

<u>No:</u>	BH2018/02805	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Maldon Road Brighton BN1 5BD		
<u>Proposal:</u>	Demolition of existing bungalow & erection of 2no three storey four bedroom dwellings (C3).		
<u>Officer:</u>	James Kidger, tel: 292106	<u>Valid Date:</u>	07.09.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.11.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	John Whiting 14 Bates Road Brighton BN1 6PG		
<u>Applicant:</u>	Mr Jon Wright 6 South Avenue Brighton BN2 0BP		

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
Block Plan	1802/P/001		6 September 2018
Proposed Drawing	1802/P/002		6 September 2018
Proposed Drawing	1802/P/102		6 September 2018
Proposed Drawing	1802/P/103		6 September 2018
Proposed Drawing	1802/P/104		6 September 2018
Proposed Drawing	1802/P/105		6 September 2018

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):
- samples of all brick and cladding to be used, including details of their treatment to protect against weathering
 - samples of the proposed roof covering,
 - 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Maldon Road with Matlock Road and at the junction of and across Matlock Road (west) with Maldon 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.
5. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover fronting Maldon Road back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
6. 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.
7. The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority 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.
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.
8. 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.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.
10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have 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.
11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period; and
 - c) details of all boundary treatments to include type, position, design, dimensions and materials.
- 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.
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 and CP13 of the Brighton & Hove City Plan Part One.
12. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

13. No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C 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.

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). 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 3.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (permit.admin@brighton-hove.gov.uk or 01273 290729) at their earliest convenience to avoid any delay.
4. The applicant is advised that the scheme required to be submitted by Condition 7 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.

5. 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.
6. The water efficiency standard required under condition 8 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Planning permission is sought to demolish the existing single storey dwelling and to erect 2 semi-detached three storey dwellings.
- 2.2. The site is on the west side of Maldon Road, a residential street with predominantly Victorian terraces on the east side and a more varied frontage on the west.

3. RELEVANT HISTORY

- 3.1. BH2017/02193 - front extension and loft conversion - approved 30th August 2017.

4. REPRESENTATIONS

- 4.1. **Twelve (12)** representations have been received objecting to the proposed development for the following reasons:
 - Increase in traffic and parking demand;
 - Out of character;
 - Loss of light to neighbouring properties;
 - Housing density would be too high;
 - Overdevelopment;
 - Noise; and
 - Loss of garden area.
- 4.2. **One (1)** representation has been received from the RSPB, commenting on the proposed development as follows:
 - Suggested incorporation of swift nest bricks.

5. CONSULTATIONS

- 5.1. Private Sector Housing: No objection
- 5.2. **Planning Policy:** No objection
- 5.3. **Highway Authority:** No objection subject to recommended conditions relating to pedestrian crossing improvements, the reinstatement of a redundant vehicle crossover, details of secure cycle storage and the restriction of resident's parking permits.

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
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking

QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties and the impact on transport.
- 8.2. Principle of development
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.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.4. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that 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).
- 8.5. The proposed development would replace the existing dwelling with two new dwellings. The net increase of one dwelling would contribute towards the Council's housing target. Whilst there are no specific policy objections to new dwellings in this location, the acceptability or otherwise of the scheme is subject to the specifics of the area and a satisfactory design. This is discussed below.
- 8.6. Standard of accommodation
The proposed dwellings would each mirror the internal layout of the other. Each would have four bedrooms and a potential occupancy of seven persons. The three main bedrooms would be well sized - all above 12 square metres - and

would have good outlook and natural lighting. The fourth bedroom, notwithstanding its potential use as a study, would be considerably cramped even for a single occupancy at under 6 square metres. However, this is not considered significantly harmful to the amenity of future occupiers given the good standard of the others.

8.7. The total floor area of each proposed dwelling would be in excess of 130 square metres - adequate for units of this scale - and the open-plan kitchen-diner and separate lounge would ensure sufficient circulation space.

8.8. The outdoor amenity space for each proposed dwelling would comprise a rear garden area in excess of 70 square metres. This is considered sufficient for the size of the dwellings and in accordance with policy HO5.

8.9. Character of the area

The existing single storey dwelling is set back considerably from the road with an area of front garden. To either side are three storey buildings directly fronting the road. As a result of this disparity in height and setting, the existing dwelling presents as a gap in the streetscape and is somewhat out of keeping with the urban grain in this location. In this context the replacement of the existing dwelling with a larger three storey building housing two semi-detached dwellings is considered acceptable.

8.10. The neighbouring buildings either side of the application site have flat roofs and late 20th century modern style fenestration. It is considered that the proposed houses would relate to these neighbouring buildings in terms of height and scale in the streetscape but will be designed as contemporary architecture. In form they will relate to local housing typologies as a mirrored pair of semi-detached houses with bay windows framing central entrances below small projecting balconies and canopies, features seen on houses nearby. Shallow pitched zinc sheet roofs with overhangs are proposed with brick facades, aluminium faced windows and zinc cladding, all carefully detailed to create a distinctive character and quality. Brick walls or close boarded fences would provide the boundary treatment. It is not considered that the proposed design and construction materials would be harmful to the character of the area.

8.11. Impact on neighbouring amenity

The mass of the proposed structure would be concentrated against that of the neighbouring buildings, and though it would be deeper than 21 Maldon Road to the south, the projection beyond the extent of no. 21 would be single storey only and the impact would be minor. At the north side there would be some loss of light to the south facing windows of no. 31, but these windows do not serve primary habitable rooms and the resulting harm is not considered substantial.

8.12. The proposed rear windows at first and second floor levels would look toward the rear gardens of properties fronting Dyke Road to the west. However, the distance involved - some 20m - and the screening provided by the trees and shrubs on the rear boundary of 310 Dyke Road would prevent significantly harmful overlooking.

8.13. Transport

The proposed development would result in the loss of the existing off road parking space and probable additional parking demand due to the net increase in units. It is therefore anticipated that the development would cause overspill parking on-street.

8.14. The site is located within Controlled Parking Zone E and the Highway Authority considers this zone to be over-capacity. In the absence of any parking survey proving otherwise, the Highway Authority considers that there would be insufficient spare capacity within the parking zone to accommodate the likely increase in demand resulting from the development and have recommended that future occupants should not be entitled to a parking permit. This can be secured by condition.

8.15. The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

8.16. 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 2 residential units with 4 beds the minimum cycle parking standard is 4 cycle parking spaces in total (4 for residential units and 0 visitor spaces). The applicant has offered to install a cycle shed (as opposed to a lower cycle store) at the rear of each proposed dwelling in their supporting evidence however this is not a convenient, policy compliant location and there is a lack of lighting and detail of alternative cycle parking is therefore recommended by condition.

8.17. Sustainability:

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. Therefore a condition can be applied to ensure the development meets the standards set out in policy CP8.

8.18. Summary

The proposed development would provide an additional unit of accommodation in the city and would generate some economic activity during construction work. The standard of accommodation and amenity space to be provided is considered acceptable and there would be no significant harm to the character of the area or to neighbouring amenity. The impact to the highway network can be managed by condition. The application is therefore recommended for approval.

9. EQUALITIES

9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations

