

<u>No:</u>	BH2018/02120	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	238 Elm Grove Brighton BN2 3DA		
<u>Proposal:</u>	Demolition of existing garage & erection of 1no. one bedroom single storey dwelling (C3).		
<u>Officer:</u>	Michael Tucker, 292359	tel:	<u>Valid Date:</u> 02.07.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27.08.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Domain Studio One 20 Regent Street Brighton BN1 1UX		
<u>Applicant:</u>	Brighton Builds LLP C/o Domain Studio One 20 Regent Street Brighton BN1 1UX		

Councillor Dick Page has requested this application is determined by the Planning Committee.

1. RECOMMENDATION

1.1. That had the Council determined the application prior to an appeal being lodged, the council **Would Have Granted** planning permission subject to the following Conditions and Informatives:

Conditions:

- 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	-	-	29 June 2018

- 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.
- 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, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy 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 a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

5. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - 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 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.

6. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD27 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, 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.

8. The development hereby permitted shall not commence 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 pre-commencement 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.

9. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

10. The residential unit hereby approved shall not be occupied until the 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.

11. The residential unit hereby approved shall not be occupied until the 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.

12. Prior to the occupation of the development the applicant shall reinstate the redundant existing vehicle crossover on Hallett Road back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

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.

13. No works pursuant to this permission shall commence 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 BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (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 BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (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 a scheme shall include nomination of a competent person to oversee the implementation of the works.
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition 13 that any remediation scheme required and approved under the provisions of condition 13c 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 the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 applicant is advised that the scheme required to be submitted by Condition 8 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic

Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

3. The 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 11 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 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 telephone 01273 290729) at their earliest convenience to avoid any delay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey Victorian end-of-terrace property, with a detached single garage at the southern (rear) end of the site. Planning permission is sought to demolish this garage and erect a single-storey one-bedroom dwelling, fronting onto Hallett Road.

3. RELEVANT HISTORY

- 3.1. BH2017/01114 - Demolition of existing garage & erection of a new 2 bedroom detached house over ground & lower ground floors. Appeal on non-determination dismissed 09/05/2018 on the grounds that the proposal would not result in good living conditions for the occupiers of the property.
- 3.2. BH2017/00918 - Application for approval of details reserved by condition 3 of application BH2016/01000. Approved 11/09/2017
- 3.3. BH2016/01000 - Conversion of existing house to form 2 No. one bedroom and 2 No two bedroom flats (C3) with associated alterations including erection of a part one part two storey rear extension and installation of rooflights. Approved 09/08/2016

- 3.4. BH2016/00999 - Demolition of existing outbuildings and erection a two storey two bedroom detached dwelling (C3) accessed from Hallett Road. Refused 07/06/2016
- 3.5. BH2014/03825 - Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats. Refused 30/03/2015, appeal dismissed 29/9/2015

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received, objecting to the proposal for the following reasons:
 - Additional traffic
 - Detrimental effect on property value
 - Inappropriate height of development
 - Noise
 - Overdevelopment
 - Overshadowing
 - Poor design
 - Restriction of view
 - Too close to the boundary
- 4.2. **Councillor Dick Page** objects to the proposal. A copy of the objection is attached to this report.

5. CONSULTATIONS

- 5.1. **Fire Brigade:** No comment received
- 5.2. **Environmental Health:** No comment received
- 5.3. Sustainable Transport: No objection
Recommended approval subject to securing car free housing, the reinstatement of the redundant vehicle crossover and satisfactory cycle parking facilities by condition.

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwelling and the impact of the proposal on neighbouring amenity. The standard of accommodation the proposed dwelling would provide, sustainability and transport are also material considerations.

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.

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. Principle of Development:

The application site is located in a predominantly residential area. Considering the housing need of the city the intensification of such sites is generally acceptable in principle, however the suitability of a particular scheme depends on an assessment of the specific impact and harm it would cause.

