

Planning Committee

Date: **2 December 2020**

Time: **2.00pm**

Venue **Virtual Via Microsoft Teams**

Members: **Councillors:** Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Henry, Fishleigh, Janio, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

Contact: **Penny Jennings**
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AGENDA

76 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

77 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 4 November 2020 (circulated separately)

78 CHAIR'S COMMUNICATIONS

79 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due of 12 noon on 26 November 2020.

80 REQUEST FOR DEED OF VARIATION, FORMER PORTSLADE BREWERY, SOUTH STREET, PORTSLADE 1 - 8

Report of the Head of Planning (copy attached)

81 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

The Democratic Services Officer will callover each of the applications appearing on the agenda and those on which there are speakers are automatically reserved for discussion.

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

- A BH2020/00002 - Coombe Farm, Westfield Avenue North, Saltdean, Brighton - Full Planning **9 - 106**
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Rottingdean Coastal
- B BH2020/01742- The Meeting House, Park Close, Brighton - Full Planning **107 - 136**
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Hollingdean and Stanmer

MINOR APPLICATIONS

- C BH2020/02654 - 43 Clarendon Villas, Hove - Full Planning **137 - 152**
RECOMMENDATION – GRANT
Ward Affected: Central Hove
- D BH2020/02655 - Basement Flat, 5 D'Aubigny Road - Full Planning **153 - 162**
RECOMMENDATION – GRANT
Ward Affected: St Peters and North Laine

E	BH2020/02453 - Basement Flat, 74 Montpelier Road, Brighton - Householder Planning Consent RECOMMENDATION – REFUSE <i>Ward Affected: Regency</i>	163 - 176
F	BH2020/02454 - Basement Flat, 74 Montpelier Road, Brighton - Listed Building Consent RECOMMENDATION – REFUSE <i>Ward Affected: Regency</i>	177 - 186
G	BH2020/01986 - 22 Crescent Road, Brighton - Full Planning RECOMMENDATION – MINDED TO GRANT <i>Ward Affected: St Peters and North Laine</i>	187 - 200
H	BH2020/02587- Woodingdean Service Station, 534-540 Falmer Road, Woodingdean, Brighton - Full Planning RECOMMENDATION – GRANT <i>Ward Affected: Woodingdean</i>	201 - 210
I	BH2020/01505 -11-12 Rock Place, Brighton - Full Planning RECOMMENDATION – GRANT <i>Ward Affected: Queen’s Park</i>	211 - 242

83 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested

INFORMATION ITEMS

84	LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE (copy attached).	243 - 250
85	INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES (copy attached).	251 - 252
86	APPEAL DECISIONS (copy attached).	253 - 254

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Do not re-enter the building until told that it is safe to do so.

Subject:	Former Portslade Brewery, South Street, Portslade		
Date of Meeting:	2 December 2020		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Chris Swain	Tel: 01273 292178
	Email:	Chris.swain@brighton-hove.gov.uk	
Ward(s) affected:	South Portslade		

1. PURPOSE OF THE REPORT

- 1.1. To consider a request to vary the Heads of Terms of the Deed of Variation to the Section 106 Agreement dated 3 November 2017 in connection with planning permission BH2018/02373 (original application BH2016/02459) to vary the clause requiring that two shared ownership dwellings are to be provided to instead provide a financial contribution for offsite affordable units in lieu of the on-site provision.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** the Deed of Variation to the S106 Agreement dated 3 November 2017 related to planning permission ref: BH2018/02373 (original application BH2016/02459).

3. BACKGROUND INFORMATION

- 3.1. The permission relates to the redevelopment of the former Portslade Brewery site sited off South Street within the Portslade Old Village Conservation Area. Full planning permission was granted for the following development:
- 3.2. **BH2018/02373** - Application for variation of condition 1 of BH2016/02459 (Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.) to allow amendments to the approved drawings. Variation of conditions 4, 8, 10, 11, 17, 18, 28, 29, 31, 35, 40 and 43 to allow phasing of project. Variation of condition 7 regarding accessibility, 39 regarding surface water maintenance and management and 41 regarding flooding. Granted: 29 October 2019.

Original application

- 3.3. **BH2016/02459** - Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed-use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping. Granted: 3 November 2017.
- 3.4. The permission provides for a mixed used development involving the conversion of the former locally listed brewery buildings to provide 37 self-contained flats and 674sqm of employment space, demolition of the later industrial buildings and the erection of 11 new dwellings.
- 3.5. The new build dwellings are nearing completion with the overall development earmarked to be completed in the summer of 2021.

4. PROPOSAL

- 4.1. The s106 Legal Agreement requires that two of the new build dwellings must be offered up for affordable housing (shared ownership). The proposal is to vary the legal agreement to allow a commuted sum to be paid in lieu of the on-site affordable housing.
- 4.2. The two three-bedroom dwellings that have been offered up as shared ownership affordable units are marked as units 10 and 11 on the approved plans.
- 4.3. The application was deferred from consideration at the 4 November 2020 Planning Committee *“in order to allow the Housing Strategy team to reconsider the options on avoiding the move to a commuted sum, and explore the number of Registered Housing Providers being considered.”*
- 4.4. In response, therefore, a more detailed response from the Housing Strategy team has been provided, as set out in Section 5 below.

5. CONSULTATIONS

- 5.1. **Housing Strategy:** No objection
Policy Position

Planning policy CP20: Affordable Housing - requires developers to provide an element of affordable housing in developments of more than five homes. This is on a sliding scale as follows:

- developments of between 5 and 9 homes to provide a 20% housing contribution (i.e. 20% of the homes being built) as a financial contribution;
- developments of 10 to 14 homes to provide a 30% contribution either onsite or as a financial contribution and
- developments of 15 homes or more to provide a 40% contribution onsite.

- 5.2. The policy outlines that the targets set out above may be applied more flexibly where the council considers this to be justified. In assessing the appropriate level and type of affordable housing provision, consideration will be given to:
1. “local need in respect of the mix of dwelling types and sizes including the city’s need to provide more family-sized affordable housing;
 2. the accessibility of the site to local services and facilities and public transport;
 3. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);
 4. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
 5. the need to achieve a successful housing development.”
- 5.3. Supporting documents for the policy include the council’s Affordable Housing Brief which is provided to developers and includes details such as the preferred unit and tenure mix; and the Developer Contribution Technical Guidance which provides a policy overview on areas for developer contributions, enabling the granting of planning permission. The contributions to be secured as Planning Obligations under Section 106 of the Town and Country Planning Act 1990.
- 5.4. Land and development costs in the city mean that option 3 in the above list regarding viability of developments is often brought forward by developers as justification for reducing the amount of affordable homes provided as provision of affordable housing is often the most expensive contribution required. The council has an agreed policy process regarding this which requires any such viability to be independently assessed.
- 5.5. Affordable housing secured through S106 Agreements have historically been sold to a Registered Provider (RP) at a below market price in order for them to be provided as affordable homes (affordable rent or shared ownership). RPs have to assess the affordability and viability of such purchases, and the factors outlined in the table below are all elements that are included in that assessment, alongside risk regarding sale of shared ownership homes. The council has a number of partner RPs based on presence in, and commitment to the city, as confirmed via rent levels agreements etc.
- 5.6. If an RP purchaser is not found among the Council’s partners, the developer can bring forward an alternative provider, but they will need will to meet the conditions of the council’s proposed S106 Agreement. Developers may seek to pay a commuted sum to the council in lieu of providing the housing onsite (which also accords with planning policy), with such funds used towards providing affordable housing elsewhere in the city through the council’s own programmes such as New Homes for Neighbourhoods and Home Purchase.
- 5.7. Consideration is now also given as to whether the council could purchase S106 homes directly. Any risk and suitability assessment of the homes on offer would be undertaken along the same lines as that of the RPs, with viability then assessed through the Home Purchase model based on cost of purchase and projected rent levels.

Portslade Brewery

- 5.8. August 2017 – original planning application approved. Scheme of 48 homes to include 2 houses to be provided as shared ownership as the affordable housing element. This affordable housing level was agreed via a viability assessment provided by the developer which was then independently assessed for the council as part of the planning process and determined to be in accordance with policy CP20. Housing did not object as the proposal was policy compliant. Council purchase was not a consideration at this time as the Home Purchase Policy was expanded to look at S106 sites and other purchases from September 2018.
- 5.9. May 2020 – the developers approached the council with confirmation that all of the council’s partner RPs had rejected the homes proposed, as confirmed by the developer’s agent (Calford Seaden) who were employed to identify a suitable RP. The reasons for this were confirmed two homes not being viable for them, plus the high risk associated with the shared liability for the locally listed chimney in place on the site. The developer brought forward a private housing provider who had expressed an interest in a ‘leaseback’ arrangement with the council. This was not an affordable housing policy position at this time, with commuted sum recognised as a ‘fallback’ position providing affordable homes.
- 5.10. The S106 conditions required the affordable housing to be sold to an RP ahead of the developer selling the private homes and this created some urgency. The two matters of: allowing them to continue the sales process; and looking at the affordable housing; were considered as separate matters.
- 5.11. The possibility of purchasing S106 homes, where viable, was being considered by BHCC, and the opportunity to consider the houses for council purchase was recognised.
- 5.12. In November 2020, the Planning Committee agreed to defer approval of the commuted sum payment in order for Housing to consider whether purchase by the council was possible. The above table outlines the steps and matters that were considered in assessing this property for purchase and the final conclusion of this process.

Action	Detailed consideration	Outcome
Change of tenure (as currently shared ownership)	Developer confirmed they would consider this	Positive – although would require Deed of Variation to amend tenure type

Action	Detailed consideration	Outcome
Valuation was commissioned – same basis (and valuer) as those undertaken for the council’s Home Purchase Policy buy back scheme	Valuer was able to attend (using lockdown protocol). Some concerns raised regarding layout and finish of the homes. Undercroft parking considered higher risk Rear yards very small	Negative – in terms of the housing provision
Information on properties forwarded to maintenance and management teams for comment	No issue raised by Housing Management at preliminary stage Asset management raised a number of issues around: Flooring Heating Lighting Decking	Positive in principle Negative – concerns raised regarding some aspects and long term maintenance around this. Elements would have to be replaced which could affect build guarantees etc
Any other identified risks	Maintenance and emergency repair liability for listed chimney on the site	Negative - Additional cost and potentially high risk element
Viability of purchase run through the Home Purchase assessment process	Based on the market values of the homes with a projected S106 discount applied	Neutral Viability borderline at the higher preferred BHCC rent level ie 37.5% Living Wage and not viable at social rent or 27.5% Living Wage. This was assessed before the chimney liability costs were clarified
Conclusion	Weighing up factors around the build finish, maintenance costs and rent levels, plus the chimney issue, the overall conclusion was that receipt of a commuted sum allowing purchase of additional homes through the Home Purchase Policy was the best outcome in this instance and more beneficial to BHCC and meeting the demand for affordable housing.	

Conclusion

- 5.13. The council is keen to look at the purchase of homes provided through s106 agreements. Consideration is now given to this at an earlier stage of the planning process. This is assessed against a standard set of risks, checked for viability based on the cost of the homes against the rent levels the council intends to charge, and any subsidy required.
- 5.14. Achieving the homes on site is always the preferred option but when this is not possible a commuted sum remains a policy compliant position because a commuted sum will lead to an increase of affordable homes in the city.
- 5.15. In this instance, with all factors above taken into consideration commuted sum remains the most practical and beneficial outcome for this scheme.

6. COMMENT

- 6.1. The main considerations in the determination of this application relate to the principle of varying the legal agreement to allow for the payment of a commuted sum in lieu of the on-site provision of two three-bedroom dwellings in shared ownership.
- 6.2. City Plan Part One policy CP20 and the Affordable Housing Brief indicates that the Council's preference is for on-site affordable housing provision to help achieve balanced and mixed communities. However, the supporting text to the policy notes that this is not always possible, and that a commuted sum may be acceptable in 'exceptional circumstances':
"Only in exceptional circumstances, will the council accept a commuted sum or free serviced land in lieu of onsite provision on larger sites. These circumstances might include, for example, where the Registered Provider finds it uneconomic or impractical to provide the units agreed." (paragraph 4.244).
- 6.3. This is expanded on in the Developer Contributions Technical Guidance (2017) which notes that circumstances which might justify offsite provision or payment in lieu of affordable housing could include, in summary, where mixed community objectives/housing priorities could be better met in an alternative location; where there are high housing costs for occupiers associated with the development; or where a RP finds it uneconomic or impractical to provide the affordable units provided. With regards to the latter, the Guidance notes *"An example could be where on some sites it is not practical, from a management perspective, to provide and manage a small number of on-site affordable housing units."*
- 6.4. The final point is of particular relevance to this proposal as it includes two housing units, which RPs have indicated would not be practical to manage, a view supported by the Housing Strategy team.
- 6.5. The applicant has provided evidence that they have been unable to find a Registered Provider to take on the two affordable units. The key issues in the unwillingness of RPs to take on the units was the very limited number of units (only two) and the potential maintenance liabilities relating to the locally listed chimney.

- 6.6. As noted in their response above, the Housing Strategy Team confirms that RPs are generally seeking to purchase a larger volume of units when they are making investment decisions as this will improve the viability of any scheme. They also note that they are satisfied that every effort has been made to achieve the sale of the two shared ownership units to a Registered Provider and that this approach is not possible at this time.
- 6.7. As noted in their response above, the Housing Strategy team has also explored whether the Council could purchase the units as part of its affordable housing portfolio. However, they conclude that *“Weighing up factors around the build finish, maintenance costs and rent levels, plus the chimney issue, the overall conclusion was that receipt of a commuted sum allowing purchase of additional homes through the Home Purchase Policy was the best outcome in this instance.”*
- 6.8. On this basis, it is concluded that a commuted sum in lieu of on-site provision is acceptable and in accordance with planning policy and guidance. The commuted sum would be put towards the Council’s affordable housing programme within the City which includes homes for affordable rent, which has the benefit of providing homes with greater levels of affordability than the two shared ownership units that were to be provided on-site.
- 6.9. The commuted sum has been arrived at in accordance with the formula set out within the Developer Contributions Technical Guidance (March 2017). The resulting figure is £140,000 for each shared ownership unit and thus an overall total of £280,000. The Housing Strategy Team have confirmed that the total offered by the applicant is in accordance with the guidance.
- 6.10. In conclusion, it is considered that the applicant’s proposal to vary the legal agreement to provide a commuted sum, in lieu of onsite affordable housing, is acceptable and would accord with the thrust of relevant planning policy and the aims of the Council. It is therefore recommended that the Deed of Variation is permitted.

7. BACKGROUND DOCUMENTS:

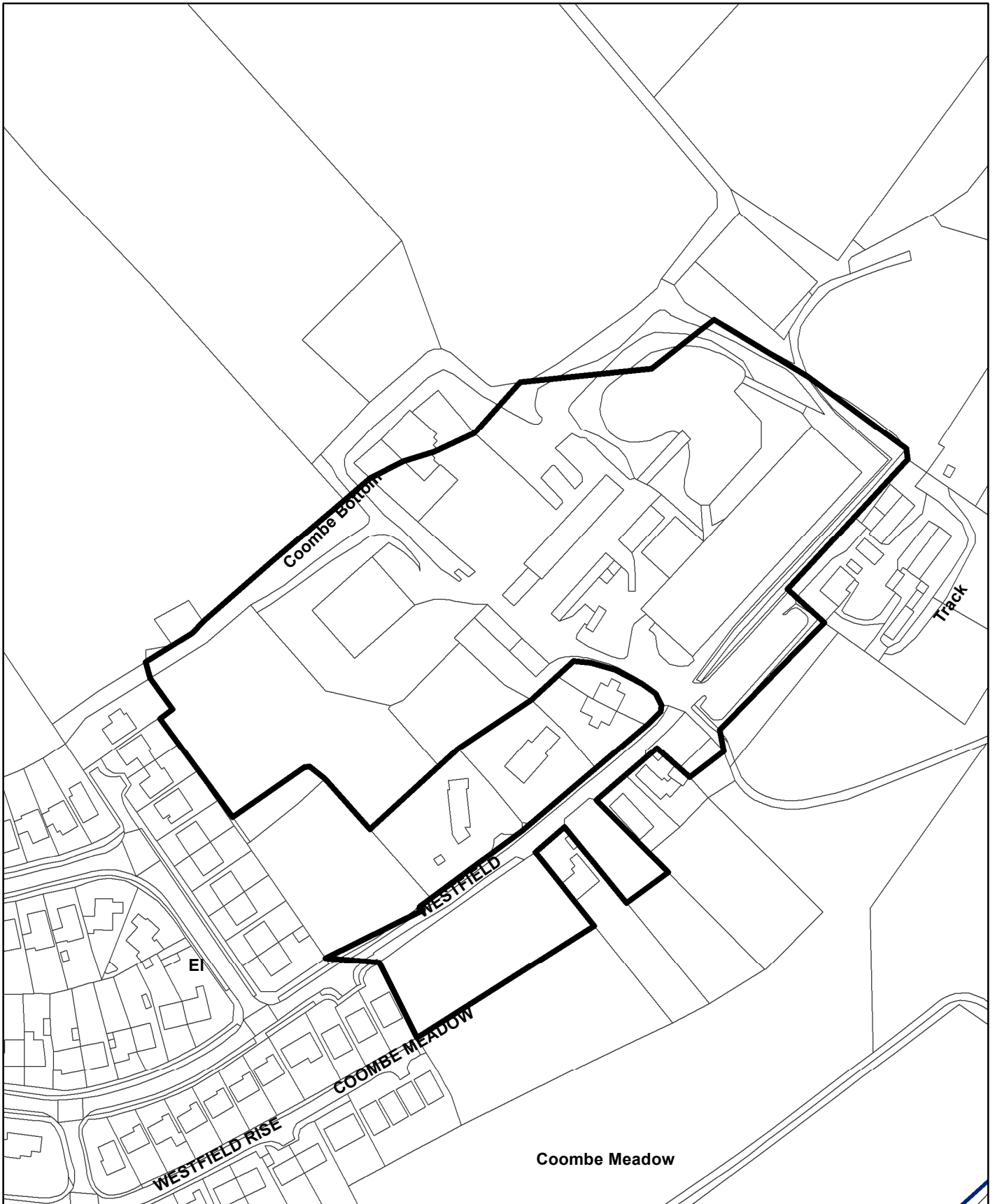
Planning Applications BH2018/02373 and the original application - BH2016/02459.

ITEM A

**Coombe Farm, Westfield Avenue North
BH2020/00002
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 00002 - Coombe Farm, Westfield Avenue North



N



Scale: 1:2,000

<u>No:</u>	BH2020/00002	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Coombe Farm Westfield Avenue North Saltdean Brighton BN2 8HP		
<u>Proposal:</u>	Demolition of existing buildings and erection of 72 dwelling houses with associated parking and landscaping.		
<u>Officer:</u>	Henrietta Ashun, tel:	<u>Valid Date:</u>	08.01.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.04.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Chris Frost	2 Wardrobe Place	London EC4V 5AH
<u>Applicant:</u>	Gold (Saltdean) Ltd	C/o Future PD	2 Wardrobe Place London EC4V 5AH

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 24th February 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

Section 106 Head of Terms:

Affordable housing:

- Provision of **40%** affordable housing (29 units)
- Unit mix :
 - 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 55% Affordable Rent
- 45% Shared Ownership

Public art

- 1.2. Commissioning and installation of an Artistic Component to the value of **£53,400** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' for artistic influence in the public realm to incorporate an artistic component, the specification of which shall be agreed with the council prior to being formally commissioned.

