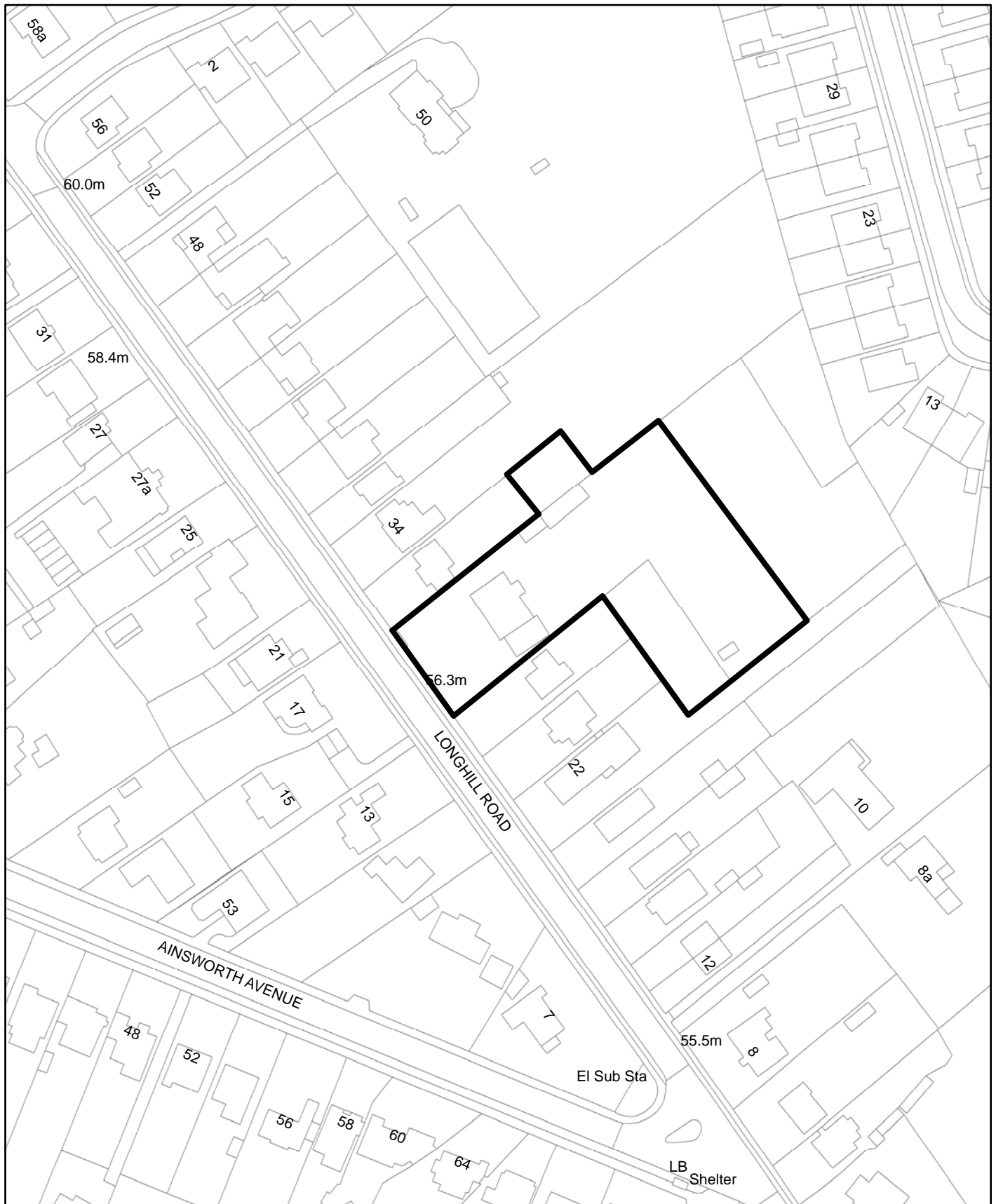


# **ITEM K**

**Land rear of 28-30 Longhill Road, Brighton  
BH2015 / 04378  
Full Planning**

**13 July 2016**

# BH2015/04378 Land Rear of 28-30 Longhill Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/04378</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land rear of 28-30 Longhill Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>15/12/2015</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>9 February 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Lewis &amp; Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>Mr David Hunter, C/O Lewis &amp; Co Planning 2 Port Hall Road Brighton BN1 5PD</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises the rear garden to a chalet bungalow located on the east side of Longhill Road. The garden extends beyond the common garden line to the street into a large 59m by 58m parcel of land rear of 22, 24 & 26 Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent. A backland garden site to 34 Longhill Road sits to the north, with a narrow wing to the garden to 22 Longhill Road to the south. Backland dwellings at 10 & 50 Longhill Road sit further to the south and north respectively. Longhill Road is formed of a variety of detached dwellings with large front and rear gardens.
- 2.2 The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines to the Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment and is a designated Nature Improvement Area.
- 2.3 No 30 Longhill Road forms a two storey chalet bungalow which has been divided into two flats. A side annex has also been converted to form self-contained accommodation (no.28). There is no planning history for these conversions, with Council Tax records indicating that the conversions took place in April 2008, in excess of 4 years ago.

### **3 RELEVANT HISTORY**

**BH2015/00483-** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused 29/05/2015 for the following reasons:

1. It has not been demonstrated that four dwellings can be satisfactorily accommodated on the site without necessitating a significant reduction to the woodland to the east part of the site, thereby resulting potentially significant loss of nature conservation features and exposing the site to longer views from the