

<u>No:</u>	BH2016/06310	<u>Ward:</u>	Moulsecoomb & Bevendean
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 4-34 Kimberley Road Brighton		
<u>Proposal:</u>	Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.		
<u>Officer:</u>	Joan Tooth, tel: 294251	<u>Valid Date:</u>	07.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.02.2017
		<u>EoT</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ZST Architects	Miss Samantha Davies	3 Dorset Place Brighton BN2 1ST
<u>Applicant:</u>	Mr Reinhardt Slabbert	Hazel Cottage	Warren Road Brighton BN2 6DA

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 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	Date Received
Location Plan	16025-P-100	7.12.2016
Proposed Block Plan	16025(P)100	1.12.2016
Proposed Site Plan	16025(P)111	1.12.2016
Proposed Site Sections AA, BB, CC	16025(P)112	1.12.2016
Proposed Site Sections DD & EE	16025(P)113	1.12.2016
Plans and Elevations of Detached Houses	16025(P)120	1.12.2016
Plans and Elevations of Semi-Detached Houses	16025(P)121	1.12.2016

- 3) 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) The first floor windows in the north and south elevations of Plots 1 and 2 of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

- 6) 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) Samples 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 7) 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:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;

- c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.
- 8) All hard landscaping and means of 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 development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 9) 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.
- 10) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.
- 11) The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 12) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a

minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

- 13) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD08 Sustainable Building Design.

- 14) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 15) Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 16) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in Condition 15 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Condition 15.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 17) The approved lighting installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 18) No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 19) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
- c) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

- a) As built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress; and

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

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 22) 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 CP9 of the Brighton & Hove City Plan Part One.

- 24) Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving and moving the location and increasing the number of speed cushions if appropriate) shall have been installed at the junction of and across Coombe Road (west) with Ladysmith Road.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the 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 planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 293366) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what can be done, when & where, who will be permitted to carry out the works, possible contractor contact details, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community

as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 24.

3. 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.
4. The water efficiency standard required under condition 13 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.
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
6. The deposited plans do not appear to indicate satisfactory access for fire appliances for fire fighting purposes as will be required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans do not show compliance with B1 standard of the Building Regulations. Fire hydrants' provisions should also be shown on the plans.
7. 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 must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

8. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
9. The applicant is advised that advice regarding permeable and porous hard surfaces 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 application relates to a wedged shaped area of land located behind the south terrace of Kimberley Road and north terrace of Ladysmith Road. The land previously comprised of 34 garages which are accessed from a long narrow strip of private land which runs between the two terraces and joins the public highway at the eastern side of Kimberley Road. The garages have subsequently been demolished.
- 2.2 The land slopes down west to east, and also south to north, with the highest point being adjacent to the entrance to the site. The site is secured by timber fencing approximately 1.8m high and an access gate.
- 2.3 Planning permission is sought for the erection of 4 no. two storey dwellings, associated parking, landscaping and resurfacing of access road. The development comprises a pair of semi-detached 3 bedroom dwellings to the west of the site and 2 detached 4 bedroom dwellings to the east of the site. The scheme is similar to that approved in 2014 under the last application, with changes to the design and footprints of the dwellings.
- 2.4 The pair of semi-detached properties would each measure 4.75m wide (a total width of 9.5m), 8.45m deep x 4.0m to eaves level (as the first floor is partially within the roofspace) and 6.6m to ridge height. Internally, each property would comprise a living room, kitchen and wet room to the ground floor and three bedrooms and a bathroom at first floor level.

- 2.5 Each detached property would measure approximately 6.1m wide x 10.6m deep x 4.4m to eaves level and 6.65m to ridge height with a fully pitched roof. Each property would comprise of a combined living room/kitchen/diner and cloakroom room to the ground floor and three bedrooms and a bathroom at first floor level.
- 2.6 The proposed layout provides for 1 no. allocated parking space per property open boundary front gardens, and a private rear garden for each unit.

3. RELEVANT HISTORY

- 3.1 **BH2016/05879** - Approval of Details Reserved by Conditions 7, 12, 14, 15, 16, 17 and 20 of application BH2013/04082. Under consideration.

