

<u>No:</u>	BH2016/00803	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1-6 Lions Gardens and The Coach House Withdean Avenue Brighton		
<u>Proposal:</u>	Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.		
<u>Officer:</u>	Mark Dennett Tel 292321	<u>Valid Date:</u>	18/05/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 August 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LCE Architects, 164-165 Western Road Brighton BN1 2BB		
<u>Applicant:</u>	Brighton Lions Housing Society, Mr William Catchpole Lions Gate 95 Rowan Avenue Hove BN3 7JZ		

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 **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is 2225 sq.m. and is currently occupied by 6 bungalows arranged in two rows of joined units plus a separate two storey house 'The Coach House'. The bungalows are social rented units of accommodation, the house is market housing. There is one vehicular access to the site, from Withdean Avenue. The Coach House is set in its own, enclosed garden occupying about a third of the application site. The bungalows are arranged in an 'L' shape- one arm lying east-west and a little off the northern boundary with the other arm running north-south and lying close to the eastern boundary. Between the two arms of the 'L' is a lawn with some soft planting. The vehicular access gives on to a small area of hardstanding. At the time of the site visit only two of the six bungalows were occupied (along with the Coach House). The existing bungalows date from the 1970s and are all one- bedroom units. Each existing unit is approximately 95m². The bungalows are of a conventional appearance with dual pitched roofs and with elevations in light buff brick and grey concrete roof tiles. The Coach House has 4 bedrooms and is in a neo-vernacular style with red brick and red tile-hanging. The site is enclosed by close-boarded fencing to the west and south and a brick wall to the north and east.

- 2.2 The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. Some of these premises have vehicular access to Withdean Avenue, some do not. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side. Immediately to the west and facing the whole of the west boundary is the site of a recent three storey residential building, comprising 8 flats- Ruston Heights. The building itself is approximately 4.5m off the boundary with Lions Gardens and runs for about half its length. The northern boundary is to Hazeldene Meads- specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.

3 RELEVANT HISTORY

None.

Pre-Application Consultation

A pre-application submission was made and responded to in late 2015/early 2016.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing site buildings and the erection of a part two, part three storey residential building comprising 28 flats with associated landscaping, parking spaces and cycle and mobility scooter store. All the units would be 1 bedroom and all would be social rented. Each would be between 51 and 55 sq.m. and self-contained comprising bedroom, living/kitchen/dining room and wc/bathroom. There would not be any communal facilities except two small 'service' rooms. The applicants have advised that the criteria for consideration for a tenancy is:

- (i) Over 55 years of age.
- (ii) Must have lived in Brighton & Hove for at least 5 years.
- (iii) Must have less than £16,000 in savings or assets.

The rent for each property would be set at a maximum of 80% market rate.

- 4.2 The applicant, the Brighton Lions Housing Society is a Registered Provider (governed by the Homes & Communities Agency) - it is affiliated with Lions International- a members club of volunteers involved in carrying out a wide range of charitable causes world-wide. The charity has run a housing programme in the city since 1961 and advises that it currently has 111 flats and 6 bungalows in the city.