east. In the absence of information to demonstrate otherwise, the loss of the woodland would be contrary to policies QD16 & QD17 of the Brighton & Hove Local Plan and policy SA4 of the submission City Plan Part One. Further, an amended layout that places the four dwellings to the front part of the site only would represent an intensity of development uncharacteristic of the area and an overdevelopment of the site contrary to policies QD2, QD3 & HO3 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted to identify the biodiversity interest of the site, including the habitats of protected species, and address whether the biodiversity interest could be suitably mitigated to allow development to proceed, contrary to policies QD17 & QD18 of the Brighton & Hove Local Plan.
3. The proposed development, by virtue of the number of vehicle movements within the site directly adjacent to residential properties, would result in significant amenity harm by way of increased noise and light disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

### **4 THE APPLICATION**

- 4.1 The application seeks planning permission for two detached dwellings within the rear garden of 28-30 Longhill Road a three-bedroom house and a five bedroom house. The plans include the demolition of 28 Longhill Road to provide the access drive to the new dwellings.
- 4.2 The application has been amended to revise the form and orientation of House B on the northern part of the site to site in alignment with House A, and be of a similar appearance. The amendments also include revisions to the extent of driveways and parking areas proposed.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

#### **5.1 Neighbours:**

**Forty nine (49) letters of representation have been received from 34 (x2), 122, 140 Longhill Road; 2 (x2), 6 (x2), 7 (x2) Longhill Close; 15, 17 (x2), 21, 47, 55 (x2), 61 Elvin Crescent; 20, 33, 34, 43, 54 Rowan Way; 12a, 14, 19 The Vale; 17, 29 Eley Crescent; The Nook, Ovingdean Road; 7 (x2), 9 Wanderdown Close; 7, 8, 11 Wanderdown Way; 10, 25, 39, 48 Wanderdown Road; 8 Wanderdown Drive; Woodingcote House, Ovingdean Road; 11 Cranleigh Avenue; Ashdown House, Ovingdean Road; 27 Nevill Road; 22 Chailey Avenue; 16 Newlands Road; Basement flat 3 Montpelier Terrace; 6 Meadow**

