

<u>No:</u>	BH2017/01414	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Bankside Brighton BN1 5GN		
<u>Proposal:</u>	Erection of 1no three storey three bedroom dwelling (C3) fronting Highbank.		
<u>Officer:</u>	Emily Stanbridge, tel: 292359	<u>Valid Date:</u>	09.05.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.07.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Andrew Stevens Campbell House 21 Campbell Road Brighton BN1 4QD		
<u>Applicant:</u>	Mr M Deller 63 Bramble Rise Brighton BN1 5GE		

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			9 May 2017
Block Plan			25 April 2017
Floor Plans Proposed	GROUND FLOOR PLAN 01		25 April 2017
Floor Plans Proposed	LOWER GROUND FLOOR 02		25 April 2017
Sections Proposed	06		25 April 2017
Site Layout Plan	07		25 April 2017
Elevations Proposed	08		25 April 2017
Elevations Proposed	09		25 April 2017
Elevations Proposed	10		25 April 2017
Elevations Proposed	11		25 April 2017
Streetscene elevation proposed	12		25 April 2017
Floor Plans Proposed	INTERMEDIATE 13		25 April 2017

- 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 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 render and tiling (including details of the colour of render/paintwork to be used)
- b) Details of all hard surfacing materials
- c) Details of the proposed windows and doors

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 City Plan Part One.

- 4 No extension, enlargement or other alteration of the dwellinghouse(s) 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 No development shall commence until full details of the retaining boundary structures, including location (above or below the adopted (public) highway), land drainage from behind the wall, surface water drainage away from the highway, cross sections, depth of footings, retained height, thickness of wall, construction materials, method of construction and design drawings and calculations have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the stability and safety of the adjacent pavement and to comply with Policy TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

- 6 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 TR1 and TR7 of the Brighton & Hove Local Plan.

- 7 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if

appropriate) shall have been installed at the junction of and across Highbank with Copse Hill.

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 City Plan Part One.

- 8 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.

- 9 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

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 City Plan Part One

10. 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 City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 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 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 City Plan Part One.
- 14 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 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 vehicle crossovers which require 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 Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

- 3 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 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, 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 7.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The site comprises approximately half a rear garden at 18 Bankside in Brighton, which is a semi-detached house in a street of low rise and similar properties.
- 2.2 The gardens and land slope steeply up away from the houses, with a rear boundary edge adjacent to the highway in Highbank, the residential road to the north.

3. **RELEVANT HISTORY**

18 Bankside

BH2016/01977: Erection of 1no three storey dwelling (C3) fronting Highbank. Refused September 2016. Dismissed at appeal February 2017.

16 Bankside

BH2013/01522: Erection of three storey detached dwelling to rear of existing property fronting Highbank. Refused July 2013. Allowed on appeal March 2014.

Land to rear of 14 Bankside

BH2008/03365: Construction of a new three-storey dwelling with solar panels. Refused January 2009. Dismissed at appeal August 2009.

BH2009/03004: Erection of new 3no storey two bedroom dwelling incorporating solar panels. Refused February 2010. Allowed on appeal September 2010.

BH2010/03729: Erection of new 3no storey, three bedroom dwelling incorporating solar panels. Approved March 2011.

Land to the rear of 10-12 Bankside

BH2006/03125: Erection of detached dwelling. Approved February 2007.

BH2011/00763: Erection of three storey 4no bedroom detached house with associated parking. Approved June 2011.

BH2012/01585: Erection of three storey 4no bedroom detached house with associated parking. Approved July 2012.

BH2015/03294: Erection of three storey three bedroom detached house. Approved March 2016.

Land to the rear of 8-10 Bankside

BH2002/01183/FP: Erection of one detached dwelling. Refused October 2002. Appeal dismissed June 2003.

BH2004/00880/FP: Erection of one detached dwelling. Refused June 2004. Allowed on appeal May 2005.

4. REPRESENTATIONS

4.1 Five (5) letters has been received objecting to the proposed development for the following reasons:

- Noise disturbance during construction
- A structural survey should be undertaken for safety reasons
- The application site is not secure
- The dwelling will result in added congestion and loss of parking
- Potential subsidence of neighbouring properties
- Safety grounds of the development
- No demand for development
- The dwelling is positioned to close to the road
- Highbank is a narrow road and there is worry emergency services would have difficulty
- The road is already too overdeveloped

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection
No objection

to the scheme subject to securing the following by condition:

- Full details of cycle parking
- Vehicle access arrangements including the new cross over
- Pedestrian crossing improvements comprising of dropped kerbs of and across Highbank with Copse Hill.