- 4.3 The floor plan of the proposed building is broadly cruciform with the longer, north-south central part being two storeys and the cross, east-west, part being three storey. Although a single building there are two entrances with no internal connection between the two equal sized parts. Each of the two parts has a lift. Each ground floor flat has direct access to the grounds.
- 4.4 At its highest point, the roof ridge above the second storey of the building would be 10.7m high; the ridge height for the two storey part would be 7.65m high. The building would be set in a minimum of 14.1m from Withdean Avenue. There would be a minimum of 1m from the eastern boundary (Withdean Road gardens), 3.2m (the three storey part) from the boundary with Ruston Heights and 1m (at two storeys) from the northern boundary (gardens in Hazeldene Meads).
- 4.5 The design would be modern and includes a mix of flat and shallow pitched roofs, plus a small roof terrace in the middle of the development. The main proposed materials would be walling of both red and buff brick and parts of the upper floors in copper coloured zinc cladding- the latter material also being proposed for the pitched roofs. Windows would be aluminium. It is proposed that existing boundary enclosures be retained and that ground surfacing be of permeable paving.
- 4.6 Other than the general arrangement of hard and soft-surfaced parts of the site out with the proposed building the submitted 'Landscape Plan' does not provide planting details. The submitted arboricultural report states that the proposed building would result in the removal of 4 trees two described as poor specimens and two as fair. No advice is given on the potential impact on trees on adjoining sites. There are TPOs on three adjoining sites- 9, Hazeldene Meads, 1 and 9, Withdean Road.
- 4.7 The proposed plans show 9 car parking spaces adjoining the western boundary with Ruston Heights. Two of these would be suitable for disabled persons vehicles. Also adjoining this boundary is an enclosure annotated as 'Cycle/mobility scooter store which illustrates storage spaces for 5 mobility scooters and 4 cycles. Additionally in the grounds are 2 bin store enclosures and a 6m x 3m outbuilding labelled as plant room

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Nineteen (19) letters of representation have been received from 6, 8, 10 & 11 Hazeldene Meads + a letter signed by nine residents of that road; 1, 2, 4, 5 and 8 Ruston Heights and its managing agents; 109, 178, 182 & 197 Tivoli Crescent North; 3 and 5, Withdean Road; Missenden Lodge, Withdean Avenue; 8, Dyke Road and 82, Loder Road objecting to the application for the following reasons:

- The level of parking provision is insufficient,
- The building would cause overlooking and loss of privacy,

- The building would cause overshadowing of and loss of light to neighbouring residential premises including gardens,
 - Noise and disturbance from increased traffic movements
 - The appearance is out of character
 - It would give rise to pedestrian safety issues on Withdean Avenue
 - The proposal is out of scale with its surroundings
 - The development is too close to the boundary with Hazeldene Meads and Ruston Heights
 - Would be liable to harm trees in adjoining premises
- 5.2 **One (1)** letter of representation has been received from the **Coach House, Withdean Avenue** supporting the application
- 5.3 **Councillor Nick Taylor:** Objects to the application.
- 5.4 **Councillor Ann Norman and Ken Norman** jointly object to the application.
- 5.5 Copies of the letters are attached at the end of the report.
- 5.6 **Sussex Police:** No objection
The scheme would allow good levels of observation across the development and boundary treatments delineating public and private space; note access control for the two main entrances. Suggest further security measures inc. video door entry, controlled gated entrance and enclosure of cycle/mobility scooter parking.
- 5.7 **East Sussex Fire & Rescue Service:** No objection
Ensure that access, in accordance with the Building Regulations be provided such that a pump appliance may be within 45m of each flat.
- 5.8 **ESCC County Archaeologist:**
Advise that the site has archaeological potential and thus that any permission should be subject to a requirement for a programme of archaeological works to be undertaken.
- 5.9 **Brighton & Hove Archaeological Society:**
Local Roman and Palaeolithic finds and recommend county archaeologist advice sought.
- 5.10 **Southern Water:** No objection
There is a foul water sewer crossing the site and it is advised that this would need to be diverted or the scheme altered to avoid it. Also advise that the proposal would require additional infrastructure and that any approval should be conditioned to require the submission of a drainage strategy.
- 5.11 **County Ecologist:** No objection
It is considered that the proposal unlikely to impact on sites designated for nature conservation purposes and absence of records of notable or protected species on the site. Consider that opportunities for enhancement for nature conservation can be pursued through a landscaping scheme. Advise that works

involving demolition or tree/scrub removal be carried out outside of the breeding season.

5.12 Internal:

CityClean: Comment

The applicant should provide for 6 x 100 bins, the collection vehicles would be able to access the site.

5.13 Sustainability: No objection

Seek further details of the proposed photo-voltaic panels, composting, food growing areas and water butts and standard conditions to secure minimum energy and water performance standards. Further improvements to the scheme via green roofs, walls or biodiversity enhancements would be welcomed.

