

<u>No:</u>	BH2015/04184	<u>Ward:</u>	Hangleton &Knoll
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Court Farm House King George VI Avenue Hove BN3 6XJ		
<u>Proposal:</u>	Demolition of existing buildings and erection of 2no three storey blocks (one with basement parking) and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units). Provision of 107 parking spaces, (67no at basement level and 40no at surface level) and 132 cycle spaces with associated landscaping and altered site access arrangements.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	20.01.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.04.2016
		<u>EoT/PPA Date</u>	31.01.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Thornton Properties Ltd C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	PL_001		4 December 2015
Block Plan Existing	PL_002		4 December 2015
Existing Elevations	(AA,FF) PL_003		4 December 2015
Existing Elevations	(JJ, KK) PL_004		4 December 2015
Block Plan Proposed	(LEVEL -01) PL_009		4 December 2015
Block Plan Proposed	(LEVEL 00) PL_010	Rev: B	27 October 2016
Block Plan Proposed	(LEVEL 01) PL_011		4 December 2015
Block Plan Proposed	(LEVEL 02) PL_012		4 December 2015

Block Plan Proposed	(LEVEL 03) PL_013	Rev: B	27 October 2016
Block Plan Proposed	(LEVEL 04) PL_014	Rev: A	27 October 2016
Detail	(BAY 01) PL_024	Rev: A	27 October 2016
Detail	(BAY 02) PL_024		4 December 2016
Floor Plans Proposed	(01) PL_027	Rev: B	27 October 2016
Floor Plans Proposed	(02) PL_028	Rev: B	27 October 2016
Floor Plans Proposed	(03) PL_029		4 December 2016
Floor Plans Proposed	(04) PL_030	Rev: A	27 October 2016
Elevations Proposed	(AA, BB) PL_018	Rev: A	27 October 2016
Elevations Proposed	(CC, DD) PL_019	Rev:A	27 October 2016
Elevations Proposed	(EE, FF) PL-020	Rev: A	27 October 2016
Elevations Proposed	(GG, HH) PL_021	Rev: A	27 October 2016
Elevations Proposed	(JJ, KK) PL_022	Rev: A	27 October 2016
Sections Proposed	(LL, MM) PL_023	Rev: A	27 October 2016
Detail	(BAY 03) PL_024		4 December 2016
Other	SECTION AND OVERLAY SK_016		27 October 2016
Other	CROSS SECTION AND OVERLAY SK_019		27 October 2016
Landscaping Proposed	LANDSCAPE AREAS SK_020		27 October 2016
Landscaping Proposed	LANDSCAPE MASTERPLAN 0071.P.102	Rev: 5	5 December 2016
Landscaping Proposed	DETAIL BLOCK A 0071/PL/103	Rev: 3	7 January 2016
Landscaping Proposed	DETAIL BLOCK D 0071/PL/104	Rev: 3	7 January 2016
Landscaping Proposed	COMMUNAL GARDEN 0071/PL/105	Rev: 3	7 January 2016
Landscaping Proposed	TREE PLANTING 0071/PL/201	Rev: 5	5 December 2016
Landscaping Proposed	GENERAL PLANTING 0071/PL/202	Rev: 2	7 January 2016
Landscaping Proposed	PLANT CONTACT SHEET 0071/PL/203	Rev: 2	7 January 2016
Other	OWNERSHIP AND MANAGEMENT	Rev: 2	21 January 2016
Sections Proposed	0071/PL/301	Rev: 2	7 January 2016
Sections Proposed	0071/PL/302	Rev: 2	7 January 2016

Sections Proposed	0071/PL/303	Rev: 2	7 January 2016
Other	HARDSCAPE DETAILING 0071/PL/401	Rev: 2	7 January 2016
Other	HARDSCAPE WALLS 0071/PL/402	Rev: 1	7 January 2016
Other	LIGHTING/FURN ITURE 0071/PL/501	Rev: 2	7 January 2016
Other	WILDLIFE/ECOL OGY 0071/PL/601	Rev: 2	7 January 2016

- 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 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: The site lies above the Newhaven Chalk Formation, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 5 Access to the flat roofs over the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 6 The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
- 7 The vehicle parking area shown on the approved plans 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.
- 8 No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 9 No development shall take place until a scheme setting out highway works has been submitted to and approved in writing by the Local Planning Authority. This should include details of the following:
- i) Site access, junction, footway and crossing works on King George VI Avenue;
 - ii) Re-provision of highway signage on west side of King George VI Avenue adjacent to the site;
 - iii) Full details of proposed tree planting and landscaping on the public highway;
 - iv) Stage 2 Road Safety Audit.
- No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that suitable footway provision and vehicle access is provided to and from the development and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.
- 10 Prior to the commencement of development on site, detailed drawings, including layout plan, levels, sections and constructional details of all the proposed roads, footways, surface water drainage, outfall disposal and street lighting are to be provided to the Local Planning Authority and be subject to its approval. The Highway Authority would wish to see the roads within the site that are not to be

offered for adoption are constructed to standards at, or at least close to, adoptable standards.

Reason: As this matter is fundamental to the acceptable delivery of the permission in the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

- 11
- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

- 12
- (i) The development hereby permitted shall not be commenced 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 BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (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 BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
 - (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above 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 such verification shall comprise:
 - a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and

c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 13 No development shall commence until fences for the protection of trees, shrubs and hedges growing adjacent to the site to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no excavations for services, lighting of fires or disposal of liquids shall take place within any area designated and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 14 No development shall take place until a detailed design and associated management and maintenance plan of foul and 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.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 15 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A preliminary risk assessment which has identified:

- 1)
 - a) All previous uses
 - b) Potential contaminants associated with those uses
 - c) A conceptual model of the site indicating sources, pathways and receptors
 - d) Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission and the site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 16 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works;
- f) Initial aftercare and long-term maintenance (where relevant);
- g) Disposal of any waste arising from the work.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

- 17 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all 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 HE6 of the Brighton & Hove Local Plan and policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 18 No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed scheme shall be submitted in writing to the Local Planning Authority for approval, which outlines the glazing and ventilation specifications that shall be installed in the buildings. The glazing and ventilation requirements shall ensure that internal noise levels will achieve BS8233:2014 and WHO standards.

Reason: To ensure that an acceptable standard of accommodation is provided in terms of air quality, ventilation and noise attenuation to the occupiers of the residential units hereby approved and to comply with policies SU9; SU10 and QD27 of the Brighton & Hove Local Plan.

- 19 a) No development above ground floor slab level of any part of the development hereby permitted shall take place until, a showing that the Party Walls and Floors between the refuse/recycling areas, bicycle storage areas and plant rooms and the residential units, shall achieve an airborne and impact sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations has been submitted to and approved in writing by the Local Planning Authority.

b) Post completion but prior to occupation, results of tests showing that the standard required in part a) has been achieved, shall be submitted for approval to the Local Planning Authority. The written report shall contain details of what if any additional mitigation measures are necessary to achieve the required standard in part a).

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise attenuation to the occupiers of the residential units hereby approved and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 20 No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme for the suitable treatment of all plant and bicycle storage equipment, against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the future occupiers of the dwellings hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 21 The wheelchair accessible dwellings hereby permitted as detailed on drawing no. PL_010 Rev:B received on 27/10/2016 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 22 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
- 23 Prior to the first occupation of the development hereby approved, a Car Park Management Plan shall have been submitted and approved in writing by the Local Planning Authority. This should include details of any allocation policy, provision for visitors and management of electric vehicle charging points. The car park shall thereafter be managed in accordance with the approved plan.
Reason: To ensure that parking provision is managed efficiently and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14.
- 24 The development hereby permitted shall not be occupied until details of electric vehicle charging points for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
- 25 Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with Brighton & Hove Local Plan policy TR18 and SPG4.

- 26 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.

- 27 Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 28 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 29 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.

- 30 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

- 31 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The site lies above the Chalk, which is designated a Principal Aquifer. These aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. They are therefore groundwater resources that must be protected and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 32 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.

- 33 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site, including details of compensatory bird / bat boxes shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
- 3 The water efficiency standard required 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.
- 4 The LLFA notes the Sustainable Drainage Report and Flood Risk Assessment, January 2016 (Ref:11782/08) submitted in support of the application:
To discharge the relevant condition the LLFA would expect to see:
 - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the proposed sustainable drainage, i.e. permeable paving and soakaway will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate that the sustainable drainage system will be able to cope with a 1 in 100- year plus climate change event.
- 5 The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
- 6 The applicant is advised that the detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

- 7 The applicant is advised that a formal application for connection to the water supply is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
- 8 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.
- 9 The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
- 10 The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
- 11 The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
- 12 The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 13 The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition.
It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
- 14 The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the

development and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
- (ii) Identify a monitoring framework, which shall include a commitment to undertake annual surveys to enable the Travel Plan to be reviewed and updated as appropriate;
- (iii) Include results of baseline travel surveys and updated targets;
- (iv) Following the annual survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
- (v) Identify a nominated Travel Plan Co-ordinator who will become the individual contact for the Local Planning Authority relating to the Travel Plan.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Court Farm is located at the very edge of the City, adjacent to the A27, which forms the boundary with the South Downs National Park (SDNP). The site is directly bounded by King George VI Avenue to the east, Devil's Dyke Road roundabout to the north, the A27 west bound slip road to the west and Toad's Hole Valley to the south (currently a large piece of open land). The residential area of Goldstone Valley/Hove Park is located to the east and south-east of the site and Hangleton and Knoll to the south-west.
- 2.2 The site, which comprises 0.97 hectares, currently accommodates a single dwellinghouse and associated garages/storage.
- 2.3 Court Farm forms the northern-eastern tip of Toad's Hole Valley, with a combined area of 47 hectares; however Court Farm is in separate ownership to Toads Hole Valley.
- 2.4 The topography of the site slopes up by 4 or 5m from the site entrance in the south east corner to the high point at north-west corner.
- 2.5 Boundaries of the South Downs National Park are located to the west and north of the site and the Toad's Hole Valley Site of Nature Conservation Importance is located to the south-west of Toad's Hole Valley.
- 2.6 Planning permission is sought for the demolition of the existing buildings and the erection 69 flats comprised within four residential blocks, the provision of 107 parking spaces (including 67 no. at basement level), 132 cycle spaces, associated landscaping and altered site access arrangements.
- 2.7 Block D (3 storeys plus basement parking) would front the Dyke Road Avenue/King George VI Avenue roundabout whilst Blocks A (3 storeys), B and C (part 3, part 4 storeys), would extend rearwards in a south-western direction.
- 2.8 The proposal would comprise the following residential units including 28 affordable housing units (with a density of approximately 68.5 dwellings per hectare);

- 7 x 1 bedroom flats (all affordable)
- 34 x 2 bedroom flats, (including 15 affordable) and
- 28 x 3 bedroom flats (including 6 affordable)

Since submission of the application the proposal has been amended in the following ways;

- The loss of 5 flats from Block A following the removal of the proposed fourth floor level, and
- The removal of 5 proposed vehicle parking spaces.

