and further smaller clusters. Of these, 27 are covered by a Tree Preservation Order (no.14, 1978), including three substantial Pines to the Preston Road frontage, a row of Cedars, Cypress and Oaks to the south side boundary, and further clusters within the rear garden to no.253, along the side boundary fronting Clermont Road, and in the southeast corner fronting Preston Road.

8.24 The trees throughout the site have not been fully maintained for a number of years, with the front and rear gardens in particular overgrown and unkempt. The volume of trees throughout the site is such that those of greatest amenity value appear overcrowded and their amenity value has been compromised accordingly.

8.25 A tree report has been submitted with the application which identifies that 49 of the 95 trees within the site will need to be removed. Of the 49 to be felled, 2 are protected by the TPO and 13 require immediate felling on safety grounds. The remaining 34 are to be felled to facilitate the development. These are in the main located across the rear of the site, southern side boundary, and in the front northeast corner. All except five are category C trees of generally small stature, low quality and low amenity value. The remaining five are category B trees within the rear garden to no.251 and not readily visible from the wider public realm.

- 8.26 The two TPO trees to be felled are a Robinia (category B) and a Cypress (category C) set in the rear gardens. The arboricultural report identifies that the Cypress is dying and of limited amenity value, and the other (Robinia) is a second generation tree out of sight to the rear of the site. Works to crown raise and trim a further 17 trees (10 covered by the TPO) are also recommended.
- 8.27 Although the plans include the loss of a substantial number of trees, this is largely a result of an absence of site maintenance over a long period. Those that are to be lost in the main clutter the site and encroach on the appearance and setting of both the buildings and the remaining trees subject to the TPO. The reduction in tree coverage across the site would better reveal the amenity value of the protected trees and the architectural quality of the existing buildings, and would allow for improved landscaping of the site to the benefit of the wider Preston Park Conservation Area. Whilst the loss of two protected trees is regrettable, in this instance they have been identified as being of limited amenity value. As such their loss is accepted. The Council's Arboricultural team have raised no objection to these works, subject to suitable conditions to retain and protect those trees that are to be retained.

Landscaping

- 8.28 The submission includes a detailed landscape plan and supporting specification which includes details of all materials, details of new tree planting along the front, rear and side boundaries of the site, and new soft landscaped areas throughout the site. The new trees would include Fruit trees, Lime trees and Silver Birches planted to a height of between 3m and 5m. Sketch 3D plans of the site have also been included in the specification to illustrate the high quality landscaping proposed. The landscape plans detail that communal lawns will be provided to the front of the site and in two linked areas to the rear. Further herb and vegetable beds are to be provided in the rear gardens, with discrete lighting throughout. Overall the landscape plans are of a high quality and provide assurance that the site will be well presented to the benefit of the appearance of the site and wider conservation area.

Ecology

- 8.29 In terms of ecology, an Ecological Scoping Survey Report has been submitted which identifies that at the time of the survey (January 2016) there was no evidence of bat or breeding birds, and no significant potential for the presence of reptiles. As a precaution the report advises that further bat survey work should be carried out prior to works commencing and this is secured by condition. The report (section 4.42) and landscape plans detail a series of measures to improve the ecological value of the development, including bee, bird and bat boxes, log stacks, native planting and meadow grass (section 4.42). These measures are secured by condition.
- 8.30 The County Ecologist has identified the building as having low bat roost potential and has recommended that further surveys should be carried out before permission is granted. In this instance, given that no evidence of bats were identified in the initial surveys, it is considered that a condition should be applied to ensure a final bat survey is carried out prior to works commencing.

The County Ecologist has not objected to this approach. Further method statements are secured by condition to secure appropriate mitigation in the event reptiles and/or nesting birds are uncovered during site clearance works, as recommended by the County Ecologist.

8.31 For these reasons the proposed tree works, landscaping scheme and ecology improvements are considered acceptable and in accordance with policies CP10 & CP15 of the City Plan Part One and QD15, QD16 & QD18 of the Brighton & Hove Local Plan.

**8.32 Open space**

The scale of the development is such that it would not provide all the necessary open space and outdoor recreation space within the site to comply with the requirements of policy CP16. In such circumstances policy CP16 allows for contributions within the s106 agreement to offset the needs generated by the development. In this instance, offsetting the 3,000sqm of communal garden space being provided onsite, the standard open space formula recommends that a contribution of £51,729 be sought, which includes £12,544 towards indoor sport.