5.14 Planning Policy:

The provision of housing at a higher density and all affordable in nature is, in principle, welcomed. The merits of this proposal therefore depend on detailed matters and their respective compliance with policy objectives and criteria. This includes: the proposed lack of mix in unit size: the proposed affordable tenure and lack of mix in tenure and lack of mix in tenure: the proposed provision of accessible housing and lifetime homes; the provision of private useable outdoor amenity space; the provision of open space and biodiversity; the impact on adjacent TPOs; the impact on the archaeological notification area and design, amenity and transport matters.

5.15 Sustainable Transport:

Welcome provision of separate pedestrian access but would prefer it if it was on the other side of the vehicular access (to be on the side of Dyke Road with bus stops) and consider it should be wider. Would seek further detail on pedestrian/vehicular separation within the site

5.16 Whilst the vehicular access to Withdean Avenue is narrower than recommended (3m as opposed to 4.1m) given that this is an existing access and that the proposed parking level is low, this aspect is not objected to.

5.17 With regard to servicing consider turning area proposed would be satisfactory.

5.18 With regard to proposed parking it is noted that nine car parking spaces are proposed, two of which are allocated for disabled users. Notes that the maximum parking required by SPG4 for 'Dwellings for the Elderly' outside of controlled Parking Zones is one space per two dwellings plus one space per residential staff plus one space per two other staff. It is understood that the site will not employ staff meaning that the maximum parking requirement would therefore be 14 as calculated in the Transport Statement. Notes that although the age threshold is 55 that typically occupiers are substantially older thus a balance needs to be struck between meeting demand and avoiding providing excessive levels of parking provision.

5.19 The Highway Authority have considered local car ownership levels and the applicant's on-street parking surveys. They note that there is some local

capacity in unrestricted street parking spaces and also that some undesirable parking has taken place on Withdean Avenue but with regard to this do not regard this- where parking is an obstruction amounting to an offence which is capable of enforcement- to be a reason for refusal. In summary they take the view that if there is a level of car ownership of 51.4% (based on 2011 census levels for flats in Withdean ward) that with a proposed provision of 9 spaces that there is capacity to accommodate the forecast overspill of 5 cars *'even if the spare capacity may in practice be less than that indicated upon first inspection of the survey data'*. Taking into account that the applicants have proposed a scheme of Travel Plan measures and that the NPPF states that applications should only be refused on transport grounds where the impacts are 'severe' it is concluded that the level of car parking provision is appropriate.

5.20 Note that whilst the Transport Statement refers to ten cycle spaces that no details have been provided and that this should be required by condition.

5.21 In considering the applicant's 'trip generation' exercise consider the parameters used reasonable, despite inclusion of Sundays. Consider that the proposed scheme would increase trips and would seek a benefit in order to improve local bus stop accessibility and pedestrian improvements. In event of an approval would also seek conditions requiring (i) further access road and pedestrian access details (ii) a requirement to retain the parking area and (iii) details of secure cycle storage provision.

5.22 **Environmental Health:** No Comment

5.23 **Heritage:** No Comment

5.24 **Housing:** Support. Overall Housing support this scheme subject to the Nominations Agreement / Local lettings Plan being put in place through a S106 Agreement, and provision of wheelchair accessible units to the correct standard.

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 delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
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

Interim Guidance on Developer Contributions

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.
- 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**
The existing six bungalows are of a prosaic 1970s design and there is no architectural or historic building rationale to seek their retention. The Coach House is a pleasant 20th Century building but of no particular merit and there is no reason to seek to keep it in the context of a redevelopment scheme.
- 8.4 The surroundings to the application site are wholly residential and there are no planning policy reasons why the principle of residential redevelopment here should not be acceptable. The form of development in the vicinity is a typical range of suburban types including bungalows, detached, semi-detached and terraced housing. Whilst there are not a great number of flatted developments there are some, including the neighbouring development to the west, Ruston Heights, a three storey building comprising 8 flats approved in 2004. It is not considered that there would be a legitimate 'character' rationale to object to apartments on this site.
- 8.5 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.6 The development is 125 dph, clearly well above the 50 dph minimum sought and certainly above the prevailing densities of adjoining sites. The policy does not include a maximum quantitative density to be sought. The criteria set out under this policy are considered under the relevant sections in this report for amenity, standard of accommodation etc. It is not considered the proposed dph is in itself unacceptable in its context, but rather that the policy could be breached if one or more of the criteria is not met.