3. RELEVANT HISTORY

BH2012/03446 - Demolition of existing buildings and construction of 5 no two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces. Refused 11/04/2013 on the following grounds;

1. The site lies outside the present Built-up Area boundary defined by the Brighton and Hove Local Plan and the application fails to demonstrate that the development would justify a countryside location contrary to policies NC5 and NC6 of the Brighton and Hove Local Plan,
2. The application, due to its proposed uses, density, timing, access and relationship to the remainder of the Toad's Hole Valley allocated site fails to demonstrate that it would not prejudice an emerging strategic land designation for the comprehensive delivery of housing, employment and infrastructure vital to the sustainable growth of the city. This is contrary to Policy DA7 of the emerging Brighton and Hove City Plan - Part One, and
3. The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton and Hove Local Plan.

Appeal Allowed

BH2004/01017/FP: Demolition of existing stables and construction of new building for storage and vehicle garaging. Approved 14/05/2004.

3/90/0019: Change of use from agricultural storage to general storage - Refused 28/02/1990. Appeal Dismissed 13/11/1990.

84/0357 : Change of use of single dwelling house into Rest Home. Refused 20/07/1984.

83/0245: Change of use of single dwelling house to holiday home for mentally retarded adults Class 111 Registration 1947 NHS. Approved 19/05/1983.

3/81/0241: Outline application for the erection of a 10,000m² hypermarket and associate parking for 1,200 cars. Refused 12/06/1981.

M/10068/63: Garage for Agricultural vehicle. Approved 11/10/1963

M/6484/59: Extension to ground floor at rear and alterations to provide bathroom WC and bedroom. Approved 06/07/1957.

M/1736/51: Outline for a farm bungalow. Approved 12/07/1951.

Pre-Application

No pre-application consultation with the Local Planning Authority has been undertaken regarding the proposed development shown within the current application however it is stated within the submission that letters, advising local residents that a planning application for new development was to be submitted, were sent to local residents in October 2015.

4. REPRESENTATIONS

4.1 **Five (5)** letters have been received from **48 (x2) and 187 Woodland Avenue, 7 The Heights and Unknown Elizabeth Avenue** objecting to the proposed development for the following reasons:

- The site would not be suitable for a high density development. Appreciate need for new housing and the shortage of suitable land in the City however proposal is massively disproportionate in size and scale for this particular site,
- Area is already congested with traffic; the roundabout is notorious for traffic delays. Roads are already insufficient for traffic. King George VI Avenue is already saturated and a new junction to support an increase of over 74 vehicles would significantly saturate this road during rush hours.
- The style of the building is better suited to the town centre than to buildings on the edge of a National Park. Would prefer a detached housing estate,
- Site is high on a hill at the very edge of the South Downs National Park. Buildings several storeys high will greatly and detrimentally impact on the outstanding views from Hove towards the Downs and also from the Downs towards the sea in the area of the development.
- Will spoil the outlook over the downs and is a complete modern monstrosity, and
- The inevitable number of cars would also result in higher air pollution levels to which locals are already subjected from queuing traffic.

4.2 Following re-consultation of the revised plans and documents received on the 27th and 31st October 2016 **two (2)** further representations have been received from **48 Woodland Avenue** objecting to the proposal on the following grounds;

- The road on which the site is based is extremely busy and fast, it would be exceptionally dangerous to have significant numbers of pedestrians crossing to and from the site,

- There is already significant congestion in the area especially at peak times and the roads could not cope with the additional traffic,
- The size and height of the development is totally out of keeping with the setting and surroundings,
- At present there are wonderful views for the edge of Hove towards the National Park which is a precious amenity for residents, a development on this scale in such an elevated position would totally disrupt the enjoyment of these views.

4.3 **Councillor Vanessa Brown:** Objects E-mail 11/03/2016 attached.

5. CONSULTATIONS

5.1 External

5.2 **County Archaeologist:** Comments 15/02/2016 and 21/11/2016 following receipt of amendments The proposed development is of archaeological interest due to its scale and location in close proximity to number of prehistoric and Romano-British sites, including human burial sites. The application does not include a heritage statement, but it appears from the topographic plan that a large section of the site has not been subject to recent ground reduction or significant disturbance. There is thus a potential for below ground archaeological remains to survive on this site.

5.3 In light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

5.4 **County Ecologist:**

Comment 17/02/2016 Provided that the recommended mitigation measures are implemented, the proposed development is unlikely to have a significant impact on biodiversity. If the Council is minded to approve, a Grampian condition should be applied requiring the agreement of a robust reptile mitigation strategy before works can start. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act.

5.5 Comments 8/06/2016 following receipt of further ecology information The letter submitted states that a suitable receptor site has been identified in Polegate however the map provided is of Coldwaltham in Pulborough. Clarification is required as to the actual location of the site. Further information is required about the proposed receptor site including size, geology and habitat type, its current status for reptiles and how it will be managed in the long term. As the proposed receptor site will be within another Local Planning Authority's area of jurisdiction it is recommended that a legal agreement is used to ensure protection and management of the site for reptiles in the long-term. If sufficient information regarding the receptor site cannot be agreed prior to planning permission being granted than a Grampian condition should be applied. If the

information regarding the receptor site can be provided and agreed then it is recommended that a condition be applied requiring details of the Reptile Mitigation Strategy.

- 5.6 Comments 11/08/2016 following receipt of further ecology information and a discussion with applicant's Ecologist Given the assurance that a suitable receptor site can be provided, it is recommended that the application be supported from an ecological perspective.
- 5.7 Comments 6/12/2016 following receipt of revised landscaping plans The revised layout provides a wider buffer zone with native tree planting and is therefore acceptable from an ecological perspective.
- 5.8 **County Landscape Architect:**
Comment 10/02/2016 As the site is bounded to the north and east by the South Downs National Park consideration should be given to potential impacts on landscape and visual amenity of the National Park. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes.
- 5.9 It is recommended that the application is not supported as it would be over development of the site and it would not be possible to effectively mitigate the landscape and visual impacts of the proposal.
- 5.10 Comments 24/05/2016 following receipt of further information The images indicating the relationship of the proposed development at Court Farm with the wider Toads Hole Valley (THV) site (including the indicative masterplan for the valley as submitted with the application) are acknowledged. The detailed design for THV would provide an opportunity to ensure that adequate landscape buffers can be provided to mitigate the potential impacts of the development in the South Downs National Park (SDNP). Further to this the height of buildings within the most elevated parts if the THV development could be restricted to two storeys to minimise impacts on views from the SDNP. Court Farm is at the highest point at the eastern end of the valley and therefore the most prominent.
- 5.11 The proposed development would break the skyline from several of the illustrated viewpoints, notably 3 and 8 and in views which are not illustrated from the eastern end of Green Ridge open space. Whilst it is acknowledged that the most significant visual impacts will be in a localised area surrounding the roundabout this will change the interface between the rural and urban area in this location. In contrast the THV development would be set back from the roundabout. The proposed trees within the application site will break up the façade of the flats to some degree, however the development would be a dominant gateway feature at the top of Dyke Road. It is questionable whether this is appropriate in the context of the boundary with the SDNP and the transition from the rural to urban area.

- 5.12 Comments 22/11/2016 following receipt of amendments It is recommended that the application can be supported subject to further consideration of the localised impact on the entrance to the town and the need for more substantial tree planting on the northern and eastern boundary as mitigation for the landscape and visual impacts of the proposal.
- 5.13 Comments 5/12/2016 following receipt of amendments The plan does now include tree planting between Block D and the roundabout which will help to reduce the scale of the building when viewed from the road. The list of tree species seems to be missing, but this can be dealt with as a condition. The planting on the road verge would be welcomed highways will agree to it.
- 5.14 **East Sussex Fire and Rescue Service:** No Comment 28/01/2016
- 5.15 **Environment Agency:** No objection subject to the inclusion of conditions regarding land contamination, surface water drainage and piling.
- 5.16 **Highways England:** No objection Whilst do not entirely agree with the methodology contained within the Transport Assessment provided supporting the application, are satisfied that if granted consent the development would have little impact on the safe operation of the Strategic Road Network. Accordingly have no objection to the development proposals.
- 5.17 **South Downs National Park Authority:** Objection 3/03/2016 Consider the proposed development to have a detrimental impact on the setting, including the backdrop views of the South Downs National Park and the special qualities thereof. Therefore conclude and express serious concerns that the development, as proposed, would be detriment to the setting, backdrop and special qualities of the South Downs National Park.
- 5.18 As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park.
- 5.19 Would also draw attention to the Duty of Regard as set out in DEFRA guidance. May also be helpful to consider the development in the context of National Park Circular 2010 for guidance on these issues.
- 5.20 **South Downs Society:**
Comment 23/02/2016 Court Farm is located in the north east corner of an area known as Toad's Hole Valley which was designated part of the Sussex Area of Outstanding Natural Beauty back in the 1960s and retained that status even after the A27 bypass was built, but was excluded from the National Park when it came into being in April 2010. It remains outside the urban boundaries and forms part of the open and sweeping downland on the edge of the City adjacent to the National Park. The site has been subsequently included in the emerging City Plan and is presently designated as a development area (DA7).

- 5.21 Back in 2012 an application was received for 5 houses and a 58 bed nursing home on land in a highly prominent location on the edge of the South Downs. The Society responded stating that granting permission would be premature and that any proposed development on this site must be considered in the wider context of the Toad's Hole Valley area as a whole and not in isolation. The Authority concurred with this position and, with other reasons, refused permission. However the application was allowed on appeal. In allowing the appeal the Inspector confirmed that commercial or residential uses would be acceptable on the site and could be developed independently from the rest of the Toad's Hole Valley Area, therefore the principle for development on the site has been established.
- 5.22 Concerns for the previous application (BH2012/03446) also included the visual impact on the setting of the National Park. Under Section 62 of the Environment Act 1995 the Council has a duty to have regard to the impact of its decisions on the neighbouring national park. These concerns remain in respect of this current application. In particular, a number of the visual representations show the development extending above the tree line and visible from the park. Have previously indicated that both the design and density of any development on the Toad's Hole Valley site would be crucial if it is to avoid damaging the views in and out of the park. Would not like to see a precedent being set if this application was to be granted permission in its present form. Ask that the Council revert to the applicant and consider with them further options on design to enable a reduction in height of the development prior to any decision.
- 5.23 Additional comments 22/11/2016 following receipt of amendments Whilst had concerns over the 2012 application, did acknowledge the merits in demolishing the existing buildings and that the proposals were more sympathetic in terms of building design and materials given the location. Are therefore disappointed with these latest proposals for 4 blocks of flats. Whilst the application states that the form and style compliments the site's location on the edge of the built up area, no significant regard appears to have been given to its location adjacent to the National Park.
- 5.24 Whilst it is said that the existing dense tree screen along the northern boundary of the site means that the scheme will not be readily visible from the South Downs National Park, consider that given the very prominent location of the site at the very top of King George VI Avenue there will inevitably be a degree of negative impact on the setting of the Park. Remind Council of its duty under Section 62 of the Environment Act 1995 to have regard for the designation of the Park.
- 5.25 Concerns are that by granting permission for the blocks of flats in the form set out in this application it may set a precedent for future proposals for the remainder of DA7 Toad's Hole Valley area. Whilst sympathize that it will be challenging to keep any negative impact on the Park to an absolute minimum, consider that there is a good opportunity here to get it right and to ensure that the style and design is in keeping not just with the nearby existing urban conurbation but most importantly to the National Park.

