

Land South of Ovingdean Road

BH2016/05530

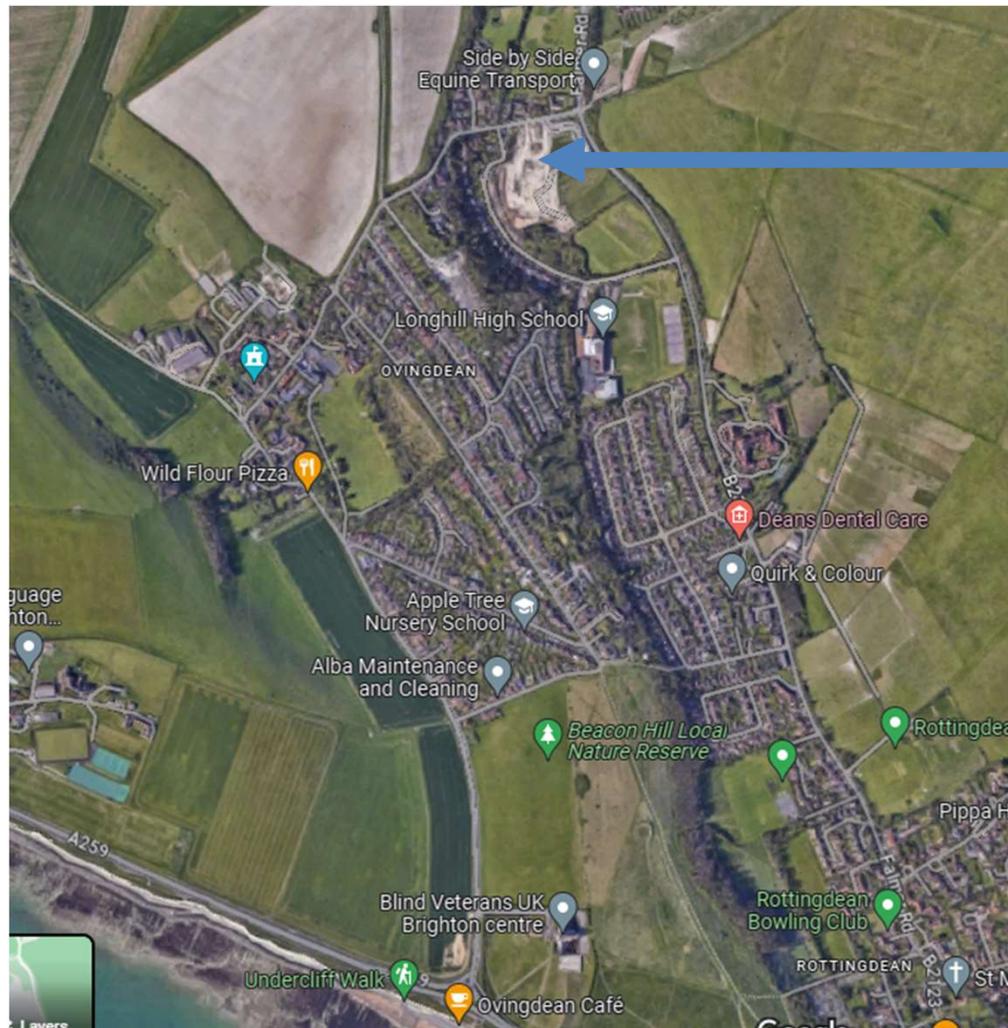


Brighton & Hove
City Council

Application Description

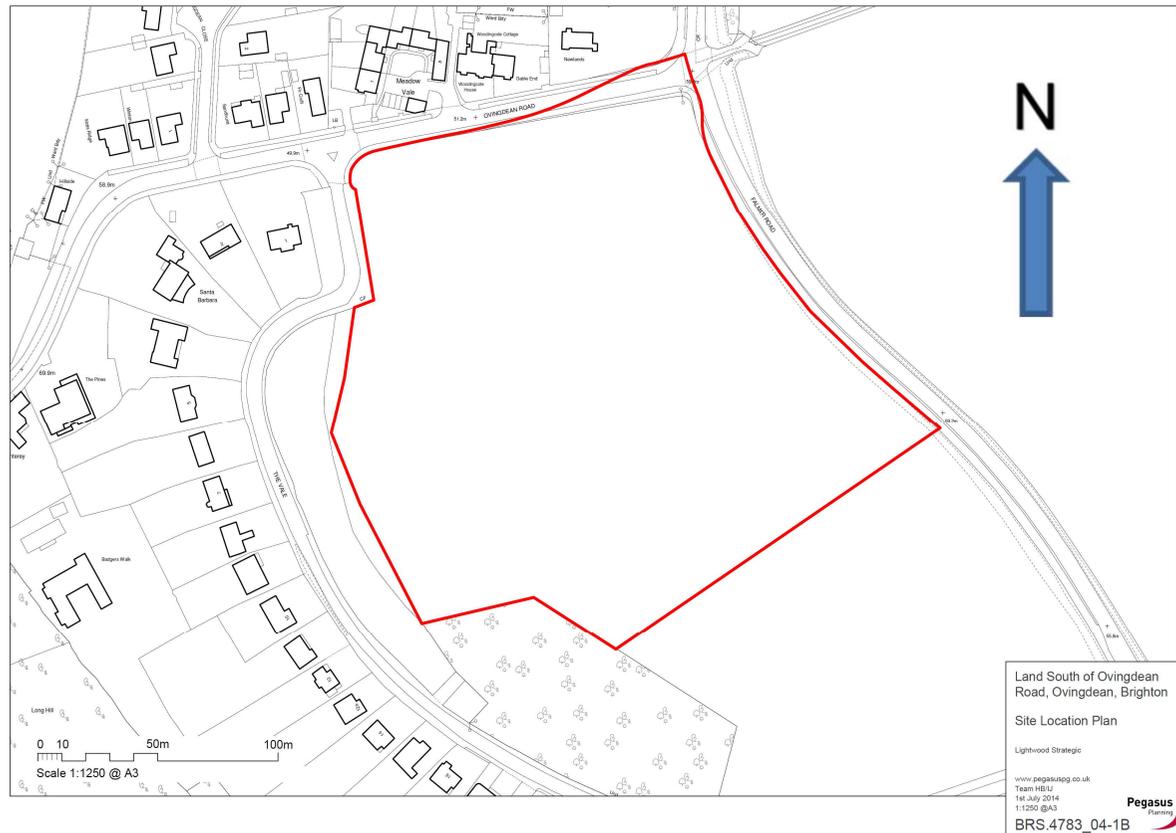
- Deed of Variation to the S106 Agreement dated 24th April 2018 in relation to an outline planning permission BH2016/05530 for the construction of 45 dwellings at Land South of Ovingdean Road.
- Schedule 3 Part 4 of the S106 requires that all dwellings permitted shall be built to the 'Accessible and Adaptable' standard under Part M4(2) of the Building Regulations.