8.7 City Plan Part One policy CP20 requires the provision of 40% on-site affordable housing for developments of 15 or more units. In this case the applicant is a registered provider and would be offering all the units at an affordable rent- which is defined in the City Plan as being rent control requiring the rental level not to exceed 80% of market rent. In the event of an approval a legal agreement would be sought whereby a minimum of 40% of units would be required to meet these criteria (irrespective of the actual provision being likely to be 100%).

8.8 Design & Appearance

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.

8.9 The character of Withdean Avenue is not so much defined by its buildings as by its rather arcadian appearance. The south side of the road is the ends of gardens (bar Missenden Lodge at the Dyke Road end) and the north side has a grass verge and mature street trees. The existing properties on the north side are all well set back from the road frontage and all have significant planting lining the back edge of pavement. The proposed application building is set back a minimum of 14m from the road. If this was well planted (the submitted landscaped plan is indicative only, but there is adequate space for trees) the proposed building would be viewed from limited viewpoints in the street. Notwithstanding this the scale and footprint is considered out of context with the prevailing character of the surrounding area. The surrounding context comprises of smaller dwellings in terms of footprint, site coverage and scale. The proposed development is considered excessive and overly dominant with the more suburban character of this section of Withdean Avenue. The development would in contrast to the prevailing character appear as a urbanised development, which adds to the inappropriate prominence of the proposal.

8.10 The design adopted would be considered 'modern' and includes the use of non-traditional materials including zinc cladding. Some consultees have referred to the design as being out of character. Whilst much of development in the vicinity is of more traditional appearance it might be noted that Ruston Heights with a flat roof and white rendered finish does not use any more historic references that is evident in the surrounding area. Notwithstanding this, there is concern that the approach would appear stark and out of context with the surrounding area. The choice of materials would accentuate the prominence and scale of the development.

8.11 Standard of Accommodation

The proposal is for 28 one bedroom flats not with identical but with very similar internal layouts. City Plan Part One policy CP19 Housing Mix seeks that 'windfall' sites have regard to housing mix considerations and have been informed by local assessments of housing demand and need. The proposal is a form of special needs housing being for over 55s. Occupiers would be of limited

means and include tenants from the council's waiting list. Policy CP19 sets no prescriptive desirable housing mix. The applicant states that: *1 bed developments are better suited to our target demographic of 1-2 person occupancy, we often find it challenging to find tenants for the larger two bed properties.* It is understood that prospective tenants are concerned at being subject to the penalties introduced by the Welfare Reform Act 2012 which introduced reductions in housing benefit if recipients had 'spare' rooms. Clearly if restricted to over 55s the accommodation will largely not house multi-generational families and a second bedroom is likely to not be permanently occupied. In the circumstances it is not considered that the lack of variety in dwelling size should constitute a reason for refusal.