- 5.26 **Southern Water:**
Comments 11/02/2016 Initial investigations indicate that Southern Water cannot accommodate the needs of the application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.
- 5.27 The application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.28 If minded to approve recommend conditions regarding means of foul water disposal and foul and surface water sewerage disposal.
- 5.29 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.30 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.
- 5.31 The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.
Following initial investigations Southern Water can provide a water supply to the site.
- 5.32 Additional comments 24/11/2016 following receipt of amendments The exact position of a public water trunk main must be determined on the site by the applicant before the layout of the proposed development is finalised.
- 5.33 All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water trunk main without consent from Southern Water.
- 5.34 **Sussex Police:**
Comments 11/02/2016 and 10/11/2016 following submission of amendments In general terms support the proposed design and layout which will create a single

vehicle access point with no through route, leading to both the ground level and basement car parking areas. This will give residents a sense of ownership and community and will serve to deter trespass. The road and footpath layout, together with communal areas, are well overlooked and benefit from the natural surveillance of the dwellings they serve. Good provision has been made for secure cycle and refuse storage in each of the four blocks. Door locks should be installed with a thumb screw turn on the inner face to prevent accidental lock in. Mechanically operated push button locks conforming to BS 8607 are an ideal means of securing this type of doorset.

5.35 The Design and Access Statement refers to measures to create a safe and secure environment using the principles of Secured by Design and the attributes of safe, sustainable places, particularly in relation to the physical security of the dwellings using accredited door and window products, with access control where appropriate. This development would benefit from accreditation under the Secured by Design scheme.

5.36 **Internal**

5.37 **Arboriculturist:** No objection 29/02/2016 and 11/11/2016 following receipt of amendments Welcomes the use of basement parking as part of the design in this scheme and has no objection to the proposals. However, any consent granted should be subject to suitable conditions being attached to secure a detailed landscape planting scheme as well as measures to protect trees retained or on land adjoining the site.

5.38 **City Clean:** No objection 11/02/2016 Has no objections to the proposed development as long as requirements are met regarding amount of storage provided and access into site for refuse vehicles.

5.39 Additional comments 11/04/2016 in response to Transport Officer comments. Further to the comments provided by the Transport Department have reviewed the swept paths provided for the refuse vehicles and believe them to be acceptable. The reversing distances have been assessed and operations team have agreed that they are satisfactory.

5.40 **City Regeneration Officer:**

Comments 11/02/2016

Have no adverse comments. If approved request a contribution through a S106 agreement for the payment of £37,000 towards the Local Employment Scheme in accordance with the Developer Contributions Guidance. An Employment and Training Strategy is also required, to be submitted at last one month in advance of site commencement. The developer will be required to commit to using at least 20 percent local employment during the demolition phase (where possible) and construction phase (mandatory).

5.41 Comments 16/11/2016 following receipt of amendments Have no adverse comments. The provision of 69 dwellings (actual 68 net gain) will make some contribution to the City's challenging housing targets, particularly through the proposed 28 affordable housing units. If approved request a contribution through a S106 Agreement for the payment of £25, 800 towards the Local

Employment Scheme in accordance with the Developer Contributions Guidance.

- 5.42 In addition an Employment and Training Strategy is also required to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20 percent local employment during the demolition phase (where possible) and construction phases (mandatory).
- 5.43 **Design Review (Internal): Comment 9/02/2016** It is strongly recommended that the design for the development be further developed with the benefit of independent, expert Design/PLACE review. As a minimum consideration should be given to;
- How well the development sets the tone for a new large building on the city fringe overlooking the South Downs National Park and the quality of building and public realm design expected for the Toad's Hole Valley site,
 - Re-configuring the road layout inside the site to provide efficient, effective shared space areas that can be truly shared by all users of the development, ie considering less standard streetscapes that reflects a different balance and use for residents and vehicles,
 - Improving accessibility to and from the site, in particular when it comes to providing safe links from and to existing infrastructure for pedestrians, cyclists and bus users; and
 - Benefits of aluminium fins on facades is not clear and facades of outer perimeter of the scheme should be reviewed.
 - Massing and height are appropriate, in particular when it comes to long views.
 - Footprint and layout are considered appropriate. The fact that the layout enables residents to have great views of Toad's Hole Valley and the South Downs is welcomed.
- 5.44 Comments 31/05/2016 following receipt of amendments Welcome the removal of the 5 parking spaces and replacement with flat area that could be flexibly used by residents. It is disappointing however that no additional changes to the scheme were made to address the other issues raised in previous comments. Stand by those and have no additional comments to make at this stage.
- 5.45 **Education Officer:**
Comment 09/02/2016 If development was to proceed would seek a contribution of £127,023.40 (which takes into account the existing 3 bedroom dwelling on site) towards the cost of secondary and sixth form provision. In this instance are not requiring a contribution in respect of primary provision as the closest school to the development has significant surplus places at the present time. With regards to the secondary provision the development is currently in the catchment area for Blatchington Mill and Hove Park School. Both these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.
- 5.46 Comment 14/11/2016 following receipt of amendments If development was to proceed would seek a contribution of £117,029 (which takes into account the

existing 3 bedroom dwelling on site) towards the cost of secondary and sixth form provision.

5.47 **Environmental Health:**

5.48 Comments 24/02/2016

5.49 Noise A Noise Assessment has been submitted with the application. This assessment builds on a previous assessment for the site in 2012 with an additional survey carried out during April 2015. The survey results were then used in a noise model.

5.50 The results indicate that provided the windows of the future residential premises are closed, internal noise conditions will satisfy BS8233:2014. However, if windows to the premises facing the roads around the scheme are open, then these standards will not be achieved. Therefore, a suitable ventilation scheme is required. As the exact details of the development are yet to be 100 percent established, the need for a suitable glazing and ventilation scheme for the site is recommended to be conditioned.

5.51 It is noted that habitable rooms including bedrooms share party walls with bike stores, bin rooms and plant rooms. These uses have the potential to cause air borne and structure borne noise and vibration problems in adjacent residencies. Therefore it is recommended that sound insulation for these shared party walls is better than that specified in Approved Document E and this should be specified in a condition.

5.52 Contaminated Land - The site was once a farm and fuels and chemicals for agriculture may have been stored on site. It is quite possible that asbestos containing materials that were once part of farm structures have impacted the soils on the farm. Overall, such use could have resulted in localised land contamination and therefore a full contaminated land condition is recommended for the application.

5.53 **Environmental Health (Air Quality):**

5.54 Comments 4/03/2016

Energy - Express detailed specifications for the proposed energy provision on site required. If a combustion plant is required set out emissions to air and demonstrate how NOx emissions will be minimised. Seek alternatives to combustion with emissions to air where possible.

5.55 Impact on AQMA - Operation traffic is not likely to impact on the AQMA. A minority of cars are likely to travel towards the AQMA. Therefore it is recommended that electromotive provision is included along the retaining wall of the basement car park. A Construction Environmental Management Plan will be required to set out how routes will avoid impacts on the AQMAs.

5.56 Introducing proposed residential to pollution, screened out as not a problem.

5.57 Comments 5/12/2016 following receipt of further information Recommends approval as approve of Electromotive ready wiring in the basement and no energy plant on site (as 2 metre roof top flue is not appropriate in planning terms

given open views of the South Downs National Park) but recommends that the Photovoltaic Array maximises surface area on buildings A, B and C in order to reduce emissions to air including oxides of nitrogen, particulate and CO2 and that individual gas boilers have wall mounted vertical flues and are ultra-low NOx.

5.58 Requests a CEMP condition that construction traffic avoids the AQMA to the south i.e. Neville Road-Old Shoreham Road-Sackville Road Quadrant and the Southern Cross junction between Locks Hill-Old Shoreham Road-Trafalgar Road.

5.59 **Flood Risk Management Officer:** Comments 24/02/2016 and 6/12/2016
Recommends approval as the Lead Local Flood Authority has no objections to the application subject to the inclusion of a condition regarding the detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

5.60 **Heritage:**
No objection 15/02/2016 The site is adjacent to the northern end of Three Cornered Copse which is part of the Woodland Drive Conservation Area. It is at a prominent intersection at the access to Hove and West Brighton from the A27. The historic buildings of the Woodland Drive Conservation Area are not visible from the site and vice versa.

5.61 The conservation area character statement states:

"The inclusion of the Three Cornered Copse within the conservation area is important as it provides an important green space to the buildings although the existence of the woodland walk is not evident from the road".

5.62 It is therefore included as a backdrop and green buffer to the historic buildings and this would not be altered by the proposed development at Court Farm on the other side of King George VI Avenue.

5.63 It is therefore considered that despite its proximity, the development will not affect the setting of the properties in Woodland Drive and it is not proposed to object to the development on heritage grounds.

5.64 Comments 24/11/2016 following receipt of amendments Do not wish to add any further comments to the original response.

5.65 **Housing Strategy:**
Comments 26/01/2016 The City-wide Housing Strategy adopted by Council in March 2015 has a priority 1 improving housing supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The Council's published Affordable Housing Brief (up-dated October 2015) sets out the Council's preferences with regard to unit mix and design etc.