Employment:

- 1.3. Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- 1.4. A financial contribution up to **£32,000** towards the Local Employment Scheme

Highway Works

- 1.5. Alterations to the public highway outside of the site to incorporate the development safely into the highway, including:
 - Introduction of new pedestrian crossing on the eastern arm of the junction of Westfield Avenue North and Coombe Vale
 - Footway improvements on the north and south side of Westfield Avenue North

Residential Travel Plan

- 1.6. A Residential Travel Plan document
- 1.7. Provision of a Travel Pack to each first new resident, which shall include information on local options for sustainable transport and arrangements to get support
- 1.8. Providing the first resident 2 free bus passes of 12 months duration or a voucher for £200 to be redeemed against the purchase of a bicycle

Conditions

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

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

Plan Type	Reference	Version	Date Received
To be completed within the late list			

- 2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 3.
 - A. No works shall take place until a Demolition and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
 - (i) The phases of the Proposed Demolition Phases including the forecasted completion date(s);
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Demolition until such consent has been obtained;

- (iii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress during the demolition phase and how any complaints will be dealt with reviewed and recorded;
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and the removal of waste from the site;
 - (v) Details of hours of operation;
 - (vi) Details of the measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles during the demolition and clearance of demolition waste phases;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site;
- B. Upon completion of Phase A, no construction or site preparatory works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
- (i) The Construction phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded;
 - (iii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (iv) Details of hours of construction forecast vehicular movements by vehicle category;
 - (v) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vi) A plan showing construction traffic routes;

- (vii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site;

The demolition and construction phases shall be carried out in accordance with the approved CEMPs

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 4. No development shall commence (other than demolition works and enabling works, and works to trees), until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be retained. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;

Prior to first occupation:

- b. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
- c. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policy CP20 of the Brighton & Hove City Plan Part One.

- 5. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until agreed protection measures are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction. Protective measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual

amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

6. No development above ground floor slab level of the development hereby permitted shall take place until details of the construction maintenance and irrigation programme of the brown roofs for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One
7. No development above ground floor slab level prior to commencement of that stage of works shall take place until full details of door(s) and window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. Details shall be implemented as approved.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
8. No development above ground floor slab level hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used,
 - c) samples of all hard-surfacing materials,
 - d) details of the proposed window, door and balcony treatments,
 - e) details of all other materials to be used externally,
 - f) details of supporting evidence of the durability and weathering of the proposed materialsThe development shall be carried out in accordance with the approved details. Thereafter the approved scheme shall be retained. .
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
9. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:
 - I. Geometry and layout, including dimensions and visibility splays
 - II. Pavement constructions and surfacing, kerbs and edge restraints

- III. Levels and gradients
- IV. Lighting
- V. Drainage
- VI. Street furniture
- VII. Trees, other planting, growing media and planting aids
- VIII. Traffic signs and road markings.

The scheme shall include a completed Road Safety Audit up to stage 2 in accordance with the Highway Authority's standards at that time, with the Highway Authority acting as Overseeing Organisation. The Road Safety Audit Brief and Report, and all other road safety audit documents, shall be submitted with the scheme for approval.

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance On the Use of Tactile Paving Surfaces are not met then relevant disabled user groups (and/or national organisations representing them) shall be engaged as part of the design development process and the submitted scheme shall include both of the following.

- a) A Participative Inclusive Design Statement. This shall: explain the engagement undertaken with disabled user groups during the design development process; record their views and suggestions on the different options; and explain how these have shaped the submitted design proposals and other management plans. Where it has not been considered possible to accommodate views and suggestions in the submitted proposals and plans then the reasons for this shall be detailed.
- b) An Equality Assessment. As a minimum this shall identify and explain: each adverse impact arising from the proposals for different protected character groups; how these are known (which may be from appropriate consultation/engagement, research or guidance relevant to the protected character groups impacted); the alternatives considered to avoid or minimise these impacts; and, where some residual adverse impact remain, the objective justifications for why complete avoidance is not considered possible and why the scheme should nonetheless be considered acceptable.

The approved scheme shall be implemented prior to first occupation of the residential development and shall include the implementation of the recommendations of the stage 3 Road Safety Audit, with the Highway Authority acting as Overseeing Organisation. Thereafter the approved scheme shall be retained in use at all times, except that a further stage 4 Road Safety Audit shall be undertaken if any road traffic collisions are recorded within the 12 months of validated collision data available after scheme opening and the recommendations of that shall be implemented.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of active play and learning equipment to be provided in the equipped area/s of play shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed before the first occupation that phase of the development or its completion, whichever is sooner and thereafter retained.
Reason: To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with the provisions of policy HO5 the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be first occupied until details of any external lighting proposed has first been submitted to and approved in writing by the Local Planning Authority. This shall include certification on completion, from a competent person, to demonstrate that the lighting installation complies with the with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments.

External lighting for the development shall be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution including impact to wildlife habitats.
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.
- Have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site.

The lighting shall be implemented as approved and retained.

Reason: To protect the amenity of neighbouring occupiers and users of the surrounding area and in the interest of biodiversity, in accordance with policies QD25 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

12. The development hereby permitted shall not be first occupied until:

- (1) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
- (2) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

13. Prior to occupation of any development a Scheme for Crime Prevention Measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.
Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.
14. Prior to first occupation details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained as such thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
15. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift, bat and bee bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
16. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use for that phase of the development. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
17. Prior to first occupation of the development hereby permitted, details of all hard and soft surfacing and details of all boundary treatments (including the boundary between the proposed turning head at the north-eastern extent of the site and block C6 adjacent) shall have been submitted to and approved in writing by the Local Planning Authority. The hard surfaces shall be made of porous materials 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 site. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of each phase of the development.

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

18. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

19. Prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible 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 each phase 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 and SPD14: Parking Standards.

20. Notwithstanding the submitted drawings prior to occupation the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight
- d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
- e. details of all proposed boundary treatments to include type, position, design, dimensions and materials (including the boundary between the

proposed turning head at the north-eastern extent of the site and block C6 adjacent);

- f. details, furniture and equipment for specific amenity areas
- g. details of food growing areas for residents
- h. details of a landscape maintenance programme

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and Policy QD16 of the Local Plan.

21. Prior to any development above ground floor slab level details of secure, accessible and inclusive cycle parking facilities for the residents of the development and their visitors, and the management thereof, shall have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The cycle parking facilities shall be implemented in accordance with the approved scheme and made available for use prior to first occupation of the development. Thereafter they shall be retained in use at all times for residents and their visitors only and managed in accordance with the approved scheme.

Reason: To ensure that adequate cycle parking facilities are provided, to encourage travel by sustainable modes, and to comply with policy TR114 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton and Hove City Council City Plan Part One, SPD14 Parking Standards, and National Planning Policy Framework Paragraphs 108 and 110.

22. All separating walls and floors between the residential units, vehicle and cycle parking areas and the proposed turning head shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

23. Notwithstanding the submitted drawings prior to occupation of the development hereby permitted, the following shall be submitted and approved by the Local Planning Authority:

- a) A detailed landscape masterplan for the design and layout of the open spaces including detailed hard landscape and planting plans.
- b) That all plants which die in the first 5 years of establishment are replaced.
- c) A long-term landscape and ecological management plan to include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery should be provided, to ensure the successful establishment and longer term management of proposed habitats and landscape.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and SA4, CP12 and CP13 of the Brighton & Hove City Plan Part One and Policy QD16 of the Local Plan.

24. No residential unit hereby approved shall be occupied until it 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.

25. No residential unit approved shall be occupied until it has achieved as a minimum, a water efficiency standard of 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.

26. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

27. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

28. No burning of demolition/construction waste materials shall take place on site.

Reason: to protect the amenity of local residents from smoke, ash, odour and fumes to comply with policy QD27 of the Brighton and Hove Local Plan.

29. 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) other than that expressly authorised by this

permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area including the setting of the South Downs National Park, and to comply with policy QD27 of the Brighton & Hove Local Plan and policies SA4, SA5 and CP12 of the Brighton and Hove City Plan Part One.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

31. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan

32. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This development lies in a sensitive location in terms of controlled waters as it is within a source protection zone 3 and on a principal aquifer. This condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

33. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the

risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: This development lies in a sensitive location in terms of controlled waters as it is within a source protection zone 3 and on a principal aquifer. This condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

34. No development shall take place until a feasibility study has been submitted to and approved in writing by the LPA (Local Planning Authority) for a communal or individual ground source heat pump or communal or individual air source heat pumps system to be used as the heating technology across the site. The agreed system shall be implemented within the development unless it can be proven not technically feasible or financially viable.

Reason: to comply with Policy CP8 (Sustainable buildings) of Brighton & Hove City Plan Part One.

35. The development hereby approved shall not be occupied until a comprehensive Management Plan for the site has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:
- i. Details of community liaison arrangements including contacts and complaints procedures.
 - ii. Details of management and access to outdoor communal facilities including The Common and Play Areas.
 - iii. Arrangements for public use of The Common area for events
- The agreed Management Plan shall be implemented as approved.

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

36. The development shall be carried out in accordance with the details, mitigation measures and recommendations in the Remediation Strategy document submitted by the applicant and prepared by Messrs Ashdown Site investigation Ltd report reference R14039 dated 16 January 2020.

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

37. The development shall be carried out in accordance with the details, mitigation measures and recommendations within the Contaminated Land assessment prepared by Messrs Ashdown Site Investigations Ltd dated December 2019

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

38. Compliance with existing detailed biodiversity method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out

in accordance with the details contained in the Ecological Impact Assessment (ReidEco Ltd, July 2020), the Construction and Environmental Management Plan (ReidEco Ltd, July 2020) and the Amended Landscape Masterplan (Landscape Perspective, revision O) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the BHCC City Plan Part One.

39. Notwithstanding the approved plans, the ground floor windows on the side elevations of the proposed properties shall be secondary windows and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and provide a satisfactory standard of accommodation and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

40. Notwithstanding the approved plans, the first floor windows on the side elevations of the proposed properties of the development hereby permitted shall not be sole windows serving a habitable room and shall either be high-level windows positioned at least 1.7m above the floor of the room or obscurely glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

41. The development shall provide for 72 residential units (C3 use), within buildings of up to 2 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the ensuring an appropriate housing mix and density and to ensure the character and appearance of the area including wider strategic views and impact to on the South Downs National Park are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies, HO5, HO13, and QD27 of the Brighton & Hove Local Plan and SA4, CP1, CP2, CP3, CP14, and of the Brighton & Hove City Plan Part One.

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. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. All energy calculations should use SAP10 emissions Factors.
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://www.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 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 the details of external lighting should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
8. The applicants are advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop.
9. 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.

10. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
11. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
12. This decision includes a requirement to carry out highway works. These will require separate highways approval via a legal highway agreement, and other related regulatory approvals, before any works can commence. The Applicant is advised to contact the council's Highway Agreements team (s278@brighton-hove.gov.uk) at their earliest convenience to avoid potential later delay.
13. It is anticipated amongst other things that the proposed designs for the internal roads shall be modified before approval to include additional motor cycle parking spaces and to ensure that 1.2m access zones are provided to the front and both sides of all disabled parking spaces in accordance with BS 8300 requirements.
14. Street Design condition informative should be in line with Policy SPD14 and TR18 the Street Design condition will also need to include the following detail ensuring that they meet policy minimums:
 - Details of the layout of the bays and access for the car park, and any other motor vehicle parking areas, including provision of 5% of the total spaces for motor cycle use.
 - Details of electric charging bays, including arrangements to bring passive EVCB into active service.
 - Details of disabled parking bays.
15. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
16. A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

2. SITE LOCATION

- 2.1. The proposal relates to a mainly rectangular shaped site measuring 3.31 hectares, on the eastern extent of Saltdean. The site is bound by South Downs National Park (SDNP) to the north west and east. To the south-west is an existing residential development comprising mainly semi-detached and detached properties. To the south-east of the site is a Site Important for Nature Conservation, also known as Coombe Meadow Local Wildlife Site. Access to the site is via Westfield Avenue North, to the south of the site, along which are other semi-detached and detached residential properties.
- 2.2. The site currently comprises the former buildings and yard of Coombe Farm (which is no longer used for agricultural purposes); a large slurry pit at the northern end of the site; the paddock adjacent to Coombe Bottom; the paddock adjacent to Coombe Meadow; and the strip of land between the dwelling known as Jesmond and the newly constructed house. Slopes to the north and north-west are predominantly used for horse grazing and slopes to the north-east are in agricultural use.
- 2.3. The former farm buildings/yard have been used for a variety of purposes including livery stables, vehicle repairs, caravan/motorhome storage, construction/scaffold storage; and are now mainly used for storage.
- 2.4. The site is sandwiched between the South Downs National Park and an existing residential area, and thus has been identified as an Urban Fringe Site, in the Brighton & Hove City Plan Part One 2016.
- 2.5. The site is situated in a valley known as 'Coombe Bottom' rises from a low point of 50m AOD in the south west corner to 60m AOD at the north and west boundary with the SDNP. Previous excavations to form the slurry pit, hardstanding and a cattle barn have resulted in 5m high exposed chalk faces on the north western boundary; a 7m deep slurry pit; and an 8m high exposed chalk face at the north east corner of the site.

3. RELEVANT HISTORY

- 3.1. **BH2016/01903** - Outline application for Demolition of existing farm buildings and erection of 60 family dwellings with public open space and approval of reserved matters for access and landscaping. Approved 13.06.2018. This consent expires in June 2021 and has not been implemented.
- 3.2. **SDNP/18/04566/FU** - Planning permission was granted by the South Down National Park Authority for a 40-stall horse stable block to the north east of the site. This is shown on the amended site plan.

- 3.3. **BH2005/05939** - Change of use of 332 square metres for the storage of skips and two skip lorries, and waste transfer station. (Retrospective) Refused 12.12.2005
- 3.4. **BH2001/01619/FP** - Proposed extension to existing cow housing. Approved 17.12.2001.
- 3.5. **BH2000/00880/OA** - Erection of detached agricultural dwelling and new vehicular access Refused 20.07.2000.
- 3.6. **95/0112/FP** - Construction of cattle yard to house dry cows (20) prior to calving and re-arrange access to building. Approved 18.05.1995

4. APPLICATION DESCRIPTION

- 4.1. The proposal is for the demolition of the existing buildings and the erection of 72 houses.
- 4.2. The existing access from Westfield Avenue North would be widened and improved. A network of internal roads and footways to facilitate the development is proposed.
- 4.3. To the north-east of the site home zones (shared surfaces) are proposed providing vehicular access, pedestrian access, landscaping and street furniture.
- 4.4. An open space area known as 'The Common' would be located on the north-west of the site.
- 4.5. Typologies:
- One-storey terraced houses
 - Two-storey terraced houses
 - Two-storey semi-detached houses
 - Two-storey detached houses
- 4.6. 3 main character areas:
- Westfield Avenue North
 - The Lane
 - The Yards (A, B & C)
- 4.7. Housing mix:
- 4 x 1 bed units
 - 16 x 2 bed units
 - 29 x 3-bed units
 - 23 x 4-bed units
- 4.8. Car and cycle parking:

- 105 parking spaces in total equating to circa 1.5 parking spaces per unit OR 1 parking spaces per unit (1:1) and 1 parking space for 2 visitors (2:1)
- 2 cycle spaces per unit
- 1 visitor cycle space per 3 units

Amended plans

4.9. Additional information and associated amended plans were received as follows:

- Transport information and assessments (including the provision of bound paving materials, additional crossing points, improving the legibility of carriageways and footways)
- Associated revised Site Layout and External Lighting Layout
- Site levels drawings (providing additional information on the proposed levels across the site),
- Updated Landscape Scheme drawings,
- Updated Tree information and drawings,
- Biodiversity Construction Environmental Management Plan,
- Updated Ecological Impact Assessment,
- Updated Flood Risk Assessment & Drainage Strategy
- Updated Remediation Strategy and Revised Ground Contamination

4.10. Further changes have been made following an initial Stage 1 Road Safety Audit to improve the highway safety within the vicinity including the provision of a turning head on the north-eastern extent of the site.

4.11. The additional information and amendments do not make any material changes to the scheme; however they seek to address objections raised, consultee comments and provide additional information where necessary.

Pre-Application History:

4.12. Following the approval of outline application BH2016/01903 for the redevelopment of the site, rather than satisfy the requirements of a reserved matters application; the applicant sought pre-application advice for a new development on the site. The applicant entered pre-application discussions with BHCC development management department resulting in 2 separate pre-application meetings.

4.13. In summary the applicants were provided with the following advice:

Officer response summary 1st pre application response sent 4th June 2019

- It is considered that any scheme in excess of 60 dwellings would need to demonstrate that a) the setting of the SDNP is protected; b) the development accords with the 'Urban Fringe' objectives; c) the ecological impacts can be mitigated; and d) the character and urban grain of the neighbouring residential properties are respected.
- No objection was raised to the increase in density throughout the site, on the basis that the other policies within the body of this letter are addressed;

however we consider that the area(s) bound by or adjacent to the SDNP should have a lower density.

- General support the layout of the development on the south-western and central part of the site, comprising detached and semi-detached properties.
- The proposed development to the north-eastern part of the site was not considered to be suitably sited on the basis that it would likely give rise to inappropriate development within the urban fringe and would fail to protect the setting of the adjacent to the SDNP.
- A less dense urban grain on the north-east of the site to respect the setting of the SDNP to provide a gradual transition between the existing residential properties and SDNP was recommended.

Officer response summary 2nd pre application sent 14 November 2019

- 4.14. 'The principle of the development on the site is acceptable and would provide much needed housing within the City; the layout of the scheme is improved and may be considered appropriate subject to the resulting impact on landscape, ecology, the environment and transport, which is yet to be assessed.'
- 4.15. Further recommendations:
- Incorporation of Saltdean identity into proposals
 - Ensure the properties to the north-east extent of the site are not on higher ground than the existing properties.

Design Review Panel(s)

- 4.16. The applicants attended 1 Design Review Panel:
- 4.17. Summary of feedback:
- Higher density supported
 - Omission of alley ways
 - A Sustainable Urban Drainage Systems strategy to be provided
 - Saltdean identity to be incorporated
 - Review of access to stable block
 - Parking problematic
 - A reduction in hard standing
 - Tree planting strategy to be provided
 - Common – wetland to be removed
 - Softer natural response to landscaping- not so engineered
 - Review of vehicular movement throughout the site
 - Low maintenance common area
 - Integration of low carbon and energy strategy
 - Architectural style to be loosened and more
 - Larger windows
 - Rubble or chalk roofs
 - Architectural ways to incorporate species

Pre-application presentation to Members

- 4.18. A presentation to members of the Council's Planning Committee took place on 3rd September 2019. A summary of the feedback provided to the applicant by the Planning Committee Members is as follows:
1. Councillors welcomed the 'barn' design typology which they considered reflected the character of the area and was an improvement of the 'indicative' elevations shown in the approved outline scheme.
 2. The provision of 40% Affordable Housing on site was welcomed.
 3. Councillors were satisfied with the 1.5 parking spaces per unit parking provision through the site.
 4. The provision of bungalows on site to cater for those with differing housing needs was well-received .
 5. Councillors would like to understand how the management of the 'common' area will operate and whether or not it would be available for use by the wider public.
 6. It was raised that routes to and from the national park should be clearly demarcated.
 7. Concern was expressed regarding the potential impact the proposed development would have on the wider locality during the construction process and how this may be mitigated.
 8. Councillors wanted to ensure porous chalky/agricultural materials were used for the roads and shared surfacing within the site, that reflects the farming background of the site.

Statement of Community Involvement

- 4.19. Following the pre-application consultation meetings with the LPA and Design Review Panel, the applicant wrote to 213 properties close to the site, including homes in Westfield Avenue North, Coombe Vale and Westfield Rise, and those to the south and west, to invite local residents to a public exhibition of the proposed scheme in advance of the submission of a planning application.
- 4.20. A letter of invitation was also sent to the Ward Councillors and members of the Council's planning committee who had attended the earlier presentation. In addition, the Saltdean Residents' Association was sent an invitation letter.
- 4.21. The event took place at St Martin's Church Hall on Saturday 30 November 2019, with between 200-300 local residents in attendance.
- 4.22. Members of the project team, including the lead planning consultant, the architects and a representative of Gold (Saltdean) Ltd were also in attendance to discuss the scheme and answer questions from local residents.