**Vale, Ovingdean Road; and Unknown, objecting** to the application for the following reasons:

- The Urban Fringe Assessment recommended development on a different part of the site
- Loss of woodland and green space
- Loss of wildlife habitat, including bats, badgers and slowworms, flora and fauna
- Loss of wildlife corridors between Ovingdean and Rottingdean, and between the South Downs National Park and Beacon Hill Nature Reserve
- Landslip potential
- Overdevelopment
- Development not characteristic of the area
- The design is not in keeping with the existing houses on Longhill Road
- Houses double the size of any other in the area and incongruous
- Increased traffic
- Lack of infrastructure, e.g. school places, dentist, doctors
- Limited bus service to Ovingdean
- Degredation of Rottingdean and Ovingdean villages
- Loss of natural green separation and wildlife corridor between Ovingdean and Rottingdean villages and contribute to urban sprawl
- Merging of Rottingdean and Ovingdean
- Overlooking and loss of privacy
- Precedent for future development
- Noise and pollution from cars using the access drive
- Additional pollution to the Rottingdean Air Quality Management Area
- Noise and disturbance
- Light disturbance
- Increased flooding at the foot of the hill
- Construction noise and disturbance
- The properties will not be affordable
- Large houses do nothing for the needs of additional social/affordable housing in the city. Large houses unbalance the housing stock of the area
- Loss of property value

Following re-consultation following amendments:

5.2 **Twenty One (21) letters of representation have been received from 24 & 26 Longhill Road; 6 (x2) & 9 Longhill Close; 19 Rowan Way; 12 Eley Crescent; The Nook, Ovingdean Road; 7 & 8 Wanderdown Way; 6 & 48 Wanderdown Road; 22 Chailey Avenue; Pax, The Green; 90 Greenbank Avenue; 15 The Vale; 68 Ainsworth Avenue; 101 Oaklands Avenue; 39 Osborne Road; 13 Grange Farm Cottages, Greenways; Ovingdean Residents and Preservation Society, objecting** to the application for the following reasons:

- The changes are cosmetic
- Lack of compliance with policy
- Loss of green space
- The woodland has now been given TPO status
- Loss of wildlife habitat, flora and fauna
- Loss of wildlife corridors between Ovingdean and Rottingdean, and between the South Downs National Park and Beacon Hill Nature Reserve
- No badger report has been submitted

- Light and activity harmful to wildlife
- Development not characteristic of the area
- Materials out of keeping
- Increased traffic
- loss of privacy
- Precedent for future piecemeal development
- Noise and pollution from cars using the access drive
- Noise and disturbance
- Increased flooding at the foot of the hill from removal of large quantities of soil
- Construction noise and disturbance
- Impact on infrastructure and services
- The houses will not be affordable and will not contribute towards the city's housing needs

**Internal:**

5.3 **Ecology: No objection**

Designated sites and Protected Species

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation. Given 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. The site currently comprises buildings, hardstanding, a vegetated wall, neutral and poor semi-improved grassland, introduced shrub, dense scrub, broadleaved semi-natural woodland and scattered trees. The woodland on site is classified as a Priority Habitat and a Habitat of Principal Importance under the Natural Environment & Rural Communities Act.

- 5.4 It is noted that no trees are to be lost as part of the development. If the proposals change such that trees are to be lost, further surveys may be required as several trees on site had moderate bat roost potential. Compensatory planting will also be required. It is noted that some of the semi-improved grassland will be lost. This should be mitigated through the provision of a green roof; the roof should be biodiverse as described in paragraph 5.20 of the Preliminary Ecological Appraisal report, and not sedum.

Bats

- 5.5 Whilst the main property on site has moderate bat roost potential, the self-contained extension to be demolished has negligible bat roost potential, and as such no further surveys for bats are required.

Breeding birds

- 5.6 Breeding birds have been confirmed on site. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. 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.

- 5.7 Compensation should be provided for the loss of nesting habitat in the form of bird boxes on retained trees and/or the new buildings plus a sensitive landscape scheme using native species of known value to wildlife, including climbers.

#### Badgers

- 5.8 There is evidence that badgers are using the woodland on site for foraging and/commuting, although there was no evidence of setts or that badgers were using the remainder of the site. Badgers may use the site for foraging and commuting. Badgers are protected under the Protection of Badgers Act 1992.
- 5.9 It is recommended that a pre-construction survey is carried out to determine current use of the site by badgers and to identify whether any setts have been created on site. In addition, measures should be taken to avoid badgers from being trapped in open excavations and/or pipe and culverts.

#### Reptiles

- 5.10 The site has some potential to support reptiles, although most of the habitats within the area proposed for development are considered to be sub-optimal. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. A precautionary approach is recommended as described in paragraph 5.11 of the Preliminary Ecological Appraisal report: grassland habitats should be kept short through strimming or mowing, and any potential refuges should be carefully dismantled by hand during the reptiles' active period (generally taken as April to October) under the supervision of a suitably qualified and experienced ecologist.