Location of site



Land South of
Ovingdean Road

Site Boundary



50

BA10191-2000



Site Layout Plan



BRS.4783_20AG

Ovingdean Rd view south of construction site (May 2023)

52



Proposed Block Plan



53

ID

Approved Elevations - Units 20-24 (BH2021/01031)



Front Elevation

Front (East) Elevation
Front door Unit 23 LHS



Left Flank Elevation

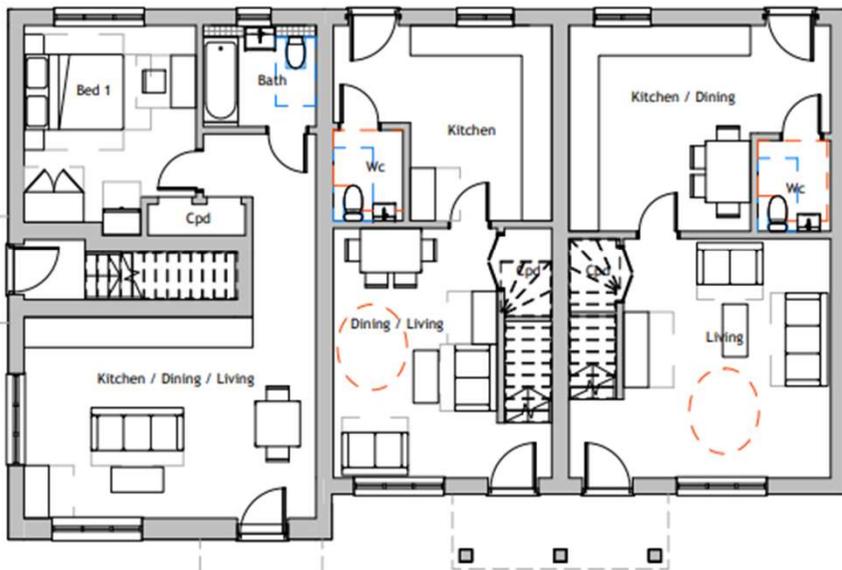
Side (South) Elevation
Front door Unit 24



