

<u>No:</u>	BH2016/01784	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Outline Application All Matters Reserved		
<u>Address:</u>	113 Trafalgar Road, Portslade		
<u>Proposal:</u>	Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	20.06.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Gosling, 78 Potters Lane, Burgess Hill, West Sussex, RH15 9JS		
<u>Applicant:</u>	Mr H Cooper, 115 Trafalgar Road, Portslade, BN41 1GU		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that it **WOULD HAVE REFUSED** planning permission, had an appeal against non-determination not been made, for the following reasons:

- 1 The proposed provision of 8 no. 1 bed and 4no. studio flats on this site would not reflect the urban grain of the area or the surrounding context, therefore failing to emphasise and enhance the positive qualities of the local neighbourhood, and would represent overdevelopment. The proposal is thereby contrary to Brighton & Hove City Plan Part One policies CP12, CP19 and SA6.
- 2 The applicant has not committed to complying with the requested developer contributions, towards affordable housing, open space and indoor sport, sustainable transport, and the Council's local employment scheme, and has not justified this through a financial viability assessment of the scheme, contrary to Brighton & Hove City Plan Part One policies SA6, CP2, CP7, CP9 and CP16.

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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	340.12.03	A	20 June 2016

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site comprises two detached bungalows on land to the east of Trafalgar Road. The site incorporates an open frontage with central crossover providing access to the rear of the site and detached garages (incidental to the residential bungalows). The immediately surrounding area is predominantly residential characterised by terraced dwellinghouses.
- 2.2 Outline planning permission is sought, with all matters reserved, for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping. The indicative plans incorporate a two-storey building with accommodation in the roof, with asymmetrical gabled roof forms, with private amenity space to the rear and off-street parking to the front curtilage.

3. **RELEVANT HISTORY**

113-115 Trafalgar Road

BH2013/03498 - Outline application for the demolition of existing bungalows and erection of 4no. three bedroom houses - Approved 04/06/2014

BH2013/01231 - Outline application for the demolition of existing bungalows and erection of 5no three bedroom houses. Refused 04/07/2013.

Land rear of 113 Trafalgar Road

BH2006/01199: Erection of new dwelling to rear. Refused 05/06/2006, dismissed at appeal 09/02/2007.

Land rear of 115 Trafalgar Road

BH2006/01201: Demolition of garage to rear and erection of new dwelling. Refused 05/06/2006, dismissed at appeal 09/02/2007.

BH2005/05533: Erection of two storey dwelling on land to rear of 115 Trafalgar Road. Refused 16/12/2005.

BH2004/01082/FP: Extension to rear and first floor. Approved 27/05/2004

4. **REPRESENTATIONS**

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

- Roof height would result in overshadowing and loss of light to adjoining properties;
- Overlooking and loss of privacy to adjoining properties;
- Lack of proposed parking;
- The design would be at odds with surrounding properties;
- Illumination of development would affect neighbours;
- Increased noise and disturbance
- Lack of bin and cycle storage details

4.2 **Four (4)** letters have been received in support of the proposed development for the following reasons:

- Development would benefit the area
- Would provide affordable flats for young people

5. **CONSULTATIONS**

5.1 **Sustainability: No objection**

The residential development will be expected to deliver the minimum standards for energy and water efficiency as set out in City Plan Policy CP8:

- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations requirements 2013. (Equivalent to energy performance of Code for Sustainable Homes Level 4).
- Water efficiency standards of 110 litres/person/day (equivalent to water performance standards from outgoing Code for Sustainable Homes to Level 4).

5.2 The scheme will also be expected to set out how it responds to other aspects policy CP8:

5.3 Policy CP8 sets out issues relating to sustainability that should be addressed by applications. These include for example: addresses climate change mitigation and adaptation; minimisation of greenhouse gas emissions; use of renewable technologies; decentralised energy; water neutrality; improvements to existing buildings; health; use of design, orientation, form, layout, landscaping and materials (passive design) to maximise natural light and heat; reduces 'heat island effect' and surface water run-off; sustainable materials; enhance biodiversity; minimises waste and facilitates recycling, composting; reduces air, land and water pollution; ongoing improvement of building performance; encourages users to reduce their ecological footprint; is adaptable to changing needs; and encourages food growing.