- 8.12 Whilst the Council has not at this stage adopted the 'nationally described' Technical Housing Standards the proposed units all meet the minimum size set out in those standards for 1 bedroom/2 person dwellings of 50m². There are flush thresholds to both parts of the proposed building and a lift in each. The applicants say the proposal would meet Lifetime Homes standards. Retained Brighton & Hove Local Plan policy HO13 seeks that major developments such as this have a proportion (suggested as 10% for affordable housing schemes) of units as wheelchair accessible. Whilst specific units are not identified the Council's normal practice is to secure such units by condition- this could be appended in the event of a permission.
- 8.13 Retained Brighton & Hove Local Plan policy HO5 seeks that new residential developments provide private useable amenity space 'where appropriate to the scale and character of the development'. Naturally as a block of flats there are not private gardens per se, but the 12 ground floor flats (42% of the total) all have direct access to the surrounds via French windows. Without a detailed landscape plan it is not possible to see how useable the space these doors give out onto would be. Those that access more secluded parts are likely to be better than those abutting the proposed car park. The 58m² second floor roof terrace would provide amenity space for upper floor occupiers. It is considered that in this suburban location that there should be a reasonable provision of external amenity space: the acceptability of the provision could only be properly judged in the context of a detailed landscape scheme.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & 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.
- 8.15 It may be noted that representations in relation to this application have been received from occupiers from each of the adjoining sides of the application site and it is appropriate to look at each.
- 8.16 Tivoli Crescent North is the road parallel to Withdean Avenue, whose gardens back on to that road- and to its south. The nearest habitable rooms in premises here are approximately 28m from the application site boundary to Withdean

Avenue. The proposed building is 14m to the rear of this. Several of the upper floors of these two storey houses have views over the site and the view would be materially altered by the proposed building. However a view per se cannot be protected and the distances between houses here and the proposed building are such that there would not be any other amenity detriment of substance.

- 8.17 To the east the application site is bounded by the ends of gardens of five Withdean Road properties. The gardens are comparatively long, the shortest building rear elevation to site boundary distance being 23m. Currently these properties benefit from a substantial belt of trees within those gardens which screen the application site from view. It is not clear whether the trees will be retained and in the absence of any assessment been made of the likely impact on trees in these gardens (footings are likely to exceed those for the current bungalows). As the building comes to within 1m of the boundary there could be impacts on these gardens if these trees were lost.
- 8.18 The application site is bounded to the west by the site of Ruston Heights a part three, part two storey apartment block comprising 8 flats. Its east elevation facing the application site is in a single plane and faces the site for a length of 31m. The building is mainly 3 storey, but with a two storey section at the north end. Ruston Heights is 5m from the mutual boundary. At its nearest point the proposed building is 3.2m from the boundary- this is the three storey part. There is a substantial amount of fenestration on the upper levels of Ruston Heights facing the application site, including large windows clearly serving habitable rooms. Whilst the facing flank of the proposed 3 storey part does not contain windows the distance of 8.2m between the blocks is considered below what might be considered as a neighbourly relationship in this suburban context. The fact that the strip between the proposed building and the boundary is taken up by the mobility scooter/cycle store means that there is no prospect of planting to soften the impact of the building. The length of the three storey part facing the boundary would be liable to give rise to some loss of daylighting, but the principal issue is considered to be that it would be an oppressive presence detrimental to outlook from premises in Ruston Heights.
- 8.19 At the north end the site is adjoined by 8 and 10 Hazeldene Meads, two storey houses, whose gardens directly abut the site boundary. At its nearest the house at no.8 is 14m from the boundary and for no. 10 the distance is 21m. The proposed building here is 1m off the boundary and at this point is two storeys (7.65m). The three storey part (10.7m) is 11.5m from the boundary. It is unfortunate that the building has been positioned so close to the boundary. The gap of 1m clearly would not allow for any planting to soften the impact. The proposed building is due south of these gardens. The two storey part has narrow windows only and any substantial overlooking is thus obviated. The three storey part has large windows with 'juliet' balconies. This is considered to be an unfortunate relationship. Whilst the distance between the three storey part and the Hazeldene Meads properties per se is considered adequate the gardens are considered to be overlooked to the detriment of the occupiers ability to enjoy the use of their gardens in reasonable privacy.

8.20 Trees, Landscaping & Ecology

There are no protected trees on the application site, but it does contain a number of ornamental trees, mainly in the grounds of the Coach House. It is proposed that 4 trees be removed- all in the current curtilage of the Coach House. Two are identified as poor specimens and two as fair. As small/medium trees within the site they are of limited public amenity value. It is however considered that there should be specific proposals for landscaping including along the Withdean Avenue frontage in order, inter alia, to soften the impact of the development in relation to the streetscene.