- 5.66 This scheme proposes to provide 74 properties on a site in Hove on the eastern side of the City. The proposal currently offers 30 affordable housing units which equates to 40 percent which is policy compliant, and as outlined in the Affordable Housing Brief.
- 5.67 This scheme currently offers affordable housing in the required proportions, providing 16 rental units and 14 for shared ownership sale (The schedule of Accommodation provided appears to show the 30 units divided as 18 rental units and 12 for shared ownership, which is also acceptable).
- 5.68 Affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The scheme design shows housing is all of the same standard and design.
- 5.69 Four wheelchair accessible flats are provided at this development which meets the Council's 10 percent requirement (of affordable units). These units consist of 3 flats (2 x 2 bed 3 persons and 1 x 2 bed 4 persons) for rent and 1 x 3 bed 5 persons for shared ownership sale. Wheelchair accommodation for rent is particularly welcomed.
- 5.70 The one bedroom proportion is slightly lower than the Affordable Housing Brief guidelines but with the provision of additional family size units this is acceptable.
- 5.71 Overall this proposed scheme meets housing requirements as outline in the Affordable Housing Brief.
- 5.72 Comments 23/11/2016 following receipt of amendments This scheme proposes to provide a total of 69 properties on a site in Hove on the eastern side of the city. The proposal currently offers 28 affordable housing units which equates to 40 percent which is policy compliant, and as outlined in the Affordable Housing Brief. This is a change to the original proposal of 74 units / 30 affordable.
- 5.73 This scheme currently offers affordable housing in the required proportions, providing 15 rental units and 13 for shared ownership sale.
- 5.74 Affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The scheme design shows housing is all of the same standard and design.
- 5.75 Four wheelchair accessible flats are provided at this development which exceeds the council's 10 percent requirement (of affordable units). These units consist of 3 flats (2 x 2bed3p and 1 x 2bed 4p) for rent and 1 x 3bed 5p flat for shared ownership sale. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 m (3)2a at build completion (i.e. at time of letting/sale). Wheelchair accommodation for rent is particularly welcomed.

- 5.76 The accommodation offered is very close to being Affordable Housing Brief compliant. The one bed and three bed units are down by one each - with the additional two units provided as two beds - which is acceptable. This scheme meets the Affordable Housing Brief requirements with regard to the number of units, tenure mix and the unit size and type and is fully supported by Housing Strategy.
- 5.77 **Planning Policy:**
Comments 2/03/2016 There are significant planning policy concerns in relation to the level of development proposed on the site and its impact on the setting of the South Downs National Park; and the type of uses proposed on the site (housing only) as this is considered the most appropriate part of the Toad's Hole Valley for employment uses (in terms of amenity and accessibility).
- 5.78 The applicant should be invited to update the Planning Statement submitted in support of the application to address the following policy issues;
- How the proposal meets the requirements of policy DA7 in the City Plan in particular addressing the issue of delivering a comprehensive scheme for the site, impact of the proposal on the South Downs National Park and the issue of providing employment uses on the site.
 - Further information should also be provided on developer contributions alongside the scheme to meet the requirements of the policy.
- 5.79 Comments will be re-evaluated following the submission of updated information.
- 5.80 Comments 21/06/2016 following receipt of up-dated Planning Statement
Policy DA7 in the City Plan sets out the policy framework for future development of Toad's Hole Valley alongside other relevant policies. The policy seeks a mix of employment and residential uses on the site (with employment uses preferred close to the trunk road junction). The scheme as proposed is for housing only. This has been carefully considered against the policy framework and the s78 Inspector's appeal decision. In weighing up the policy issues relating to the site and proposal, alongside the benefit of providing housing in the city, it is considered that, on balance, where all other requirements are met (including noise mitigation, massing/visual impact and provision of developer contributions including training places) that a housing only scheme would be acceptable.
- 5.81 One key outstanding concern relates to the density of the development proposed on the site which is slightly above the upper end of the range of density allowed on the site. The primary concern is the consequent impact of the development in terms of height and massing on this visually sensitive location adjacent to the South.
- 5.82 Recommend grant subject to addressing the issue of visual impact/massing and appropriate developer contributions.
- 5.83 Comments 7/12/2016 following receipt of amendments These comments should be read alongside the comments made on 21 June 2016 on the original scheme. These comments still stand.

- 5.84 The revised proposal reduces the number of flats from 74 to 69. One of the key policy concerns in relation to the original scheme was the density of development on the site which was 76 dph. This was above the upper level of density considered acceptable for the site as a whole and was raised as a concern particularly in terms of the sensitivity of this elevated part of the THV site on the South Downs National Park.
- 5.85 The reduction in the number of units, which has been achieved by lowering the height of one of the blocks, lowers the density to approximately 68.5 dph which is now within an acceptable range of density for the site.
- 5.86 On this basis the proposal is now considered acceptable in policy terms.
- 5.87 **Private Sector Housing:** No Comments
- 5.88 **Public Art Officer:**
Comments 9/02/2016 To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £39,000, be included in the section 106 agreement.
- 5.89 Comments 6/12/2016 following receipt of amendments To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £36,500, be included in the section 106 agreement. This level of contribution is arrived at after the internal gross area of the development (6082sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.90 **Sustainability Officer:**
Comments 29/02/2016 As a residential scheme, this development is expected under standards set out in City Plan Policy CP8 standards to achieve minimum energy and water standards. There is commitment for each dwelling to achieve the minimum energy and water efficiency standards (a reduction in carbon emissions of 19 percent against 2013 Part L Building Regulations requirements and 110 Litres/person/day).
- 5.91 A sustainability appraisal including SAP calculations (energy modelling) and specification of photovoltaic array proposals has been carried out and forms part of the application. The study was commissioned to enable the scheme to achieve Code Level 4 equivalents as required under CP8.
- 5.92 Policy DA7 - It is recommended that the applicant be asked if they can reconsider the potential for communal heating to be provided in the Court Farm development in order that there can be capacity for connection to any future heat network on the DA7 site. Policy DA7 sets out aspirations for exemplar sustainability standards to come forward in this development area. The

sustainability standards described in the application could not be described as exemplar, though they meet the basic standards of CP8.

- 5.93 Since the development area policy seeks standards above those for the rest of the City, it is recommended that in this case, conditions be used to secure those sustainability standards that are proposed.
- 5.94 In the event that communal heating system is installed in the buildings a condition regarding capacity to connect to future district heating should be attached.
- 5.95 Comments 6/12/2016 following receipt of further information Adopted Brighton and Hove City Plan Part One Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. CP8 sets out residential energy and water efficiency standards required to be met.
- 5.96 An additional report for Court Farm has been submitted: 'Preliminary Photovoltaic Array Sizing' (Delta Green). This explores the potential for including a communal heating system has been investigated to respond to policy DA7 and as requested by the Local Planning Authority in earlier comments, as such a system would present an opportunity to connect to off-site low carbon heat networks in the future.
- 5.97 The report determines the provision of individual gas boilers is the most viable heat solution currently and proposes individual efficient gas combi boilers for each dwelling. Reasons given for this include uncertainty over development of the rest of the site and whether a heat network would come forward.
- 5.98 There is very little information exploring how a communal heating system could be delivered and what impact if any this might have on the efficiency or carbon performance of the scheme which would have given a more comprehensive assessment of heating strategy.
- 5.99 The report also details SAP calculations completed for a sample of 13 dwellings (apartments) to determine the quantity of PV that is required to achieve a 19 percent reduction below the Part L TER CO2 emissions. Additionally the results show that a 73kWp photovoltaic array will be required in order for the development as a whole to achieve a 19 percent reduction below maximum permissible Part L CO2 emissions. A 73kWp array would have an area of approximately 467m²The modelling undertaken indicates that different dwellings will require PV provision of between 0.6 to 1.73kWp.
- 5.100 Furthermore the area of PV being proposed is slightly lower than 467sqm, at 459sqm. The report argues this will not affect output as the panels are high efficiency, and despite being sited at a less than optimal orientation are likely to achieve an equivalent performance. This is not a very scientific approach.

- 5.101 Since the dwellings aim to meet the standard expected for all dwellings in the City, (i.e. the minimum standard expected via policy CP8) the standard cannot be described as exemplary and therefore falls short of the aspiration for the site set out in the development Area policy DA7.
- 5.102 This additional report adds no benefit to the sustainability standards of the scheme, and therefore does not change comments made previously.
- 5.103 **Sustainable Transport Officer:** Comments 1/04/2016 and 26/05/2016 following receipt of amendments Recommend approval as the Highway Authority has **no objections** to the application subject to the inclusion of conditions relating to S278 Highway works, access road construction, retention of parking area, car park management plan, electric vehicle charging points, disabled parking and cycle parking in addition to the applicant entering into a S106 agreement for a contribution of £55,500, a travel plan, travel packs for each householder, sustainable travel voucher and a Construction Environmental Management Plan.
- 5.104 Comments 7/12/2016 following receipt of amendments The comments provided on an earlier version of this application have been updated to reflect subsequent amendments to the proposals, including the reduction from 74 to 69 units and car parking. It is also noted that the council's new car parking standards, SPD14, have recently been adopted. Additional proposals for landscaping on public highway external to the site have also assessed.
- 5.105 Recommend approval subject to the inclusion of conditions relating to S278 Highway works, access road construction, retention of parking area, car park management plan, electric vehicle charging points, disabled parking and cycle parking in addition to the applicant entering into a S106 agreement for a contribution of £51, 750, a travel plan, travel packs for each householder, sustainable travel voucher and a Construction Environmental Management Plan.

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
- DA7 Toad's Hole Valley
- SA5 The Setting of the South Downs National Park
- SA6 Sustainable Neighbourhoods
- CP1 Housing Delivery
- 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
- CP15 Heritage
- CP16 Open Space
- CP17 Sports Provision
- CP13 Public Streets and Spaces
- CP18 Health City
- CP19 Housing Mix
- CP20 Affordable Housing

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

- TR4 Travel Plans
- TR7 Safe development
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with disability
- SU3 Water resources and their quality
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance
- SU10 Noise Nuisance
- SU11 Pollution and nuisance control
- SU12 Hazardous substance
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD25 External lighting
- QD27 Protection of Amenity
- HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Planning Advice Notes:

PAN05 Design Guidance for the Storage and Collection of Recyclable
Materials and Waste

Developer Contributions Technical Guidance June 2016

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed development and its impacts on the visual amenities of the site and surrounding area, including the setting of the South Downs National Park and Woodland Drive Conservation Area. The proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts must also be assessed.

8.2 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 Principle of Development

Policy DA7

Policy DA7 of the City Plan relates to both the application site (Court Farm which measures 0.97ha) and Toad's Hole Valley (THV), which is a large development area located to the south-west of the application site. The two sites together measure a total of 47 hectares. Policy DA7 states that these two development areas represent a major opportunity to create a model for mixed use sustainable development that will provide family and affordable housing, modern office space and a new school to meet the future needs of the City.

8.4 A previous application at Court Farm (ref: BH2012/03446) which sought permission for the demolition of the existing buildings and the construction of a 58 bed nursing home and 5 detached houses was refused by the Local Planning Authority in October 2013 on the basis the proposal would compromise the aims of policy DA7 in terms of timing, uses and density. The subsequent appeal Planning Inspector considered the main issue to be whether

the proposal was sustainable development against paragraph 14 of the NPPF and attached 'little less than significant weight to policy DA7'.