#### Other species

- 5.11 The site is unlikely to support any other protected species. If protected species are encountered during demolition/construction, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

#### Mitigation Measures/Enhancement Opportunities

- 5.12 In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the use of species of known value to wildlife within the landscaping scheme, the provision of a biodiverse roof and green walls, the provision of bird boxes and/or bricks, log piles and wildlife friendly fencing to ensure permeability for wildlife through the site.
- 5.13 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

- 5.14 **Planning Policy:** No objection

The application site lies partially within the curtilage of an existing dwelling and partially outside of the built up area boundary. The site falls within part of urban fringe site 43 (land to the rear of Longhill Road) identified within the 2014 Urban Fringe Assessment (UFA).

- 5.15 The findings of the UFA indicate that Site 43 (identified in the study as Land to the rear of Longhill Road, Site 43) has some potential for housing through partial development of the site. The assessment concludes there is potential for low density residential development (approx. 6 dwellings) on the northern tip of the site extending from Wanderdown Close southwards. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 5.16 In terms of heritage the study recognises that any development of site 43 would need to be sensitively designed and positioned so that it does not detract from important views out from the eastern ridge of the Ovingdean Conservation Area and listed buildings and recommends trees are retained to minimise negative effects on the setting of the conservation area.
- 5.17 In terms of landscape the study notes that there would be a lower level of adverse impact associated with the continuation of Wanderdown Close as long as trees higher up the slope were preserved to retain a wooded backdrop.
- 5.18 In terms of flooding, the study does identify a 25% risk of groundwater flooding to the site but states that this could be managed through sustainable urban drainage systems.
- 5.19 In terms of ecology the UFA recognises that this site is part of a Nature Improvement Area. However the UFA identifies that the site is not subject to any ecological designations and that any development on the site would incorporate an element of provision for biodiversity assets.
- 5.20 Although the planning application does not fall within the part of site 43 identified for housing within the 2014 Urban Fringe Assessment, it is considered that, in policy terms, the benefits of the housing proposed are likely to outweigh any potential adverse heritage, flooding or landscape impacts provided these are not significant and can be adequately mitigated. Subject to this, the proposal is considered to meet the requirements of the NPPF and City Plan Part One Policy SA4.
- 5.21 **Arboriculture: No objection**  
Whilst there is potential for some conflict with trees the scheme appears to be thought out and the dwellings well positioned. Provided suitably worded conditions are attached to provide protection for the trees during construction the Arboricultural Team have no objection to the application and would recommend approval.
- 5.22 **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.



- 5.23 The applicant is proposing a new vehicle access and whilst this is acceptable in principle the details may require amending (for example, speed table across access road at junction with Longhill Road, normal height shared foot/cycleway (even if it is only 1.2m wide) alongside any carriageway narrowing, at least 450mm between the carriageway and any fencing). Therefore the Street Design condition and informative should be attached to any permission granted alongside a Surface Water Drainage Details condition (as there appears to be about a 2m drop in level along the access road between the back garden of the site and the public highway and it is not clear how the applicant is dealing with his surface water). A Highway Works informative advising that the applicant needs a Highway Authority licence before commencing any works on the adopted (public) highway should also be attached to any permission granted.
- 5.24 The proposed level of car parking (4 spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 5.25 It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) are requested at the junction of (and across) Ainsworth Avenue with Longhill Road via the island to create or improve access to facilities and amenities within the vicinity of the site.
- 5.26 **Environmental Health:** No comment received

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 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 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Managing flood risk
CP12	Urban design
CP14	Housing density
CP16	Open space
CP19	Housing mix
SA4	Urban Fringe

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

TR7	Safe development
TR14	Cycle access and parking
SU10	Noise nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of demolition of no.28 and the construction of 2 dwelling houses on the site, the design and appearance of the dwellings, their impact on neighbouring amenity, the standard of accommodation to be provided, impact on ecology and trees, sustainability matters, and whether the access and parking arrangements are acceptable.