- 8.21 Trees on adjoining sites are important in relation to the likely impact of the proposal; in particular the three adjoining sites including TPOs (see 4.6 above). Whilst the need for further investigation of such trees was highlighted in the pre-application process no information on this issue has been given by the applicants.
- 8.22 The submitted 'Landscape Plan' sets out generally the disposition of elements outside the building envelope showing where there would be hard and soft landscaping including the car parking, mobility scooter/cycle store and bin stores. No planting detail is given however. Whilst there are some indicative trees shown there is no detail given on an approach to landscaping which is considered important here, both in terms of the streetscape of Withdean Avenue and the potential of planting to mitigate impacts of the proposal. Brighton & Hove Local Plan policy QD15 requires that for major schemes landscaping be agreed with the local planning authority prior to the determination of a planning application. The application is recommended for refusal, inter alia, in the absence of substantive landscaping proposals.
- 8.23 The County Ecologist has not identified any particular conservation interest on this site but commends that nature conservation measures be incorporated into a landscaping scheme. This is considered acceptable as a condition in the event of an approval.
- 8.24 **Sustainable Transport**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.25 The proposed criteria for occupancy, in particular the age and means restrictions have some bearing on likely behaviour including car ownership. It is understood that although the threshold age for occupancy is over 55 that the average age of occupiers of their existing properties is considerably higher. It might be noted that whilst there are census figures for car ownership at a local level these are not broken down by age of owner.
- 8.26 The Council's adopted Parking Standards- SPG4 have a specific standard for 'dwellings for elderly': in common with other standards this is a maximum number of parking spaces, and is 1 car space per 2 dwellings. The maximum allowance here for 28 flats would thus be 14; 9 parking spaces are proposed. The applicant states that the level is considered appropriate due to the

accessibility of the development located close to facilities and the good public transport links to the city centre. The applicants have agreed to provide 2 years membership of the City Car Club to occupiers (nearest space 0.27 miles). They have undertaken parking surveys in relation to surrounding roads.

8.27 The Sustainable Transport Officer has given detailed consideration to the applicant's submitted Transport Statement- see 5 above. It is concluded that, bearing in mind what is assessed as spare capacity in local unrestricted spaces that the car parking provision is acceptable. Whilst acknowledging that many of the consultee responses consider car parking proposed to be insufficient as the Sustainable Transport Officer notes the NPPF states that applications should only be refused where impacts are deemed severe and there is not the evidence that this would be the case here.

8.28 The discrete proposed pedestrian access is desirable, but should be wider and preferably on the Dyke Road, rather than Withdean Road side of the vehicular access. This is not considered in itself to be a reason for refusal.

8.29 **Sustainability**

As a residential scheme, the development is expected, under policy CP8 of City Plan Part One, to meet minimum efficiency standards for energy and water. AN Energy Statement has been submitted with the application which sets out how the energy efficiency standard can be met. The completed Sustainability checklist indicates a commitment to achievement of the water efficiency standard. This complies with the over-arching minimum standards set out in CP8. Policy CP8 sets out other sustainability issues that should be addressed by applications. In relation to these, the following proposed measures show ways that policy CP8 has been addressed.

8.30 Renewable technology is proposed in the form of a 77m² PV (11kWp) photo voltaic array on one of the largest roofs. Thermal values for fabric performance are proposed slightly in advance of national (notional) standards but only in respect of airtightness. A communal heating system is proposed to supply space and water heating; this can provide efficiencies in terms of carbon emissions provided heat losses are minimised for pipe runs and where there are safeguards against over-heating of internal spaces. Aspects of policy CP8 where little information is provided includes how materials specified for the development will be sustainable and sustainably resourced. Sustainable drainage is proposed in the form of permeable paving replacing some hardstanding. Whilst a communal heating system is proposed the site does not offer potential to any future heat network.