- 8.5 The appeal was allowed and the Inspector's conclusions in arriving at such a decision are a material consideration in determination of the current application. However it should be noted that since the appeal decision there has been a material change in planning circumstances. The City Plan Part One has been found sound and therefore its weight in determining planning applications has increased significantly. In addition the City Plan Inspector agreed a number of modifications to policy DA7 that need to be taken into account in considering the current proposal.
- 8.6 The preferred approach to development at the THV site is for a master-planning approach across the 47ha site as a whole to ensure that the site is developed efficiently and effectively and to make the best use of the site. The current proposal applicant only owns the 1ha Court Farm part of THV. Although the policy does not require the sites to be brought forward together it is considered important that the layout, design, access, uses and other impacts of the proposals complement one another representing the best use of the site as a whole while complying with the aims of the policy.
- 8.7 Work has also commenced on a Supplementary Planning Document (SPD) for THV (issues and options). The SPD aims to provide guidance to support the delivery of policy DA7 as a whole. It is considered important the proposal is consistent with and supports the future redevelopment of the wider site. Whilst it is acknowledged that the application relates to only a small proportion of the site, the proposal must be considered against the main aims of policy DA7 and other relevant policies.
- 8.8 The strategy for the development of the application site and THV, as set out in policy DA7, is 'to secure a modern, high quality and sustainable mixed use development to help meet the future needs of the City, improve accessibility and provide new community facilities to share with adjacent neighbourhoods'.
- 8.9 Policy DA7 sets out the principles for developing the site including strategies, main priorities, amount of development and open space to be delivered. The key elements of the policy are housing, offices, education, community and retail, environment, transport and travel and public realm and blue-green infrastructure.
- 8.10 In terms of housing the strategic allocation of policy DA7 at THV will secure a significant amount of new housing provision of which a significant amount will be family-sized accommodation and affordable housing. The policy requires at least 50 percent of the new housing to be family sized and the specified density range (of between 50 and 75 dwellings per hectare) should also enable the provision of a mix of housing types and sizes to achieve a choice in the range of housing at this location and ensure effective use of the site whilst recognising this an area of lower density compared to other development sites in the City Plan Part One.

8.11 It is acknowledge that the Court Farm site is the preferred location for employment uses in of policy DA7 (paragraph 3.90) as it has good access to the trunk road junction however the previous application appeal Inspector considered that residential development on the Court Farm site would be appropriate especially given that the previously proposed carehome represented an employment type use. Whilst the current proposal relates solely to the provision of residential accommodation the appeal Inspector considered that the employment requirements of policy DA7 could be fully met on the main part of the THV site and therefore overall is it considered that the lack of provision of employment within the current application is not be a sufficient reason to refuse the application especially where other planning concerns are met.

8.12 **Design/Layout/Visual Amenities**

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

8.13 Layout of the Site

The site is immediately bounded on 3 sides by busy fast-moving roads and at the edge of the developed suburban boundary but beyond that is the natural undeveloped region of the SDNP.

8.14 The proposed development consists of 4 blocks of accommodation (with basement parking level to Block D). Block D would have an east to west orientation with Blocks A, B and C splayed from Block D (unconnected) in a southerly direction. It is stated within the application that the buildings have;

"been arranged so that they run parallel to the west, north and east site boundaries providing a buffer to the busy roads and augmenting the existing tree 'screens' while creating a sense of enclosure within the interior of the site".

8.15 The proposed buildings would be located approximately 15m apart at their closest points (the corners of the north facing flank elevations of Blocks A to B and B to C respectively) but orientated so that they are angled away from each other but the distance increases as you move southwards across the site and are typically over 25m apart.

8.16 The proposed access point to the development would utilise the existing Court Farm access from King George VI Avenue, located within the south-eastern corner of the site, however, as discussed in more detail below, this existing access would be altered to provide a two way access for vehicles and footpath provision for pedestrians.

8.17 Once accessed from the south-eastern corner the circulation within the site would be via vehicle and pedestrian links incorporated into open spaces between the proposed residential blocks. Pedestrian circulation would be

facilitated by dedicated pathways and landscape pedestrian routes across the central landscaped parts of the proposal, including soft landscaped amenity areas, such as between Blocks B and C.

- 8.18 The proposed layout would provide vehicle access to all the proposed ground level parking areas adjacent to the residential blocks and the basement parking below Block D, parking which would be accessible from other Blocks by external staircase within the central landscaped area between Blocks B and C.
- 8.19 In addition to the proposed communal landscaped areas between the blocks, private gardens would be provided to all ground floor units. Boundaries to the site would also comprise trees/shrubs. Landscaping of the proposal is discussed in more detail below.
- 8.20 Design of Proposed Buildings
The proposed ground floor levels of each block would match the existing ground levels and as a result a basement car park would be provided under Block D without the requirements for steep access ramps (access to the proposed basement car park would be via the road which is located on the eastern side of Block C).
- 8.21 Since submission of the application the proposal has been amended to remove the 4th/top floor from Block A in order to reduce the overall height of this Block, thus reducing its visibility from the surrounding area including parts of the adjacent SDNP.
- 8.22 The roofline of proposed Blocks B and C would step down from 4 to 3 storeys following the direction of the sloping terrain southwards. As such the proposal utilises the sloping topography of the site to generate a gradual stepping of the buildings. The roofs of the proposed Blocks would comprise bio diverse green roofs and solar panels.
- 8.23 As set out above, following an appeal, a development for a carehome and 5 dwellings was approved at the site. Plans have been submitted comparing the height of the development now proposed and that previously approved. These plans show that proposed Block D would be located closer to the boundary of the site adjacent to the roundabout but would be of an identical height. It is acknowledged that whilst the roof level of proposed Block A and the third floor roof level of Blocks B and C would be of the same height as the previously approved scheme the proposed fourth floor roof level of Blocks B and C would be approximately 2m higher than the height of the previous approved carehome. Whilst parts of the current proposal would be higher than that previously approved the areas of the development with an increased height would be located towards the centre of the site and, as set out above, would step down in height from north to south to reflect the topography of the site and surrounding area. It is recommended that Ordnance Datum heights are required by condition should overall the proposal be considered acceptable.
- 8.24 The proposal would have 2 distinct elevational treatments;

Outer/exterior - the outer elevations of Blocks A, D and C face out of the site towards the west, north and east, following the curve of the site boundary and surrounding roads. It is envisaged that the outer elevations of the buildings replicate the vertical rhythm of the trees with an applied screen of vertical fins, which would wrap around the site and would comprise of light grey facing brickwork with an applied screen of offset bronzed extruded aluminium fins fixed back to the elevations. It is stated that this hard treatment aims to provide a barrier from the noisy environment of the surrounding roads and to offer an sense of protection, and

Inner/interior elevations - these elevations face onto the enclosed, more tranquil green spaces. These elevations are stated to take reference from the downland chalk geology of the site. The predominant façade materials would be white textured multi-stock bricks with a variation in colour to reflect the appearance of exposed chalk.

- 8.25 The proposed development would comprise a palette of materials including 2 types of facing brickwork, recessed detail brickwork panel, light silver/grey PPC metal panel cladding, dark grey metal framed windows and bronze colour extruded aluminium fins. It is recommended that samples of all external finish materials are requested via a condition.
- 8.26 Since submission of the application further justification has been provided with regards to the design of the proposed outer elevations of the Blocks. Photographs of two completed developments have also been provided as examples of developments in which the aluminium fins have been incorporated, namely a development known as Sussex House in Crawley and a development in South Africa. It is stated that;
- 8.27 "Movement around the perimeter of the site would primarily be by vehicle. Observing the building from this perspective the façade will appear 'animated' as the views through the layer of aluminium fins contract and expand, giving glimpses of the layers of textured brickwork, glazing and metal cladding beyond, The aluminium fins are also intended to frame the long views of Brighton and Hove and the South Downs looking out from the windows, restricting the foreground views of the busy roads".
- 8.28 The design of the outer elevations including the use of the bronze fins is considered acceptable in this location.
- 8.29 Blocks A and D are arranged around 2 cores with separate entrances whilst Blocks B and C are single core buildings with two entrances to allow access from both side of the blocks.
- 8.30 Landscape and Visual Amenity Impacts
The site is adjacent to the northern end of Three Cornered Copse which is part of the Woodland Drive Conservation Area located to the east of the site, on the opposite side of King George VI Avenue. Policy HE6 of the Brighton and Hove Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area.

- 8.31 The Conservation Area character statement states:
- "The inclusion of the Three Cornered Copse within the conservation area is important as it provides an important green space to the buildings although the existence of the woodland walk is not evident from the road".
- 8.32 It is therefore included as a backdrop and green buffer to the historic buildings. It is considered by the Council's Heritage Officer that this would not be altered by the proposed development and that, despite its proximity, the proposed development would not affect the setting of the properties in Woodland Drive in term of heritage.
- 8.33 The site currently provides a green buffer between the current built up edge of Hove and the South Downs National Park. Following the adoption of the Brighton and Hove City Plan Part One, the site is now located within the built-up area of the City and therefore is not an urban fringe site.
- 8.34 The designation of the Toad's Hole Valley site for future development in the Brighton and Hove City Plan Part One would bring a built form and harder appearance to the location. As such it should be recognised that the application site would be viewed as developed and in the context of an adjacent developed THV and the wider City at some point in the future.
- 8.35 As the site is bounded to the north and east by the SDNP consideration should be given to potential impacts on landscape and visual amenity of the South Downs, which is a landscape of national importance.
- 8.36 Policies CP12 and SA5 of the City Plan requires developments to have due regard to the impact on the setting of the South Downs whilst policy CP12 seek to preserve or enhance strategic views into and out of the City.
- 8.37 Paragraph 109 of the NPPF requires development to contribute to and enhance the nature and local environment including by protecting and enhancing valued landscapes. In addition "Great weight should be given to conserving landscape and scenic beauty in National Parks [...], which have the highest status of protection in relation to landscape and scenic beauty" (paragraph 115).
- 8.38 The National Parks and Access to the Countryside Act 1949 imposes certain duties on local planning authorities, when determining planning applications in relation to, or affecting, National Parks. Specifically, s11A (2) of that Act, as inserted by s.62 of the Environment Act 1995, states:
- "In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park."
- 8.39 The purposes of National Parks, as set out in s5(1) of the 1949 Act, are:

- (a) Of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and
- (b) Of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public."

- 8.40 As the proposed development is not sited within the National Park it is not considered that s5(1)(b) above applies in this instance.
- 8.41 As a result of the 1949 Act, in determining this application, regard therefore must be given to the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the SDNP. The proposed development's enhanced landscaping scheme, ecological enhancement measures and the assessment with regards to archaeology are referred to later in the report.
- 8.42 As part of the application a landscape and visual impact assessment (LVIA) has been submitted. The County Landscape Architect considers that this document provides an accurate baseline visual assessment of the site.
- 8.43 The conclusions of the submitted LVIA are that;
- "Most of the long-term and permanent landscape and visual effects arising from the completed development would be neutral or beneficial".
- 8.44 Visual representations, from various viewpoints, have been provided as part of the LVIA showing visual representation of the site including the site as current, with the proposal as originally proposed and the proposal as amended. The County Landscape Architect considers that the wireframe visualisations accompanying the submission provide a comprehensive analysis of the potential visual impacts of the proposed development from key viewpoints.
- 8.45 It is noted that Block D, a 3 storey building, would dominate views from the roundabout and the immediate surrounding area however this block would be screened from wider views in the SDNP by the maturing roadside vegetation on the A27 and connecting slip roads.
- 8.46 It is considered that in the wider downland views the proposed 4 storey blocks would appear on the skyline as illustrated in the visualisations provided. The removal of the former top storey of Block A has resulted in a reduced impact from the wider downland when compared to the proposal as originally submitted.
- 8.47 Landscaping is discussed in detail below however it is noted that since submission of the application the proposed landscaping across the proposal has been revised to address comments made by the County Landscape Architect. The County Landscape Architect notes that the proposed landscaping retains existing large specimens, which would help to break up the impact of the flats on longer views from the surrounding downland in the long term.