- 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 24<sup>th</sup> 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**  
The main part of the site falls within the Urban Fringe, being sandwiched between the defined built up area to the east and west, and by the National Park approximately 150m to the south. The proposed access drive from Longhill Road falls within the defined built up area, with the two dwellings straddling the boundary between the built up area and the urban fringe. The Urban Fringe Assessment 2014 (UFA) supports City Plan policy SA4 and provides a detailed assessment of the development potential for the city's urban fringe.
- 8.4 Policy SA4 of the City Plan states that development within the Urban Fringe will not be permitted except where:
- A site has been allocated for development in a development plan document; or
  - A countryside location can be justified;
  - The proposal has regard to the downland landscape setting of the city;
  - All adverse impacts of development are minimised and appropriately compensated for; and
  - Where appropriate, the proposal helps to achieve the policy objectives set out.
- 8.5 The application site falls within Site 43 of the UFA. Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built up area boundaries to the east and west, and the National Park to the south. The UFA identifies Site 43 as being privately owned and heavily wooded with significant access and ownership constraints. As a consequence, the UFA identifies that a parcel of land in the northeast corner of the Site accessed directly off Wanderdown Close is best suited for low density housing development.
- 8.6 The application site falls outside the part of the Site specifically identified as having potential for housing, however this does not in itself necessarily preclude development on the remaining site provided its constraints/impacts can be suitably overcome or mitigated. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 8.7 In terms of heritage, the study recognises that any development of Site 43 would need to be sensitively designed and positioned so that it does not detract from important views out from the eastern ridge of the Ovingdean Conservation Area and listed buildings, and recommends trees are retained to minimise negative effects on the setting of the conservation area. In this case the application site is

located 300m from the Ovingdean Conservation Area and its development would not have any appreciable impact on its setting given the volume of housing and vegetation that sits between. The site is also a similar distance from the designated Archaeological Notification Area adjacent to the Conservation Area.

- 8.8 In terms of landscape the study notes that there would be a lower level of adverse impact associated with the continuation of Wanderdown Close as long as trees higher up the slope were preserved to retain a wooded backdrop. This general principal extends to the southern part of the Site, where the existing dense woodland on the east slope softens views from the east. Subject to an appropriate landscaping scheme that retains and protects as many of the more significant specimens, the landscape impacts of residential development on the application site and surrounding area could be suitably mitigated. Existing vegetation and backland development south of the site shields views of the application site from the National Park to the south.
- 8.9 In terms of flooding, the study identifies a 25% risk of groundwater flooding to the Site but states that this could be managed through sustainable urban drainage systems.
- 8.10 In terms of ecology the UFA recognises that this site is part of a Nature Improvement Area. However the UFA identifies that the site is not subject to any ecological designations and that any development on the site would need to incorporate an element of provision for biodiversity assets. Again, such matters could be suitably addressed via a landscape scheme and ecology strategy that provides for a net gain in biodiversity.
- 8.11 In terms of open space the site is privately owned and largely inaccessible to the public. The study notes that new residential development could potentially create new publically accessible open space, however in this instance the small backland nature of the application site is such that the provision of publicly accessible open space is not feasible. Further, it is noted that the Brighton & Hove Open Space Study Update (2011) identifies an oversupply of natural and semi-natural open space in the Rottingdean ward.
- 8.12 On the basis of the above, and given the presence of other small backland developments within Site 43, it is considered that a low density development of the application site is unlikely to give rise to adverse impacts regarding heritage, landscape or flood risk. As such, some residential development of this part of the urban fringe would not detrimentally impact on the wider downland landscape setting of the city or the setting of the South Downs National Park, and would allow for suitable ecological mitigation to be secured.
- 8.13 For these reasons the proposed residential development of this part of the urban fringe with two dwellings is considered acceptable in principle in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.
- 8.14 **Design and appearance:**

The proposed two dwellings, as amended, are considered to form a suitable addition to the site. The revised plans show the dwellings to be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east. The dwellings would be set on the flatter area of land immediately rear of 22-32 Longhill Road, set appropriately 9.5m from the rear boundaries of these properties. Consequently the dwellings sit comfortably within the plot in keeping with the spacious setting of the other principal and backland dwellings that characterise the area. The single storey height relates appropriately to the principal two storey dwellings that front Longhill Road, thereby appearing suitably subservient and less visually dominant.