5. REPRESENTATIONS

- 5.1. **Forty five (45)** letters have been received from adjoining occupiers objecting to the proposed development for the following reasons:

Design/Appearance

- Inappropriate height

Landscape

- Loss of trees
- Impact on SDNP
- SDNP Borders should be respected
- Loss of farmland
- Field on right hand site as you enter site is not currently built on and should not be developed

Transport

- Unadopted roads, on the proposed site, likely to lead to future problems
- Access by a road of single track which is not wide enough for 72 extra houses
- Access should be widened by removal /moving back to hedges
- An access road that is fit for purpose should be created
- Provision for emergency vehicles should be provided
- A two-way road is required
- An annual bus pass should be provided to all new residents, to encourage use of sustainable transport, rather than car usage
- Damage caused to both vehicles from buses trying to reverse
- South Coast Road is already extremely congested
- A259 at capacity
- Underestimation of traffic generation
- Bus service No 27 which would serve the new site is already under considerable strain during peak hours
- Shifting modes of travel from public transport to private cars has serious Ramifications for air quality and congestion

Amenity

- Loss of privacy
- Overshadowing
- Noise and disturbance

Use

- Strain on local resources
- Lack of infrastructure
- Too many houses
- Loss of tranquillity
- Saturation of doctors, dentists and schools
- The paddock should be left undeveloped
- Loss of existing community
- Ability to actually deliver 40% affordable housing
- Brownfield sites should be considered first prior to urban fringe sites

- Council has a duty to deliver a fair and sustainable future for the people of the City and Brighton and Hove.
- Housing developments of this nature have not met the Council's ambitions to deliver community-led development.

Ecology/Environmental

- Surface water flooding
- Inadequate sewer capacity
- The climate emergency we face must require all public bodies to assist in meeting the commitments made by National Government
- Habitats to protected bats and badgers, would be adversely affected by this work
- A wildlife safety run should be maintained between the back fences by the copse & the ends of new gardens enabling wildlife to continue using their ancient pathways
- Animal friendly fences should be provided
- Flaws identified in ecological assessment
- Sets a precedent for further applications in future
- Asbestos
- Soil contamination- from use as a car repair yard and dairy farm
- Light pollution
- Surface water drainage an issue already
- The build not to highest environmental standards
- Measures to reach carbon neutral targets in the future?
- Rottingdean High St is now often within legal pollution levels
- Cumulative impacts of other development in adjacent environs

Other considerations

- Impact on electricity cables
- Location of neighbouring cesspit
- Location of neighbouring electrical cables
- Insurance during construction stage
- Impact of digging on the mains electricity cables and sewage and potential for damage
- lack of community consultation led by the developer

5.2. **Three (3)** letters of support were received on the following grounds:

- Brownfield site allocated for housing under the Urban Fringe Assessment 2014
- The Council are under a legal obligation to provide more housing and are behind target
- Is there a better alternative site in Saltdean suitable for 72 houses, that would meet the legal obligations of the Council and criteria of the Planning Professionals who have identified this site?
- Every proposed development in the local area of Ovingdean, Rottingdean, Peacehaven etc has had the same objections raised

- We need houses but ‘not in my backyard’
- Superior solution to housing on this site than the previously approved outline application.
- Previous generic mass developer houses have been replaced with well-designed homes in a more interesting and welcoming arrangement
- The proposals respond to the site topography, it's proximity to the South Downs and the need to provide space for bio-diversity
- The increase from 60 to 72 homes a good solution towards Brighton & Hove's need for additional homes, and use of limited land resources, as this design does not reduce amenity space for future residents or look cramped
- Higher density, well designed housing in a more limited number of locations, is preferable than having many low-density sites.
- The crisp detailing, landscaping and sustainability measures realised in the final construction

5.3. **Councillor Mary Mears** has objected to the application on the following grounds:

- Overdevelopment
- Exceeds requirements of urban fringe assessment 2014
- Flooding
- Single storey properties at the end of the site would be susceptible to flooding and location would make it difficult for elderly to access public transport
- No easy access to public transport generally
- Impact and pressure on existing infrastructure
- Limited transport
- Pressure on community services

Copies of the representations are attached to the report.

6. CONSULTATIONS

External:

6.1. **Brighton and Hove Archaeological Society:**

The proposed development at Saltdean is in an area that has produced a number of important archaeological finds from the prehistoric to Saxon burials. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

6.2. **County Archaeologist: No objection**

The proposed development is situated south and west of an Archaeological Notification Area defining prehistoric and Romano-British archaeological interest. The application is accompanied by an archaeological heritage impact assessment (CBAS 1136) which is an updated version of an archaeological desk-based assessment submitted in support of BH2016/01903 (CBAS 0603).

- 6.3. For this earlier planning application, the site was the subject of an archaeological evaluation excavation in 2016 (CBAS 747), which revealed no archaeological features and a small assemblage of unstratified artefacts. The application site was also noted to have been significantly impacted by modern land use, significantly lessening the potential for significant archaeological remains to be present. Based on this information, the County Archaeologist (Greg Chuter) had no archaeological objection to the proposed housing scheme .
- 6.4. In light of the results of the fieldwork already undertaken and the similar development footprint of the current planning application I concur with my predecessor's view and recommend that no archaeological condition need be attached to the new planning application (BH2020/00002) and have no further recommendations to make in this instance.
- 6.5. **City Neighbourhood:** No comment.
- 6.6. **County Ecologist:** Comment
Revised comments received 15/09/2020
I have reviewed the amended documents (EclA, July 2020 and CEMP, July 2020) and offer the following comments.
- 6.7. The revised documents report that Coombe Farm Local Wildlife Site (LWS) will be used as the receptor site for reptiles from the application site. Surveys of the LWS found no current populations of reptiles there and measures have been taken to improve the carrying capacity for reptiles (minor scrub clearance and the installation of three hibernacula). This is supported.
- 6.8. I understand from a phone call with the ecologist on Monday that translocation has commenced and that approximately 40 days of trapping and been undertaken. As previously pointed out, it is not recommended that translocation begins before planning permission is granted. However, from the information available, the translocation exercise has followed best practice. Whilst 40 days does not yet meet the recommended minimum effort, trapping effort has been enhanced through habitat manipulation and there have been several trapping days with no captures. Furthermore, trapping is expected to continue for several days. Should it be the case that there are no further animals caught during this time, it is acceptable that a destructive search is carried out.
- 6.9. The revised EclA states that the receptor site will be managed by a management company arranged and funded by residents of the development and that a written agreement of management will be drawn up between the landowner and future residents. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery should

be provided. This could be included within the LEMP as that requires similar details.

- 6.10. The EclA and CEMP now include details of timescales for mitigation works and propose the provision of wildlife interpretation boards, litter bins within “The Common” and provision of a bat box prior to demolition of B2. These measures address the majority of issues previously raised. It is also noted that the proposed footpath through the LWS will be fenced to prevent recreational damage. Measures must be taken to ensure that the footpath and the associated fencing to not encroach on areas of red star-thistle.
- 6.11. The mitigation measures set out in the EclA and CEMP are acceptable and should be implemented and the proposed mitigation and enhancement measures have been carried through to the Landscape Masterplan. It is therefore recommended that the following condition is applied.
- 6.12. Compliance with existing detailed biodiversity method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (ReidEco Ltd, July 2020), the Construction and Environmental Management Plan (ReidEco Ltd, July 2020) and the Amended Landscape Masterplan (Landscape Perspective, revision O) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the BHCC City Plan Part One.
- Revised comments
- 6.13. With reference to your emails providing amended documents/additional information for the above application, I have now had the opportunity to consider the information and offer the following comments.
- 6.14. These comments are based on an assessment of the following documents:
- Ecological Impact Assessment (EclA) (ReidEco, April 2020)
 - Landscape and Ecological Management and Maintenance Plan (Landscape Perspective Ltd, December 2019, Rev A 23/03/2020)
 - CEMP (ReidEco, April 2020)
 - Proposed Site Layout (Inside Out, drawing no. P1901_P_101, Aug 2019, Rev H) + associated landscape drawings.
- I refer also to a site visit with the applicant’s ecologist on 19/03/2020.
- 6.15. The majority of the issues raised in comments made on the 16/02/2020 have been addressed, which is welcomed. The EclA follows best practice guidance, and sets out which measures are meant for mitigation, compensation and enhancement. The proposed development will result in the net loss of 1105m2

of habitats. However, the only habitat type that would be significantly reduced is tall ruderal vegetation and scrub. It is recognised that the habitats proposed in the landscaping scheme are likely to be of better wildlife value than those existing, and the documents propose management of those habitats in the long term which will ensure their maintenance in the long term. The proposed scheme, most notably the increase in areas of chalk grassland and native species rich hedgerows, in combination with the provision of bird and bat boxes, is considered likely to provide a net gain for biodiversity as well as mitigating impacts and compensating for loss.

- 6.16. The main outstanding issue relates to reptiles. The EclA states that it is not possible to retain reptiles on site, and proposes translocation to the adjacent Coombe Farm LWS, with a mitigation strategy secured by condition. The mitigation strategy outlined in Appendix 10 is written with two options: either to undertake reptile presence/absence surveys prior to translocation; or to mitigate for the presumed worst case scenario that there is a high population to be translocated. The latter option does not meet best practice guidance.
- 6.17. Best practice guidance is that suitable receptor sites should be local to the donor site, and as close as possible to it; not currently support a population of the species to be translocated, for known reasons, but be capable of supporting them given suitable remedial works if necessary (this is important because the translocation should result in no net loss of sites. Exceptions can be made for single/very low numbers of animals unlikely to form a viable breeding population if introduced to an unoccupied site. In this case, it may be appropriate to select receptor sites supporting only small numbers of the species, but being capable of supporting more given suitable remedial works); not subject to planning or other threats in the foreseeable future; be subject to a written, agreed and funded pre-and post-translocation management agreement; and be subject to a written, agreed and funded pre- and post-translocation monitoring programme.
- 6.18. The EclA recognises that the LWS supports a mosaic of habitats likely to provide shelter, hibernation, foraging and basking habitat for common lizard and slow worm (both species will require translocation). However, it is not known what size of population, if any, the LWS currently supports. If the LWS currently supports a low population, knowing that a low population requires translocation, it may be possible to undertake works to increase carrying capacity. However, if the site already supports large populations, then it would not be an appropriate receptor site. Also, if the site does not currently support reptiles for known reasons but could if appropriately managed, or if it could be enhanced to increase its carrying capacity, these works would need to be undertaken prior to translocation. If a reptile mitigation strategy is required by condition, but the LWS is not found to be a suitable site, or requires significant work to make it ready to receive translocated animals, this could lead to significant delays to the start of construction.

- 6.19. In light of the above, it is strongly recommended that an appropriate receptor site is identified in advance, including undertaking appropriate surveys.
- 6.20. Some further general comments regarding the EclA follow.
- The summary includes back gardens in the list of buffer habitats that will protect retained habitats (woodland), the National Park (NP) and the Local Wildlife Site (LWS). As there is no guarantee that back gardens will be maintained in a specific way by new residents, they cannot be included in calculations of mitigation or compensation. However, it is noted that back gardens are not referred to elsewhere in the document.
 - It is noted that bat boxes will be provided on site, likely integrated into new buildings. At least one box should be provided on site (e.g. on a mature tree within the retained deciduous woodland) prior to demolition of building B2 as a precaution in case bats are encountered given its low bat roost potential.
 - The EclA notes the potential for buildings on site for nesting barn owls. However, barn owls were not included in the previous ecological report and no barn owl surveys are reported in the current EclA. If it is considered that there is potential for barn owls, then a survey should be undertaken and appropriate mitigation proposed.
 - Information leaflets for new residents are proposed as part of the package of mitigation measures. Whilst these would be helpful, what would happen when properties change hands? It would be helpful if interpretation panels/boards were also provided in key locations. Boards are mentioned in the LEMP but little detail is provided as to how many and where they will be located.
 - In relation to the removal of existing species-poor hedgerows, it is stated that hedgerow bases will be checked for reptiles and hedgehogs and that any hibernating animals will be moved. Hedgerow bases should be grubbed out during the active period for reptiles and hedgehogs, but avoiding the bird nesting season if possible. Demolition of chalk outcrops/banks and removal of semi-improved grassland also needs to be coordinated with measures for other protected species as well as overwintering invertebrates.
 - It is proposed that at least 10 bird boxes should be incorporated into the development. This is welcomed. Additional swift boxes should be provided on the proposed blocks of flats. The EclA also recommends that boxes for kestrels and barn owls should be provided in areas of public open space/undeveloped areas (presumably "The Common"). This recommendation is supported, but is not incorporated into the LEMP.
 - The EclA states that the potential impact of increased recreational pressure on the LWS from the development will be mitigated through the provision of a large greenspace, couple with the fact that there is currently no access to the LWS. The Landscape Masterplan (appended to the EclA) shows a track (potentially a cycle track) leading into the LWS. This would not only have the potential to increase recreational pressure on the LWS, but could also lead to a change of current management of the LWS in that area in the future. The area where the track is proposed is the site of the

Red Star-thistle translocation. Red Star-thistle is dependent on grazing, and as such, it is essential that it remains grazed in the future.

- 6.21. In relation to the amended LEMP and CEMP, as above, the majority of previously raised issues have been addressed. Some general comments follow.

LEMP

- Paragraph 2.6 states that the LEMP will be sent to the County Ecologist every 5 years for review; the report should be sent to the LPA.
- Paragraph 5.1 should be updated to refer to the EclA.
- Paragraph 11.2: as previously stated, ragwort should not be considered a weed species as it offers multiple biodiversity benefits.
- Paragraph 12.1 states “distinct areas of short all ruderal vegetation have been provided...”. This is presumably a typo carried over from the EclA. I assume it should say “short and tall”.
- There is no mention of barn owl boxes as recommended in the EclA.

CEMP

- Timing for specific mitigation measures are now not mentioned at all in the amended CEMP. Previous provided comments on the timings of various works therefore remain valid.

- 6.22. **County Landscape Architect: Support**

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:
‘Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - b) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
 - c) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
2. There are views into the site from the South Downs National Park which forms the boundary to the site on three sides and NPPF paragraph 172 requires that:
Great weight should be given to conserving landscape and scenic beauty in National Parks.....which have the highest status of protection in relation to these issues.
3. Further to the above paragraph 172 requires that:
Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

4. The NPPF Section 12, Paragraph 130 requires that:
'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
5. The Landscape and Visual Impact Assessment, (LVIA) which has been submitted as part of the application provides an accurate assessment of the baseline landscape character and visual context of the site. The conclusions with regard to potential landscape and visual impacts of the scheme are not disputed.
6. The proposed layout of houses surrounding shared space landscape courtyards would be an opportunity to provide a high quality development with a strong sense of place. The Home Zone approach to the street layout and access roads is welcomed and will help to ensure that cars do not dominate the public realm.
7. The proposed public open space 'The Common' would provide a high quality open area which relates well to the wider open downland.
8. The proposed tree cover in the public areas of the streets, courts and The Common would help to break up and soften the proposed development in more distant views from the built-up area and the wider downland.
9. If the planning authority is minded to permit the development it is recommended that the following are required by condition:
 - a) A detailed landscape masterplan for the design and layout of the open spaces including detailed hard landscape and planting plans.
 - b) That all plants which die in the first 5 years of establishment are replaced.
 - c) A long term landscape and ecological management plan to ensure the successful establishment and longer term management of proposed habitats and landscape.
10. It is recommended that the proposed development can be supported subject to the imposition of landscape conditions as outlined above

6.23. **Environment Agency:** No objection subject to conditions.

Revised comments following discussion with applicant:

This development is sited on head deposits overlying the chalk which is designated a principal aquifer and within a source protection zone 3. This development lies in a very sensitive location in terms of controlled waters. The previous use of the proposed development site as farm, presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters and by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters.

Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

- 6.24. The previous uses of the proposed development site including a vehicle repair workshop, former slurry area and waste storage area present a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located in a source protection zone 3 and upon a principal aquifer.
- 6.25. We have no objection to the proposed development as submitted, subject to the inclusion of the following 5 conditions, in any permission granted.
- 6.26. We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. We have reviewed the email dated 17 June and the additional details submitted. Based on the comments included we are happy to remove the pre commencement condition (Condition 1 – Development on Land Affected by Contamination) It has been confirmed that there is no reason to suspect contamination in the area identified as ‘area to the SE of Westfield Avenue’ and therefore we can remove this. However we would like to highlight the need for a detailed and robust discovery strategy should any unidentified contamination be encountered during construction works as detailed in condition 3.
- 6.27. **Fire Brigade:** No comment.
- 6.28. **Lewes District Council:** No comment.
- 6.29. **Natural England:** Comment.
Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 6.30. **South Downs National Park Authority:** Comment
The statutory purposes and duty of the National Park are:
- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
 - Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

- 6.31. The development is proposed to be sited to the northeast of Saltdean, immediately adjacent to the National Park boundary. The site is highly sensitive due to its proximity to the boundary of the National Park which is particularly important to defend from the impact of development. It is therefore considered that the development has the potential to significantly impact on the setting of the National Park. The SDNPA makes no comment on the principle of development, however would recommend that consideration be given to the design of the development, which should be appropriate to its sensitive, edge of settlement location in terms of height, scale and density.
- 6.32. Consideration should also be given to the status of the National Park as a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The SDNPA would encourage a sensitive approach to lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects. Any lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife. The Council's biodiversity officer should be able to advise further on this.
- 6.33. Consideration should also be given to the creation of links between the development and the National Park to encourage public enjoyment and amenity of public rights of way where possible. The recent permission SDNP/18/04566/FUL for the provision of a new sand school and stables on the land immediately to the south east of the site (which falls within the National Park) should also be considered in terms of facilitating access without the potential for conflicts of use.
- 6.34. **South Downs Society:** No comment
- 6.35. **Sussex Police:** Comment
- 6.36. **Southern Water:** Comment
The attached plan shows that the proposed development will lie over an existing public water main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.37. We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and

Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

- 6.38. In order to protect water and sewer apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main and sewer. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.39. A formal application for connection to the public sewerage system is required in order to service this development,
- 6.40. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
- 6.41. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 6.42. **UK Power Networks:** No comment.

Internal

Please note that the majority of internal comments were submitted prior to the implementation of the Community Infrastructure, which in part took over the s106 planning obligation requirements.

- 6.43. **Aboriculture:** Support
Vegetation on site although individually poor as a whole had conservation value, significant landscaping would be required to offset the planned removals. On the whole the landscape proposal is good, however the multi usage home zone area was lacking information on pit construction or tree protection measures, (including both physical separation and soil protection measures). It appears from the submission dual usage, with car parking and large vehicle access (refuse / recycling collection, resident deliveries etc).
- 6.44. **Art:** Comment:

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

- 6.45. This is arrived at after the internal gross area of the development (in this instance approximately 7,315 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 6.46. It is suggested that the Artistic Component element for this application is to the value of **£53,400**. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 6.47. **Air Quality:** No comment.
- 6.48. **City Clean:** No comment.
- 6.49. **City Early Years:** No comment.
- 6.50. **City Parks:** Comment.
Locations for section 106 investment.
- 6.51. Children and Young People play space
- Saltdean Oval, skatepark, ballcourt
- 6.52. Amenity Green Space
- Large roadside grassed areas within 2km of the site, The South Down gateways within 3km of the site, street trees within 3km of the site
- 6.53. Outdoor sports facilities
- Saltdean ball court and skate park
- 6.54. Parks and Gardens
- Saltdean Oval, Kipling Gardens, other public parks within 2km
- 6.55. Natural and Semi-Natural
- Large roadside grassed areas within 2kn of the site, The South Down gateways within 3km of the site, street trees within 3km of the site
- 6.56. Allotments
- Rottingdean Allotments

- 6.57. City parks priorities as guided by the Open Spaces Strategy consultation will focus on investing in:
- Income generating items such as car parks
 - Accessibility such as improving gates and widening path
 - Playgrounds apparatus
 - Wildlife improvement which are more sustainable
 - Outdoor Sports provision for the widest audience and hard to reach groups.
- 6.58. **Education: Comment.**
 In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of **£213,546.00** towards the cost of secondary provision if this development was to proceed. With regard to the secondary provision, the development is in the catchment area for Longhill High School . At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Longhill High School.
- 6.59. **Housing Strategy: Support.**
Summary of Comments
 This application is for 72 dwellings. The proposal provides a combination of barn-style terraces (including single storey wheelchair accessible houses), detached and semi-detached houses. The dwelling mix comprises 4x 1 bedroom, 16x 2 bed-room, 29x 3-bedroom and 23x 4-bedroom houses.
- 6.60. Council policy CP20 – Affordable Housing requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net). The applicant proposes to deliver 29 dwellings as affordable housing , which is a 40% provision in line with the policy.
- 6.61. Housing support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing
- Main Comments
- 6.62. The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for affordable rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city. Housing will work positively with developers to answer housing need.
- 6.63. This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20.