- 8.48 Due to Court Farm being located at the highest point at the eastern end of THV, it is the most prominent part of the allocated development site and therefore it is noted that in the wider downland view the proposal would appear on the skyline above the existing urban edge and would be bulkier in form than the existing houses. The proposal would also create a built gate way feature at the entrance to the City especially prior to the development of the remainder of THV.
- 8.49 The County Landscape Architect acknowledges that the most significant visual impacts would be in a localised area surrounding the roundabout and this would change the interface between the rural and urban area in this location. The proposal has been revised since submission to include planting that would, in the long term, help reduce the scale of Block D when viewed from the road and therefore alleviate the localised impacts of the proposal and to help enhance the gateway into the City.
- 8.50 Overall the proposal is considered to be of an acceptable form, height, scale and design and with conditions to control the detailed elements of the design, including landscaping mitigation on the northern and eastern boundaries, it is considered that the proposal would enhance the urban rural interface in this location and would not have a significant adverse impact upon the conversation or enhancement of the adjacent SDNP's natural beauty.
- 8.51 **Accommodation Provision/Standard of Accommodation**
The provision of 69 new residential units would make a welcome contribution to the City's housing requirements and to the Council's five year supply of deliverable housing sites in accordance with the NPPF and CP1 of the City Plan Part One.
- 8.52 The proposed units would be allocated across the site as follows;
- Block A - 25 flats (1, 2 and 3 bed),
 - Block B - 14 flats (1, 2 and 3 bed),
 - Block C - 14 flats (1, 2 and 3 bed), and
 - Block D - 16 flats (2 and 3 bed).
- 8.53 City Plan policy CO19 requires developments to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the City. The proposal would provide a mix of 7 x 1 bed (10 percent), 34 x 2 bed (49 percent) and 28 x 3 bed (41 percent) properties, a mix which is considered acceptable.
- 8.54 The proposed units would provide the following size accommodation;
- 1 bedroom (for up to 2 persons) between 51m² and 53m² (GIA),
 - 2 bedroom (for up to 3 persons) between 68m² and 83m² (GIA),
 - 2 bedroom (for up to 4 persons) between 76m² and 99m² (GIA),
 - 3 bedroom (for up to 5 persons) between 90m² and 110m² (GIA),and
 - 3 bedroom (for up to 6 persons) between 100m² and 122m² (GIA).

- 8.55 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document sets out recommended space standards for new dwellings, the proposed flat sizes set out above exceed the minimum standards set out in this document.
- 8.56 In accordance with City Plan policy CP20 28 (40.5 percent) of the proposed flats would provide affordable housing for rent and shared ownership. The affordable housing would provide a mix of 7 x 1 bed (25 percent), 15 x 2 bed (54 percent) and 6 x 3 bed (21 percent) units, a mix which is considered acceptable.
- 8.57 It is noted that Block A would contain entirely affordable housing units and the majority (89 percent) of the total 28 proposed affordable housing units. However in accordance with policy CP20 the proposed affordable housing would not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.
- 8.58 The Citywide tenure mix objective for affordable housing provision is 55 percent affordable rent and 45 percent shared ownership. The proposed affordable housing tenure split in the proposal is 54 percent affordable rent and 46 percent shared ownership and is therefore considered acceptable.
- 8.59 Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5 percent of all units in large scale schemes, such as that proposed, to be wheelchair accessible. 4 of the proposed ground floor apartments within block A are designed to be wheelchair accessible, in compliance with policy HO13. The submitted Schedule of Accommodation shows that three of these wheelchair accessible units would be 2 bed (for three and four person occupancy) whilst one would be a 3 bed unit (for five person occupancy).
- 8.60 Policy HO13 also requires all other residential dwellings in a development, that are not wheelchair accessible, to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards M4(2) within the national Optional Technical Standards, standards which can be ensured via the attachment of a condition.
- 8.61 As a result of the design and orientation of the proposed Blocks, the proposed windows in each flat would not directly face other windows, rather window to window views would be offset and/or at oblique angles. In addition the minimum distance between any two facing windows would be in excess of 15m.
- 8.62 As part of the application a Design Sunlight and Daylight Study has been submitted, which takes into account the BRE guidelines. It is concluded within the submitted report that;
- 8.63 *Sunlight* - The report states that only 7 of the proposed flats would have living rooms facing north-west whilst no dwellings would have living rooms facing north or north-east. As such all proposed units would meet BRE guidelines, with

90 percent achieving BRE recommendation that main windows wall faces 90 degrees of due south and that those dwellings with windows not within 90 degrees of due south achieving BRE recommendation of being able to take advantage of an appealing view, which is deemed a compensating factor.

- 8.64 *Daylight* - It is stated within the submitted report that the proposal has been designed so that the orientation and elevation of each block, as well as the flat layout and window positions, maximise the potential for daylight within the rooms. A majority of the proposed living rooms have more than one window and more than one aspect. All window head heights would be 2.4m above finished floor level and all living rooms have generous full height windows opening onto balconies, terraces or private gardens.
- 8.65 The proposal comprises of recessed and projecting balconies. At ground floor none of the units have recessed windows and therefore are at the edge of the building footprint and have unobstructed views above. The two proposed units with rooms that would be located under projecting balconies (flats A02 and A05) would benefit from a second window (unobscured) to the associated room.
- 8.66 To ensure that daylight levels would be satisfactory across the proposal an indicative average daylight studies were made of 7 sample units across the first floor of the 4 blocks. The sample units were chosen as they are at the lowest floor level which would have recessed balconies. The living/kitchen/dining rooms contain the recessed balconies and also represent onerous spaces in terms of recommended daylight values. It is assumed in the report that if these sample rooms could achieve the recommended daylight values then the rest of the units would achieve even higher values.
Based on the Average Daylight Factor calculations it is concluded in the report that the rooms would achieve an average daylight factor of 2 percent or more for living rooms and kitchens as recommend by the BRE guidelines.
- 8.67 Noise
As part of the application a Noise Assessment has been submitted, an assessment which builds on a previous assessment of the site undertaken with respect of application BH2012/03446, with an additional survey carried out during April 2015. The survey results were then used in a noise model.
- 8.68 The survey results indicate that provided the windows of the future residential premises are closed, internal noise conditions would satisfy BS8233:2014. However, if windows to the premises facing the roads around the scheme are open, then these standards would not be achieved, therefore a suitable ventilation scheme is required. As the exact details of the development are yet to be fully established the details for a suitable glazing and ventilation scheme for the site should be required by a condition.
- 8.69 The Council's Environmental Health Officer has noted that proposed habitable rooms, including bedrooms, would share party walls with bike stores, bin stores and plant rooms. These uses have the potential to cause air borne and structure borne noise and vibration problems in adjacent residencies. As a result the Environmental Health Officer requests that sound insulation for these shared

party walls is better than that specified in Approved Document E, an issue which can be dealt with via a condition if overall the proposal is considered acceptable.

8.70 Amenity, Open Space and Recreation Provision

Under policy CP16 of the City Plan new development is expected to contribute towards open space provision optimising additional on-site/off-site good quality open space provision in accordance with the local standards and, where there are shortfalls, to financially contribute towards existing open spaces in order to meet the needs generate by the development.

8.71 A plan has been submitted that shows the location of the following open space provision;

- Communal open space - 240sqm,
- Public Open Space - 1600sqm,
- Communal wildlife/ecology garden - 110sqm
- Communal vegetable/herb garden - 95sqm, and
- Private open space - 1230sqm.

8.72 At ground floor level all of the proposed units would have an area of private garden, typically to the rear of the block, while some have both front and back gardens. Above ground floor level all proposed units would have access to a private balcony with a minimum depth of 1.5m.

8.73 The spaces around Block B and between Blocks B and C would provide communal shared amenity space of soft and hard landscaping, including benches and an informal play space. Blocks A and D would have semi-private shared external space to the rear. The spaces 'outside' of the high level garden walls between Blocks A and D and Blocks D and C respectively would be communal shared amenity spaces accessed via full height gates from the shred surface in front of Block D. It is stated that the space to the west would be an ecology garden providing dedicated space for indigenous species found along the South Downs whilst the space to the east would provide a vegetable or herb garden which residents could grow items in raised planting beds.

8.74 A play space for small children is proposed as an informal undulating landscape within the centre of the site. It is stated that this area was chosen as it would benefit from being within the landscaped central area between Blocks B and C, away from the vehicle access routes and having good natural surveillance from the surrounding residential blocks.

8.75 In recognition that development schemes will seldom be capable of addressing the whole open space requirement on a development site, a contribution towards the provision of the required space on a suitable alternative site is recommended in order to address the requirements of policy CP16. In this case the contribution required towards recreation open space would be £193, 702.54, a contribution which takes into account the proposed areas across the site listed above.

8.76 Impact upon Neighbouring Amenity

Policy QD27 of the Brighton and Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.77 Outlook and Privacy

The nearest existing neighbouring residential properties to the site are located to the east of the site on the opposite side of King George VI Avenue. These neighbouring dwellings would be located at a considerable distance from the nearest flank wall of the proposal and as such it is not considered that the development would have a significant adverse impact upon the amenities of the southern neighbouring properties, including with regards to outlook, overlooking or loss of privacy.

8.78 It is considered that the separation distances to the south-western boundary, the orientation of the proposed development and the location of primary windows ensures that the proposal would not impact in the ability of the owner of the remainder of the THV site to design a scheme that provides for both commercial and residential development and as such would not prejudice development to the south-west of the site.

8.79 With the exception of the land to the south, the site is bounded by the A27 to the north and west and King George VI Avenue to the east. Further to the north are open downland and the SDNP. Accordingly there are no immediate neighbours to the north, west or south.

8.80 It is noted that within the submitted Planning Statement it is stated that Block A, which is the block that would be located closest to the boundary with the rest of THV site, has been "designed so that only secondary windows face the shared boundary". No details of any obscured glazing is shown on the plans submitted with respect of these proposed secondary windows and it is acknowledged that balconies would provide views towards the shared boundary. However given the distance between the proposed southernmost facing window and the boundary with the rest of THV and the fact that the southern facing windows/balconies would be angled onto the boundary overall it is not considered that the inclusion of windows or balconies that would provide south-west facing views towards the rest of Toad's Hole Valley would have an adverse impacts upon the amenities of any future development of the rest of THV.

