

<b><u>No:</u></b>	<b>BH2020/02316</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>83 Mile Oak Road Portslade BN41 2PJ</b>		
<b><u>Proposal:</u></b>	<b>Outline application with all matters reserved for demolition of existing dwelling and erection of 2no two storey, three bedroom dwellinghouses (C3).</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	21.08.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.10.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	09.11.2020
<b>Agent:</b>	Arki-Tec Plans 87A Mile Oak Road Portslade BN41 2PJ		
<b>Applicant:</b>	Ms S Drewett 83 Mile Oak Road Portslade BN41 2PJ		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2020/0013-05	A	21 August 2020
Location and block plan	2020/0013-01	A	21 August 2020

## 2.

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) layout;
  - (ii) scale;
  - (iii) appearance;
  - (iv) access; and
  - (v) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of

approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) The phases of the Proposed Development including the forecasted completion date
  - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerable constructor or similar scheme)
  - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound
  - (vi) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD 03 Construction and Demolition Waste.

5. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development details of new and extended crossovers and accesses 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:** 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.

6. Vehicle parking areas 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.

7. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14.

8. No extension, enlargement, alteration of the dwellinghouses or provision of buildings, etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, D and 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 and CP12 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 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.

10. 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.

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 submitted drawings numbered 2020/0013-02 A, 2020/0013-03 C, 2020/0013-04 B and 2020/0013-06 A are for illustrative purposes only and do not constitute approved drawings.
3. A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link: [southernwater.co.uk/infrastructure-charges](https://southernwater.co.uk/infrastructure-charges).

4. 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 Local 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.
5. In order to accord with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Local Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. 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.
7. The water efficiency standard required under Condition 9 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. The application relates a single storey, two bedroom dwellinghouse at the end of Hillcourt Mews, a private access lane located off the west side of Mile Oak Road, between its junction with Rowan Close to the south and Brasslands Drive

to the north. Hillcourt Mews already features a row of five townhouses on its northern side, as noted within the relevant history section, together with other permissions in the immediate vicinity. To the south is Rowan House, a former industrial unit converted to flats and to the north are the dwellings on Brasslands Drive.

- 2.2. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).
- 2.3. Outline planning permission with all matters reserved is sought for the demolition of the existing dwelling and the erection of 2, two storey dwellinghouses (Use Class C3) with three bedrooms.
- 2.4. Whilst it is noted that the application is for outline permission with all matters reserved, sufficiently detailed plans and elevations have been submitted such that scale, appearance, means of access, layout and landscaping could, in theory, be assessed. However, it has been agreed with the applicant that the drawings are "*for illustrative purposes only*" and they are therefore not formally part of the application.

### 3. RELEVANT HISTORY

- 3.1. **BH1997/01629/FP**: Dormer windows at front, side extension and garage. Approved 18.11.1997
- 3.2. **BH2020/00211**: Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3). Refused 23.03.2020 because "the proposal, by reason of its inappropriate density and the height of the dwellings, represents an overdevelopment of the site, is out of character and causes neighbouring amenity issues in respect of overlooking, overshadowing and loss of sunlight. The proposal also results in the further intensification of the narrow access leading to insufficient turning around space, introducing highways safety concerns. As such, it is contrary to Policies CP9, CP12 and CP14 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Local Plan."
- 3.3. An appeal was dismissed on 12 August 2020 on the grounds of the proposed buildings would be likely to be overbearing and cause overshadowing, loss of sunlight and overlooking to neighbours. The scheme was also considered likely to be harmful to highway safety.

Rowan House, 12 Rowan Close:

- 3.4. **BH2012/04084**: Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013

Hillcourt Mews, 85 Mile Oak Road:

- 3.5. **BH2013/00380:** Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking. Approved 04.04.2013

Land to the rear of 2-8 Rowan Close:

- 3.6. **BH2017/00750:** Erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments (C3), associated landscaping and parking. Approved 16.08.2017

20 Rowan Close:

- 3.7. **BH2019/01577:** Demolition of existing dwelling and erection of 5no dwellings (C3) comprising 2no pairs of semi-detached three bedroom houses and 1no detached four bedroom house, including solar and water harvesting systems. Approved 06.09.2019