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 has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 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
CP19 Housing mix

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

TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping independent movement of children
TR14 Cycle access and parking
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity

HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation and Development

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of further development is this location, its impact upon the character and appearance of the wider streetscene, potential impact on the amenity of neighbouring occupiers and standards of accommodation for future occupiers in addition to highway and sustainability issues.
- 8.2 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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 of The planning history of adjacent sites is a key consideration in the determination this case. It should be noted that within recent years at adjacent sites new dwellings of similar designs have been granted by the council and allowed at planning appeal these decisions are therefore afforded weight as a material planning consideration in this case.
- 8.4 **Design and Appearance:**
This application is the resubmission of application BH2016/01977 subsequently dismissed at appeal. The first reason for refusal of this application stated:
- 8.5 *'The proposed dwelling, by reason of its overall massing and form, particularly to the rear, would appear as an unduly dominant and incongruous addition resulting in significant harm to the visual amenities of the immediate area and in views from across the valley. The proposed development is therefore contrary to Policy CP12 of the Brighton and Hove Local Plan.'*
- 8.6 *At appeal the Planning Inspector stated that the principle of development on this side of the road was well established. However the proposed scheme was different to that of No's 21 and 23 Highbank in a number of aspects.*
- 8.7 *The appeal decision highlighted that due to their small size on the upper floor, Nos 21 and 23 are very discreet features which do not have a dominant presence in the street scene of Highbank. In contrast, the proposed dwelling would be across much of the width of the site with its side elevation very close to No 23.*

- 8.8 *Furthermore the height of the roof would be greater than Nos 21 and 23. The bulk and height of the dwelling on the upper floor would result in a larger scale and greater proportions than either of the recently completed dwellings. Given the proximity of the dwelling to the adjoining property, and its overall size and bulk I consider this elevation would be a very prominent feature that would be detrimental to the appearance of the area as seen from Highbank.'*
- 8.9 The current proposed building and its design follows similar examples within the adjacent plots to the east, in particular those adjacent at 23 Highbank (land rear of 16 Bankside) and 21 Highbank (land to the rear of 14 Bankside).
- 8.10 The approach to the design is clearly intended as a continuation of the adjacent development and accordingly the adjacent house and the recent appeal decision must be afforded significant weight as a material consideration.
- 8.11 In comparison to the previous scheme a number of amendments have been made to the proposed new dwelling in order to improve its visual impact on the streetscene and wider area. The upper floor of the development has been reduced in size and reflects the appearance of No's 21 and 23. As such the proposed dwelling is no longer considered to have an overly dominant presence in the street scene of Highbank.
- 8.12 The external materials proposed are comparable to the adjacent dwellings primarily white render with a comparable roof. Whilst this contrasts with the red brick and clay tiles to existing properties elsewhere on Highbank, in the appeal decision in relation to 23 Highbank the Planning Inspector raised no significant concern to the use of this material given the existing presence of render within the street scene.
- 8.13 The proposed rear elevation now incorporates a stepped approach towards 18 Bankside, which whilst elongating its appearance, significantly reduces the bulk of the upper two floors. The design and scale of the rear elevation now proposed is similar to that of No.23 adjacent which was approved on appeal in March 2014.
- 8.14 The proposed dwelling would be of a similar scale to the dwellings at 21 and 23 Highbank adjacent to the application site. Overall it is considered that the proposal would not cause harm to the visual amenities of the surrounding streetscene in Highbank, in accordance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.15 **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.