5.4 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development. Standard sustainability conditions for water and energy efficiency should be applied.

5.5 **Education: No objection**

A development of this size would generate just one or two pupils for each of the primary and secondary phases. At the present time there is sufficient capacity on the local primary schools to accommodate this level of additional pupil numbers. The development is in the catchment area for PACA which also has sufficient capacity to accommodate any pupils generated by this development. As a result the team would not be looking for a contribution towards the cost of education infrastructure if this development was to proceed.

- 5.6 **Sussex Police: No objection**
It is disappointing to note that the Design and Access Statement submitted in support of the application failed to mention any crime prevention measures to be incorporated into the design and layout. The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design and layout of the development.
- 5.7 Where communal living occurs it is important to have access control to the building. To that end a communal entry door with audio / visual access control with remote entry from the flats is to be installed. Trade person button must not be used.
- 5.8 External doors, communal, patio and flat front doors along with any ground floor or easily accessible windows are to conform to PAS 024-2012 or their equivalent.
- 5.9 It is recommended that the postal arrangements are as follows; through the wall, exterior or lobby situated secure post boxes. It is strongly urged the applicant not to consider letter apertures within the flats front doors. The absence of the apertures removes the opportunity for lock manipulation, fishing and arson.
- 5.10 It is recommended that a small set of railings and gate to demarcate the front of the property creating a clear boundary between public and private space. Failing that, a defensive planting to the front of the vulnerable front windows of the ground floor flats is recommended.
- 5.11 Access to the rear of the property from the side should be controlled with a 1.8 metre high lockable timber gate.
- 5.12 Where lighting is to be implemented to the front of the building it should conform to the recommendations within BS 5489:2013.
- 5.13 It is recommended, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.
- 5.14 **City Clean: No Objection**
CityClean have a number of set guidelines for new developments as set out in the PAN05 document. The maximum trundle distance from the bin stores to the collection point should be 25m; this should be reduced to as little as possible. The gradient of this trundle distance should also be no greater than 1:25. There should be no steps between the storage area and the point of collection and all curbs should be dropped to between 6mm and 12 mm. Double doors giving a clear opening of 1830mm and a height of 1830mm should be fitted in the bin stores. The bin store should be as close to the curtilage as possible for ease of

collection. The position of the bin store should be as close to the front of the development as possible.

5.15 County Archaeology: No Objection

The site is not within an Archaeological Notification Area and the team do not consider it likely that the works will have a significant archaeological impact.

5.16 Sustainable Transport: No Objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and/or informatives.

5.17 The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. Also, although the applicant has referred to walking in the supporting evidence, they have not referred to mobility and visually impaired access. In planning terms not only do properties have to be Disability Discrimination Act 1995, the Equality Act 2010 and United Nations (UN) Convention on disability rights compliant but so does the transport network (roads and railways) and services (buses, trains, taxis, emergency services) that supports it. Although footways in the vicinity of the site have been improved over the years by developer contributions and government funds there are still bus stops along Trafalgar Road that for the applicant's benefit need improving to extend the transport network.

5.18 Therefore, if the planning case officer does seek a developer contribution from the applicant then it is requested that it is put towards installing a bus real-time information sign at the southbound "Battle of Trafalgar bus stop. This is to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure, medical, other dwellings in the wider community and transport in general and at least the schools, shops and employment in Mile Oak, Boundary Road, Hove, the City Centre, Royal Sussex County Hospital and Whitehawk leisure facilities in particular that we know of at this point in time.

5.19 The applicant has kindly offered to install 12 cycle parking spaces in their supporting evidence however this is insufficient in numbers, the store needs to be near the front entrance and there is insufficient detail therefore cycle parking is requested by condition.