#### 4. REPRESENTATIONS

- 4.1. Five objections were received raising the following issues:
- There are already issues with traffic congestion and noise on the resident-owned Hillcourt Mews, which gets blocked by too many refuse and recycling bins, is too narrow for heavy vehicles and will be permanently damaged.
  - The fire brigade service cannot access the site, and neither can the rubbish lorry.
  - There would only be enough manoeuvrability on site if the new owners drive two seater cars like those in the indicative plans, but these homes are aimed at families, so larger cars are likely to be used.
  - The area is already over developed and overcrowded with several houses already under development.
  - There are already major parking problems in the surrounding streets, which this development would almost certainly add to since any new owners would have a need for more than one vehicle.
  - These properties would cause overlooking or otherwise require some sort of frosting to the rear-facing windows.
  - Neighbours would be subject to an increased amount of noise, disruption, loss of sunlight and overshadowing.
  - The architects have not really solved the issues that were raised by the objections.
  - If 83 Mile Oak is developed, this will mean the remaining trees will be removed. This area has already lost too much green space and habitat for local residents and wildlife.
- 4.2. One representation in support of the application was received stating that it makes good use of the site, it would tie in nicely with the set of mews houses and the houses that are being built at 20 Rowan Close, and that there is no particular reason not to allow the proposed development.

#### 5. CONSULTATIONS

- 5.1. **Transport:**  
No changes are proposed to pedestrian access arrangements onto the adopted (public) highway at Mile Oak Road and this is deemed acceptable in principle. Dropped kerbs with paving and tactile paving will be required where the private access crosses the adopted (public) highway footway to reach Mile Oak Road to make access possible to the site for the mobility and visually impaired as well as update and improve access to the site for pedestrians. This can be secured by condition to seek approval for a (detailed) licence from the Streetworks team.
- 5.2. For this development the minimum cycle parking standard is four cycle parking spaces in total. A purpose built cycle shed is proposed in each of the rear gardens, but this is neither convenient nor compliant with SPD14. Therefore, details of cycle parking at the front of the site near the main entrance to the dwellings are requested by condition.
- 5.3. Since the site is outside of a Controlled Parking Zone (CPZ) there is free on-street parking available. There are also somewhat limited opportunities for free on-street disabled parking for disabled residents and visitors. Blue Badge holders are also able to park on double yellow lines for up to three hours. Therefore, no objections are raised.
- 5.4. No significant alterations are proposed to the current servicing and delivery arrangements to this site and this is deemed acceptable. Also, if the vehicle access is redesigned as suggested then servicing and deliveries to and on the site could be improved with less turning required in the access road.
- 5.5. No changes are proposed to the existing vehicle access arrangements for vehicles onto the adopted (public) highway at Mile Oak Road and this is deemed acceptable.
- 5.6. However, the proposed on-site shared turning head needs redesigning as its unnecessarily too wide and too deep. If it is made slightly narrower then kerbs and landscaping could be installed to protect the sides of the dwellings and slightly less deep then it would be possible to fit cycle stores behind a kerb and below the high level wet room windows. This would also free up amenity space in the rear gardens and remove the risk of injury and damaging the side walls and fences of the narrow passageways whilst moving cycles along them. The redesign should be informed by vehicle swept path analysis and would ideally allow an ambulance and food store delivery vehicle to turn in it.
- 5.7. The driveway and hardstanding materials should be porous and / or permeable and no surface water should run-off onto the adopted (public) highway. Therefore, a condition for the hard surfaces should be attached to any permission granted.
- 5.8. For this development the maximum car parking standard is three spaces. The proposed level of car parking of two spaces is in line with the maximum standards and therefore deemed acceptable.

- 5.9. A "Retention of parking area" condition should be attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.10. Mile Oak Road is located outside of any CPZ so any overspill parking cannot be controlled and the site cannot be made 'car free' by condition.
- 5.11. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals and therefore any impact on carriageways would be minimal.
- 5.12. **Southern Water:**  
A formal application for a connection to the foul sewer would be required, which should be added as an informative to the permission. Furthermore, given that there are no dedicated public surface water sewers in the area to serve this development, alternative means of draining surface water are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted following this hierarchy: an adequate soakaway or some other adequate infiltration system; a water course; where neither are practicable, a sewer. If a public sewer is found during construction works, an investigation into its ownership will be required before any further works commence.

## **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);
  - Shoreham Joint Area Action Plan (October 2019)
- 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. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They



provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP12	Urban design
CP14	Housing density

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
QD27	Protection of amenity

Other Documents

Urban Characterisation Study 2009

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development on the site, and the impact on the character of the area.

**Principle of development:**

- 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 published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. The proposed development would result in the net gain of one unit and would therefore make a very minor contribution towards the Council's housing target. The acceptability or otherwise of the scheme is subject to the specifics of the area, density and a satisfactory design. This is discussed below.