BH2013/04082 - Erection of 4no two storey dwellings (C3) with off-street parking associated landscaping works and re-surfacing of access road. Approved 16.5.2014.

BH2008/03628 - Demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road. Approved 12/11/2010.

BH2007/01605 - Erection of five dwellings. Refused 14.02.08.

BH2006/02386 - Outline application for the demolition of 34 garages plus additional stores and construction of 6 dwelling houses. Provision of 9 vehicle parking spaces and 6 bicycle parking spaces. Refused 21.11.06.

4. REPRESENTATIONS

- 4.1 **Neighbours: Nine (9)** letters of representation have been received objecting to the application for the following reasons:

- Design of houses with protruding frontage not in keeping with the character of the area
- Not enough space for vehicles or pedestrians.
- Not enough space for emergency services and refuse collection.
- Not enough car parking as likely to be two vehicles per property therefore parking will overspill onto neighbouring streets.
- No turning circle within site.
- The access road will need to be surfaced and adopted by the Council.
- Plot is too small
- Loss of light and privacy.
- Noise, dust and dirt nuisance if development goes ahead.
- Noise disturbance and pollution from cars within the site when properties are occupied.
- Too many houses on the plot.
- Should be conditioned that houses cannot be used for multiple occupation and sub-let out to students.

- Landscaping and environmental impact should be considered and the proposed payment to the Council as previously proposed adequately compensates for the loss of habitat.
- The views from existing properties will be compromised and have an effect on house prices.
- The design and access statement is incorrect regarding the access road width.
- Ownership of access road and its upkeep plus liability is questionable.
- The narrow access road should have pedestrian refuges.
- Ownership of the access is unresolved and shows land in other ownership.
- Lighting will increase light pollution.
- No details on how the building waste will be removed and building materials delivered.

5. CONSULTATIONS

- 5.1 **Environmental Health:** No objection subject to a land contamination condition.
- 5.2 **Sustainable Transport:** No objection subject to parking, cycle storage and highway improvement conditions.

6. MATERIAL CONSIDERATIONS

- 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);
- 6.3 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport

CP10 Biodiversity
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP18 Healthy city
CP19 Housing mix

Brighton & Hove Local Plan:

TR7 Safe development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise nuisance
SU11 Polluted land and buildings
QD5 Design – street frontages
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of redevelopment of the site for 4 dwellings and the impact of the development upon the character and appearance of the area, the amenity of adjacent residential occupiers, traffic issues and sustainability considerations.

Planning History:

- 8.2 Application BH2013/04082 for the construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road was approved by Committee on 14/5/2014.
- 8.3 An application for the discharge of details reserved by conditions 7, 12, 14, 15, 16, 17 and 20 of application BH2013/04082 is currently under consideration.

Principle:

- 8.4 The application site is located within the built up area and was previously used for garaging for neighbouring properties. Therefore, the site is defined as a 'brownfield' site and as such, the principle of redevelopment is acceptable.
- 8.5 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this

respect. The five year housing land supply position will be updated on an annual basis.

Design and Character:

- 8.6 The plans that have been submitted show different design and external appearance of the four properties to the previous applications. The buildings retain some features from the previous application that includes a mix of facing brick and render with casement windows that reflect the surrounding area, low eaves height with the upper floors partially contained within the roof space, with a contemporary design incorporating projecting bay windows.
- 8.7 These dwellings will integrate effectively in terms of their appearance and are not considered to cause any harm to the character and appearance of the wider area.

Residential Amenity:

- 8.8 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.9 To the west of the site the semi-detached properties are situated at the lowest level of the land, and are approximately at the same base level as the surrounding properties. The upper floor rear windows would result in a degree of overlooking to neighbouring properties. With the southern one of the semi-detached houses there is a distance of around 10.6m to number 53 Ladysmith Road, albeit at a very oblique angle. With the northern property of the semi-detached pair there is a distance of approximately 11.8m to 14 Kimberley Road, again at an oblique angle. However, there is no direct back to back overlooking since it will mainly be to the end of the gardens only. This degree of mutual overlooking is to be expected and is reasonable within a residential area. In addition, the level of overlooking is the same as within the previously approved application, and a refusal of this revised scheme on grounds of loss of privacy this time would be considered to be unreasonable.
- 8.10 The issue of overlooking is slightly more complex to the east of the site (the two detached properties), as the levels of the site rise so these are at an elevated position compared to the semi-detached properties. That said the southern property, which has been re-orientated towards the southern boundary of the site, sits 0.9m lower than its neighbour and there are no windows in the side elevation which is 12.8m from the outrigger of 65 Ladysmith Road which is the nearest property. The northern detached property has been moved away from the properties on Kimberley Road and is situated 16m from the rear outrigger of number 30 in that road. Angled views towards the rear of the existing properties and the rear gardens are unlikely to cause significant overlooking. Therefore the resultant area which would have some limited overlooking would be towards the end of the rear gardens and would be acceptable.