8.81 Daylight/Sunlight/Overshadowing

Due to the distance between the proposed development and the nearest neighbouring properties located on the eastern side of King George VI Avenue it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties with regards to daylight, sunlight or overshadowing.

8.82 **Sustainable Transport**
Strategic Road Network

The site is adjacent to the A27 (a strategic road network) and as such the application has been assessed by Highways England. Whilst Highways England do not entirely agree with the methodology contained within the applicants Transport Assessment submitted as part of the application, it is concluded that the proposal would have little impact on the safe operation of the A27 and as such do not object to the proposal.

8.83 Vehicle Access

The proposal would result in an alteration to the existing vehicular access on to King George VI Avenue. Such alteration is consistent with the previous application, reference BH2012/03446, which was allowed on appeal and to which the Highway Authority raised no objection.

8.84 The existing access currently allows single file operation and the proposal seeks to upgrade it to provide two way access and footway provision for pedestrians. In comments on the previous application the Highway Authority requested that the design incorporates a right turn lane, this has been retained.

8.85 It is noted that the Stage 1 Road Safety Audit submitted alongside the earlier 2012 application has been resubmitted. This does not raise any major issues and the designer's response states that these will be addressed on detailed designs which will be subject to a Stage 2 Road Safety Audit. The submitted audit does cover a previous version of the design, not incorporating the required right turn lane; however the Highway Authority does not raise any objections in that the submitted Stage 1 Audit does not question the principle of an access of the nature purposed in this location.

8.86 A S278 agreement is required, ensured via a condition should the proposal be overall considered acceptable, through which process the applicant would be required to submit detailed design drawings alongside the Stage 2 Road Safety Audit.

8.87 Pedestrian Access

It is welcomed that the Highway Authority's comments on the 2012 application regarding pedestrian routes to the site have been incorporated into the current proposal. This includes the provision of a 2m wide footway leading into the site from the western side of King George VI Avenue, together with the widening and hard surfacing of the existing footway on the eastern side. This would connect the site to the wider pedestrian network to the south which includes the bus stop on King George VI Drive/Woodland Avenue. Such works should form part of a S278 agreement.

8.88 However, the site still lacks pedestrian access to the north and west (Dyke Road Avenue). The proposal for 69 residential units is likely to generate a greater demand for pedestrian trips in all directions than the consented scheme (for a care home and 5 residential dwellings). This would include the SDNP as well as Westdene Primary School, local nurseries and local amenities.

8.89 Dyke Road Avenue is also served by the 27 bus route, which provides a more frequent service than the 21 which serves King George VI Drive. Stops on Dyke

Road Avenue for the 27 route are located approximately 450m from the development site and therefore within walking distance of the site and with a more frequent service, likely to be an alternative option for many residents.

- 8.90 It is recommended that a transport contribution be sought in order to fund improved connections towards Dyke Road Avenue, which can be secured via a S106 agreement.
- 8.91 It is noted that no allowance has been made for future connections to the south of the site and the wider development of Toad's Hole Valley. However it is considered that there would be scope to extend the proposed footway on the western side of King George VI Avenue in future whilst the absence of buildings on the southern boundary of the proposed development would appear to allow for pedestrian routes to be established in future, which preferably would connect to desire lines within site, including the proposed communal space.
- 8.92 Internal Access Road
The proposed internal access road would divide immediately after the site access with the main route serving the majority of the surface-level parking bays and the second arm serving the proposed basement car park.
- 8.93 Whilst the width of the access road varies it is considered to be of a width sufficient for two cars to pass and consistent with Manual for Streets recommendations for lightly trafficked, low speed roads such as proposed. It would narrow in places including to the south of the communal garden (3.4m) however given the number of parking spaces that it would serve (34) and the consequent light traffic volumes, the Highway Authority does not object to short section of single-file operation as it is not considered that queues would build up to such an extent that they would have a problematic impact. On the contrary, the proposed section to the south of the communal garden is considered likely to assist in calming traffic entering the site and is in keeping with Manual for Streets principles.
- 8.94 A number of pedestrian routes are proposed. There are areas where the alignment would benefit from being adjusted to better serve pedestrian desire lines rather than run parallel to access roads. There appears to be scope within the landscape plan to accommodate such movements. The width of many of the proposed pathways is relatively narrow and would benefit from being widened, which could be accommodated.
- 8.95 The need for pedestrians to cross the road a short distance from the site access is not ideal given that this is where vehicles would be entering the site. Although the landscape plan shows use of a range of materials, it is recommended that treatments such as rumble strips on the entry to the site be incorporated to distinguish this area as being different to a traditional carriageway arrangement and also encourage lower vehicle speeds where pedestrians are likely to be in the carriageway. It is also considered that some form of priority to users of the basement car park access would manage conflict and assist pedestrians in crossing.

- 8.96 It is assumed that the proposed road would remain as private and that the applicant is not offering it up for adoption. The Highway Authority recommends that further details on the construction and design of the proposed internal road and pedestrian routes are secured via condition to address the issues raised.
- 8.97 The submitted Transport Statement indicates that provision has been made for refuse vehicles to enter and exit the site in a forward gear. The submitted swept paths indicate that it is indeed possible for such vehicles to manoeuvre and turn on site, though the layout would mean that a refuse vehicle is unable to service the north-east of the site or the access road to the basement car park without reversing. The Highway Authority does not consider that refusal for this reason is warranted. The Council's City Clean Department has also reviewed the submitted swept paths and consider them to be acceptable and as such that the reversing distances required are satisfactory.
- 8.98 Car Parking
Since submission of the application SPD14 on Parking Standards has been adopted (October 2016), which superseded the former SPG on Parking Standards.
- 8.99 107 car parking spaces are proposed split between a basement car park and surface level parking. This represents a relatively high level of provision of 1.6 cars per household and, as a result of the reduction in units, slightly exceeds the maximum level permitted by SPD14 which allows one space per dwelling plus one space per two dwellings for visitors in this location (104 spaces). However, it is expected that a small number of spaces would be lost in order for the applicant to accommodate the disabled parking comments below and as such no objections are raised.
- 8.100 The recommended level of provision would be consistent with the average car ownership according to the 2011 Census for lower output area 007B (bounding King George VI Avenue to the south east of the site) which indicates a car ownership of 1.6 cars per household. However, flats typically have a lower level of car ownership and, although the proposed development includes 28 three-bedroom flats, the site has the potential to have a lower level of car ownership than the area average. It is expected therefore that the proposed provision will mean that overspill parking beyond the site is minimal. Similarly, it is not expected that substantial informal parking within the site would occur.
- 8.101 The Sustainable Transport Officer states that it would be beneficial for a greater proportion of parking to be located at basement level but the proposed arrangement is not considered to warrant a reason for refusal. Notwithstanding this, the proposed layout of the parking is generally acceptable from a usability perspective, with the Transport Statement including swept paths for the basement car park. Access to spaces adjacent to Core 2 (as annotated on the proposed lower ground floor plan) appears to be constrained however it is noted that the layout is similar to those adjacent to Core 1 (as annotated on the proposed lower ground floor plan) for which swept paths have been provided. Given the level of parking proposed, were spaces to be underutilised as a result,

it is not considered that this would result in substantial levels of overspill parking within or beyond the site.

8.102 Disabled Parking

Four disabled parking spaces are provided at surface level. The applicant is proposing four wheelchair accessible units and is providing one space per unit which would be compliant with SPD14. In assessing the design of disabled parking, the Highway Authority applies 'Traffic Advisory Leaflet 5/95 Parking for Disabled People' which specifies a 1.2m access zone on both sides of the bay, although this can be shared between adjacent bays. There is ample scope to adjust the proposed parking layout to provide a compliant design and it is not considered, for the reasons stated above, that there would be an adverse impact from a small reduction in the total number of standard parking spaces that may be necessary as a result. It is considered that revised disabled parking to address the issues raised can be dealt with via a condition.

8.103 Other Parking

The provision of motorcycle parking areas and electric vehicle charging points (as set out in the Transport Statement paragraph 4.9) is welcomed and it is recommended that further details of such provision could be secured via a condition.

8.104 It is requested by the Transport Officer that details of how the proposed car park would be managed is secured by a condition. Such details should include whether spaces would be allocated to individual dwellings and, if so, details of allocation for visitors.

8.105 Cycle Parking

26 short stay and 106 long stay cycle parking places are proposed as part of the development. Such facilities would be provided by means of a mixture of secure stores within each residential block and external stands spaced in groups throughout the site.

8.106 SPD14 requires a total of 120 spaces (one space per 1-2 bedroom unit (=41), two spaces per 3+ bedroom unit (=56) and one per three units for visitors (=23).

8.107 The proposed level of provision is therefore compliant with SPD14.

8.108 The design of the external stands appears to be by means of Sheffield stands or similar, which is the favoured design of the Highway Authority. The design of the proposed cycle storage within the internal stores is unclear and further details would be required via a condition if overall approval is recommended.

In order to comply with Brighton and Hove Local Plan policy TR14 cycle parking should be secure, well-lit, convenient to access and, wherever possible, sheltered.

8.109 Trip Generation/S106/ Travel Plan

The submitted Transport Statement forecasts that the proposed development would increase trip generation associated with the site however it does not take

account of any existing trip generation by existing uses on the site and it is stated to be a robust assessment of the worst case scenario as a result.

- 8.110 Based on the information submitted as part of the application (including TRICS database calculations and comparisons with the consent scheme) the Highway Authority considers that there would be an increase in trips across the day however it is not considered that the additional increase in vehicle trips during peak periods would warrant a reason for refusal were the applicant to implement appropriate mitigation in order to improve access between the site and local amenities by sustainable modes.
- 8.111 Should the proposed development be allowed a contribution of £51,750 would be sought which would be allowed as follows;
- Real Time Passenger Information, accessible bus stops and bus shelters on King George VI Drive/Woodland Avenue; and/or,
 - Pedestrian route improvements between the site, Dyke Road Avenue and bus stops on Dyke Road Avenue; and/or,
 - Provision of accessible kerb (and relocation of shelter as necessary) and Real Time Passenger Information at Tongdean Land southbound bus stop on Dyke Road Avenue; and/or
 - Provision of accessible kerb at Tongdean Lane northbound bus stop on Dyke Road Avenue.
- 8.112 The expansion of measures is in order to address the concerns with pedestrian access discussed above and to reflect the fact that a residential use would be expected to generate trips to a greater range of destinations with increased potential for these to be undertaken on foot.
- 8.113 The above measures are in addition to the measures that are included in the application (site access and highway works on King George VI Avenue) discussed above. Such measures could be secured via a S278 agreement.
- 8.114 It is acknowledged that a Travel Plan Framework has been submitted as part of the application however, in order to encourage the use of sustainable modes it is recommended that this Framework is revised to a Full Travel Plan. The outline content of the submitted Plan is generally acceptable and the proposed residential Travel Packs would be welcome and as expected for a development of the nature proposed. It is however considered that additional measures are required in order to encourage new residents to try out sustainable modes. This takes into particular account the location of the site and level of proposed car parking.
- 8.115 These measures should specifically include a sustainable travel voucher for each household (comprising of a £200 cycle voucher and 3 month bus ticket. Such provision, alongside welcome packs and travel plan, could be secured as part of a S106 agreement should overall the proposal be considered acceptable.
- 8.116 **Arboriculture/Landscaping**

The Council's Arboriculturist has assessed the application and notes it is in a very exposed location, high up and above the A27. The site is dominated by young plants (mostly just off site) associated with the construction of the bypass. This existing planting is quite small and not long established but is of some value. Being a windswept location any new plants would experience some difficulty with establishment. The Council' Arboriculturist has therefore stated that it is important to protect existing perimeter trees ahead of any development work.

