

<u>No:</u>	BH2021/04527	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Application to vary conditions 1 (plans), 2 (landscaping) and 3 (materials) of reserved matters application BH2019/03817.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.12.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.03.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	29.04.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	CCS Holdings C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD		

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
Proposed Drawing	2017_02-P-212	F	20 January 2022
Proposed Drawing	2017_02-P-213	E	23 February 2022
Proposed Drawing	2017_02-P-214	C	23 December 2021
Proposed Drawing	2017_02-P-215	C	20 January 2022
Proposed Drawing	2017_02-P-216	C	20 January 2022
Proposed Drawing	2017_02-P-217	G	23 February 2022
Proposed Drawing	2017_02-P-218	F	23 February 2022
Proposed Drawing	2017_02-P-219	H	23 February 2022
Proposed Drawing	2017_02-P-220	G	23 February 2022
Proposed Drawing	2017_02-P-222	B	23 February 2022
Proposed Drawing	2017_02-P-223	B	23 February 2022
Other	External Materials List		1 March 2022
Report/Statement	Landscaping Report	Glorious Gardens	11 March 2020

2. The landscaping scheme detailed on drawing no. 2017_02-P-223 B received on 23 February 2022 shall be carried out in the first planting and seeding season following the first occupation of the building/use hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM22 and DM43 of the emerging Brighton & Hove City Plan Part Two, and SPD06, SPD11 and SPD16.

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and DM21 of the emerging Brighton & Hove City Plan Part Two.

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. SITE LOCATION

- 2.1. The application relates to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveaway. The site slopes downwards from west to east.
- 2.2. The property contains a two-storey single dwelling with rooms in the roofspace and a large lower ground floor area which includes a pool, home cinema, gym and spa. This is housed in an extension which is built hard up against the northern site boundary and takes up a large part of the rear garden. There is a garage to the rear with access from The Droveaway as well as a vehicular parking area to the front of the property.
- 2.3. The surrounding area is predominantly residential in character, generally characterised by large, detached properties with good sized gardens.

3. RELEVANT HISTORY

- 3.1. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020

- 3.2. **BH2021/00029** Certificate of lawfulness to prove that a 'substantive start' has been made for the works approved under BH2017/02869 [Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3)]. Approved 04.03.2021.
- 3.3. **BH2020/01554** Application for approval of details reserved by conditions 5 (ground levels), 7 (drainage system), 8 (tree protection), 10 (refuse storage) and 17 (CEMP) of application BH2017/02869. Approved 16.12.2020.
- 3.4. **BH2020/01325** Application for approval of details reserved by condition 3 (external material samples) of application BH2019/03817. Approved 30.07.2020.
- 3.5. **BH2019/03817** Reserved Matters application pursuant to outline approval BH2017/02869 for approval of appearance and landscaping, relating to demolition of existing house and erection of 10no flats with associated parking (C3). Approved 26.03.2020.
- 3.6. BH2017/02869 Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3). Refused 25.07.2018. Appeal allowed 28.03.2019.
- 3.7. **BH2006/02036** Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006.
- 3.8. **BH2004/03602/FP** Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005.
- 3.9. **BH1997/00424/FP** Two storey extension and front dormer. Approved 17.07.1997

4. APPLICATION DESCRIPTION

- 4.1. Outline Planning Permission (BH2017/02869) was secured on appeal in 2019 for the demolition of existing house and erection of 10x flats. The subsequent Reserved Matters application (BH2019/03817) with regard to Appearance and Landscaping was approved by Planning Committee in 2020. It is noted that the development has commenced, however is limited to minor excavations rather than substantial building works.
- 4.2. Planning permission is now sought to vary conditions 1 (plans), 2 (landscaping) and 3 (materials) of reserved matters application BH2019/03817 to allow minor changes including the following:
- Owing to availability of materials, substitute bricks proposed to elevations;
 - Minor changes to fenestration detail and placement;
 - Minor changes to landscaping features and materials, including bin store area.

- 4.3. Amended plans have been received during the life of the application which annotate the external changes more clearly.
- 4.4. There is also a parallel application, to be considered by this Committee, seeking amendments to the plans and details approved under the Outline Planning Permission where (BH2021/04525).

5. REPRESENTATIONS

- 5.1. **One (1)** representation has been received objecting to the proposed development for the following reasons:
- Overdevelopment
 - Poor design
 - Flats out of character with area
 - Flood risk
- 5.2. The objection relating to impact on property values is noted, however is not a material planning consideration.

6. CONSULTATIONS

External

- 6.1. **County Archaeologist:** No objection.
No significant below ground archaeological remains are likely to be affected.
- 6.2. **Ecology:** No objection.
The proposed condition variations are unlikely to have any impacts on ecology.
- 6.3. **Sussex Police:** No objection
- ### Internal
- 6.4. **Air Quality** No objection.
- 6.5. **Economic Development:** No objection.
Considered the application and no comments.
- 6.6. **Planning Policy:** No objection
Considered the application and no comments.
- 6.7. **Private Sector Housing:** No objection
Considered the application and no comments.
- 6.8. **Sustainability:** No objection
No comments on the proposals from a sustainability perspective.
- 6.9. **Sustainable Transport:** No objection subject to clarification that the proposed tree will not impede access to car parking bays.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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 JAAP (adopted October 2019).
- 7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces

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

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity

Brighton & Hove City Plan Part 2

Policies in this Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. Some policies have gained further weight following the CPP2

examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. Details in regard to landscaping and materials have been agreed as part of the reserved matters application (BH2020/01325), and approval of details application (BH2020/01325) relating to external materials.
- 9.2. The now proposed plans include minor changes to fenestration detail and placement, as well as changes to materials. Previously the walls were approved as a marble-style tile cladding with complementary stone cladding for the projecting bays. It was proposed that the top storey would be clad in aluminium to simulate the appearance of 'Corten' steel.
- 9.3. The elevations are now proposed to incorporate a Nordic White brick for the main building, and a traditional grey multistock brick for the projecting bays and top storey. The surrounding properties are a mix of brickwork and white render and it is considered that the more traditional materials proposed would therefore be in keeping from the existing character and appearance of the streetscene.
- 9.4. Landscaping changes to the plans include minor changes to planting, walls and fences, cycle store and refuse/ recycling area, including a retaining wall is proposed around the refuse/recycling area instead of a fence.
- 9.5. The revisions are not considered to impact on the overall quality of the development nor detrimentally impact on neighbouring amenity and are therefore considered acceptable.

Conclusion:

- 9.6. For the reasons outlined the application is recommended for approval.

10. EQUALITIES

- 10.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable; wheelchair access is provided by a fully accessible lift which serves each floor and there would be level access from the car parking area. A disabled parking space is proposed.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The application site is previously developed (brownfield) land, within a sustainable location with good access to public transport links and local facilities.