8.6. The principle of the demolition of the existing garage and the erection of a residential dwelling has been established as acceptable following the Inspector's findings during the appeal of the previous application (BH2017/01114). Although this appeal was dismissed, this was due to concerns over the standard of accommodation. The Inspector found that a dwelling on the site would be in keeping with the character and appearance of the area and would be acceptable in principle.

8.7. The current application differs from the previous application in the following ways:

- Basement level removed
- Number of bedrooms reduced from two to one
- Rear amenity space made level

8.8. The current application would have a very similar street frontage and appearance to the previous application, which the Inspector found to be acceptable as it would conform with the tight urban grain of the area.

8.9. Design and Appearance:

The ridge height of the proposed building would exceed the height of the existing garage by approx. 0.6m, and would be approx. 2.2m greater in width. Nevertheless, the proposal would replicate the ancillary nature of the existing building due to the choice of materials (dark stained timber) and single-storey height.

8.10. The Inspector for the previous appeal found that a building of this design and scale, on this site, would contribute positively to the sense of place and be in keeping with the character and appearance of the area. As such, the design and appearance of the proposed dwelling is considered not to warrant refusal of the application.

8.11. Impact on Amenity:

Given the single storey nature and separation of the proposed dwelling from nearby properties, it is unlikely that the proposal would result in any significant overshadowing, loss of light or overbearing impact on neighbouring uses.

8.12. The glazed doors on the north elevation would not lead to overlooking of neighbouring properties, nor would the windows on the west elevation facing east. Similarly, the rooflights on the south elevation, due to their angled and elevated positioning, would not cause overlooking of the properties opposite on Hallett Road.

8.13. While there would be additional noise disturbance resulting from the creation of a new residential use, this would be unlikely to have a significant net impact on the amenity of neighbouring properties. This is due to the separation between the proposed dwelling and the neighbouring buildings and the level of background noise resulting from the urban location of the site.

8.14. Standard of Accommodation:

The number of bedrooms contained in the proposed dwelling has been reduced since the previous applications. The current scheme proposes a single bedroom of approx. 13sqm which would therefore be classed as a double room. The dwelling as a whole would have a floorspace of approx. 50.1sqm, which meets the minimum standard set out in the Government's Technical Space Standards for a one-bedroom single-storey dwelling. Although not adopted policy, these standards do provide a useful indication of the suitability of a proposed dwelling. The bedroom and the open-plan kitchen/living area would both benefit from natural light and outlook and allow adequate space for furniture and circulation.

8.15. Approx. 21sqm of amenity space would be provided for future occupiers of the dwelling, in the form of a square garden area at the north-west of the plot. In previous applications half of this area sloped downwards to provide light to the basement level bedrooms, however in the current scheme no basement level is proposed and the entirety of the garden area would be flat and easily useable. It is therefore considered that the amount of amenity space proposed is commensurate to the scale of proposed dwelling and would not have a detrimental impact on the amenity of future occupiers.

8.16. 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.

8.17. Sustainable Transport:

The proposal is unlikely to lead to a significant uplift in trip generation or significant impact on the transport network.

8.18. No car parking is proposed, and the site is located in CPZ S, which has an average permit uptake rate of 84%. In lieu of any supporting evidence provided by the applicant to demonstrate capacity, it is considered appropriate to recommend a suitably worded condition to ensure the development remains car free, so as not to lead to a harmful impact on on-street car parking.

8.19. Although some cycle parking is proposed, it is unclear whether it would be compliant with the requirements of SPD14. For this reason, a suitably worded condition will be attached to secure further details.

8.20. Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One seeks to secure water and energy efficiency in new residential units. A suitably worded condition will be attached to secure these standards.

8.21. Other Considerations:

The Local Planning Authority has previously been notified that the site is potentially contaminated. As such a phased contaminated land assessment will be secured by a suitably worded condition.

9. EQUALITIES

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