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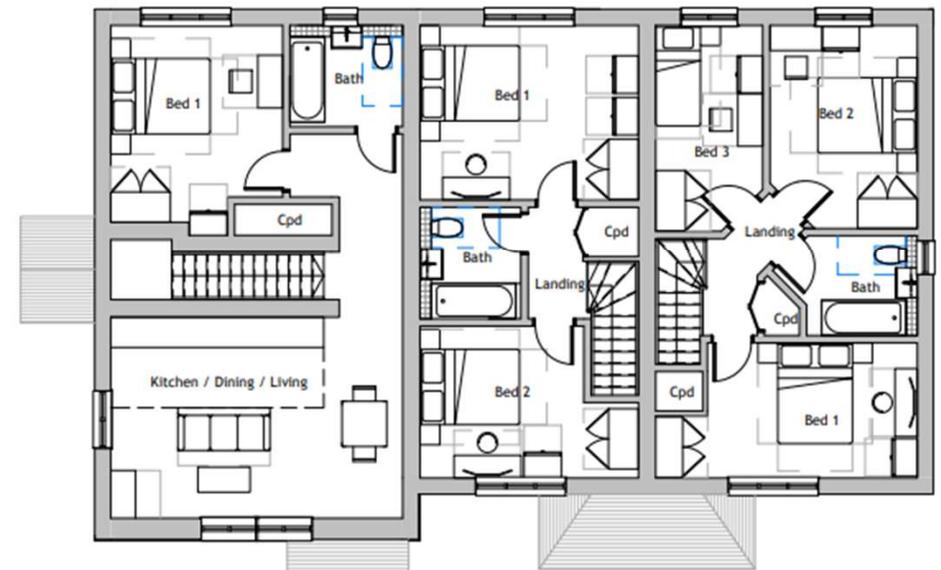
Floor Layouts Units 20-24

GS
Unit 24

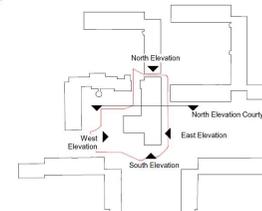


Ground Floor Plan

Unit 23



First Floor Plan



ID

Representations

- **Housing Strategy Team**
- Accept the impracticality of not being able to meet the M4(2) standard for each and every unit on site and that an exception can be made for this first floor flat.
- Also noted that the required provision of two fully accessible wheelchair (affordable) units built to M4(3) wheelchair accessible standard on plots 15 and 16 would be unaffected and complies with policy DM1 (CPP2)

Key Considerations in the Application

- City Plan Part 2 Policy DM1 replacing B&HLP Policy HO13 requires all units to meet Part M4(2) of Building Regs to be 'accessible and adaptable'.
- Outline planning permission allowed on appeal (2016) included 2 x 1 bedroom flats. Floor plans not a Reserved Matter. Unit 24 on first floor with own ground level entrance.
- Reserved Matters for appearance of scheme approved in 2021 (BH2021/01031).
- Impractical to meet Part M4(2) due to inability to provide level access to all parts of habitable accommodation, outdoor amenity space and parking.
- Policy compliant number of Wheelchair accessible units M4(3) still retained.
- Remaining 44 dwelling units will meet M4(2) of Building Regulations.
- Contract signed with Registered Provider of affordable units including unit no.24

Conclusion and Planning Balance

- Exception can be made for one unit out of 45. Unit would lose the *potential* to be accessible. Wheelchair accessible units retained.
- Mitigating circumstances: Approval allowed on appeal in outline only 7 years ago around time of new building regulations. Floor plans not reserved matters.
- Policy HO13 (B&HLP) in 2016 not as strongly worded as new policy DM1.
- Housing Strategy Team have no objections for these reasons.
- Unit cannot practicably be made to meet Part M4(2).

Recommend: Agree Deed of Variation S106