- 8.11 With regard to loss of light, the scheme is not considered to cause a detrimental impact on the properties situated to the south of the development site due to the sun path going east to south to west.
- 8.12 The properties to the north may result in limited loss of light to the rear gardens, but due to the separation distances of the proposed development to the existing properties and the presence of the existing boundary fence, it is unlikely to cause any detrimental impact to the dwellings themselves. As such it is considered that there would be no adverse impact sufficient to warrant a refusal on these grounds.
- 8.13 The scheme would provide 4 dwellings capable of family occupation. The dwellings would have either two or three bedrooms and given the footprint are likely to provide an acceptable standard of living accommodation for the proposed occupiers.
- 8.14 Each would have a sufficient level of private amenity space. All the dwellings have access to a rear garden, although the front garden and boundaries are to be open. Furthermore some of the rear gardens are of an irregular shape with a diminishing wedge shape, despite this it is considered that the amount of amenity space would be adequate and could not warrant refusal on these grounds alone.
- 8.15 Overall, it is considered that the proposals impact on neighbouring amenity and the amenity of future occupiers is similar to the scheme approved under application BH2013/04082. Therefore, no objections are raised in regard to amenity.

Traffic Considerations:

- 8.16 The proposed access arrangements have not been altered since the approval of planning permission BH2013/04082; where upon it was considered that the potential number of vehicle movements which could occur from the existing garages would be significantly greater than those from 4 family dwellings. While the garages have been demolished, it is considered that an objection on transport impact is unlikely to be able to be sustained taking into account the previous approval.
- 8.17 According to the submitted block plan, the access track is approximately 120m long and between 2.7m and 3.5m wide. The site can only be accessed from the existing access and there is little opportunity to increase the width or provide further passing opportunities.
- 8.18 The comments from the Highway Authority are noted, in that there is no objection to the development subject to conditions in regard to car parking, cycle storage and highway improvement works, all of which are considered reasonable.
- 8.19 The comments from the East Sussex Fire and Rescue Service on the previous application state that the plans do not appear to indicate satisfactory access for fire appliances as required by Section B5 of the Approved Document to the

Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The plans also do not show compliance with B1 standard of the Building Regulations. They would also recommend the installation of sprinkler systems.

- 8.20 The issue of access for emergency vehicles is dealt with under the Building Regulations, and thus it is not within the remit of the planning system to refuse an application on these grounds. If a development cannot provide adequate access for emergency vehicles, then this is controlled through the Building Control stage. In light of the previous approval, a refusal on such grounds would likely be considered unreasonable and incur a costs award against the Council.

Environmental Health:

- 8.21 Environmental Health have recommended that a contaminated land condition be attached to any approval given the application to develop the site.
- 8.22 To safeguard the amenities of neighbouring properties, lighting was controlled by conditions attached to the previous permission. It is considered appropriate for these to be imposed on this proposal.

Sustainability:

- 8.23 City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Conditions are applied to ensure the development meets these standards as set out in policy CP8.

Landscaping and Nature Conservation:

- 8.24 Policies QD15, CP10 and the guidance set out in SPD11 require that development proposals include high quality landscaping and nature conservation enhancements.
- 8.25 A landscaping plan has not been submitted with the application. However, it is considered that this information can be secured by a suitably worded condition.

9 CONCLUSION

- 9.1 The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to conditions, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

10. EQUALITIES

10.1 The development is required to comply with Part M of the Building Regulations and conditions are proposed which will ensure compliance with the national Optional Technical Standards.