- 8.15 In terms of form and materials, both dwellings have a contemporary finish with a triple split mono-pitch roof form sloping with the gradient of the land. The plans detail a flint finish to the ground floor elevations visible from the properties on Longhill Road, with white brickwork, powder coated windows, and green (sedum) roofs. The design of the buildings reads as a complementary pair, with the green roofs and use of flintwork helping them to settle into their backland garden setting. Given the mix of dwelling forms and finishes along Longhill Road, the contemporary finish to the proposed dwellings would not be out of keeping or unduly jarring. The plans detail that the existing woodland at the rear of the site is to be retained in its entirety, thereby ensuring the two dwellings are suitably disguised in longer views.
- 8.16 For these reasons the number, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12 & SA4 of the Brighton & Hove City Plan Part One.
- 8.17 The loss of the converted annex at 28 Longhill Road to form the accessway is considered acceptable in principle as it forms an inappropriately scaled and generally unsympathetic addition to the original building.
- 8.18 **Trees and Landscaping:**  
The site as existing contains a number of small fruit trees and hedges throughout, with the rear part of the site forming more dense and mature woodland set on steeply sloping land. This woodland is now covered by a Tree Preservation Order. Further trees are set to the front of the site fronting Longhill Road, and adjacent to the proposed access drive.
- 8.19 An Arboricultural Report has been submitted which assesses the potential impact on the existing trees in and around the site. A number of the smaller fruit trees and hedges central to the site would be removed to facilitate the development, with all other trees to be retained, including all trees within the woodland to the rear. The Council's Arboriculturalist has agreed with the conclusions of the report subject to conditions to ensure construction works are managed so as to not impact on the woodland to the rear and other trees to be retained. Suitable conditions are recommended accordingly.
- 8.20 In terms of landscaping, the plans detail a number of alterations to the gradients around the new dwellings. These involve raising and lowering sections of land by

up to approximately 0.4m in the main, and 1.5m in isolated places to accommodate access paths beside each dwelling. A condition is recommended to secure final OS Datum levels for the development to ensure the changes are in accordance with the submitted plans and the resultant relationship with the adjacent properties remains acceptable.

8.21 The plans detail new 1.8m boundary fencing around the site along with 2m acoustic fencing beside nos 26 & 30 Longhill Road and 1m acoustic fencing alongside the front part of the access drive. Additional planting is also shown alongside the access drive and around the site perimeter. The extent of hardstanding has been reduced to ensure the site is suitably dominated by soft rather than hard landscaping. A condition is recommended to secure the submission of full details of all hard and soft landscaping, to be implemented prior to first occupation.

**8.22 Ecology:**

In terms of ecology, the site forms previously undeveloped garden land with steeply sloping woodland to the rear half and other gardens and woodland adjacent. It is set within a Nature Improvement Area. The biodiversity checklist submitted with the application has been completed as negative for all indicators bar indicator 11 (Mature trees overhanging the site), whilst residents have identified badgers, bats and slowworms amongst others as being present either on the site or in the wider area.

8.23 A Preliminary Ecological Appraisal has been submitted to identify and mitigate the potential impact of the development. No bats have been identified as being present and the County Ecologist is not recommending any further surveys. Breeding birds have been confirmed and will require suitable mitigation if works are carried out during the breeding season. There is evidence badgers use the woodland to the rear for foraging and/or commuting however there is no evidence of setts or that badgers use the remainder of the site. The County Ecologist recommends a pre-construction survey be carried out to determine the current use of the site by badgers. The site is considered sub-optimal for reptiles and a precautionary approach to works is recommended. Conditions and informatives are attached to secure these outcomes and appropriate biodiversity gains on the site, in accordance with policies CP10 of the City Plan Part One and QD18 of the Brighton & Hove Local Plan.

**8.24 Flooding**

Representations have been received raising concern over potential flooding impact. The site is at the top of a hill and therefore not in a designated flood zone. The degree of hardstanding is limited to the driveway and parking areas only and conditions are recommended to ensure surface water run-off is suitably managed within the confines of the site. There is no evidence that the hardsurfacing or development as a whole would result in run-off down the woodland to the properties to the rear.

