No:	**BH2019/01214**	**Ward:**	**Preston Park Ward**
App Type:	**Full Planning**		
Address:	**Garages At 2A Lowther Road Brighton BN1 6LF**		
Proposal:	**Demolition of existing garage & storage sheds and erection of a three storey 4 bedroom single dwelling (C3).**		
Officer:	Jonathan Martin	**Valid Date:**	22.05.2019
Con Area:	Adjoining Preston Park	**Expiry Date:**	17.07.2019
Listed Building Grade:	N/A	**EOT:**	
Agent:	3js Surveyors & Valuers Ltd Sussex House 75 Church Road Hove BN3 2BB		
Applicant:	3js Surveyors & Valuers Ltd Sussex House 75 Church Road Hove BN3 2BB		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. 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			23 April 2019
Block Plan			1 May 2019
Proposed Drawing	02/19 REV1		17 July 2019
Proposed Drawing	03/19 REV1		17 July 2019

2. 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.

3. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the existing red pavers will be reused to pave the forecourt of the new house have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the pavers shall be retained onsite thereafter.
Reason: To ensure the satisfactory appearance of the building and to comply with policy HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. 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, render and tiling (including details of the colour of render/paintwork to be used)
   b) samples of all cladding to be used, including details of their treatment to protect against weathering
   c) samples of all hard surfacing materials
   d) details of the proposed window, door and balcony treatments
   e) 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 Policy HE6 of the Brighton & Hove Local Plan and Policy CP12 of the Brighton & Hove City Plan Part One.

6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

7. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One.

9. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.

12. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
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 CP12 and CP15 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 approve planning applications which are for sustainable development where possible.

2. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs

including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.

5. The water efficiency standard required under condition 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.

6. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1. The site is upon rising ground to the east side of Lowther Road between a contemporary three-storey dwelling and rear gardens belonging to houses in Preston Drove. Lowther Road in the main comprises of terraced housing constructed at the turn of the 20th Century. The area is primarily residential.

2.2. Existing buildings comprise an end garage (bounding Lowther Road), with storage sheds behind and extending the depth of the site. The buildings are all formed along the south boundary. The application site does not lie within the Preston Park Conservation Area but lies immediately north of the designated area boundary.

2.3. Planning permission is sought for the demolition of existing garage & storage sheds and erection of a three storey 4 bedroom single dwelling (C3).

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

4.1. **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:

- Inappropriate height of development
- Overdevelopment
- Harm conservation area
- Residential Amenity
- Result in overlooking and loss of privacy
- Additional traffic causing congestion.

5. CONSULTATIONS

5.1. Heritage 05.02.2020 : Approve with conditions

There does appear to be some heritage significance to the site judging by the red brick pavers, which clearly pre-date the garages, but the pavers do not form part of the setting of the conservation area. Nevertheless it would be recommended to retain and reuse these brick pavers on the new forecourt to the house - this could be controlled by condition. One aspect of the application that does not appear to have been picked up on is that the existing trees on the neighbouring site, which are very close to the proposed development, have amenity value in the streetscene and contribute positively to the setting of the conservation area, but are likely to be impacted by the development. The Council's Tree Officer has now provided comments.

5.2. In the light of the tree officer's comments there are no outstanding objections to the scheme from a heritage perspective. Any permission should be subject to a condition requiring the existing red brick pavers to be reused to pave the forecourt of the new house, in accordance with details to be submitted to and approved by the LPA before works commence.

5.3. Heritage 19.06.2019 : Seek Further Information
Having reviewed the information provided there appears to be no submitted statement which considers the significance of the designated heritage assets, in this case Preston Road conservation Area and discusses the impact upon the Conservation Area in accordance with para 189 of the NPPF.

5.4. The proposed development site is bounded to the north by a modern infill development of three storeys, whilst to the south; it is bordered by the private garden of 139 Preston Drove. The existing form being low grade single storey structures read as an oddity in the streetscape.

5.5. It is considered that there is potential for sensitive development upon the site that will respect the urban grain and falling topography, which affords views into the Preston Park Conservation Area.

5.6. The proposed new dwelling is a modern contemporary design whose appearance would read as a later infill development, which follows the theme of the site immediately to the north. The choice of materials compliments the colour palette of the local vernacular whilst the architectural detail provides contrast and interest in the street scene.

5.7. I note from the proposed elevations that photovoltaic panels are to be mounted upon the flat roof. Whist the roof plan does not identify the existing of a parapeted façade to the front elevation this is shown on the as Proposed Elevations, however the roof profile is visible on the side elevation and therefore so to potentially will be the panels in the approaches from the conservation area.

5.8. **Transport: No objection subject to conditions**.
The Highway Authority has not raised any objection to the proposal subject to conditions relating to the new/extended crossover, hard surfaces, cycle parking scheme, retention of parking area and car free housing.

5.9. Arboriculturalist: No objection
Although there are no trees on site, third party ownership trees within the rear gardens of Preston Drove are in close proximity to the boundary and overhang the current single storey garages. There is likely to be a minor loss of amenity due to the need to prune this back, however these trees are not of a condition to fulfil criteria for Preservation status, as such there is no formal objection from the Arboricultural department

6. RELEVANT POLICIES & GUIDANCE

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (2019).

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR14	Cycle access and parking
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD 09	Architectural Features
SPD 12	Design Guide for Extensions and Alterations
SPD 14	Parking Standards

7. CONSIDERATIONS & ASSESSMENT

7.1. The main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity, sustainability and the impact on the highways network.

Principle of Development:

7.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

7.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

7.4. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings.