**Character of the area:**

- 8.5. The area surrounding the site is almost totally residential, with no distinct pattern of development given that there are garages, townhouses, terraced and semi-detached dwellinghouses, large converted buildings and single detached properties like the subject site. The scale varies from three storeys down to one.

- 8.6. City Plan Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.
- 8.7. In this case, the gross density of the Mile Oak & Portslade Village neighbourhood, in which this site falls, is approximately 23 dwellings per hectare (dph). The existing plot has a density of over 23dph, and therefore the existing dwelling fits in well with the character of the neighbourhood. To make full, efficient and sustainable use of the land available, new residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.
- 8.8. The Appeal Inspector for the previous scheme for three dwellings on the site had no in-principle objection to a higher density development and did not consider that it would harm the character or appearance of the area as it would be seen in the context of the recent surrounding development, thereby finding no conflict with City Plan Part One Policies CP12 and CP14. Therefore, the proposed 46dph as a result of this two-dwelling scheme would be considered an appropriate density in this location.
- 8.9. City Plan Policy CP12 indicates that development will be expected to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. It defines urban grain as the general layout, pattern and footprint of buildings and streets as viewed overhead in plan form. The Mile Oak & Portslade Village neighbourhood is made up of a mix of two storey terraced and semi-detached dwellings with more semi-detached and detached bungalows to the north and a peppering of three and four storey linear flat blocks. There are also some more recent town house and perimeter block infill and, to the east, two estates of mixed-types in cul-de-sac layouts. The application site falls within the Mile Oak character area, which is a low rise, low density suburban housing area on the edge of the downs with varied inter-war and post war development in generous streets.
- 8.10. The illustrative drawings demonstrate that it is possible to accommodate two storey dwellings, and that if they were to adopt the flat roof style of other recent additions to the area they would be significantly lower than the previously-proposed three storey dwellings, as well as the existing townhouses on the Hillcourt Mews site. At two storeys in height they would now fit in more comfortably with the character of the immediate vicinity, which comprises buildings of either a single storey or two storeys in height. The illustrative drawings also demonstrate that it would be possible to ensure that both dwellings would be lower than the existing building on site. Accordingly, the issues previously raised in respect of the impact on neighbouring amenity resulting from the proposed height, most notably overshadowing and loss of sunlight, are considered to be ameliorated by the lower height.

**Other matters:**

- 8.11. Following correspondence between Officers and the applicant, further information in the form of a swept path drawing for a 4.6 tonne light van and revised floor plans have been forthcoming. This has demonstrated that it would be possible to erect two houses and there to be enough space for cars and delivery vehicles to safely turn around within the site, avoiding reversing manoeuvres along or into Hillcourt Mews. Whilst this is sufficient to overcome the concerns with the previous application regarding on-site turning, access has not been considered in detail in determining this application.
- 8.12. Since this site is solely accessed via the existing 3.3m wide lane that only allows a single vehicle to travel along it given the lack of passing space, a Construction Environmental Management Plan (CEMP) would be required as part of any application for access as well as further swept path drawings and the information requested by the Local Highways Authority in their comments.
- 8.13. As noted previously, drawings have been submitted showing the potential layout and details of the dwelling. Whilst the rear gardens for such a layout would be relatively small at 3.4m deep, the first floor rear windows would serve staircases, bathrooms and en-suites. As such, the application has demonstrated that it would be possible to provide the level of accommodation sought whilst avoiding the overlooking of the rear gardens and windows of 12A and 14 Brasslands Drive, which are relatively close to the proposed building.
- 8.14. It is considered that permitted development rights in respect of Classes A, B, D and E of Schedule 2, Part 1 of the GPDO 2015 (as amended) are removed to prevent an adverse impact on the character of the area and neighbouring amenity.

**Conclusions**

- 8.15. The proposed development would provide an additional unit of accommodation in Portslade and would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; these modest benefits are acknowledged. Following revisions made to the previous scheme and to this proposal, the planning authority can support the provision of two dwellings in this location since they would not have an adverse impact on the character of the area, neighbouring amenity or on highways safety. The proposed development is therefore recommended for approval.

**Community Infrastructure Levy**

- 8.16. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for C3 uses in Charging Zone 3 is £75/sqm. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**9. EQUALITIES**

- 9.1. Although the Highway Authority have identified a desire for a dropped kerb with tactile paving where Hillcourt Mews meets Mile Oak Road to improve access for the mobility and visually impaired, it has not been demonstrated that such works are reasonably required for a net increase of one dwelling and as such as beyond the scope of any permission that is granted.