**8.25 Standard of accommodation**

The proposed dwellings are both of a good size with good access to natural light and outlook. Suitable private amenity space is detailed to all sides of each

dwelling, albeit that some of this space is constrained by the retained woodland and boundary vegetation. The overall standard of accommodation is though considered appropriate in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8.26 Policy HO13 requires all new residential dwellings 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 within the national Optional Technical Standards. Step-free access to both dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

**8.27 Impact on Amenity:**

House A to the southern part of the site would be stepped into the sloping land such that it would be approximately a storey and a half above ground level to nos 22, 24 & 26 Longhill Road. Given the separation between the dwellings of approximately 26m and the retention of the existing boundary screening, no significant loss of light, outlook or privacy would result.

8.28 House B to the northern part of the site has been amended during the course of the application so it now matches the design and orientation of House A. House B is set closer to the rear gardens of 30 & 32 Longhill Road with considerably less vegetation to act as a screen. Notwithstanding this, the separations and positioning of windows are considered sufficient to ensure occupants of these adjacent properties will not suffer significant loss of light, outlook or privacy.

8.29 Residents have raised concern that two new dwellings would give rise to undue noise disturbance, principally from vehicles driving along the proposed new accessway between nos 26 & 30 Longhill Road. The proposed access would be a 3.5m-5m wide driveway running parallel with the boundary to no.26 and close to bedroom windows, leading to parking and turning facilities for 4 vehicles at the foot of the gardens to both 26 & 30 Longhill Road (N.B. these facilities that have been significantly reduced in scale during the course of the application). Acoustic fencing is proposed to the front and alongside both adjacent properties, with regular fencing to the rear part of the driveway, to help reduce any noise impact.

8.30 The Sustainable Transport officer has identified that two houses would not likely generate additional traffic movements compared to the existing arrangement, however this does not reflect the potential impact of movements along the new driveway where none currently take place.

8.31 Having regard the scale of the development, including its position in an otherwise quiet backland garden environment, it is not considered that slow moving vehicular and pedestrian movements would be sufficiently continuous or intrusive to significantly depreciate the amenities of neighbouring residents and warrant the refusal of permission in this instance. For these reasons the proposed

development would have an acceptable impact on the amenities of adjacent occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

**8.32 Sustainable Transport:**

The plans detail onsite parking for two vehicles per dwelling and a cycle store each. Access to the site would be via a 45m long 3.5m-5m wide shared surface driveway in place of 28 Longhill Road, set adjacent to the side boundary with 26 Longhill Road. The driveway would lead to a small turning area to allow access and exit in a forward gear. It is noted that there are three similar driveways, along Longhill Road leading to backland properties at nos 8a, 10, 50 & 132. As such a further accessway would not necessarily be out of keeping in this locality.

8.33 The Council's Sustainable Transport Officer has raised no objection in principle to the proposed access arrangement, subject to final details of the shared surface and appropriate highway license for the extended dropped kerb being secured. These are secured by condition. A further condition is recommended to secure improved dropped kerbs in the vicinity of the site.

8.34 Concerns over additional traffic being generated in the wider area are noted however it is not considered that the modest addition of two dwellings to this site would introduce an appreciable or significant volume of traffic (both as current or considered cumulatively with other developments in the wider Ovingdean, Rottingdean and Saltdean area) such that permission should be withheld.

**8.35 Sustainability:**

Policy CP8 of the City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition alongside details of refuse and recycling facilities.

**9 CONCLUSION**

9.1 The development of this part Urban Fringe site with two dwellings is considered acceptable in principle and subject to conditions would not significantly impact on the heritage, landscape, flooding and ecological qualities of the site and surrounds. The design of the proposed dwellings and means of access would not be of significant detriment to the amenities of neighbouring occupiers and would not result in highway safety issues, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The development would be required to meet the optional standard M4(2) under Part M of the Building Regulations.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVE**

Regulatory Conditions:

1) 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.