- 6.64. Brighton and Hove is a growing city with 290,395 people with the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the city. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 6.65. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 dwellings. Developers are required to prove where it is not viable for them to meet this policy provision. Offsite provision via a commuted sum payment is considered in schemes with exceptional circumstances.
- 6.66. Affordable housing in the city is usually provided by the council or by a Registered Provider partner who develop a mix of housing for affordable rent and shared ownership. The council also works with community-led housing partners where possible and viable. Affordable rented housing remains the priority for the council with affordable rent capped at a maximum level of local housing allowance (including any service charges).
- 6.67. In terms of need for affordable rented accommodation in the city: We have 9,100 people listed on the joint housing register - 75% of whom are in demonstrable need - Bands A to C [as of December 2019]. We also had 1,772 households in Temporary Accommodation [as of Dec 2019].

Tenure

- 6.68. Our published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:
- 55% Social Rent or Affordable Rent
 - 45% Intermediate e.g. Shared Ownership
- 6.69. The proposal here is for 29 affordable housing properties with a split of 55% as affordable rent (16 properties) and 45% (13 properties) for shared ownership sale, which is a compliant tenure split.
- 6.70. Family housing for affordable rent is also particularly welcome.

Wheelchair / accessible provision

- 6.71. Policy HO13 requires 10% of any affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. In this case the affordable housing should include at least three properties. Within this scheme four of the homes are wheelchair accessible (14%). Affordable rent is the preferred tenure for wheelchair housing provided as part of the affordable housing provision, and this has been confirmed in this application.

Design and size of units

- 6.72. The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable

and fit for purpose, our Affordable Housing Brief expects self-contained homes to meet the new nationally described space standards where possible. The proposed units meet or exceed nationally described space standards.

Property type	No of units	AHB space standard M2	Coombe Farm	Compliant with AHB
1 bed 2 person house (2 storeys)	4	58m	60.45m	Complies
2 bed 3 person house (2 storeys)	3	70m	71.21/84.54m	Complies
2 bed 3 person bungalow (1 storey)	4	61m	71.21m	Complies
3 bed 4 person house (2 storeys)	18	84m	94.77/95.03m	Complies

Unit mix

- 6.73. The proposed scheme will provide 72 homes of which 29 will be for affordable housing. The affordable housing provision will be:
- 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 6.74. Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the preferred affordable housing brief mix has been set on this basis, as follows:
- 30% one bed units
 - 45% two bed units
 - 25% three + bed units
- 6.75. This scheme provides a range of accommodation with a large proportion being 3 beds (62% of the affordable housing). Whilst this is not in line with the preferred mix in the affordable housing brief it is acknowledged this is a scheme that is delivering houses. Affordable family housing is welcome, and therefore this unit mix is acceptable at this scheme. Housing support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing.
- 6.76. **Environmental Health: Support.**
Environmental Protection Act 1990

The Remediation Strategy document submitted by the applicant and prepared by Messrs Ashdown Site investigation Ltd report reference R14039 dated 16 January 2020 is an adequate response to the conditions on this site.

- 6.77. All measures relating to remediation including discovery and reporting shall be strictly adhered to.
- 6.78. **Planning Policy: Support**
Summary of Comments:
The application site is already subject to an extant outline planning permission (BH2016/01903) for 60 dwellings granted in 2018. In addition the site has similar boundaries to land proposed for housing allocation in the draft CPP2 Policy H2 which reflects the recommendations of the 2014 and 2015 Urban Fringe Assessments. Effectively therefore the principle of housing development on this site has been established, subject to detailed consideration of potential development impacts.
- 6.79. As an urban fringe housing site, the impacts of development will need to be assessed carefully against Policies SA4 and SA5 and should also be assessed against the emerging CPP2 Policy H2. Compared with the extant outline permission, the current application would provide an increased number of dwellings but with a substantially different layout across the site involving higher density housing and a much greater area of open space. The increased housing numbers would contribute to meeting the overall City Plan housing target and five year housing supply shortfall.
- 6.80. The landscape/visual impacts will need to be assessed in detail against Policy SA4(1) and also Policy SA5 which requires that the development must respect and not significantly harm the National Park and its setting. The views of the County Landscape Architect will be important in determining whether the proposed extent and layout of the development is acceptable.
- 6.81. The site lies adjacent to the Coombe Meadow SNCI/Local Wildlife Site. The UFA 2014 concluded that the developable area should be restricted to no more than 75% of the site in order to avoid significant net loss of greenspace and significant adverse ecological effects. The County Ecologist will need to assess the potential ecology impacts and consider any requirement for mitigation and enhancement, including the potential for habitat enhancement and biodiversity net gains
- 6.82. The proposed mix of housing would provide 72% 3+ bedroom units, which is substantially higher than the indicative proportion of 50% 3+ bedroom units for this site in draft CPP2 Policy H2. However, since the majority of housing sites in the city are better suited to provide smaller units (1 and 2 bed), it may be justifiable to allow a higher proportion of family houses (3+ bedroom) on this site.

- 6.83. The application is proposing 40% of the units to be provided as affordable housing, of which 55% would be affordable rent and 45% shared ownership, which would meet the requirements in Policy CP20 and the Council's Affordable Housing Brief. The proposed size mix of affordable housing would provide a much higher proportion of 3-bed units (62%) compared to the preferred mix sought across the city in Policy CP20. The views of the Housing Strategy team should inform the size mix of affordable units to be provided.
- 6.84. The provision of onsite open space and green infrastructure would broadly meet the objectives of draft CPP2 Policy H2, however consideration should also be given to local food growing opportunities. Policy H2 also requires that the proposals should improve linkages and access to the SDNP and surrounding areas where feasible. Financial contributions would be required towards off-site provision of open space and sports provision in line with Policies CP16 and CP17.
- 6.85. There is a high risk of surface water flooding within some areas of the site. The site also lies within a Groundwater Source Protection Zone. The application and supporting evidence should be assessed against Policy CP11 and SPD16 Sustainable Drainage.
- 6.86. In accordance with draft CPP2 Policy H2 appropriate regard should also be given to opportunities for renewable energy provision.
- 6.87. Similarly with reference to Policy H2, the possibility of providing some of the housing as self/custom build plots should be discussed with the applicant.

Context

- 6.88. The application site covers 3.31 ha and is currently occupied by agricultural uses, comprising farm buildings with areas of concrete hardstanding and paddocks. It is an urban fringe location situated outside the built up area boundary on the north-eastern edge of Saltdean, immediately adjacent to the South Downs National Park boundary. The submitted plans include two small areas which are inside the SDNP boundary (at the northern extremity of the site and on the south-eastern edge south of Westfield Avenue North). However, these areas are proposed as landscaping not development and are not included within the application boundary itself.
- 6.89. Outline planning permission (BH2016/01903) was granted in June 2018 for 60 family dwellings on a site broadly similar to the current application. The application site also corresponds broadly with land identified as suitable for residential development in the 2014 and 2015 Urban Fringe Assessments (UFA) which is now proposed as a housing allocation in the draft CPP2 (Policy H2). The current application has been submitted following pre-application consultation with the Council (including a Design Panel Review) and a public exhibition of the proposals held in Nov 2019.

Principle of development

- 6.90. Policy SA4 sets five objectives for the use and management of land on the urban fringe. These relate to protection and enhancement of wider landscape; better management and environmental improvements; enhancement of the green network; protection of groundwater source protection zones; and the creation of 'gateway' facilities for the National Park. More specifically Policy SA4 states that development within the urban fringe will not be permitted, except where:
- a) a site has been allocated for development in a development plan document; or
 - b) a countryside location can be justified; and where it can be clearly demonstrated that:
 - c) the proposal has had regard to the downland landscape setting of the city;
 - d) any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; and
 - e) where appropriate, the proposal helps to achieve the policy objectives set out above.
- 6.91. The policy also states that should proposals for development come forward prior to the adoption of Part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of applications for residential development within the urban fringe.
- 6.92. Policy CP1 makes provision for at least 13,200 homes over the plan period, of which 1,060 homes are to be built on land in the 'Urban Fringe'. The suitability of sites for residential development has been examined in detail in the 2014 and 2015 Urban Fringe Assessments (UFA). The UFA studies recommended that the site (including the adjacent Saltdean Boarding Kennels which is not included in this application) had potential for some low and medium density residential development limited to 55 residential dwellings. The UFA conclusions and recommendations for the site are set out further below.
- 6.93. Based on the UFA recommendations, the majority of the application site (with some minor differences in the boundaries) is proposed as a housing allocation in draft CPP2 Policy H2 for an indicative total of 65 dwellings. The higher housing figure compared to the UFA recommendation reflected the outline permission granted for 60 dwellings in 2018 (allowing for small amount of additional housing on the land at Saltdean Boarding Kennels).
- 6.94. The principle of housing development on the site has also been established through the granting of outline planning permission for 60 dwellings in 2018. That permission covered an equivalent area to the current application, except where it extended further south to include more of the steeply sloping land at Coombe Meadow). Effectively therefore the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts. These are considered in more detail below.

Urban Fringe Assessments

- 6.95. The application site covers the majority of UFA Site 48 (Land at Coombe Farm), plus the northern half of Site 48a (Land north of Westfield Rise) and a small part of Site 48b (Land at Westfield Avenue North). The application does not include any of Site 48c (Land at Saltdean Boarding Kennels) which was also included in the UFA assessments and forms part of the proposed CPP2 housing allocation.
- 6.96. The 2014 UFA considered the potential for residential development against five criteria (landscape, open space, historic environment, ecology and environment) and assessed the scope for mitigation of any potential adverse impacts. Most of the land within Sites 48/48a/48b/48c was identified as having potential for low-density residential development, avoiding only the more elevated fringes of the area and an area already occupied by dwellings and a woodland block. The identified housing potential on these sites was as follows:
- Site 48 – low density, 2.0ha (50 dwellings)
 - Site 48a – medium density, 0.3ha (12 dwellings)
 - Site 48b – low density, 0.2ha (2 dwellings)
 - Site 48c – low density, 0.3ha (7 dwellings)
- 6.97. However, the 2014 UFA concluded that:
- “Taken as a whole, sites 48, 48a, 48b and 48c represent a cluster of sites all of which have potential for development. However, in order to develop dwellings in some sites, mitigation and enhancement measures are required in others. If all the sites were developed there would be a significant net loss of trees, and greenspace with significant adverse ecological effects. Therefore, the number of dwellings that could be developed across the cluster has been limited to 75% of the sum total of all the developable sites so that the necessary mitigation and enhancement measures required to develop dwellings within this area of the urban fringe can be accommodated.”*
- 6.98. Reflecting these comments, the UFA identified an overall potential of 55 dwellings across the four sites, limited to a development area of 2.1ha. Further more detailed landscape and ecology assessments were undertaken as part of the UFA 2015. Overall the UFA 2015 broadly supported the conclusions of UFA 2014, concluding that housing could be delivered at certain parts of the land without significant impacts on landscape and ecology, on the assumption that:
- New development is sensitively located, to avoid the upper slopes of Sites 48a, 48b and 48c.
 - Avoidance of impacts on retained habitats within the Study Area and the adjacent Coombe Farm SNCI, including implementation of best construction practice and measures to address potential increases in recreational pressure.
 - Implementation of mitigation measures to address potential impacts on protected species.

- 6.99. There was also considered to be potential to enhance the site for ecology through the incorporation of green infrastructure and wildlife habitat within proposals.
- 6.100. Draft CPP2 policy requirements As noted, the site is proposed as a housing allocation in Policy H2 in the draft CPP2. CPP2 was subject to public consultation under Reg 18 of the T&CPA in Summer 2018 and the Council is intending to publish the proposed Submission version of CPP2 for Reg 19 consultation in May/June 2020. Although CPP2 carries limited planning weight at this stage of the planning process, Policy H2 indicates the Council's aspirations for the future development of the site.
- 6.101. Policy H2 allocates UFA Sites 48, 48a, 48b and 48c for 65 dwellings subject to several criteria:
- Provision is made for 35% 3+ bed family sized dwellings (as indicated in CPP2
 - Table 7)
 - Opportunities to secure additional and/or improved public open space
 - Green infrastructure and local food growing opportunities
 - Improved linkages and access to SDNP and surrounding areas
- Appropriate regard is given to local community facilities and renewable energy.
- 6.102. The draft policy also states that provision of land for self/custom build serviced plots will be encouraged.
- 6.103. The Policies Map accompanying the draft define the Urban Fringe site shows the extent of the proposed Policy H2 housing allocation (a more detailed map is also included in Appendix 4 of the Draft CPP2 document). The criteria listed in the draft policy and other key policy requirements are considered in the comments below.

Landscape and visual impact

- 6.104. The application is supported by the original LVIA undertaken for the previous outline permission together with a LVIA Addendum, which considers the impact of the current application proposals. The site is generally fairly visually contained from long distance views by its location within a steep sided valley. The LVIA indicates that the application proposals would result in no significant adverse visual effects for users of public footpaths or the road network, but that there would be short-term adverse visual impacts affecting some adjoining residential properties, although these would not be extensive.
- 6.105. The LVIA Addendum concludes that the current application would not cause harm to the landscape of the site or the surrounding area and would lead to reduced effects relative to the consented outline permission. The current application proposes a significantly greater proportion of the site as public open space (c1ha) which would be located to the north and west of the site providing an enhanced landscape interfacing the SDNP. The current application would not extend development as high on the southern slopes of the valley on the land east of Coombe Meadow. The inclusion of one-storey

housing units and units with a dark timber finish in the eastern part of the site would also contribute to a reduced visual impact. The landscape/visual impacts will need to be assessed in detail against Policy SA4(1) and also Policy SA5 which requires that the development must respect and not significantly harm the National Park and its setting. The views of the County Landscape Architect will be important in determining whether the proposed extent and layout of the development is appropriate.

Ecology and biodiversity

- 6.106. The applicant's Planning Statement states that site is not covered by any nature conservation designations, although adjacent to the Coombe Meadow SNCI (the submitted plans indicate that the site includes a small area of the SNCI (within the SDNP) although this area is not proposed for development. It should be noted that the UFA 2014 concluded that the developable area should be restricted to no more than 75% of the site in order to avoid significant net loss of greenspace and significant adverse ecological effects.
- 6.107. The current application would retain significantly more greenspace than the extant permission, which may offer greater potential for habitat enhancement and biodiversity net gains, however the potential impact of the increased housing numbers will also need to be considered. The application is supported by a combined Preliminary Ecological Appraisal, Protected Species and Botanical Survey Report. This evidence and the proposed biodiversity and habitat enhancements will need to be assessed against Policy CP10. The County Ecologist will need to assess the potential ecology impacts and potential for mitigation and enhancement.

Housing provision

- 6.108. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010- 2030, which includes provision for 1,060 dwellings on urban fringe sites. The Council's most recent housing land supply figures (published in February 2018) show a five year housing shortfall of 576 dwellings (4.5 years housing supply). The proposed development would make a significant contribution towards meeting the City Plan housing target and potentially help to alleviate the current five year housing shortfall.
(Please note these observations were provided prior to the change in the housing supply to 4 years).

Density and design

- 6.109. The design and layout of the proposed scheme is discussed in detail in the applicant's Design and Access Statement. The proposed density for the site as a whole is low at 21.75 dwellings/ha, which largely reflects the sensitive location of the site directly adjacent to and within the setting of the SDNP. Policy CP14 sets a general requirement for new residential development to achieve a minimum net density of 50 dwellings/ha, however as noted above the 2014 and 2015 UFA recommended 'low density' development (i.e 25 dwellings/ha) for the majority of the site (except for Site 48a where medium density (i.e 50 dwellings/ha) was considered appropriate).

6.110. The proposed development density is not uniform, with larger numbers of units clustered in the north-east of the site and lower densities around the proposed greenspace in the north-west of the site. The proposed layout and density will need to be assessed in terms of landscape and ecology, and the ability to achieve flood mitigation/drainage on the site (see below).

Housing mix and affordable housing

6.111. This application proposes a mix of 4x 1 bed, 16x 2 bed, 29 3-bed and 23x 4-bed houses, of which 40% will be affordable. The proposed mix would provide 72% 3+ bedroom houses, which is substantially higher than the indicative proportion of 50% 3+ bedroom units suggested for this site in draft CPP2 Policy H2.

6.112. However, there is a substantial demand/need for 3 and 4+ bed properties across the city (assessed as 42% of the total housing mix in City Plan Part One Para 4.213), whereas the majority of potential housing sites in the city are better suited to provide smaller units (1 and 2 bed). In these circumstances, it may be justifiable to support a higher proportion of family houses (3+ bedrooms) on this site.

6.113. The application is proposing 40% of the units to be provided as affordable housing (29 units out of 72) which meets the requirement in Policy CP20. The applicant's Affordable Housing Statement states that 16 (55%) of the units are proposed for affordable rent and 13 (45%) of the units for shared ownership which accords with the Council's Affordable Housing Brief. The proposed mix for the affordable housing is 4 1-bed units (14%), 7 2-bed (24%) and 18 3-bed units (62%). Policy CP20 specifies a preferred affordable housing mix of 30% 1-bed, 45% 2-bed and 25% 3+ bed units to be achieved across the city but also states that the preferred mix on individual sites will be determined through negotiation informed by up to date assessments of local housing needs and site/neighbourhood characteristics. The views of the Housing Strategy team should inform the size mix of affordable units to be provided.

6.114. All the units have been designed to meet or exceed the Nationally Described Space Standards. The application proposes that 14% of the affordable units (and 5% of all units) would be M4(3) standard (wheelchair user dwellings) and the remaining units would meet M4(2) accessibility/adaptability standards. This would meet and exceed the requirements in saved Local Plan Policy HO13. All the houses are proposed to include private gardens which would meet the requirement in saved Policy HO5 for new residential development to provide adequate private useable amenity space.

6.115. Draft CPP2 Policy H2 states that the provision of land for self and/or custom build serviced plots will be encouraged on urban fringe housing sites. The potential to include an element of the housing in the form of self/custom build plots should be discussed with the applicant.

Open space/green infrastructure

- 6.116. The proposed layout includes a large informal area of open space (c1 ha), which would be given over largely to wildflower meadow, which would be available for use by the wider community and would include a children's equipped play area (LEAP), informal open space and landscaping.
- 6.117. The proposed open space would broadly meet the objectives of draft CPP2 Policy H2 which requires that urban fringe housing developments should consider opportunities to secure additional and/or improved public open space and green infrastructure. However, to comply with Policy H2, consideration should also be given to providing local food growing opportunities within the greenspace.
- 6.118. Policy H2 also requires development proposals to provide improved linkages and access to the SDNP and surrounding areas where feasible. The applicant's Design and Access Statement states that the proposals seek to strengthen and formalise these connections to the National Park and PROW network. Pedestrian/cycle and green network improvements should be discussed and clarified with the applicant.
- 6.119. In addition to the onsite open space, financial contributions would be required towards off-site provision of open space and sports provision in line with Policies CP16 and CP17.