7.5. The proposed development is for the demolition of the existing garage and sheds and the erection of a 4 bedroom dwelling house. The proposal will contribute to the Council's housing target. Therefore the Council has no objections in principle to the proposal subject to compliance with local policies and guidance.

Design, Appearance and Impact on Conservation Area:

7.6. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.

7.7. When considering whether to grant planning permission for development affecting a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

7.8. The site adjoins a conservation area and as such Policy HE6 of the Local Plan will apply which states proposals to preserve or enhance the character or appearance of the conservation area. It is considered that there is potential for sensitive development upon the site, development that respects the urban grain and falling topography and which affords views into the Conservation Area.

7.9. The proposed new dwelling is a modern contemporary design whose appearance would read as a later infill development, which follows the theme of the site immediately to the north. The choice of materials of render and timber cladding compliments the colour palette of the local vernacular whilst the architectural detail provides contrast and interest in the street scene. Importantly the development reads the falling topography and as such retains a mass and scale consistent with the built form. The proposed development is no taller than the existing terrace and steps down in height which limits encroachment to the south.

7.10. The front elevation is considered to add architectural merit that would contribute to the street scene. In relation to the side elevation the design is considered to be a blank feature but this is true of the neighbouring property and this elevation would be screened by trees. The proposed solar panels would not be unduly visible from the streetscene and would therefore not have a negative impact on the character and appearance of the setting of the conservation area.

7.11. The existing trees within the neighbouring site, which are very close to the proposed development, are considered to have amenity value in the streetscene and contribute positively to the setting of the conservation area, however as set out below these trees are not covered by Tree Protection Orders and no objection to the pruning of these trees has been raised by the Council's Arboriculturist.

7.12. Overall it is not considered that the proposal would have a negative impact on the setting of the conservation area. There does appear to be some heritage significance to the site judging by the red brick pavers, which clearly pre-date the garages, but the pavers do not form part of the setting of the conservation area. Nevertheless it would benefit the character of the area to retain and reuse these brick pavers on the new forecourt to the house. The reuse of these pavers could be controlled via a condition should overall the proposal be considered acceptable.

7.13. Accordingly, it is considered that the proposal is in accordance with policy CP12 of the Brighton and Hove City Plan. Furthermore The proposal would not harm or impact the setting of the Preston Park Conservation Area and is therefore in accordance with policy HE6 of the Local Plan.

Standard of Accommodation:

7.14. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

7.15. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m2, and a double bedroom should measure at least 11.5m2. The following schedule of accommodation is proposed:

7.16. New dwelling (excluding garage) 150sqm

- Bedroom 1 - 16.17sqm (Double)
- Bedroom 2 - 10.56sqm (Single)
- Bedroom 3 - 15.90sqm (Double)

- Bedroom 4 - 16.12sqm. (Double)

7.17. The proposed internal areas exceed the NDSS guidance which explains that a 4b7p dwelling across 3 storeys should have a minimum GIA of 121sqm. The kitchen/dining/living areas provide a good level of internal space. Overall the proposed house would offer a good standard of living accommodation in terms of layout, circulation space, storage and access to natural light and ventilation.

7.18. Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development. The proposal will have a balcony which can be accessed via bedroom 2. The proposal will also have a rear yard area and the total private amenity space for this application is 59sqm.

7.19. The proposed scheme would provide a good standard of accommodation and provide appropriate levels of amenity space and therefore the proposal is compliant with Policies QD27 and HO5 of the Local Plan.

Impact on Amenity:

7.20. 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.

7.21. The proposal reads the falling topography and as such retains a mass and scale which is consistent with the existing built form. The proposal will have a flat roof which is lower in height when compared with the neighbouring pitched roof. Furthermore the rear elevation of the new 3 storey element does not project any further out when compared with the existing. It is considered that the proposal is not overdevelopment of the site and that the height is considered to be acceptable and as such it will not give rise to loss of amenity for neighbouring properties and residents.

7.22. The proposal is compliant with policy QD27 of the Local Plan.

Sustainable Transport:

7.23. The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway.

7.24. SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 1 residential unit with 4 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces). A condition is recommended requiring cycle parking details.

7.25. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway. However it is noted that the existing vehicle crossover of the footway is historic and narrow therefore it might require widening in similar materials. Therefore the Highway Authority requests

that the new/extended crossover condition and informative is attached to any permission granted to seek approval for a (detailed) licence from the Highway Authority to make any necessary changes to the existing vehicle access arrangements onto the adopted (public) highway.

7.26. Also the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off (for example, in heavy prolonged rain) onto the adopted (public) highway.

7.27. SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the Key Public Transport Corridor (KPTC) is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for the 4 bedroom property within the KPTC, via an integral garage. For this development of 1 residential unit the maximum car parking standard is 1 space (1 per unit and 0 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case. A condition will also be attached to ensure that on-site parking provision is maintained.

7.28. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.

7.29. The application has not provided a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. Recent records show the average percentage permit uptake to total permit allocation to be 95-100%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone).

7.30. The Highway Authority therefore considers that due to the high level of permit uptake and the lack of evidence of parking availability in the area, the proposed development shall be conditioned in order to remove future resident's eligibility for parking permits. The proposal is therefore considered to be acceptable in relation to car parking.

Arboriculture:

7.31. The application site does not have any trees but third party ownership trees within the rear gardens of Preston Drive are in close proximity to the boundary and overhang the current single storey garages. There is likely to be a minor loss of amenity due to the need to prune these trees but these trees are not of a condition to fulfil criteria for Tree Preservation Order status and therefore the minor loss is not considered to warrant a reason for refusal.

Sustainability:

7.32. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

8. EQUALITIES

8.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.