8.33 These would be spent on improving indoor sports facilities at Withdean Sports Complex and/or Prince Regent Swimming Complex, outdoor sports facilities at Preston Park and/or Withdean Sports Complex, and play space at Preston Park and/or Dyke Road Park and/or Blakers Park, facilities that have not been allocated funds from more than five previous permissions since 6 April 2010. This level of contribution is secured in the s106 Heads of Terms.

**8.34 Standard of Accommodation:**

The development would comprise a total of 28 residential houses and flats. The converted villas would provide ten one-bedroom flats and four two-bedroom flats. The link extension would comprise two one-bedroom flats and six two-bedroom flats, with six three-bedroom houses to the rear. In total this amounts to 12 one-bedroom units, 10 two-bedroom units, and 6 three-bedroom units. This mix of unit sizes is considered acceptable and in broad compliance with policy CP19, which estimates that 65% of overall housing demand over the plan period will be for two and three bedroom properties.

8.35 All units are of a good size with good access to natural light and ventilation. Those within the extension would have access to small private balconies and patios, with all flats having access to the communal gardens to the front and rear. Each house would be served by a good sized private rear garden. This is an acceptable arrangement that broadly complies with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8.36 The requirement to meet Lifetime Homes within policy HO13 has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the new-build residential units is achievable therefore a condition is applied to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the two wheelchair accessible units at

ground floor level within the link extension, and Requirement M4(2) for all other units.

**8.37 Affordable housing**

Policy CP20 of the City Plan Part One requires new developments of this scale to provide 40% affordable housing, with the policy identifying a preferred split of 30% one-bedroom units, 45% two-bedroom units and 25% 3 bedroom units and above. The applicants state that 40% of the development will comprise affordable housing, amounting to 11 units (including the two wheelchair units). Of the 11 affordable units, 8 are to be offered as affordable rent and 3 as shared ownership. This split meets the requirements of policy CP20 and aligns with the preference within the Affordable Housing Brief for a greater proportion of affordable rent units than shared ownership units. Final details are secured within the s106 Heads of Terms.

**8.38 Impact on Amenity:**

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.

8.39 The main impact would be on the amenities of occupiers to the rear/west and south of the site. Those to the north and front/east are set opposite Clermont Road and Preston Road respectively and would not be otherwise impacted given the separations, boundary walls and trees set between.

8.40 To the south, no.249 Preston Road forms a substantial period property split into six flats. The conversion of no.251 back to residential occupancy would not introduce untoward levels of overlooking, with a mix of principal, secondary and bathroom windows facing south towards mature trees along the boundary with no.249. Of the proposed six houses within the terrace to the rear, house 1 is set the closest to the boundary with no.249 at a separation of 2m. Although close to the boundary in an otherwise spacious setting, the terrace is at the rear part of the site 32m from the main building at no.249. This separation, in combination with the absence of any side facing windows, is sufficient to ensure that occupiers of no. 249 and the substantial gardens to the rear would not be unduly overlooked or enclosed.

8.41 To the rear are a number of flats on rising ground at Clermont Court (fronting Clermont Road) and Muirson House (fronting Clermont Terrace). Muirson House is set at a separation of 45m from the rear site boundary such that there would be no discernable impact from the proposed houses. Clermont Court is orientated north-south on higher ground level, offset at a separation of 10m from the east-west orientation of the proposed terrace. Given this separation, the changes in ground level, and the high level first floor windows proposed, it is not considered that the amenities of the ground, first or second floor flats within Clermont Court would be harmed to a degree that would warrant the refusal of permission. The impact of the bulk of the terrace would be offset by its position

5m from the shared boundary and by the retained and proposed tree planting between.

8.42 For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

**8.43 Sustainable Transport:**

The site retains four access points, three from Preston Road and one from Clermont Road. Currently the main access into the site is from the Clermont Road entrance, with the other three points closed. Parking is provided on a hardstanding to the front of the site and to the rear along the south side boundary.

8.44 The proposal seeks to retain parking to the front and rear accessed from the Clermont Road entranceway. The layout plans detail 30 parking spaces of which four would be disabled parking bays. This falls within the maximum standards set out in SPGBH4. The Sustainable Transport officer has raised no objection to the volume of parking, noting that Census data would indicate demand for 26 vehicles. As a result the Sustainable Transport officer advises that overspill parking onto surrounding streets would not be significant.

8.45 Cycle parking for 45 bicycles is proposed in compounds to the front and rear, with further cycle storage within the gardens to two of the houses. This is a suitable volume that meets the minimum standards set out in SPGBH4 for 37 spaces. The Sustainable Transport officer has raised no objection subject to amended details to securely cover the spaces. This is secured by condition.