Flood risk/drainage

- 6.120. The UFA identifies Site 48 as having a high risk of surface water flooding. The Environment Agency Surface Water Flood Risk Map shows a high risk of surface water flooding on northern part of site, with medium to low risk on some other parts of the site. The site also lies within a Groundwater Source Protection Zone. The application is supported by a Flood Risk Assessment (FRA) and a surface water drainage strategy, which should be assessed against Policy CP11 and SPD16 Sustainable Drainage.

Other considerations

- 6.121. The application is supported by a Sustainability Checklist and an Energy Statement and includes measures to achieve the energy and water efficiency standards set out in Policy CP8. In accordance with draft CPP2 Policy H2 appropriate regard should also be given to opportunities for renewable energy provision.
- 6.122. The site is close to an Archaeological Notification Area and therefore should be assessed against Policy HE12 which states that development proposals must preserve and enhance sites with known and potential archaeological interest and their setting. An updated Heritage Impact Assessment has been submitted with the application.

Waste management

6.123. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A development of scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan should be required by condition. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy . Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised.

6.124. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.

Recommendation:

6.125. The broad principle of housing development in this location is already established, but the application will need to be assessed in detail in terms of landscape, ecology, flood risk/drainage etc as detailed above.

6.126. **Sports Facilities:** No comment.

6.127. **Sustainable Drainage:** No objection.

Revised Comments

Site is located at the base of a valley. Applicant has stated mitigation of the surface water runoff from adjacent fields will be address at detailed design stage. This is accepted. Satisfied with calculations submitted at this stage of design. Applicant has indicated the proposed site will have a reduction of hardstanding area – agree this is the case, but they should state what the existing area is instead of the assumed 100% hard standing.

6.128. Satisfied with the Soakaways calculations. Maintenance plan submitted is sufficient. Satisfied that the applicant submitted both a clearly labelled plan of the assets which corresponds to its accompanying calculation sheet and a table which represents the size of contribution area to each proposed asset.

6.129. There are no further requirements from the applicant. The LLFA have no objections to the application.

Initial Comments

6.130. Site is located at the base of a valley. Applicant has stated mitigation of the surface water runoff from adjacent fields will be address at detailed design stage. This is accepted. Satisfied with calculations submitted at this stage of design. Applicant has indicated the proposed site will have a reduction of hardstanding area – agree this is the case, but they should state what the existing area is instead of the assumed 100% hard standing.

6.131. Soakaways proposed in SPZ3– applicant is required to undertake ground investigation to determine feasibility of proposed drainage strategy. Maintenance plan submitted is sufficient. Given the size of development and number of proposed SuDS, recommend that the applicant submits both a clearly labelled plan of the assets which corresponds to its accompanying calculation sheet and a table which represents the size of contribution area to each proposed asset.

Main Comment:

6.132. Infiltration test required to determine feasibility of proposed soakaway strategy. Detailed design stage required to address and mitigate overland flow from adjacent fields to site.

Recommendation:

6.133. Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition related to detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

6.134. **Sustainable Transport: Objection.**
FULL COMMENTS ARE AVAILABLE ON THE PUBLIC REGISTER.

Date 06.11.20: Revised Comments

6.135. In the fourth response only previously outstanding concerns and any new issues that have risen are considered (e.g. because of changes to the proposals). We do not consider again matters that were previously acceptable and which remain so.

6.136. Two significant matters remained outstanding from our previous response:

- A road safety audit needed to be completed to our satisfaction to confirm that the highway and street design proposals were safe. Unfortunately an earlier audit had raised safety issues that required revisions and re-audit.
- agreement to an obligation we had proposed to secure a suitable DEMP/CEMP to mitigate the construction traffic impacts of the proposals.

6.137. Because of these outstanding matters we had objected to the application and recommended refusal, for reasons of highway safety, amenity and access. However, we were hopeful that the concerns could be overcome.

6.138. Since then some further information and correspondence has been received. We consider each of the previously outstanding matters below in view of this.

Comments

Road Safety and Highways

6.139. In response to the significant issues raised in the previous stage 1 RSA, the Applicant has amended aspects of their highway design proposals and provided additional supporting information. Key areas of change include around the fork junction just after entry to the site and to the existing cul-de-

sac leading off of this. These seek to provide a suitable turning area in the cul-de-sac (including for the benefit of existing properties at the end of this), simplify refuse and level pedestrian access to properties along it, and respond to concerns about conflict between large vehicles as they approach and pass through that junction. Other minor changes have been made elsewhere too.

6.140. The amended designs were submitted for a repeat stage 1 RSA with our approval. In the resulting audit report, the RSA team have continued to raise some concerns and recommend changes. Some of these relate to matters of detailed design that can be considered later in stage 2 audit of detailed proposals. However, as before a few relate to more fundamental layout issues that rightly need to be resolved at this stage. Those concerns include:

1. Potential vehicle conflict with opposing larger vehicles as they pass along the priority road at the fork junction. This is because the large vehicles will need to partly overrun the opposing lane at times. They have recommended widening the road through the junction to overcome this.
2. Potential vehicle conflict with opposing larger vehicles passing through the 90degree bend in the Lane at the south-west corner of the green. This is due to large vehicles needing to partly overrun the opposing lane whilst turning through the bend. Though the audit team recognised that vehicles speeds would likely be low they nonetheless proposed increasing the corner radii on the bend to make passing without conflict possible.
3. Excessive manoeuvring by larger vehicles (e.g. refuse vehicles) at the north-west end of the Lane in order to turn and exit. This is because of the lack of a turning head there. Whilst the audit team recognised that the frequency of such movements is likely to low they nonetheless recommended introducing a turning head.

6.141. The Applicant's designers have not agreed with the RSA team's recommendations on these matters and have proposed to leave their proposals unamended. As the Overseeing Organisation we are responsible for instructing the final outcomes of the audit. After consideration our S278 Highway Engineer has determined the following.

1. The designer's justification is accepted. Their proposals are also accepted as they are. Further potential road widening may prove counterproductive given the low traffic flows and instances of larger vehicles, by allowing smaller vehicles to travel faster. However, minor changes should be made at stage 2 to introduce measures to prevent vehicle overrun of the grass verges adjoining the carriageway.
2. The designer's justification is accepted. Their proposals are also accepted as they are. Widening of the bend may prove counterproductive given the low traffic flows and instances of larger vehicles, by allowing smaller vehicles to travel faster round this. However, minor changes should be considered at stage 2 to ensure low traffic speeds and corresponding uninterrupted forward visibility is maintained, including if necessary, to prevent obstruction of visibility splays by landscaping and other features.

3. The designer's justification is accepted. Their proposals are also accepted as they are. A turning head is available a short distance to the south at the 90degree bend in the Lane. Occasional reversing by large vehicles to or from this is considered acceptable given the low traffic flows and design speeds, the small number of properties served, the low frequency of larger vehicles, and the lack of a through route. However, the geometry of that turning head is to be reviewed at stage 2 to ensure large vehicles can turn without overrunning surrounding footways etc...
- 6.142. This resolves our concerns around highway safety. We are therefore now satisfied that the proposed operational design for the internal roads complies with policy TR7. However, we should highlight that one of the other issues raised by the RSA Team relates to the vertical alignment of the internal roads. They have recommended that this matter should be check at stage 2 when alignments complying with common highway standards should be provided. The designers have accepted this recommendation, as have we. However, if it not be possible for them to achieve suitably safe profiles when they come to do so then it may be necessary to vary the approved stage 1 layout significantly. This may require the scheme to seek reapproval for planning purposes.
- 6.143. Whilst there remain a few other issues with the proposed internal road design (like the lack of necessary motorcycle parking spaces and some disabled parking spaces not including 1.2m access zones to all sides in accordance with BS 8300) we are satisfied that these can be resolved through minor changes as part of future approval of details applications. To support this we have recommend that the street design condition for the internal roads is secured in a 'Plans Notwithstanding' format.

Demolition/Construction Traffic Impacts

- 6.144. Since our previous response the Applicant has contacted us to confirm that they are happy to accept an obligation based on the terms we'd proposed. With the applicant how in agreement, we have contacted the LPA again to confirm if they are now satisfied too (or to discuss mutually acceptable alternative condition wording). However, they have preferred not to do so.
- 6.145. As explained in our previous responses, we do not consider that the simple conditions that the LPA has recently secured on other majors applications (which have been contrary to our recommendations) are sufficient to safely mitigate demolition/construction traffic impacts. This site has very particular challenges because of the very narrow access route into it and related phasing implications. This will mean that both construction vehicles and operational foot and vehicle traffic (from both this development and existing properties) will need to share the narrow route for a long period of time. To add to the complexity, it will also be subject to highway improvement works at various stages. Therefore we must unfortunately maintain our previous objection and recommendation to refuse on grounds of highway safety and residential amenity (NPPF para 109, policy TR7, policy QD27). However, we would like

to emphasise again that this objection is very easy to overcome. It can be quickly lifted should the obligation and heads of terms we recommended be accepted. We also remain happy to consider any condition-based alternative that the LPA may wish to propose in replication of those terms.

- 6.146. Lastly, for the avoidance of doubt we'd like to make clear that our highway enforcement powers do not provide an alternative means of preventing unacceptable demolition and construction impacts from arising. This is because they only permit retrospective enforcement action after problems arise. Even then the powers and sanctions at our disposal are fairly minimal and require a significant degree of evidence. By comparison, the obligation that we are seeking would prevent development activity from commencing until safe and satisfactory management arrangements and commitments are agreed and in place.

Equality

- 6.147. The Equality Act 2010 places a range of duties on the Council. Amongst others these require decision makers to be aware of the potential impacts of their decisions (at the point when they take them) on people with characteristics that are protected by the Act. There must be a reasonable evidence base for this. If there are likely to be any negative impacts then, amongst other things, the decision maker must be satisfied that there is a reasonable 'objective justification' for these.
- 6.148. In our previous comments we highlighted adverse impacts about the design of disabled parking bays, some of which lacked access zones to all sides as required by BS8300. To address this we've recommended securing the street design condition in a 'Plans Notwithstanding' format so changes can be required under future approval of details application.
- 6.149. We also highlighted pedestrian access issues along the cul-de-sac length of Westfield Avenue North, beyond the fork junction. The Applicant has now resolved these but has acknowledged another area of concern approximately half way along the stretch of Westfield between this junction and that with Coombe Value. The footway gradients there exceed those allowed under BS 8300. This could make access to the site difficult and potentially unsafe for the mobility impaired, which is of concern since this is the main route in and out (and to the nearest bus stop). The Applicant has looked at this closely and explored various configurations in an attempt to achieve a compliant design. Whilst they have not succeeded in doing so, they have managed to reduce the slope notably to less than or in the vicinity of 1:20 in most places (albeit without landings every 500mm rise in all places). The gradient is locally steeper at 1:16 in one place, but this is because of the constraint posed by an access to an existing property. As such, whilst an adverse impact remains and must be acknowledged, we now feel there is an objective justification for this and that the design here has been optimised within reason and existing constraints. Nevertheless, as mentioned elsewhere, a related issue was raised in the RSA with a recommendation to review vertical alignments at the detailed design

stage, when a further RSA will be required. It may prove possible then to achieve some further improvements to gradients here. If so then the 'Plans Notwithstanding' street design condition that we've recommended will allow changes to the plans to be made at that time.

RECOMMENDATION

- 6.150. Recommend refusal and object due to highway safety and amenity impacts associated with demolition and construction traffic movements (noting that recent conditions secured for other major applications have not been satisfactory in our view to mitigate these). However, should the obligation that we recommend below on this matter (and the detailed terms thereof) be accepted then we will be happy to be happy to lift this. Alternatively we will be happy to consider alternative condition-based wording that may be proposed in replication of those terms and – if this is suitable – may lift our objection on that basis.

Date :22.09.20: *Third Response*

- 6.151. This is our third response, which should be read in accordance with the Local Highway Authorities (LHA) observation submitted on 10th September 2020, areas which have already been agreed are not covered in this report and we will only cover areas that have changed or are still outstanding in the below report.
- 6.152. In our previous response we welcomed many aspects of the proposals for this site as positive, particularly the response to our earlier concerns about balancing the shared space proposals for the courtyard with inclusive access requirements. Unfortunately, we nonetheless had to place a holding objection. This was because at that time -
- an independent road safety audit was yet to be received to confirm that the new street layouts and proposed highway access works were safe; and
 - we required both the LPA's and applicant's acceptance of our proposed heads of terms for a detailed S106 DEMP/CEMP obligation to control the very particular safety challenges that this constrained site will pose. Amongst other things this will require both construction vehicles, existing residents, and residents of early phases to share the long and very narrow access route into the site whilst highway works and later phases of development are built out. We also indicated our willingness to consider proposals to replicate these through condition(s) instead should the LPA be able to recommend wording that satisfied us.
- 6.153. We also had concerns about some aspects of the proposed cycle parking arrangements for residents of the new site, however we feel that this last point can be agreed through the discharge of a condition.

Date 02.04.20: *Second Response*

SUMMARY

- 6.154. The applicant has worked positively with us to address our previous concerns and to develop a scheme that seeks to resolve these whilst still honouring their vision of high-quality public spaces and highways. The applicant has submitted a number of plans for consideration starting from a very plain application which relied on large areas of shared space for access to the site and across it. Responding to our concerns and comments has resulted in more detailed and carefully choreographed connections, links and open spaces. We requested particular that the applicant ensures that all people's needs are considered, that access for all persons of different abilities such as those who are blind or wheelchair users are met. While at the same time creating an interesting and safe place for the inhabiting residents to enjoy, play and interact. We feel this has now been achieved through phased use of shared space, pedestrian safe areas and green space. The focus for this development is on sustainable transport, while still providing areas for vehicles to travel at slow speeds to access the site. It would have been desirable to provide a more direct pedestrian link across the site to the nearest bus stops. Unfortunately this was not possible due to third party land preventing the connection being established. However, we feel this development offers high quality cycle parking across the site, dedicated footways allowing for easy pedestrian access to the site and nearby public transport.
- 6.155. The revised layout demonstrates how, through careful design, streets can be configured to meet the needs of all users - by providing shared areas for those who are willing and able to do so but also retaining direct and well delineated pedestrian-only routes alongside these for those who are not - whilst still delivering good placemaking outcomes. This sensitive and considered integration of movement, equality and landscaping is welcome and should serve as an inspiration to future applications that involve new streets, whether in urban or rural settings.
- 6.156. There are objections to this application from local residents to the developer's initial approach of only using shared space. Whilst we were sympathetic to these and they reflected some of our own, as above, the applicant has since worked positively to address these. Subject to Road Safety Audit (see below) we feel they have evolved this scheme into a positive contributor in the area.
- 6.157. There are still a few minor aspects of the current layout external layout proposals which need improvement and alteration to meet requirements, such as the design of a few disabled parking bays which don't meet design standards (e.g. lacking access zones to both sides of vehicles). However, these issues can be addressed by setting appropriate conditions in Plans Notwithstanding formats to allow minor changes to be secured via future Approval of Details applications.
- 6.158. Notwithstanding our overall positive view of the revised layout, one major outstanding issue with this is that we have not yet received the results of a mandatory independent Road Safety Audit. This is essential to demonstrate that the scheme is safe for the purposes of policy TR7 and NPPF para 109,

the latter of which sites road safety concerns as a stand-alone reason for refusing schemes. While we are keen to recommend this application for approval, we must first receive the results of this independent assessment and be satisfied that any issues raised have or can be resolved to our satisfaction. The audit is in progress and we will confirm whether or not it does in a future response, if necessary via the late list.

- 6.159. The applicant have assessed the long-term traffic impact of this site primarily using the national standard TRICS® system. Whilst we have some concern about the data sets used to measure the impact we feel that we have found the most accurate set using the limited number of options available. While this development will inevitably increase the number of vehicle trips to and from the site due to its remote location, we do not feel these daily trips of 728 with a peak hourly rate of 38 will have a significant impact on the highway with the mitigation measure we have request in place.
- 6.160. The applicant is not proposing that the new internal streets and spaces be adopted as highway. This is acceptable subject to suitable obligations removing the rights of future frontagiers to petition for adoption and providing for our checking of the technical designs to be satisfied that they are adequately designed and constructed (including related fees to cover officer time). The works within the existing highway are minimal due to the site being mostly set back from it. Some improvements to the mouth of the access road of Westfield Avenue North are required, along with installation of a north/south crossing to protect pedestrians from the increased flow in vehicles. These can be secured via a planning obligation. Though the initial entry road into the site beyond this is narrow and require sections of effective shuttle-working, we are satisfied (subject to road safety audit) that this is reasonable given the modest peak hour flows and the tidal nature of these for what is a residential only site.
- 6.161. Whilst we note concerns by others that this development will lead to parking overspill, we have assessed this application based on local average numbers of car ownership and can see that sufficient parking is provided to meet forecast demand while at the same time remaining within B&HCC parking maximums as outlined in SPD14.
- 6.162. The cycle parking provided across the site offers each individual units their own private secured lockable facility to offer easy access to bicycles and makes cycling an easy alternative mode of transport.
- 6.163. Based on the net increase in daily all-mode trips, a Sustainable Transport Contribution of £145,600 is required to mitigate the impact of this development. This would be put towards:
- Bus stop infrastructure improvements to stops on Coombe Vale and or Westfield Avenue North.
 - Improvements and support to bus services servicing the site and to address causes of delay along their routes to the east of the city.
 - Improvements to local visitor cycle parking.

- Improvements to the footway reaching from Westfield Avenue North and public transport infrastructure.
- Improvements to Local cycling infrastructure and connections to Brighton and Hove City Centre.

6.164. Asides from the outstanding road safety audit, the only other significant concern we have is the need to secure an appropriate Construction & Environmental Management Plan (CEMP) to offset the safety, traffic and amenity impacts of construction. This will be important as the proposed build length is very long at 192, weeks encompassing 9 phases. The fact that occupants of early phases will need to walk/cycle down the same single, narrow access route as will be used by on-going construction traffic adds further complexity. Whilst this is readily resolvable through a planning obligation requiring an appropriately detailed CEMP to be submitted before development begins we note that the local planning authority has recently preferred not to secure these, notwithstanding our recommendations. Unfortunately we do not consider the brief conditions that they recently preferred to secure to be adequate to address impacts. Therefore, in anticipation that a similar insufficient (in our view) condition would be recommended by the LPA again, we must place a holding objection until such time as an obligation or condition(s) that address our concerns is agreed with us by the LPA and applicant. We have proposed an obligation and set out the detailed HoT that this should include, for further elaboration in the S106 agreement. Whilst we are open to considering alternatives, including condition(s), they will need to be adequately worded to secure the same detail as we have sought to be acceptable. We stress that this should be a very simple matter to resolve.

6.165. In summary, though we are positive about the new layout and commend the applicant's engagement to address previous concerns, we must maintain a holding objection whilst awaiting both the outcome of the road safety audit of this and agreement of a satisfactory CEMP condition or obligation to mitigate the construction impacts of the scheme.

Date: 07.02.20 First response

SUMMARY

6.166. We are currently unable to determine this application, other than for refusal as we are not able to fully assess the impact of the development. This application is currently unacceptable and should not be approved as it stands, as only a Transport Statement (TS) has been submitted to support it, for a development of this size a full Transport Assessment (TA) is required to measure the full impact of the development (a requirement of NPPF para 111). We ask that the applicant engage with us to agree full scope for which the TA should cover and to meet after submission of the TA to discuss the proposals.