8.31 Further sustainable items would be desirable- such as food growing areas; rainwater butts and composting. Energy and water performance standards could be secured by condition in the event of approval.

9 **CONCLUSION**

- 9.1 The principle of the residential redevelopment of the existing Lions Gardens is not objected to; the form of affordable housing proposed would be acceptable if secured by legal agreement.
- 9.2 The density of the development as proposed is considerably higher than the minimum sought by City Plan Part One Policy CP14. This would not necessarily be unacceptable in itself if the criteria set for considering 'higher densities typically found in the locality' were met. However it is not considered that this proposal has demonstrated that it meets the policy criteria to 'help maintain or create a coherent townscape' or that it 'would respect, reinforce or repair the character of the neighbourhood and contribute positively to a sense of place'.
- 9.3 The proposed development by reason of excessive massing, scale and footprint would create a discordant form of development that is contrary to the prevailing character and of the surrounding area. In addition, concerns are raised in respect of the disposition of the bulk of the development in relation to adjoining premises, which is considered un-neighbourly. The closeness of the building to the sensitive north and west boundaries and the absence of any planting to soften the impact, together with the absence of an overall landscaping scheme demonstrating how the building would be complementary to the streetscape results in an inappropriate development and is therefore recommended for refusal.

10 EQUALITIES

None identified

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed development, by reason of excessive footprint, scale, height and materials would constitute an inappropriate form of development that fails to respect the prevailing character of the surrounding area. The proposed development would therefore constitute an incongruous form of development that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.
2. The proposed building would, by virtue of its relationship with the boundary with 8 and 10 Hazeldene Meads to the north, give rise to a loss of amenity to the occupiers of those premises by means of:
 - (a) The creation of an oppressive outlook, unable to be screened by planting due to the narrowness of the gap between the proposed building and boundary.
 - (b) The creation of large second floor windows directly facing the gardens of 8 & 10 Hazeldene Meads giving rise to overlooking and the perception of overlooking, severely reducing the ability to enjoy the use of each garden.
 - (c) Giving rise to a loss of sunlight detrimental to the ability of the occupiers of 8 and 10 Hazeldene Meads to enjoy the use of each garden.

PLANNING COMMITTEE LIST- 03 August 2016

The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.

3. The proposed building would, by virtue of its relationship with Ruston Heights to the west give rise to the creation of an oppressive outlook for residential occupiers of that building, unable to be screened by planting due to the location of a mobility scooter and cycle storage facility in the intervening space. The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.
4. No planting details or analysis of the impact of the proposed building on trees in immediately surrounding premises has been submitted, in the absence of which the applicant is unable to demonstrate that adequate mitigation of impacts of the proposal on the appearance of the streetscene, residential amenities of neighbouring properties and nature conservation interests will be undertaken. The proposal does not, therefore comply with policy QD15 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 is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site location plan	15894/PA-A-1000		07/03/16
Existing site plan	15894/PA-A-1002		07/03/16
Existing elevations- north & east	15894/PA-A-1003		07/03/16
Existing elevations south & west	15894/PA-A-1004		07/03/16
Proposed ground floor plan	15894/PA-A-200	A	07/03/16
Proposed 1 st floor plan	15894/PA-A-201		07/03/16
Proposed 2 nd floor plan	15894/PA-A-202		07/03/16
Proposed roof plan	15894/PA-A-203	A	07/03/16
Landscape plan	15894/PA-A-210		07/03/16
Proposed west & north elevations	15894/PA-A-		07/03/16

PLANNING COMMITTEE LIST- 03 August 2016

	220		
Proposed east & west elevations	15894/PA-A-221		07/03/16
Proposed sections	15894/PA-A-230		07/03/16
Sketch view 1	15894/PA-A-240		07/03/16
Sketch view 2	15894/PA-A-241		07/03/16
Sketch view 3	15894/PA-A-242		07/03/16
Sketch view 04	15894-PA-A-243		07/03/16