- 8.16 The previous application BH2016/01977 was refused on two grounds relating to the impacts on the amenities of neighbouring occupiers. The reasons for refusal were as follows:
- *The proposed development, by reason of its scale and form in combination with its elevated position and separation distance would result in an imposing and un-neighbourly form of development leading to an increased sense of enclosure and harmful sense of overlooking detrimental to the residential amenity of occupiers of properties in Bankside. The proposal of the development is therefore contrary to Policy QD27 of the Brighton and Hove Local Plan.*
 - *The proposed development by virtue of its height and proximity to the boundary with No.23 Highbank would result in an un-neighbourly development and would cause increased overbearing impact to these neighbouring occupiers. The proposal of the development is therefore contrary to Policy QD27 of the Brighton and Hove Local Plan.*
- 8.17 The appeal Inspector determined that due to that proposal's width across the plot and its simple design without any features to break up the rear elevation which in combination with its closer proximity to the rear of No. 18 Bankside, would have had a dominant appearance, detrimental to the amenities of this neighbouring occupier.
- 8.18 Whilst the inspector noted that the window arrangement to the rear of No's 21 and 23 Highbank was considered acceptable, the windows which were proposed to the rear of the dwelling, in combination with the reduced distance between the existing and proposed dwelling, would have allowed views into No.18.
- 8.19 In terms of the effect of the previous proposed development on the occupiers of No.23 Highbank, the Inspector considered that the dwelling previously proposed would not have resulted in an increased sense of enclosure towards this property and would have been acceptable in that regard.
- 8.20 The planning history and Appeal Inspector's comments are of particular note in this case and afforded weight as a material consideration.
- 8.21 In considering the current proposal, owing to the curvature of Highbank, the application site is set back from those immediately adjacent and the separation to the properties on Bankside appreciable shorter. However, similarly to nos. 21 and 23 the rear elevation design now proposed has been broken up by its design, with the upper floor appearing as a small addition. As such the proposed rear elevation would not appear overly imposing from the rear. Furthermore, given the reduction in the width across the plot from the previously refused scheme, the bulk of the development has been reduced.
- 8.22 It is acknowledged that the dwelling design now proposed would extend approximately 1.5m beyond the rear building line of No.23 at ground floor level. However, the separation distance from the rear wall of the middle floor of the

proposed dwelling would measure approximately 19.4m from the rear of 18 Bankside. Furthermore the number and size of the proposed windows to this south facing rear elevation have been reduced, and the windows from the upper-floor windows have been removed from the scheme. Given the distance between the proposed dwelling and no.18 Bankside, and given the changes to the design in comparison to the previous scheme, it is considered that an appropriate relationship would result, similar in character to the relationships formed as a result of previous approvals at neighbouring sites. It is recommended that full details of proposed land levels be secured by planning condition.

8.23 Standard of accommodation:

It is considered that the proposed dwelling would result in a satisfactory standard of living accommodation and amenity space.

8.24 The new dwelling would be set out over three floors, the lowest ground floor accommodates a living, kitchen and dining area and a double bedroom, the mid floor two bedrooms and two bathrooms and the top (ground floor) a study and an entrance hall.

8.25 The house would have a rear facing aspect due to the excavation and siting. The internal staircases at the two lower ground floor levels would likely require artificial lighting. Given the aspect and topography of the site there are some limitations to the layout of the building. However it is considered that with regards to light and ventilation it is considered that the dwelling would provide an adequate standard of living space.

8.26 The dwelling provides a terrace at lower ground floor level with access to the private amenity space provided. This is considered acceptable, given the boundary treatments proposed.

8.27 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. As it appears that a level street access is feasible, it could be secured by condition that the proposed development would meet the relevant optional building control standard to comply with current national standards.

8.28 Sustainable Transport

8.29 Cycle Parking

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 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces). Full details of cycle storage provision are secured by condition.

8.30 Car parking

One parking space is proposed which is considered acceptable in this case.

8.31 Trip Generation-Pedestrians

It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates. It is recommended that pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) at the junction of and across Highbank with Copse Hill be secured by planning condition to ensure compliance with policies TR7, TR11 TR12 and CP9.

8.32 Details of retaining wall and approval in principle

Due to the topography of the land the excavations of the proposed dwelling may impact upon the adjacent highway (Highbank). Therefore to ensure that the foundations of the highway remain safe and retained it is requested that the applicant enters into an AIP process with the Highway Engineers & Projects Team and the related condition and informative should be attached.

8.33 Landscaping and biodiversity

The proposed plans incorporate new boundary treatments to the rear of the site to sub-divide the plot. In addition the plans indicate the planting of trees to along this boundary to provide additional screening from the rear windows proposed. Final details, including all boundary treatments and proposed planting will be secured by condition. Biodiversity improvements are required by the NPPF and Policy CP10, and the guidance set out in SPD11. It is recommended that a scheme of improvements be secured by planning condition.

8.34 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

9. EQUALITIES

9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.