8.46 In terms of access the Sustainable Transport officer has raised no objection to the retention of the vehicular access off Clermont Road, but has identified concern at potential conflict with pedestrians utilising the same access point. The Sustainable Transport officer has requested a separate pedestrian access adjacent to resolve this conflict, and has suggested that access points from Preston Road be retained for pedestrian use only to provide better linkages to Preston Road and the south. Amended plans have been received to retain a pedestrian access from Preston Road. A separate pedestrian access off Clermont Road would require a new entrance in the historic boundary wall to the detriment of its appearance. In this instance the width of the existing main access off Clermont Road is sufficient to ensure that pedestrians and vehicles entering and exiting the site would not be in undue conflict.

8.47 With regard servicing, the submission has been amended to allow for refuse and recycling to be collected off Clermont Road rather than from within the site as initially proposed. This arrangement is supported by Sustainable Transport officers.

8.48 The Sustainable Transport officer has raised requested a contribution of £17,500 to provide a shelter and real-time information to the bus stop directly outside the site, and to improve the footway at the junction of Clermont Road and Clermont Terrace. Whilst it is acknowledged that trip generation from the site would be broadly neutral or less given the previous use, that does not

necessarily preclude securing necessary infrastructure improvements to service the new development, in this case the improvements to the bus stop and junction would aid occupiers accessing Preston Park station to the north and accessing public transport directly outside the site. As such it is considered necessary, reasonable and related to the impact of the development. Subject to this contribution and the recommended conditions the proposal would accord with policies TR7 & TR14 of the Brighton & Hove Local Plan, and CP9 of the Brighton & Hove City Plan Part One.

**Sustainability:**

- 8.49 Policy CP8 of the City Plan Part One requires new-build residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. No standards are set for new residential units created by way of conversion. Conditions are applied to ensure the new-build residential units meet the above standards. Acceptable refuse and recycling facilities are provided in stores adjacent to the main Clermont Road entranceway.

**8.50 Other Considerations:**

A contribution of £14,000 towards the Local Employment Scheme and the provision of an Employment and Training Strategy, with the developer committing to using 20% local employment during the demolition and construction works, is secured within the s106 heads of terms. A further contribution of £52,988 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate.

**9 CONCLUSION**

- 9.1 The public benefits of the revised development, which include the restoration and re-occupation of the villas buildings, the landscaping works, the maintenance works to the protected trees and the provision of 28 residential units including 11 affordable units, outweigh the 'less than substantial' harm afforded by the scale and positioning of the new build elements on the appearance and historic layout of the site and Preston Park Conservation Area. The proposed new build elements are well-designed additions that would not harm the amenities of adjacent occupiers and would not result in highway safety or parking issues. The proposals are therefore considered to comply with the Brighton & Hove City Plan Part One and retained saved policies within the Brighton & Hove Local Plan, the relevant paragraphs of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**10 EQUALITIES**

- 10.1 The development is required to meet Part M4(2) of the Building Regulations, with two of the units to be wheelchair accessible to meet Part M4(3).

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

S106 Heads of Terms

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- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £17,500 towards improving sustainable highway infrastructure in the vicinity of the site, as set out in the report.
- Contribution of £51,729 towards Open Space, Sport and Recreation in the area, as set out in the report.
- Contribution of £52,988 towards education provision.
- Contribution of £14,000 towards the Local Employment Scheme
- Construction and Environmental Management Plan
- Scheme for affordable housing

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
Location plan	YO116-100	-	22/02/2016
Block plan	YO116-101	-	22/02/2016
Proposed site plan	YO116-120	D	24/05/2016
Proposed LGF plan (flats)	YO116-121	B	22/02/2016
Proposed GF plan (flats)	YO116-122	C	22/02/2016
Proposed FF plan (flats)	YO116-123	C	22/02/2016
Proposed roof plan (flats)	YO116-124	A	22/02/2016
Proposed Houses GF plan	YO116-125	A	22/02/2016
Proposed Houses FF plan	YO116-126	A	22/02/2016
Proposed Houses roof plan	YO116-127	A	22/02/2016
Proposed front elevation (flats)	YO116-130	A	22/02/2016
Proposed rear elevation (flats)	YO116-131	B	22/02/2016
Proposed north section	YO116-132	B	22/02/2016
Proposed east elevations and store unit	YO116-133	-	22/02/2016
Proposed elevations and sections HH, II, JJ	YO116-134	A	22/02/2016
Proposed east elevation	YO116-135	-	22/02/2016
Proposed house plans, sections and elevations	YO116-140	B	22/02/2016

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the front, north side and rear of the villa buildings and link extension, or to the front elevation of the houses.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 4) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 5) Other than the dedicated balconies to each flat detailed on the approved plans, access to the flat roofs over the link extension hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) All hard surfaces hereby approved within the development site 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 site.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy CP11 of the Brighton & Hove City Plan Part One.
- 7) The development hereby permitted shall provide a minimum two new build wheelchair accessible residential units, to be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and retained as such thereafter. All other new build residential units 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.
- 8) 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.