6.167. The TS only includes an assessment of the daily vehicle trip rates from 07:00 to 19:00, however we required a full multi-modal assessment for a 24 hour period to gage the full impact of the scheme and to enable us to calculate the

Sustainable Transport Contribution. we also do not accept the parameters for the submitted TRICs assessment concerns include:

- Use of mixed private/affordance housing rate only acceptable where mix closely approximates the proposed split. Otherwise need to establish separate rates for private and affordable homes.
- Dwelling size range = 66-188 vs proposed 66 units. Smaller sites should be used whilst upper range too high. Two of the proposed sites are acceptable at 80/67 units. However, ES-03-M-04 is too big at 188 units.
- ES-03-M-04 surveyed on a Friday so unacceptable. Its also too old at over 6 years (ES-03-M-04). However, as above that would be excluded anyway on size grounds anyway.
- Excluding ES-03-M-04 leaves only 2 sites which is unacceptably low bearing in mind none of the remaining are in B&H or nearby.
- Local populations also appear too low which excludes the other 2 sites.
- No details of cross-test variation % provided to demonstrate rates are representative.

6.168. We ask that prior to further required trip generation that the applicant engages with the Local Highway Authority to agree parameters as suggested in the TRICs Good Practice Guidance. Applicant to base proposed criteria/ranges and on a characterisation of the local area and proposed development, to be submitted alongside their proposals.

6.169. Notwithstanding the above, forecast development vehicle trips already exceed 30 in peak hours. This is the threshold in the 2007 DfT TA Guide for requiring a full TA. As advised at the pre-app stage this must be provided. It should distribute trips to local roads and assess impacts across different analysis periods and scenarios. Where necessary there may require junction modelling, however we reserve judgement until an acceptable trip generation has been agreed and submitted.

Public Transport Accessibility

6.170. The walking distance from some parts of the site to the nearest existing bus stop exceed the normal recommended 400m and at it's longest exceeds 600metres. I think I'm also correct in saying that some proposed routes to/from this would be fairly steep (please check). I therefore suggest that you highlight this as a concern, noting also the further complication lent by the fact that many of the routes would be via shared surfaces.

6.171. Planning for Walking (CIHT 2015, p.30) advises that, "The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400m has traditionally been regarded as a cut-off point, in town centres, 200m." This should be taken into account when considering how likely it is that residents will use public transport and alteration to the scheme should be considered to recommended traveling distances. It also needs to be considered the gradient of the paths travelled, in terms of accessibility this may also have an equality impact on users of the site.

Cycle Parking

- 6.172. No details have been provided as to the design, type or level of cycle parking provision. At pre-application phase significant notes were provided; please refer to these for further guidance. A full assessment of these facilities will be required as part of the above requested TA.

Highway design

- 6.173. The application includes numerous shared surfaces, including areas where the DAS makes clear that apparent footways are designed to be overrun due to unrealistically low carriageway widths. As advised at the pre-application stage, we welcome carefully shared space schemes in the right circumstances. However, where they include shared/level surface element this is subject to careful design development and evidencing. This is because of their potential negative impact on people with characteristics protected under Equality Act including in particular visually impaired people. NPPF para 110b requires development to meet the transport related needs of such people and others with disabilities/reduced mobility. Amongst other things -

- An EqlA is required to demonstrate due consideration of impacts and to provide objective justification for why it has not been possible to design out any remaining impacts.
- To satisfy guidance in 'Manual for Streets' and 'Guidance on the Use of Tactile paving Surfaces' this should be supported by evidence of engagement with disabled people and/or advocacy organisations to show how they have been involved in shaping the proposals and the efforts made to address their reasonable concerns.

- 6.174. Unfortunately neither has been provided. Further, we have not yet been approached to discuss a stage 1 road safety audit of the challenging proposals. This will be necessary to demonstrate compliance with policy TR7 (noting the difference between safety and equality). It must be completed in strict accordance with DMRB G119, noting that this requires us to approve the Audit Team and Brief in advance.

- 6.175. The information provided therefore isn't yet sufficient for assessing the likely impacts of the street design proposals. Notwithstanding, we note that the site is sufficiently large such that there should be no need to discriminate by only providing shared areas (with no alternative traffic free routes for people who are not able/comfortable sharing). In view of this, the current proposals suggest a potential reason for objection and refusal, noting amongst other things policy TR7 and NPPF 110b requirements.

RECOMMENDATION

- 6.176. Unsuitable for determination due to lack of information to assess likely impacts from some aspects. We will wish to be formally re-consulted should additional information be submitted. Conditions and obligations will be recommended in a further response, if appropriate, in view of additional information. The applicant should engage with us into scoping meetings to understand what is required to support this application.

6.177. **Sustainability Team: Support**

Summary of Comments:

The development will just meet the CP8 target, but only through installing large amounts of PV. The “be lean, be clean, be green” energy hierarchy prioritises reduction of energy demand through improvements in building fabric, before application of renewable energy. This development has taken the opposite approach of including only minimal improvements in the building fabric, no improvement in carbon emissions from heating, and then including PV to make up the difference.

6.178. While the PV is very welcome, more attention needs to be applied to the building fabric and especially the heating strategy to improve the overall carbon efficiency performance of the development. It is strongly recommended that the heating and hot water strategy is reviewed and updated to consider particularly air source or ground source heat pumps. Conditions are proposed on heat technology and green roofs.

Main Comment:

6.179. The following is proposed in the Energy Statement:

Carbon emissions reduction

6.180. The residential development is expected to just meet the energy targets set out in CP8 of the City Plan Part One.

6.181. Building fabric

- U-values: proposed: External Wall 0.18, Floor 0.15, Roof 0.15, Openings 1.4
- No info on thermal mass or thermal bridging

6.182. Ventilation and overheating

- Cross ventilation, openable windows.
- Air permeability proposed 4m³/(hm²)@50Pa
- The SAP report shows a ‘slight’ risk of overheating in most units.

6.183. Heating and hot water

- Gas boiler to each dwelling with zoned time and temperature controls to provide *heat and hot water*
- No connection to a district heating system

6.184. Lighting and day-light

- 100% “low-energy” light fittings, not specified if these will be LEDs or CFLs.

6.185. Renewable energy

- Analysis of the potential for a range of renewable energy technologies
- Proposed: Roof designed to accommodate installation of roof-mounted solar PV. Roofs are pitched and facing south west and south east which is ideal for PV. In total across all the dwellings an array of 356.4 sq m PV

delivering 55.8 kWp is proposed. There will be 3 PV panels per dwelling, in total 216 panels.

6.186. Water

- Dwellings will achieve efficiency standard of 110 litres /person /day; water consumption analysis provided.

6.187. Biodiversity

- 180sq m Brown roofs on carports (vegetated shingle)
- 300sq m children's play space and extensive amenity land
- A landscape masterplan and tree planting strategy is provided

Main Comments

Reduction in carbon emissions

6.188. The development will just meet the CP8 target, but only through installing large amounts of PV. The “be lean, be clean, be green” energy hierarchy prioritises reduction of energy demand through improvements in building fabric, before application of renewable energy. This development has taken the opposite approach of including only minimal improvements in the building fabric, no improvement in carbon emissions from heating, and then including PV to make up the difference.

6.189. While the PV is very welcome, more attention needs to be applied to the building fabric and especially the heating strategy to improve the overall carbon efficiency performance of the development.

6.190. Moreover, it is noted that SAP2012 is used to calculate the carbon emissions from the buildings. It is likely that a different result would be obtained if SAP10 is used, as it includes up to date carbon emission factors which give a lower weighting to electricity (relative to gas) than previously.

Building fabric

6.191. The U-values for walls, roof and floor are not exceptional, as is the air-tightness of 4m3/m2/hr. Further detailing of the thermal bridging should aim for the lowest possible value. Overheating is not considered to be a risk.

Heating and hot water

6.192. It is very disappointing that the standard solution of gas boilers is proposed for heating and hot water. Gas boilers are familiar and cheap, but they do not support the City's Sustainability Objectives to use large scale low or zero carbon energy technologies as stated in City Plan Part One CP8 point 2c. This development is spacious and has ample green space around the houses so that other heating solutions could be considered. In this situation either ground source or air source heat pumps, combined with the generous PV allocation, would reduce carbon emissions greatly while also being cost effective in operation. This would also help to future-proof the development against changes in building regulations and the introduction of the Future Homes

Standard, expected later in 2020. More information is provided in the emerging City Plan Part 2: Policy DM46.

Connection to a heat network

- 6.193. It is noted that connection to a future heat network is not proposed. In this location, this is acceptable.

Renewable energy

- 6.194. The generous application of PV on the roof top is welcomed. The Energy Statement mentions government incentives which, for PV, have come to an end. It may be possible to negotiate an export guarantee with the local electricity supplier.

Green roof and biodiversity

- 6.195. The ample green space and gardens along with the tree planting strategy should help to enhance biodiversity as long as a variety of nectar-rich native species are specified in the planting schedule. The brown roof for the car ports are also noted and will help the application meet Brighton & Hove City Plan Part One policy CP8 Sustainable Buildings point 2 h and j.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Considerations and Assessment' section of the report

- 7.2. 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
SA5	The Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP16	Open space
CP17	Sports provision
CP18	Healthy city
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
TR18	Parking for people with a mobility related disability]
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and Noise Control

Supplementary Planning Guidance/Planning Documents:

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

Further Guidance:

Developer Contributions Technical Guidance (March 2017).

9. CONSIDERATION & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, impact of the development on the character and appearance of the locality, the setting of the South Downs National Park, neighbouring amenity, landscaping and trees, sustainable transport impacts, environmental matters and contribution to other objectives of the development plan.

Planning Policy Context and Principle of Development:

- 9.2. The site is allocated for housing development in the Council's 2014 Urban Fringe Assessment and recent outline planning consent for a residential development for 60 houses was granted on the 13th June 2018; therefore the principle of the demolition of the existing properties and redevelopment for a residential scheme has been established and is supported from a planning perspective subject to detailed consideration within the body of this report.

Planning History

- 9.3. Outline planning consent for the site was granted application reference BH2016/01903 [referred to as the 'extant scheme'] for the demolition of existing farm buildings and the erection of 60 family dwellings with public open space and approval of reserved matters for access and landscaping. This consent is extant and is a material consideration in the assessment of this scheme.
- 9.4. Below are key headlines in relation to the extant scheme:
- 60 houses approved (detached in style)
 - Low density - 16 u/ha
 - 40% Affordable housing (48:52 split)
 - Fixed two-storey height parameter
- 9.5. The current proposed scheme seeks 12 more dwellings and provides 3.4 times more open space, than the extant scheme. The site area is slightly smaller than the approved scheme as the red line boundary no longer includes land to the southern-most extent of the former application site.

Urban Fringe

- 9.6. The site is classed as an urban fringe site and is located between the defined built up area boundary of the City and the boundary of the South Downs National Park. The urban fringe is made up of ‘pockets’ of residual green space within the City.
- 9.7. City Plan Policy SA4 (Urban Fringe) directly relates to the use of urban fringe sites. Policy SA4 refers to a set of 5 principle objectives for the use and management of land on the urban fringe including the following:
- 1) the protection and enhancement of wider landscape
 - 2) environmental improvements
 - 3) incorporation of a green network
 - 4) the protection of groundwater source protection zones and
 - 5) the creation of gateway facilities.
- 9.8. Development within the urban fringe will only be permitted where a site has been allocated for development in a development plan document; or a countryside location can be justified. Where development is accepted in principle it must have regard to the downland landscape setting of the city and any adverse impacts of development should be minimised and appropriately mitigated and/or compensated for.
- 9.9. Of note, policy SA4 states “should proposals for development come forward prior to the adoption of Part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of applications for residential development within the urban fringe”. Given that the site is allocated in the Urban Fringe Assessment (UFA), this is a material consideration in determining development on the proposed site.
- 9.10. The proposed development meets the provisions of policy SA4 of the City Plan Part One in terms of meeting the 5 principle objectives above which are discussed within this report; including having regard to the downland setting through a comprehensive robust landscape strategy which is supported by the County Landscape Architect; and providing sufficient mitigation and compensation for potential adverse impacts such as contamination and flooding.
- Housing Supply
- 9.11. Policy CP1 (Housing Delivery) of the City Plan Part One sets a target to deliver at least 13,200 new homes over the period 2010- 2030, which includes provision for 1,060 dwellings on urban fringe sites.
- 9.12. The council’s most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). Please note

that the Planning Policy Officer comments within the consultee section of this report were provided prior to the change in the Council's housing supply from 4.5 years to 4.0 years.

- 9.13. In the context of Brighton & Hove, the proposed development is considered to be a large-scale residential development proposal. The provision of 72 residential units represents a significant proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle.

Urban Fringe Assessment 2014

- 9.14. The Urban Fringe Assessments (UFA's) provide an indication of the overall potential for housing within each of the City's identified urban fringe sites. They were commissioned and carried out independently. As noted by the Planning Policy Officer, the suitability of sites for residential development has been examined in detail in the 2014 and 2015 Urban Fringe Assessments. The UFA studies recommended that the site (including the adjacent Saltdean Boarding Kennels, which is not included in this application) had potential for some low and medium density residential development limited to 55 residential dwellings'.
- 9.15. The UFAs identify four parcels of land around Coombe Farm which are referred to as Sites 48, 48a, 48b and 48c and were known as Study Area L18/E15. The application site covers the majority of UFA Site 48 (Land at Coombe Farm), part of Site 48a (Land north of Westfield Rise) and part of Site 48b (Land at Westfield Avenue North), however the application does not include any of Site 48c (Land at Saltdean Boarding Kennels).
- 9.16. High level reviews within the UFA indicated that any development on the site should follow the principles set out below:
- A masterplan approach is recommended for sites 48, 48a, 48b and 48c
 - New dwellings should not be elevated above existing residential properties
 - Upper slopes should not be developed
 - Development should not exceed 55 dwellings on site 48, 48a, 48b and 48c
- 9.17. The 2014 UFA considered the potential for residential development against five criteria comprising landscape, open space, historic environment, ecology environment and assessed the scope for mitigation of any potential adverse impacts. Most of the land within Sites 48/48a/48b/48c were identified as having potential for low-density residential development, avoiding only the more elevated fringes of the area and an area already occupied by dwellings and a woodland block.
- 9.18. In conclusion, the UFA identified an overall potential of 55 dwellings across the four sites.

Urban fringe Assessment 2015

- 9.19. The UFA 2015 included further landscape and ecological assessments. Overall, the UFA 2015 broadly supported the conclusions of UFA 2014, summarising that housing could be delivered at certain parts of the land without significant impacts on landscape and ecology, on the assumption that the following would be taken into account:
- Avoidance of impacts on retained habitats within the Study Area and the adjacent
 - Coombe Farm SNCI, including implementation of best construction practice and
 - measures to address potential increases in recreational pressure
 - Implementation of mitigation measures to address potential impacts on protected species
- 9.20. The site is allocated within the UFA's which are a material consideration in the determination of this application. Whilst it is recognised that the addition of 12 dwellings would be an increase of the high-level number of units on the site, housing development on the site is wholly appropriate and is considered acceptable. The proposed development has comprehensively considered the site sensitivities identified in the UFA's which are considered in more detail within the body of this report.

Emerging Policy H2 (Housing Sites- Urban Fringe)

- 9.21. Emerging Policy H2 (Housing Sites- Urban Fringe) of the City Plan Part Two lists developable areas in the urban fringe that are allocated for housing development which includes the Coombe Farm site.
- 9.22. The consolidated site area is 5.65 hectares and 3.47 hectares of this is considered developable (including the Saltdean Kennels). This area is considered to have a 'potential number of dwelling units' of 66, providing an 'indicative percentage of family sized housing – 3 bedroom plus, of 50% . Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration. The key site considerations identified are archaeology, landscaping, ecology, flooding and wastewater.
- 9.23. Draft policy H2 states that planning permission will be granted for developments identified which consider the site considerations and indicative development requirements, together with all of the following criteria:
- a) Provision for family housing
 - b) Opportunities to secured publicly accessible open space provision
 - c) Green infrastructure and local food growing opportunities
 - d) Mitigation of any adverse impacts
 - e) Sustainable transport infrastructure improvements
 - f) Improved linkages and access to the SDNP, where feasible
 - g) Appropriate regard to community facilities
 - h) Greater reductions in CO2 emissions

- 9.24. In the first instance, the proposed development proposes a high proportion of family housing. The open space provision is extensive and available to the public for events and would provide amenity and play space for the inhabitants of the dwellings. Extensive green infrastructure is provided within the scheme including open space provision, native planting, additional trees and brown roofs. In addition, a landscaping condition has been imposed for food growing opportunities to be provided. Adverse impacts would be mitigated against and compensated for through various strategies, remediation, and the provision of necessary financial obligations and the Community Infrastructure Levy. Sustainable transport infrastructure improvements are provided within the development, secured by legal agreement through the provision of local highway works and necessary conditions. The existing linkages to the SDNP will be retained and enhanced as part of the development. Appropriate regard has been made to community facilities for the community that would inhabit the site. The provision of a high-quality public realm and 'The Common', would facilitate community wide functions and amenities. The energy strategy for the site will ensure that there is a reduction in CO2 emissions and renewable energy sources are provided.
- 9.25. Draft Policy H2 also states that the provision of land for self and/or custom build serviced plots will be encouraged on urban fringe housing sites. The potential to include an element of the housing in the form of self/custom build plots was discussed with the applicant; however this was not a considered to be a viable option and was not pursued either within the extant outline scheme.
- 9.26. In conclusion, the site is also allocated within emerging Policy H2 which demonstrates the Council's direction of travel. As such consideration has been made to emerging Policy H2 of the City Plan Part Two, and the scheme meets the selected criteria stipulated by this draft policy.

Density:

- 9.27. The Policy Officer considers that ' the proposed density for the site as a whole is low at 21.75 dwellings/ha, which largely reflects the sensitive location of the site directly adjacent to and within the setting of the SDNP'. City Plan Part One policy CP14 (Housing Density) seeks to ensure that housing density is appropriate to the locality. As minimum, a net density of 50 dwellings per hectare should be achieved in the city. A lower density will be accepted where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood. The UFA recommends a low density development (i.e. 25 dwellings/ha) within the site and a medium density for site 48a of 50 dwellings/ha. The extant scheme has a density of 16 dwellings per hectare.
- 9.28. The extant scheme originally proposed 67 units, which was amended to 60 units, on the basis that 7 dwellings would need be removed as they would be too visible from the SDNP. These changes were made following consultation

with the County Ecologist and County Landscape Architect. The current scheme has reviewed this situation and sought to further minimise the impact on the SDNP and provide ecological mitigation. Albeit, it is acknowledged that the proposed development density is not uniform, with larger numbers of units clustered in the north-east of the site and lower densities around the proposed greenspace in the south-west of the site. As noted in the report, notwithstanding previous concerns within the extant scheme, the County Landscape Architect supports the current scheme for 72 dwellings on the site and does not consider that the development would detract from the setting of the SDNP. A higher density was also supported by the design review panel.

- 9.29. Therefore it is considered that the overall density is higher than the extant scheme, but within the density parameters of the UFA recommendations (less than 25 dwellings per hectare) and is appropriate for the site. The proposed density is also below the threshold of 50 dwellings per hectare as set by Policy CP14 of the City Plan Part One, which is entirely appropriate given the sensitive location of the site adjacent to the SDNP and the need to take into account site constraints and provide adequate mitigation. As such it is considered that the proposed development accords with the provisions of Policy CP14 of the City Plan Part One.