- 8.117 The site contains no trees of any individual public amenity value but collectively they form important groups or woodland strips principally to the north between the existing buildings and the bypass and slipway. There is broad agreement by the Council's Arboriculturist with the content of the initial Arboricultural Assessment which notes the onset of Ash Dieback within parts of the woodland area. This should be given consideration to when selecting species for any future planting scheme.
- 8.118 Should the proposal be granted permission the Council's Arboriculturist would expect the perimeter planting located just off site to be retained and protected during the course of the development as it will afford some protection to any new trees planted as part of an approved landscaping scheme.
- 8.119 Since submission of the application the proposed landscaping plan has been amended to address concerns raised by the County Landscape Officer with regards to localised impact of the proposal and as such planting is proposed adjacent to the public highway. The Council's Transport Officer understands that such planting is proposed to address non-transport issues but questions the public benefits of such planting and as such would prefer, where possible, that all or some of the proposed additional planting be provided within the site.
- 8.120 It is not considered that refusal based on the Transport Officer concerns regarding the proposed landscaping outside of the site boundary is warranted given that final landscaping details, including tree planting, would be required via a condition if overall the proposal is considered acceptable and therefore revised planting details could be agreed.
- 8.121 The roofs of the development would be bio-diverse green roofs, stated to help recreate the inclined vegetated nature of the site when combined with the extensive proposed tree, lawn and shrub planting.
- 8.122 **Archaeology**
Policy HE12 of the Local Plan relates to scheduled ancient monuments and other important archaeological sites. The policy states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.
- 8.123 The proposed development is of archaeological interest due to its scale and location in close proximity to a number of prehistoric and Romano-British sites, including human burial sites. The application is not accompanied by a heritage statement however it appears from the topographic plan that a large section of

the site has not been subject to recent ground reduction or significant disturbance and therefore there is potential for below ground archaeological remains to survive on the site.

8.124 The County Archaeologist recommends that, as a result of the potential loss of heritage assets on the site, the area affected by the proposal should be subject to a programme of archaeological works, an issue which can be dealt with via the attachment of a condition should overall the proposal be considered acceptable.

8.125 With regards to s5(1)(a) of the 1949 Act previously discussed, subject to the compliance with the recommended conditions it is considered that the proposal would help to conserve and enhance the cultural heritage in the adjacent SDNP.

8.126 Ecology/Biodiversity/Nature Conservation

Policy CP10 of the City Plan requires developments to conserve existing biodiversity, to provide net gains wherever possible and to contribute positively to ecosystem services. SPD 11 provides further guidance regarding nature conservation and development.

8.127 The site currently comprises buildings, hardstandings, broad leaved woodland, amenity grassland, semi-improved grassland, species poor and partially non-native hedgerows, tall ruderal vegetation and introduced and native shrub.

8.128 The County Ecologist has assessed the proposal and has stated that the surveys submitted as part of the application have been carried out in accordance with best practice and are sufficient to inform appropriate mitigation. The County Ecologist also considers that due to the nature, scale and location of the proposed development there are unlikely to be any significant impacts on any sites designated for their nature conservation interest.

8.129 Bats

With regards to bats no evidence of roosting bats has been identified on site, although it is considered that two of the buildings to be demolished retain at least moderate bat roost potential. It is therefore recommended that a precautionary approach is taken to demolition of these buildings and that bat boxes should be provided on site to mitigate for the loss of the existing buildings.

8.130 Artificial light can negatively impact on bats and therefore it is recommended that all lighting design should take account of national best practice guidance. The recommendations regarding lighting set out in the Preliminary Roost Assessment and Reptile Survey Report (paragraph 4.25) are considered appropriate.

8.131 Reptiles

In terms of reptiles the site supports breeding populations of common lizard and slow worm. Given the peak numbers of animals recorded and the area of suitable habitat present, the County Ecologists states that it should be assumed that the site supports medium populations of both species.

8.132 The proposed design means that the populations cannot be retained on site and so will need to be translocated to a suitable receptor site. The County Ecologist states that the outline mitigation strategy provided as part of the application is broadly acceptable however it should be noted that the recommended minimum capture effort for medium populations of common lizard and slow worm is all suitable days between March and September or a full year. The County Ecologist also notes that the submitted report states that the animals will be translocated to a 'designated receptor area' within the City however such a site is no longer available. The Ecologists however states that it may be possible to identify a site where reptile habitat could be created for a commuted sum.

8.133 The Ecologist requests that any permission be subject to a Grampian condition whereby no work can start until a Reptile Mitigation Strategy, including the identification of a suitable receptor site with secured long term management, has been agreed.

8.134 **Birds**

The site has the potential to support breeding birds. In order to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist and if any nesting birds are found, advice should be sought on appropriate mitigation.

8.135 **Sustainability**

Adopted Brighton and Hove City Plan Part One 2016, Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.

8.136 CP8 sets out residential energy and water efficiency standards required to be met:

- Energy efficiency standards of 19 percent 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).

8.137 Policy DA7 relates specifically to Toads Hole Valley/Court Farm and sets out the strategy for this designated area.

8.138 The local priorities to achieve this strategy are:

- That the site is used efficiently and effectively to assist in meeting the development and infrastructure requirements of the city.

- The development will aim to be an exemplary standard in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.
- 8.141 The proposals will be assessed against the citywide policies and the following criteria:
- Environmental sustainability will be central to the design and layout of the scheme which will be expected to meet the requirements of policy CP8.
 - Development within this area will aim to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability and deliverability.
- 8.142 Since submission of the application an additional report has been submitted in order to respond to the requirements of Policy DA7. Whilst it is noted that the Sustainability Officer states that the submitted report adds no benefit to the sustainability standards of the scheme and that the sustainability standards of the proposal falls short of the aspirations for the site set out in policy DA7, it is noted that the proposal would meet the water and energy standards expected for new dwellings in the rest of the City, standards which can be ensured via a condition, and as such it is not considered that refusal on this basis could be justified.
- 8.143 The proposal would also provide enhanced fabric performance and renewable energy technology, would use sustainable materials and materials from local sources and would comprise bio diverse green roofs and space for a communal vegetable garden.
- 8.144 Details of refuse storage and collection have been submitted as part of the application. Refuse and recycling storage would be provided in the kitchen areas of the proposed residential units in addition to secure, enclosed spaces at ground floor level adjacent to main entrances. It is stated that internal drainage gully and louvred doors would allow the stores to be easily maintained and ventilated. The positioning of such storage facilities regarding refuse vehicle collection is discussed above in the transport section of this report.
- 8.145 The scheme also has the scope to accommodate composting or food waste bins in the communal garden/semi-private landscaped areas.
- 8.146 Sustainability standards and refuse/recycling storage facilities can be ensured via conditions if overall the proposal is considered acceptable.
- 8.147 **Other Considerations**
Construction Environmental Management Plan
 Due to the scale of the development proposed and its location adjacent to the strategic road network, a Construction Environmental Management Plan is requested. Such plan should ensure that the construction traffic avoids the Portslade Air Quality Management Area. A CEMP can be secured via a S106 Agreement.
- 8.148 Flood Risk and Water Drainage

Policy CP11 of the City Plan relates to managing flood risk and requires the management and reduction of flood risk and any potential adverse effects on people or property in the City, in accordance with the findings of the Strategic Flood Risk Assessment.

8.149 As part of the application a Sustainable Drainage and Flood Risk Assessment has been submitted. The Council's Flood Risk Management Officer has assessed the proposal and associated document and has no objections to the development subject to a condition requiring the submission and approval of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

8.150 The Environment Agency has raised concerns regarding risk to groundwater should piling or any other foundation designs use penetrative methods however it is considered that such issue can be dealt with via a condition.

8.151 Land Contamination

The site was once a farm and therefore it is considered that fuels and chemicals for agriculture may have been stored on site. It is quite possible that asbestos containing materials that were once part of farm structures have impacted the soils on the farm. Such former use could have resulted in localised land contamination and therefore conditions regarding land contamination are requested by both the Council's Environmental Health Officer and the Environment Agency, if overall the proposal is considered acceptable.

8.152 **Developer Contributions**

8.153 Public Art/Realm

City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of £36,500, if overall the proposal is deemed acceptable, in order to ensure that the proposal complies with the stated policies.

8.154 Education

Should the development be considered acceptable, a contribution of £117,029 towards the cost of providing secondary and sixth form education infrastructure in the City, for the school/college age pupils the development would generate, has been requested by the Education Officer. This contribution accords with the Council's Developer Contributions Guidance and takes into account the existing property on the site, which is of a size that could provide family accommodation and therefore generates an existing education need.

8.155 Local Employment Scheme

Should the application be approved, the Developer Contributions Technical Guidance provides the supporting information to request a contribution, through

a S106 agreement, to the Local Employment Scheme in addition to the provision of 20 percent local employment for the demolition and construction phases. In this instance a financial contribution of £25,800 would be sought. This required contribution takes into account the existing dwelling located on the site.

9. EQUALITIES

9.1 The scheme would provide 28 units/40 percent affordable housing (15 units/54 percent for Social/Affordable Rental and 13 units/46 percent for Intermediate Affordable Housing).

9.2 If overall considered acceptable conditions are proposed which will ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that 5 percent of the overall development would be built to Wheelchair Accessible Standards.

9.3 S106 HEADS OF TERMS

- 40 percent affordable housing (54 percent for affordable rental and 46 percent for shared ownership),
- A contribution of £36,500 towards an Artistic Component / public realm
- A contribution of £117,029 towards the cost of providing secondary (£97,540) and sixth form education (£19,489);
- A contribution of £25,800 towards the Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development,
- A Construction Environmental Management Plan,
- A Transport Contribution of £51,750,
- A Residential Travel Plan
- A long-term management and maintenance plan for the proposed public/communal open space areas, and
- A contribution of £193,702 towards open space and indoor sport.