### 11.3 Pre-Commencement Conditions

- 9) Prior to commencement of demolition works (including any works to fell trees), a detailed dusk/dawn bat survey shall have been submitted to and approved in writing by the Local Planning Authority. The bat survey shall have been carried out during the optimal period (May-August) prior to demolition commencing and in accordance with BCT2012. In the event bats are found to be evident the survey should include an appropriate scheme of mitigation, to be implemented in full prior to the commencement of any demolition or felling works .

**Reason:** This pre-commencement condition is required to safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One

- 10) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;
- iii) A Method Statement including mitigation strategy for the identification and protection of any reptiles that may be present during site clearance works;
- iv) A Method Statement including mitigation strategy for the identification and protection of nesting birds that may be present during site clearance works

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to

comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

- 11) No development (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) shall commence until the fences for the protection of the trees to be retained have been erected in accordance with details set out in the Arboricultural Implications Assessment (ref: J49.14 received on 10 February 2016) and the Tree Protection Plan approved under condition 10. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the Tree Protection Plan.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.
- 12) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.
- 13) 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 part [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

- 14) No development other than demolition and works to trees shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 15) No development other than demolition works and works to trees shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 17 March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

#### 11.4 Pre-Ground floor Slab Level Conditions

- 16) 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, including (where applicable):

- a) samples of all brick,
- b) details of all hard surfacing materials
- c) samples of the proposed window, door and balcony treatments
- d) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 & HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

- 17) No development above ground floor slab level of any part of the development hereby permitted shall take place until full details, at no less than 1:20 scale, of the following items have been submitted to and approved in writing by the Local planning Authority:

- The access ramp and steps to the link extension
- The metal railings to the lightwells to the link extension and villas

- Any vehicular or pedestrian entrance gate(s), including any associated alterations to boundary walls
- The restoration of the rear verandah to 253 Preston Road.

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD14 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.

#### 11.5 Pre-Occupation Conditions

- 18) 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.

- 19) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 20) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers on Preston Road back to a footway by raising the existing kerb and footway.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 21) The vehicle parking bays, including the disabled parking bays and associated splays, shall be laid out in full accordance with drawing no. Y0116-120 Rev. D received on 24/05/2016 prior to first occupation of the development hereby permitted. The parking bays 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 for occupiers and visitors of the development and to comply with policy CP9 of the City Plan Part One.

- 22) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- i) details of all hard and soft surfacing;
- ii) details of all boundary treatments;
- iii) the retention of a pedestrian access point from Preston Road into the site;
- iv) details of all external lighting;
- v) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees; and
- vi) the measures to enhance the ecological value of the development as set out in section 4.4.2 of the Ecological Scoping Survey Report dated 11 January 2016.

All hard landscaping and means of access and enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

**Reason:** To enhance the appearance of the site and increase the biodiversity of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One and Supplementary Planning Document SPD11 'Nature Conservation and Development'.

- 23) None of the new build 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 CP8 of the Brighton & Hove City Plan Part One.

- 24) None of the new build 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 CP8 of the Brighton & Hove City Plan Part One.

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

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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 overall benefits of the revised development, which include the restoration and re-occupation of the villas buildings, the landscaping works, the maintenance works to the protected trees and the provision of 28 residential units including 11 affordable units, outweigh the 'less than substantial' harm afforded by the scale and positioning of the new build elements on the appearance and historic layout of the site and Preston Park Conservation Area. The proposed new build elements are well-designed additions that would not harm the amenities of adjacent occupiers and would not result in highway safety or parking issues. The proposals are therefore considered to comply with the Brighton & Hove City Plan Part One and retained saved policies within the Brighton & Hove Local Plan, the relevant paragraphs of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2W (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
5. 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 Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
7. The water efficiency standard required under condition 24 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document](#)

(AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
9. The applicant is advised that the details required by Condition 17 are to be delegated for agreement to the Planning and Building Control Applications Manager in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.