5.20 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars), well lit, well signed, near entrances and wherever practical, sheltered. As the applicant does not appear to have supplied this detail with his supporting evidence it will be requested by condition. It should be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for some people to use and therefore not considered to be policy compliant. As an alternative the Highway Authority approves the use of covered, illuminated, secure Cycle Works Josta 2 tier cycle rack(s) that will store one cycle above another. Also, the Highway Authority approves 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 where appropriate.

- 5.21 The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.
- 5.22 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.23 The applicant is proposing changes to the narrow (it looks larger at the moment as the carriageway has been built too far up the kerbs) vehicle access arrangements onto the adopted (public) highway and for this development this is in principle deemed acceptable. However the proposed parking area is too narrow and car doors will open across the footway even if they were perfectly parked and it will need to cater for at least medium size vans as used as ambulances, food store delivery, parcel delivery and service vehicles. Therefore it is requested that the Street Design condition and informative and the New/extended crossover condition and informative is attached to any permission granted.
- 5.24 The proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. It is noted that there is already concern about the levels and capacity of car parking in this area but it is not thought that this type of development in this area will generate a significant level of car parking demand and the applicant is proposing to support other more sustainable and accessible modes of transport to help improve the situation.
- 5.25 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 5.26 To comply with Brighton and Hove Local Plan 2005 policies TR7, TR11 and TR12, CP9 of the City Plan Part One and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012 and amendments on 31st January 2015 the applicant is expected to make a financial contribution of £3000.
- 5.27 **City Regeneration:** No Objection
City Regeneration supports this application as the 12 dwellings(actual NET gain of 10 dwellings following demolition of existing dwellings) will contribute to addressing the city's challenging housing targets and needs.

If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £2,200 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement, including demolition phase. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).

5.28 County Ecologist: No Objection

No biodiversity checklist has been submitted with the application. However, from the information provided and an assessment of maps, aerial photographs and local biodiversity records, it is considered likely that a checklist would be negative. As such, there is no requirement to submit a biodiversity report with the application.

5.29 Sustainable Drainage: No Objection

The Lead Local Flood Authority (LLFA) has no objection in principle to the development proposal provided no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. This is to ensure that the principles of sustainable drainage are incorporated into this proposal.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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
SA6 Sustainable Neighbourhoods
CP1 Housing delivery
CP2 Sustainable economic development
CP5 Culture and Tourism
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public Streets and Spaces
CP14 Housing density
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR7 Safe Development
TR14 Cycle access and parking
TR19 Parking standards
SU9 Pollution and nuisance control
SU10 Noise Nuisance
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
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 All matters are reserved and therefore the main considerations in the determination of this application relate to the principle of constructing 8no one bedroom flats and 4no studio flats on the site.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to

assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

- 8.3 Policy SA6 (part 8) seeks to deliver balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, and a mix of dwelling sizes and tenure types.
- 8.4 City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Part c of the policy states that sites coming forward as 'windfall' development, as in this case, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.5 Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.6 This is an out of town centre predominantly residential area, where the housing mostly consists of 2 or 3 bedroom terraced houses. The proposed mix of units in this development is 8no. 1 bedroom flats and 4no. studio flats. It is considered that the proposed mix is uncharacteristic of this non-central area, and does not provide an appropriate balance of studios/one bed /two bed and three bed units. The proposal is therefore considered contrary to Brighton & Hove City Plan Part One policies CP12, CP19 and SA6.
- 8.7 **Affordable Housing:**
Policy CP20 would apply to the proposed development, which proposed 10 (net) dwellings. Policy CP20 seeks 30% affordable housing, which can be provided on site (based on 3 affordable units in this instance) or as a commuted sum (based on 3 no. 1 bed flats which would equate to £262,500). The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City.
- 8.8 However, the applicant has not offered any affordable housing and no viability assessment has been submitted in relation to this application. Therefore, the application is contrary to City Plan Part One policies SA6, CP7, CP19 and CP20, and should be refused on this basis.
- 8.9 **Other Developer Contributions:**
Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in

accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

- 8.10 The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Open Space - contribution of £16,498
 - Sustainable Transport - contribution of £3,000
 - Local Employment and Training - contribution of £2,200
- 8.11 However, the applicant has not agreed to offer any contributions and no viability assessment has been submitted. On this basis, it is considered that the development would be contrary to the NPPF and policies SA6, CP2, CP7, CP9, CP13, and CP16 of Brighton & Hove's City Plan and saved policy HO12 of the Local Plan, and the application should be refused on this basis.
- 8.12 **Character and appearance:**
The application site currently comprises two detached bungalows with a shared central access. This form and scale contrasts with adjoining development on Trafalgar Road which is dominated by rows of two-storey terraced housing.
- 8.13 The application is outline with all matters reserved. The indicative plan submitted with the application indicates a design, scale, form, detailing and use of materials. The plans show the provision of a modern two storey building with additional accommodation at second floor level within the roof. It would be one single building; however it would take the form of two separate properties, due to a centralised section containing the main entrance being set within the building. The pitched slate roof would appear as two sections from the front. Render and timber cladding would be the main external materials of the building. It is considered that the proposed building, by virtue of the indicative design, form and scale would result in an incongruous and dominant development that would subsequently be harmful to the visual amenities of the Trafalgar Road street scene and the wider area.
- 8.14 However, as the outline application does not seek approval of 'appearance', or 'access' these concerns would need to be addressed as part of a reserved matters application.
- 8.15 **Standard of Accommodation:**
The development would create 12 dwellings on the site, and future occupiers would be able to use the shared garden to the rear.
- 8.16 The Local Planning Authority does not have adopted space standards, however for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document states that a one bedroom residential unit for 1 person should have a floor area of at least 39m², and for 2 persons it should have a floor area of at least 50m². The proposed residential studio units would have a floorspace of approximately 26.4m² (excluding the area that does not have full head height), and the 1 bedroom units (which could accommodate 2 persons) would have a floorspace

of approximately 40.7 m². The units are therefore below these standards. The overall size and layout of the dwellings despite the amendments made are considered to have a cramped arrangement. The indicative furniture layout, and the lack of head height within the second floor studio flats, would leave future occupiers with very cramped living conditions and minimal circulation space and potential for storage space. However, as the outline application does not seek approval of 'layout' these concerns would need to be addressed as part of a reserved matters application.

- 8.17 The proposed dwellings would have acceptable levels of natural light and ventilation. Step-free access to the dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations, in compliance with the national Optional Technical Standards and policy HO13.
- 8.18 **Impact on amenity:**
Policy QD27 of the Brighton and Hove Local Plan relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent or proposed occupiers.
- 8.19 It is considered that the proposal would be unlikely to cause significant harm to neighbouring amenity through loss of light or outlook. This view takes into account the separation possible from window openings to adjoining properties north and south of the site, and the depth of rear gardens to adjoining properties.
- 8.20 Whilst additional overlooking would result from the development the resulting arrangement would be comparable to that which exists elsewhere along Trafalgar Road and which would be expected in an urban location such as this. On this basis no significantly harmful loss of privacy would result from the proposal.
- 8.21 A new residential development in what is already a residential location would not be expected to create harmful levels of noise or disturbance.
- 8.22 **Transport Issues:**
The Council's Sustainable Transport Officer has not objected to the principle of development on the site on highway safety grounds and there would be sufficient space within the curtilage of each dwelling for cycle parking.
- 8.23 There would not be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity.
- 8.24 The proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.

- 8.25 The application has reserved all matters and as such 'access' and 'layout' are not considerations of this outline submission. If necessary these issues would need to be addressed as part of a reserved matters application.
- 8.26 **Sustainability:**
Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.
- 8.27 **Other Considerations:**
The Environmental Health Team has previously identified a number of historic activities, including a brickfield and landfill sites, which had potential to cause localised contamination. If necessary a condition could require an appropriate and robust desk top survey which recognises the close proximity of the former adjoining uses, and characterises and risk assesses them accordingly.
- 8.28 Issues relating to air quality have been raised on previous application, however as this is an outline application it is not considered that this issue would justify refusal of the application. If necessary this issue would need to be addressed as part of a reserved matters application.

9. EQUALITIES

- 9.1 None identified.