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan and block plan	1035.01	a	27/04/2016
Topographical survey	1035.02	-	03/12/2015
Proposed site plan	1035.29	a	01/06/2016
Proposed site plan and block plan	1035.32	-	01/06/2016
House A floor plans	1035.21	a	01/06/2016
House A roof plan	1035.22	b	01/06/2016
House A elevations	1035.24	b	27/04/2016
House A sections	1035.23	a	27/04/2016
House B floor plans	1035.25	a	27/04/2016
House B roof plan	1035.26	b	01/06/2016
House B sections	1035.27	a	27/04/2016
House B elevations	1035.28	a	01/06/2016
Proposed site sections A-A, B-B	1035.30	a	01/06/2016
Propose site sections C-C, D-D	1035.31	a	27/04/2016

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 4) All hard surfaces hereby approved within the development site 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 site.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy CP11 of the Brighton & Hove City Plan Part One.

- 5) The dwellings 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.

- 6) The construction of the access driveway shall be carried out in strict accordance with the method statement set out in chapter 5 of the Arboricultural, Horticultural and Ecological Management Report (RW Green Ltd) received on 3 December 2015.

**Reason:** To ensure the satisfactory protection of adjacent trees 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 City Plan Part One.

- 7) The removal of any habitats with the potential to support breeding birds and reptiles (including buildings, scrub, woodland, the vegetated wall and scattered trees) shall be carried out in full accordance with the recommendations set out in paragraphs 5.8, 5.9 & 5.11 of the Preliminary Ecological Appraisal Report received on 3 December 2015.

**Reason:** To safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

### 11.3 Pre-Commencement Conditions

- 8) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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 & Hove Local Plan and CP12 of the City Plan Part One

- 9) Prior to commencement of development (including any works of demolition or removal of trees/planting), a full badger survey of the site and immediate surrounds shall have been carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal Report received on 3 December 2015 and have been submitted to and approved in writing by the Local Planning Authority. Any means of mitigation subsequently agreed shall be carried out in full prior to works commencing.

**Reason:** This pre-commencement condition is required to safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One.

- 10) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site throughout the duration of works to accord with BS5837 (2012) has been submitted to and approved in writing by the Local Planning Authority.

No development or other operations shall take place except in complete accordance with the approved protection scheme.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan

#### 11.4 Pre-Ground floor Slab Level Conditions

- 11) 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 and stone
- b) details of the flintwork to be used
- c) samples of all hard surfacing materials
- d) details of the proposed windows, doors, balconies and railings treatments
- e) details 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 CP12 of the City Plan Part One.

- 12) No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Reason:** 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.

- 13) 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, a biodiverse 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 City Plan Part One.

#### 11.5 Pre-Occupation Conditions

- 14) 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.

- 15) The development hereby permitted shall not be occupied until details of the street design for the new access drive have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** In the interest of highway safety, quality design and public amenity and to comply with policies CP9 of the City Plan Part one and TR7 of the Brighton & Hove Local Plan.

- 16) Prior to the first occupation of the development hereby permitted the applicant shall install dropped kerbs with paving and tactile paving (if appropriate) at the junction of (and across) Ainsworth Avenue with Longhill Road via the road island.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 17) 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, including numbers and species of plant, and details of size and planting method of any trees.
- d. measures to enhance the ecological value of the development as set out in paragraphs 5.16- 5.18 and 5.21-5.24 the Preliminary Ecological Appraisal Report received on 3 December 2015

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 site and increase the biodiversity 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 CP10, CP12 & CP15 of the City Plan Part One and Supplementary Planning Document SPD11 'Nature Conservation and Development'.

- 18) None of the new build 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.

- 19) None of the new build 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.

- 20) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The development of this part Urban Fringe site with two dwellings is considered acceptable in principle and subject to conditions would not significantly impact on the heritage, landscape, flooding and ecological qualities of the site and surrounds. The design of the proposed dwellings and means of access would not be of significant detriment to the amenities of neighbouring occupiers and would not result in highway safety issues, in accordance with development plan policies.

3. The applicant is advised to contact the Council's Streetworks team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 16.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); 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.
5. The water efficiency standard required under condition 19 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.
6. 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 1<sup>st</sup> March – 30<sup>th</sup> 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.
7. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.