Housing Mix:

- 9.30. Policy CP19 of the City Plan Part One requires all new residential development to have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two requires residential development to incorporate a range of dwelling types, tenures and sizes which respond to the City's identified housing need; and to make provision for a range and mix of housing formats subject to the character, location and context.
- 9.31. These policies require the provision of an appropriate mix of housing (in terms of type, size and tenure), including affordable housing, that will contribute towards meeting the city's identified housing needs and will deliver balanced communities.
- 9.32. Within the extant outline scheme, the appearance, scale and layout of the scheme were reserved matters. However the indicative housing mix comprised the following:
- 6 x 2-bed units
 - 37 x 3 bed units
 - 14 x 4 bed units
 - 3 x 5 bed units
- 9.33. The proposed unit mix comprises the following:
- 4 x 1 bed units

- 16 x 2 bed units
- 29 x 3 bed units
- 23 x 4 bed units

- 9.34. Compared to the extant scheme, the current proposal introduces the provision of 1-bedroom units, significantly more 2-bedroom units and no longer provides 5 bedroom units. However, the majority of units are 3-bedroom units, similar in mix to the extant scheme.
- 9.35. The proposed mix would provide 72% 3+bedroom houses, whereas draft Policy H2 expects circa 50% family housing. However as noted by the Planning Policy Officer 'there is a substantial demand/need for 3 and 4+ bed properties across the city whereas the majority of potential housing sites in the city are better suited to provide smaller units (1 and 2 bed). In these circumstances, it may be justifiable to support a higher proportion of family houses (3+ bedrooms) on this site'.
- 9.36. Notwithstanding the need for accommodation and the lack of 5-year housing land supply; overall it is considered that the proposed development is ideally located for family housing and can accommodate housing whilst remaining at a low density (less than 25 dwellings per hectare). The development would provide very much needed family accommodation within the City and is supported. It is also observed that the development would provide 1 and 2 bedroom houses (rather than flats) which are also a welcome addition in the City. As such the proposed housing mix is considered acceptable.

Affordable Housing:

- 9.37. City Plan Policy CP20 (Affordable Housing) requires housing development of over 15 units to provide 40% affordable housing. The applicant proposes to deliver 29 dwellings as affordable housing, which is a 40% provision in line with the policy. The extant scheme offered 24 units of affordable housing. The Housing Strategy Team support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing. As observed by the Housing Strategy Team, there are 9,100 people listed on the joint housing register, 75% of whom are in demonstrable need. In addition 1,772 households were identified in temporary accommodation as of December 2019. Therefore, the City has a pressing need for affordable housing.

Tenure split

- 9.38. Affordable Housing Brief sets out the following broad tenure split as a Citywide objective:
- 55% Social Rent or Affordable Rent
 - 45% Intermediate (e.g. Shared Ownership)
- 9.39. The applicant proposes 55% of the affordable housing units as affordable rent (16 properties) and 45% (13 properties) for shared ownership sale, which is a

compliant tenure split. As stated by the Housing Strategy Team ‘family housing for affordable rent is also particularly welcome’.

- 9.40. The preferred affordable housing brief mix has been set on this basis, as follows:
- 30% 1 bed units
 - 45% 2 bed units
 - 25% 3+ bed units
- 9.41. However, the unit mix for the affordable housing as proposed would provide a differing mix as follows:
- 14% x 1 bed units
 - 24% x 2 bed units
 - 62% x 3 bed units
- 9.42. Essentially, there is an overprovision of larger units and lesser proportion of smaller units. Whilst this is not in line with the preferred mix in the affordable housing brief, the Housing Strategy Team acknowledge that this scheme that is delivering affordable family *housing*, which is welcome, and therefore this unit mix is acceptable.
- 9.43. The affordable housing will be secured by legal agreement. Conditions are recommended to provide details including the numbers, type, tenure and location; the timing of the construction of the affordable housing and transfer of the affordable housing to an affordable housing provider and the occupancy criteria.
- 9.44. The affordable housing provision complies with Policy CP20 in terms of its quantum, standard of accommodation and tenure split; and is strongly welcomed. The affordable provision will provide a significant number of very much needed affordable homes in the City. Whilst the unit mix does not comply with the affordable housing brief in general terms, the scheme would provide family housing which is needed in the City and is supported by the Housing Strategy Team.

Visual Impact:

- 9.45. The site is located within a sensitive location and is bound by the SDNP on three sides, therefore Policy SA5 (Setting of the South Downs National Park) of the City Plan Part One would apply, to ensure that the setting of the SDNP is respected and not significantly harmed.

South Downs National Park (SDNP)

- 9.46. Paragraph 172 of the NPPF states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty”.
- 9.47. The South Downs National Park Authority (SDNPA) have been consulted. The SDNPA made no comment on the principle of development, however they

recommended that consideration be given to the design of the development in terms of height, scale and density. The design of the development is duly considered in the 'design and appearance' section of the report.

- 9.48. The SDNPA also advised that consideration should be given to the recent permission SDNP/18/04566/FUL for the provision of a new sand school and stables on the land immediately to the south east of the site (which falls within the National Park) to facilitating access without the potential for conflicts of use. Access to the new sand school has been provided, facilitated and considered as part of the application. A clear route through has been made in the masterplan as shown on the north-east extent of the site. The proposed site plan has been amended to show the location and context of this development.
- 9.49. Paragraphs 98 and 170 of the NPPF highlight the important of public rights of way and access. One of the purposes of the SDNP is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. The applicant seeks to strengthen and formalise the existing connections to the National Park and PROW network. However, it is apparent that the existing site provides no formal access to the National Park. The PCOW route from Westfield Avenue North to the brow of Tenant Hill is gated and the main area of the farm is private. Notwithstanding the current situation, the applicant proposes to remove the gates and make it accessible to the public, although it will remain in private ownership. This also accords with policy SA4 (Urban Fringe) which also seeks to secure safe public access to the countryside.

LVIA

- 9.50. Views are afforded into the site from the SDNP, as such, a Landscape and Visual Impact Assessment (LVIA) was submitted with the application and sets out 6 key viewpoints. The LVIA concludes:
- On completion and in the long-term, no significant direct or indirect adverse effects would occur on on-site landscape features or on the character of the surrounding landscape.
 - No significant effects would arise on the landscape character of the SDNP at any changes.
 - In the long-term, no significant adverse visual effects would arise for users of the public footpaths or recreational landscape, or for those using the road network.
 - The proposal would have an enhanced interface with the landscape of the SDNP to the north and east of the site (compared to the extant scheme).
 - There would be a slight reduction in visual effects for views seen from the SDNP from the south of the site (compared to the extant scheme).
 - Overall, the same conclusion is reached for the proposal as the extant scheme in that the proposal would not cause harm to the landscape of the site or surrounding area.

- 9.51. Whilst short-term adverse landscape and visual effects would arise during construction and on completion, these effects are not extensive due to the visual containment of the site provided by the valley location, existing settlement pattern, landscaping, and a high-quality masterplan.
- 9.52. The specialist views of The County Landscape Architect were sought regarding the assessment of the LVIA, impact on the SDNP and landscaping proposals. The County Landscape Architect considers that that LVIA provided an “accurate assessment of the baseline landscape character and visual context of the site” and does not dispute these conclusions.
- 9.53. The County Landscape Architect considered that ‘The Common’ would provide a high-quality open area which relates well to the wider open downland. It was also considered that the tree cover would soften the proposed development in more distant views from the built-up areas and wider downland. Overall the proposed development is supported by the County Landscape Architect subject to landscape conditions, which have been recommended.
- 9.54. As ecological changes have evolved through the scheme, the County Landscape Architect has considered amendments alongside the County Ecologist. In conclusion, the County Landscape Architect considered that the amendments to the scheme was “acceptable from a landscape perspective”. As such the scheme complies with the provisions of Policy SA5 of the City Plan Part One.
- Dark Sky Reserve
- 9.55. The South Downs National Park is a designated International Dark Sky Reserve and dark skies. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The scheme is located outside of the SDNP, however it has the potential to affect the designation. As such a lighting scheme has been duly conditioned so due consideration is given as advised by the SDNPA.

Design and Appearance:

- 9.56. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 9.57. Policy CP12 (Urban Design) sets that development should meet certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city’s built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;

- Be inclusive, adaptable and accessible; and
- Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm.

Design Review Panel Process

- 9.58. The applicant team attended a design review panel which resulted in many changes to the scheme prior to submission including a more traditional and extensive material palette; the removal of a wetland pond feature in ‘The Common’, the removal of alley ways; the provision of a SuDS strategy; a reduction in hard standing; the provision of more landscaping; a review of access to the stable block outside of the site, which is now included and shown in the plans; larger windows which are present in the elevations; and a looser informal arrangement within the masterplan, which is shown in terms of the detailing, materials and arrangement of the units. It should also be noted the design review panel also supported a higher density of the site.
- 9.59. The design review panel also advised the applicant to consider incorporating the identity of Saltdean within the development proposals. This has been achieved through the simple elevational treatment, low-scale development, gable-ends and proposed materials and detailing.
- 9.60. The applicant team have worked constructively with the LPA to produce a scheme which provides a new sustainable residential development within a high-quality public realm. Each property has been considered in detail in terms of the internal layout and external appearance.

Masterplan

- 9.61. The masterplan ethos is based on a contemporary take on traditional houses and barns. The masterplan for the site is divided into three main parts:
1. Westfield Avenue North – detached and semi-detached properties with driveways.
 2. The Lane – semi-detached properties with side garage additions facing ‘The Common’ and link detached houses with driveways and garages.
 3. The Yards (A, B & C) – short blocks of terraces arranged within home zone shared surfaces.

Layout and siting

- 9.62. The properties proposed on Westfield Avenue North, infill the areas between the Kennels and the properties on Westfield Avenue North. Their scale and siting would respect the existing adjacent properties in terms of their massing, footprint and separation distances.
- 9.63. ‘The Yards’ contain linear barn like type buildings centred around 3 shared spaces. The buildings derive from a farmstead typology which is a typical building identified in the SDNP. The County Landscape Architect considers that “the proposed layout of the houses surrounding shared space landscape courtyards would be an opportunity to provide a high-quality development with

a strong sense of place”. The home zone approach would ensure cars do not dominate the public realm.

- 9.64. ‘The Lane’ comprises a meandering country lane to take advantage of the existing topography. The properties overlook ‘The Common’ and the use of gable-ends and informal fenestration provide rhythm and articulation.

Height

- 9.65. The buildings do not extend beyond two storeys in height and no accommodation is provided within the roof spaces. A condition has been imposed to remove permitted development rights from the properties to ensure that any further development is reviewed through the planning process. The two-storey height is in keeping with the outline parameter within the extant scheme. Of note the proposed scheme proposes single storey dwellings, on the upper slopes to ensure that the height of the buildings do not exceed the upper parts of the slopes, as recommended in the UFA.
- 9.66. Due to the topography of the site, sloping upwards at the periphery of the site boundaries; it is important to have regard to level changes, as such the applicant has proposed details of site levels to accompany the proposed scheme.

Massing

- 9.67. The properties when viewed from Westfield Avenue North would purposely continue the established pattern of development and siting. The remainder of the development would be located within the valley which would provide scope for a differing pattern of development. The semi-detached properties on The Lane are staggered in terms of their front building line, with front facing gable ends so they would appear to be detached whilst providing necessary housing provision, in the form of semi-detached housing.
- 9.68. Although some of the development would comprise short elongated terraced blocks, it is acknowledged that the footprint of the existing buildings are substantial warehouse/barn type elongated properties. These properties would be removed and replaced with much smaller properties, which are more in keeping with the prevalent urban grain.
- 9.69. During the initial pre-application, the applicant was advised to reverse the layout of the scheme so the higher density areas (The Yards) would be closer to the existing built up area to the south-west of the site and the detached and semi-detached properties were located closer to the SDNP. These changes were not made, however given that the development is within a valley and partially screened, there is an opportunity to diversify the built form from the extant scheme. In addition, dark treated timber cladding is proposed on the north-eastern slope to blend in with the SDNP and minimise any visual impact and the County Landscape Architect supports the scheme and considers that the impact on the SDNP is appropriate. Moreover, the LVIA identifies that the

proposed scheme would have a lesser impact on the SDNP than the current proposal.

Detailing and Materials

- 9.70. The applicant has proposed 5 different material palettes for the roofing, windows, walls and reveals. These comprise different groups of the following:
- grey variegated brick (a modern version of knapped flint walls)
 - red brick
 - slate
 - clay
- 9.71. Window frames and rainwater goods are proposed in aluminium (mainly light grey), rather than plastic, as suggested in English Heritage's 'Guide to Barn Conversions'.
- 9.72. The buildings are intended to read as a collection and the materials are based on the typology and relationship to each other and the landscape, which is considered appropriate and contributes to the sense of place and new character of the area.
- 9.73. A necessary condition is imposed to ensure the finished materials for the buildings, hardstanding and boundary treatment are submitted and duly approved by the Local Planning Authority.
- 9.74. The detailing is provided through simple articulation including large punched through fenestration, inset entrances which provide defensible space, staggers and differing gable roof orientations.

Public Realm

- 9.75. The proposed layout includes a large informal area of open space, which would be available for use by the wider community and would include a children's equipped play area informal open space and landscaping.
- 9.76. Brown roofs are proposed above the car parking area to the east of the site, which provide green infrastructure and contribute to sustainability objectives.
- 9.77. 'The Common' has been designed as a large communal amenity space for residents and visitors to use and will also be accessible to members of the public. A network of self-binding gravel footpaths is provided within the space, and 2 natural play spaces (300 m²), large areas of species rich grassland, stands of trees and wooded copses, ruderal vegetation areas, and two soil and chalk bunds of bare ground for invertebrates. The open space provision is at least 3 times more than the approved outline scheme and would potentially provide further opportunity for ecological enhancement and recreation for residents. Within the extant scheme this area was centralised, however the location has shifted further north of the site, which enhances the down land views.

- 9.78. The Yards proposed in the north-east of the site are created around home zone areas. Home zones are an urban design method which intends to enhance the public realm and remove traffic barriers 'to improve the quality of life of residents by removing the traffic barriers that mitigate against neighbourliness'. Seating and planting will be provided in these shared spaces to encourage interaction. The principles adopted include the following:
- Pedestrian environment, should feel like visitors
 - Reduce or remove the dominance of the car in residential streets
 - Foster a sense of community
 - Reduce social isolation
 - Increase opportunities for active and creative children's play
 - Increase natural surveillance
 - Improve the quality of the built environment
- 9.79. The proposed design of scheme meets the criteria for Policies CP12 of the City Plan Part One by providing a high-quality of design, creating a strong sense of place whilst protecting the setting of the SDNP and views into the site. The design of the external spaces and landscaping strategy is a successful fundamental part of the development proposals.
- Trees:**
- 9.80. Policy QD16 of the Local Plan requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated in to proposals.
- 9.81. There are no Tree Preservation Orders on the site and the trees are sited sporadically across the site. The existing trees are all of small size and stature with limited landscape value. The Tree Officer observed that "vegetation on site although individually poor as a whole has conservation value and significant landscaping would be required to offset the planned removal".
- 9.82. 4 category C groups are proposed to be removed to facilitate the development, which would total 20 individual trees comprising Elder, Sycamore, Poplar and Beech species. These removal of these trees will facilitate 'The Common' area, and the proposed houses on Westfield Avenue North.
- 9.83. 140 specimen trees are proposed to be planted throughout the streets, Yards and 'The Common', (6 x semi mature, 46 x 16-18cm girth, 25 x 14-16cm girth trees, 53x 12-14cm girth, 10 x multi stemmed trees). 52 trees are also proposed to be planted in the copses. In total 192 new trees are proposed.
- 9.84. A considerable number of native trees are proposed to reinstate the traditional 'wooded valley' landscape character that the site would historically have had. The trees will also provide screening between properties, visual amenity, landscape back drops, rain water attenuation and habitats for nesting birds and bats. Disease resistant Elm trees (Hillier) will also form part of the tree replanting strategy.

- 9.85. Deciduous woodland, a Habitat of Principal Importance under Section 41 of the NERC Act lies adjacent to the north-east and south-west boundaries. The County Ecologist considers that the recommended precautionary measures to protect the off-site woodland which include undeveloped vegetated buffers, are acceptable.
- 9.86. It is considered that although a number of trees will be removed to facilitate the development, a significant number of high-quality trees will be replanted on the site. As such the development accords with Policy QD16 of the Local Plan.
- Ecology:**
- 9.87. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site is not covered by any designations, statutory or non-statutory, for nature conservation interest however, Coombe Farm/Coombe Meadow Local Wildlife Site (LWS or Site of Nature Conservation Importance) lies adjacent to the south-eastern boundary of the site. As defined by the County Ecologist ‘the site currently comprises buildings and hard standing, tall ruderal vegetation, dense and scattered scrub, scattered broad-leaved trees, amenity grassland, introduced shrubs, semi-improved grassland and a species-poor intact hedge. The site has high potential for breeding birds and invertebrates and is known to support reptiles.
- 9.88. Necessary surveys were carried out by the applicant team, which were duly reviewed by the County Ecologist who considered that insufficient information was provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Since, there has been a constant productive dialogue and an on-site meeting between the applicant team and County Ecologist to provide the necessary additional information and address concerns raised.
- 9.89. In June 2020 the County Ecologist considered that most of the issues raised on submission of the application had been addressed. Overall, it was considered that “the proposed development would result in the net loss of 1105m² of habitats. However, the only habitat type that would be significantly reduced is tall ruderal vegetation and scrub. It was also recognised that the habitats proposed in the landscaping scheme are likely to be of better wildlife value than those existing, and the documents propose management of those habitats in the long term which will ensure their maintenance in the long term”. In conclusion “the proposed scheme, most notably the increase in areas of chalk grassland and native species rich hedgerows, in combination with the provision of bird and bat boxes, is considered likely to provide a net gain for biodiversity as well as mitigating impacts and compensating for loss”.
- 9.90. Further information was submitted and in September 2020, the County Ecologist confirmed that “the mitigation measures set out in the EclA and

CEMP are acceptable and should be implemented and the proposed mitigation and enhancement measures have been carried through to the Landscape Masterplan". This has been duly conditioned.

- 9.91. Below sets out the status of protected species on site and the measures to ensure mitigation, as considered by the County Ecologist.

Badgers.

- 9.92. The site is used for foraging and commuting. Two disused setts were identified on site, the measures set out in the CEMP (Biodiversity) to ensure protection of badgers during construction are acceptable.

Bats

- 9.93. There is no evidence of roosting bats. It is considered that the risk of bats being present is low. As such, no further surveys are required, but a precautionary approach should be taken to demolition of the building. The proposals set out in the CEMP for a sensitive lighting scheme are acceptable.

Breeding Birds

- 9.94. The site has high potential to support breeding birds and several species of Conservation Concern were recorded on site. As such, it will be necessary to have limited demolition/clearance and a nesting bird check.

Reptiles

- 9.95. Low populations of common lizard and slow worms are present on site. The revised documents report that Coombe Farm Local Wildlife Site will be used as the receptor site for reptiles from the application site. Surveys of the LWS found no current populations of reptiles there and measures have been taken to improve the carrying capacity for reptiles which is supported by the County Ecologist.

- 9.96. If protected species are encountered during development, work should stop in accordance with the relevant legislation and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

Other Species

- 9.97. The site has high potential to support a range of invertebrates including bees, wasps and butterflies. The hedgehog is listed as a Species of Principal Importance. The site has potential to support hedgehogs. Protection measures and mitigation are considered appropriate.

- 9.98. Several measures are proposed to create a net increase in biodiversity on the site through the provision of the following:
- Native plant species
 - Native tree species
 - Scattered scrub
 - Exposed bare earth in the common
 - Buffer zones along site boundaries

- Brown roof
- Bee bricks
- Hedgehog corridors
- Typically low timber posts with wire fences

9.99. Overall, the proposal would provide a net gain in biodiversity and mitigation measures in accordance with Policy CP10 of the City Plan Part One.

Impact on Amenity:

9.100. 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.

9.101. The properties most affected by the proposed development are residential properties to the south and south-west of the site include Coombe Farm Cottages, Grenofen and Jesmond; and properties to the south–west of the site on Coombe Vale and properties on Westfield Avenue North.

Overlooking & Loss of privacy

9.102. The proposed dwellings have been designed with consideration to the existing neighbouring dwellings and are generally located away from main window walls to these properties.

9.103. The following key separation distances from the proposed development to the properties in close proximity are as follows:

- 26.5 metres between the proposed rear building lines and habitable windows in and the rear flank wall of properties in Coombe Vale
- 25.5 metres between the proposed rear building lines and habitable windows from the Coombe Farm Cottages
- 26.5 to 27 metres between the proposed rear building line and habitable windows and the rear flank wall of the two detached houses on Westfield Avenue North (west of the entrance into Coombe Farm and adjacent to Coombe Farm Cottages)
- 18 to 9 metres between the side flank wall and windows in the proposed development and the side wall of Grenofen. The proposed properties would not project beyond the rear building line of Grenofen.
- 3.6 to 4.9 metres between the side flank wall and windows in the proposed development and the side wall of Jesmond. The rear projection beyond the existing rear building line of Jesmond would measure 0.815m.

9.104. Boundary treatment is proposed to all the properties on the sides and rear, which will be duly conditioned. In addition, adjacent to the south-eastern end of the site lies an area of woodland which also screens a large part of the site from the neighbouring houses. Together with the separation distances no loss of privacy would occur.

Outlook/daylight & sunlight

- 9.105. The application is supported by a Daylight and Sunlight Report, which confirms that there would be no harmful impact to surrounding properties in terms of either daylight or sunlight. The applicant has sought to maintain separation distances of circa 21 metres between habitable room windows. The back-to-back separation distances from the proposed G1 houses to adjacent properties in Coombe Vale are a minimum of 26 metres. The proposed properties on Westfield Avenue North seek align with the rear building footprint of the existing properties and maintain a distance to the shared boundaries.
- 9.106. The siting, height, projection and separation distances afforded between the proposed units and existing houses are adequate to ensure there would be no undue loss of daylight or sunlight.

Noise & Disturbance

- 9.107. Policy SU10 of the Local Plan requires proposals for new development to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. Given that the only use would be residential in nature, this would be in keeping with the locality. Construction noise would be controlled by a pre-commencement Construction Environmental Management Plan. A lighting scheme will be conditioned to ensure no undue light pollution would occur.
- 9.108. Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall the scheme complies with Policies QD27 and SU10 of the Local Plan.

Standard of accommodation

- 9.109. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards has been used. All of the proposed dwellings are self-contained have been designed to meet or comfortably exceed the Nationally Described Space Standards (NDSS), as also verified by the Planning Policy Officer and Housing Strategy Team.
- 9.110. The separation distances afforded between facing habitable room windows within the proposed development itself are satisfactory at between circa 18-21m and would provide a pleasant environment. Generous sized windows are proposed which would provide adequate ventilation and daylight and sunlight provision into habitable rooms. In addition, the proposed houses are typically either dual or triple aspect and provide views to amenity areas or the SDNP.
- 9.111. A floor-to-floor height of 2775mm ensures good internal proportions without the need for dormer windows, loft conversions or additions.
- 9.112. The application proposes that 14% of the affordable units (and 6% of all units) would be M4(3) standard (wheelchair user dwellings) and the remaining units

would meet M4(2) accessibility/adaptability standards, which exceed the requirements in saved Local Plan Policy HO13.

- 9.113. It is acknowledged that there were a number of issues identified with the outline scheme, which would make it hard to build; albeit the reserved matters were yet to be approved. This included steep embankments, poor outlook from rear habitable room windows, steep gradients for some driveways, steep footway paths and some homes not meeting M4(2) requirements. It is considered that the proposed scheme has sought to address these issues and as a result provides a more successful user-friendly development.
- 9.114. There is a single unit (D3.1) which cannot meet the M4(2) requirement for a living area within the entrance storey. It is considered that this unit in isolation is acceptable taking into account the difficulties of the site topography.
- 9.115. Local Plan Policy HO5 (Amenity Space) seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two requires all new residential development to provide useable private outdoor amenity space which is appropriate to the scale and character of the development. Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration.
- 9.116. Each property has a private rear garden, laid to lawn, some planted with trees, and each garden is divided by a combination of fences and walls. In some cases retaining walls are necessary due to level changes. The applicant has proposed to screen these with timber cribs walls and trellis' to soften any potential impact and improve outlook. Generally, garden depths have been increased during the course of pre-application discussions, to improve the overall outlook and provide sufficient amenity space.
- 9.117. The depths of the gardens proposed respect the size and depth of the gardens in the surrounding locality and are appropriate to the sizes of the proposed unit.
- 9.118. The creation of a necessary turning head at the north-eastern side of the side has resulted in the proposed garden for the adjacent C6 semi-detached unit to be slightly reduced in width. It is considered that the resultant garden area would be sufficient to provide private amenity for this property and conditions are recommended to ensure the proposed boundary treatment and acoustic measures would protect the amenity of the future residents.
- 9.119. The Yards would provide communal amenity areas with planting and seating; and 'The Common' would provide communal open space with 2 play areas.

9.120. It is considered that the proposed development would provide a high standard of accommodation for future occupiers.

Sustainable Transport:

9.121. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.

9.122. There has been significant input from the Highways Authority on this application who have provided 4 separate sets of comments, attended numerous meetings and subsequent correspondence with the applicant team during the life of the application. The development includes new road, parking spaces, footways and green space which have been amended since submission to include changes recommended by the Highways Authority including a turning head, markers and segregated footways and carriageways to enable safe movements around the site for all including vulnerable pedestrians. As noted by the Highways Authority “the applicant has worked positively with us to address our previous concerns and to develop a scheme that seeks to resolve these whilst still honouring their vision of high-quality public spaces and highway”. The focus for this development is on sustainable transport, while still providing areas for vehicles to travel at slow speeds to access the site.

Access

9.123. Access to the site remains as existing via Westfield Avenue North. The current narrow path that connects the site to Westfield Avenue North will be widened to include a 5.5m carriageway and 2m footway on one or both sides of the carriageway where possible. It should be noted that loose aggregate materials were initially proposed, however following concerns from the Highways Authority these were changed to bound aggregate.

9.124. A network of internal roads are proposed to access the residential development. Policy SA4 (Urban Fringe) seeks to secure safe public access to the countryside through sustainable means. While new private streets are proposed as part of this development a permissive paths agreement with the applicant is proposed by way of a legal agreement in order to ensure the general public are allowed access onto and across the site.

9.125. Instead of a circular route as proposed in the outline extant scheme, the vehicular access is split into branches which act to reduce traffic flow to each part of the site and create a more pedestrian friendly environment.

9.126. Access to the newly approved stables outside of the site is provided to the east and along the back of The Yards and allowance has been included for the occasional use of the access road to allow farm vehicles access to the land to the north east of the site. A swept path analysis has been undertaken to

demonstrate that horse boxes and tractors with hay wagons can enter and exit the site.

- 9.127. A crushed chalk access track following an existing route is proposed along the northern boundary of the site to allow maintenance access to the adjoining fields.

Trip generation

- 9.128. The Highways Authority acknowledge that the development increases the number of vehicle trips to and from the site due to its remote location, however they do not consider that these daily trips of 728 with a peak hourly rate of 38 would have a significant impact on the highway, given the requested mitigation measures. As such the Highways Authority consider that the proposed development will not cause a significant impact on the public highway or local junctions and do not seek for additional traffic distribution assessments or junction modelling.

Visibility Splays

- 9.129. Visibility splays are provided at driveways and forward visibility on bends. These demonstrate forward visibility of 25m. However, it is anticipated that actual speeds on site will be low and less forward visibility would be required. The site is designed to discourage speeds above 10mph. Signage will be provided advising drivers of the speed restriction and further traffic calming measures will be put in place as part of the detailed design. Where visibility crosses over landscaping, this would be kept to a height below 600mm in any area affecting visibility.

Car Parking

- 9.130. The car parking for the units would be within the maximum set standards in SPD14. The Highways Authority assessed the scheme based on local average numbers of car ownership and consider sufficient parking is provided to meet forecast demand while at the same time remaining within B&HCC parking maximums as outlined in SPD14. This would be set at 1 space per dwelling and 1 visitor space per 2 dwellings for visitors. This is the equivalent to circa 1.5 parking spaces per unit. 105 parking spaces are proposed including a surplus of 8 spaces which would provide a sufficient margin of error should further spaces be required; therefore it is unlikely that any overspill parking would occur.
- 9.131. Parking for the units are proposed within driveways, bays and dedicated parking areas for The Yards, which is broken down as follows:
1. Westfield Avenue North – driveway parking provided
 2. Yard A – 6 disabled bays adjacent to the M4(3) units within the yard and the remaining spaces serving this area provided within a dedicated parking area
 3. Yard B –spaces provided within a dedicated parking area
 4. Yard C –spaces provided in the central parking area

5. The Lane – driveway parking provided, and visitor spaces grouped at the end of The Lane.
- 9.132. As explained in more detail within the ‘Design and Appearance’ section, the home zone shared spaces are pedestrian focused, therefore car parking for Yards A and B are provided for by a row of landscaped parking adjacent to the site. However, the disabled parking is located in close proximity to the disabled units.
- 9.133. The Highways Authority have recommended that electrical charging points are secured by way of condition. All parking spaces will have Electric Vehicle Charging Points (EVCP), as will 10% of the communal spaces and a further 10% passive provision has been designed into the scheme. This is shown on the submitted plans within a parking strategy, which will form part of the approved plans as secured by condition, therefore a bespoke condition would not be necessary.
- 9.134. Outstanding issues relate to disabled parking (the proposed layout of spaces does not include a 1.2m access zone on both sides) and motorcycle parking (not included in the plans and 5 spaces are required). It is considered that there is available space within the site to address these issues adequately. In addition, the building regulations would ensure that the disabled parking spaces meet minimum requirements.

Sustainable Transport Options

- 9.135. 2 secure, covered cycle parking spaces are provided for each dwelling within the following locations.
- Secure cycle parking within garages
 - Secure cycle parking within bike lockers where direct garden access is available
 - Secure cycle parking within planted bike lockers in areas where direct garden access is unavailable
- 9.136. 1 secure visitor cycle parking space is proposed per 3 units. This is in the form of Sheffield stands, dispersed appropriately through the site.
- 9.137. It is noted that some of the units will be further than 400m from the nearest bus stop. The applicant considered providing an alternative, shorter, walking route to the bus stop. However they have stated that this was not possible due to third party land preventing the connection being established. Nevertheless, it is observed that the extant scheme included dwellings located at a greater distance from the bus stop than the current application. In addition, the Highways Authority consider that the proposed development offers high quality cycle parking across the site, dedicated footways allowing for easy pedestrian access to the site and nearby public transport. Disabled car parking is provided adjacent to the wheelchair accessible housing in accordance with relevant guidance. As such this element of the scheme is considered acceptable.

Inclusive Access

- 9.138. The applicant has committed to an inclusive access strategy through the site including wayfinding markers to guide people through the site, which is particularly important for vulnerable pedestrians such as wheelchair users, people with buggies, the blind or partially sighted. The following has also been incorporated into the scheme:
- Levels across the site will be graded to ensure that changes in level are achieved gradually and ease of pedestrian movement will be facilitated by avoiding steep gradients
 - Level rest points at every 0.5 metre rise
 - 1.8-metre-wide pavement along The Lane
 - 2-metre-wide pavement along Westfield Avenue North
 - Level pavement adjacent to each dwelling entrance on The Lane
 - 1.8 to 2-metre-wide pedestrian only routes demarcated and protected by planting, bollards and street furniture within The Yards
 - Tactile surfacing at all designated crossing points
- 9.139. As mentioned in the Highway comments, there is an area on Westfield Avenue North where footway gradients are more excessive than desired due to the location of existing properties. The applicant has worked on reducing the slope in this area and although this area is less than ideal, the Highways Authority have acknowledged that there is an objective justification for this and that the design here has been optimised within reason and existing constraints.

Travel Plan

- 9.140. Local plan policy TR4 promotes the use of Travel Plans. A Travel Plan is proposed to mirror the obligations within the extant approval to support the application details of which will be secured by way of a section 106 legal agreement.

Highway works

- 9.141. The Highways Authority recommend the following highway works:
- Comprehensive improvements and alterations to the junction of Westfield Avenue North and Coombe Vale to provide safe and suitable pedestrian and vehicle access to/from the proposed development and through the junction in general. Amongst other things this should include pedestrian crossings to reach the nearby bus stop on Coombe Vale from the development, street lighting enhancements, and continuity improvements to the southern footway of Westfield Avenue North through the vehicle crossings to no. 82 and 84 (where deviations and kerb upstands currently obstruct level access)
 - Comprehensive improvements and alterations to the length of Westfield Avenue North that extends from the above into site, to provide safe and suitable pedestrian and vehicle access to/from the proposed development and other existing properties along and beyond this, including inter alia street lighting enhancements.

- 9.142. In accordance with the Developer Contributions Technical Guidance (June 2020), it is considered that the following highway works would be appropriate to be secured by s106 agreement and a 278 agreement as follows:
- 9.143. A scheme of improvement works to the existing adopted highway. The works will be outside of the site and will include the following provisions:
- Introduction of new pedestrian crossing on the eastern arm of the junction of Westfield Avenue North and Coombe Vale
 - Footway improvements on the north and south side of Westfield Avenue North
- 9.144. These measures are proposed to protect pedestrians from the increased flow in vehicles. Further measures have recently been recommended by the Highways Authority which are yet to be agreed.

Potential CIL funded transport infrastructure improvements

- 9.145. The Highways Authority have highlighted priorities for *potential* CIL-funded off-site transport infrastructure improvements to go towards the following:
1. Bus stop improvements
Improvements (including potential relocation) of the existing nearest bus stop to the site on Coombe Vale, including provision of a shelter and seating, flag, accessible kerb, real time public transport information, cage strengthening and local pedestrian access improvements from the site.
 2. Brighton & Hove Bike Share Scheme
Expansion of the Brighton & Hove Bike Share scheme on the corridor between the city centre and this development. Given the distance from the city centre and topography this should have a particular focus on providing electric bikes.
 3. Surfacing, drainage, and other accessibility improvements to PROWS and other private footpaths connecting with the development and - in the case of any private footpaths – securing dedication or permissive path agreements to allow use by the public.

Construction Environmental Management Plan (CEMP)

- 9.146. The applicant submitted a CEMP with the application, which was agreed in principle by the Environmental Health Team. The applicant has sought to engage with the Highways Authority to deal with CEMP requirements at application stage, however the Highways Authority wish to deal with this post decision. As such a pre-commencement condition is proposed for the demolition and construction phases.
- 9.147. Concerns have been raised by residents concerning the impact of construction on properties and infrastructure. The applicant has stated that they seek to minimise disruption to local residents and the highway network during construction and a Residents Liaison Group will be set up to advise local residents of the works underway and to seek residents' opinions and feedback on the management of the works. The applicant has also stated within their submission that 'all construction works will be undertaken in consultation with

qualified structural engineers to ensure that there will be no harmful impact from the development'

- 9.148. The Highways Authority raise an objection against the scheme based on the LPA's method of dealing with the CEMP as a standard condition and consider that the CEMP should be secured by section 106 legal agreement or by way of a bespoke condition; on the grounds that the site is considered challenging due to the access route and phasing. As such they recommend refusal on grounds of highway safety and residential amenity, solely in relation to the CEMP. However, securing the CEMP by condition is in accordance with guidance within the NPPG, which states that where conditions can secure the information this should be used. The LPA are ultimately the decision maker on how to secure the information and in line with government guidance, a condition is considered sufficient. Moreover, this is consistent with the extant approval.

Road Safety Audit (RSA)

- 9.149. The initial RSA raised some concerns in relation to highway safety, some of which could have been dealt with at detailed design stage, however insufficient turning facilities at the far north-eastern end of Westfield Avenue North was identified to be detrimental to highway safety. Therefore the applicant made the following changes and a subsequent Stage 1 RSA was undertaken:
- A turning head for a refuse or delivery vehicle on the right-hand spur of Westfield Avenue North, near the kennels.
- 9.150. Following the most recent RSA the applicant has also agreed to the following within the site:
- Visibility splays with no obstruction (remove some landscaping)
 - Adequate lighting (to be secured by condition)
- 9.151. Some technical issues arose in the RSA that the applicant did not agree with and the Highways Authority as the Overseeing Organisation accepted the applicant's justification. Accordingly, the Highways Authority are now satisfied that the proposed operational design for the internal roads complies with policy TR7. Other matters raised can also be dealt with a Stage 2 of the road design.

Conclusion

- 9.152. As observed by the Highways Authority we have worked with the applicant to develop a high-quality space with a variety of integrated transport facilities, creation of excellent spaces. Overall, it is considered that the proposed development is underpinned by a successful sustainable transport strategy and would not cause any undue impact on the surrounding highway network in accordance with Policy.

Air Quality:

- 9.153. Policy SU9 of the Local Plan relates to pollution and nuisance control. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The Site is approximately 2.5kms to the Air Quality

Management Area (AQMA) 2 which includes Rottingdean High St from the A259 junction to the T-junction with Vicarage Lane.

- 9.154. The applicant submitted an air quality report, which also assesses the impact of the operation of the new development on the Rottingdean High Street. The proposed residential development is in an area where the existing air quality is currently well below the relevant Air Quality Objective. The findings of the report concluded that the existing air quality in the vicinity of the proposed development is not expected to be elevated, and future users of the proposed new residential units would not be exposed to poor air quality.
- 9.155. As such it is considered that the proposed development accords with the provisions of Policy SU9 of the Local Plan.

Sustainability:

- 9.156. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features.
- 9.157. In order to achieve this target, the following is proposed:
- A generous application of photo-voltaic panels
 - 180 sq m of Brown roofs (on car ports)
 - 180 sq m Brown roofs on carports (vegetated shingle)
- 9.158. The development meets the energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations and water efficiency standards of 110 litres/person/day.
- 9.159. The Sustainability Officer supports the application and recommends the energy strategy for approval, however a condition is recommended for the heating and hot water strategy to be reviewed and updated to consider particularly air source or ground source heat pumps; and details of the proposed brown roofs. This has been duly recommended.
- 9.160. It is noted that connection to a future heat network is not proposed. In this location, this is considered acceptable by the Sustainability Officer. As such the development meets the requirements of Policy CP8 of the City Plan Part One.

Other Considerations:

Sustainable Urban Drainage / Flood Risk:

- 9.161. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.

- 9.162. The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated within the NPPF. However, the UFA identifies Site 48 as having a high risk of surface water flooding. The Environment Agency Surface Water Flood Risk Map shows a high risk of surface water flooding on northern part of site, with medium to low risk on some other parts of the site. The north-east part of the site rises steeply however and may be considered to have the highest risk of flooding on the site. The bottom of this area has less vulnerable development (i.e. parking bays and access road, which are paved with permeable surfacing).
- 9.163. The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology this will comprise:
- Permeable paving
 - Bespoke Soakaways
 - Filter drains
 - Permeable paving
 - Landscaping
 - Green roofs
- 9.164. New pathway drainage is proposed to prevent flooding, as per the SuDS 'to mitigate the potential risk of overland runoff affecting vulnerable areas of the development, final external levels have been designed so that conveyance routes are formed to manage flows around and away from buildings. The addition of sub-surface land drainage offers further resilience from exceedance events and residual risk which provide positive drainage connected to infiltration SuDS systems across the site'.
- 9.165. During the course of the application the applicant subsequently submitted additional information to satisfy all concerns and prevent the need for further information to be submitted at a later date. The Drainage Team is satisfied with the calculations and maintenance plan submitted is sufficient.
- 9.166. The site would have a reduction in the amount of hardstanding on the site which would contribute to the sustainable drainage strategy and decrease surface run-off. Essentially, it is identified that the design of SuDS systems manages any surface flows originating from off-site sources.

Security:

- 9.167. Policy CP12 seeks all development to incorporate design features which deter crime or disorder and the fear of crime. Sussex Police have commented on the proposed application detailed of which have been shared with the applicant. Secure by Design details will be secured by condition.

Waste:

- 9.168. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice

Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy. Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised.

- 9.169. A development of this scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan is sought as advised by the Policy Officer and is duly recommended.
- 9.170. Of note, to minimise waste during the excavation and demolition, the applicant has proposed that waste/rubble will be recycled throughout the project in foundations such as for aggregate and retaining walls.

Contamination:

- 9.171. The site lies within a Groundwater Source Protection Zone. As advised by the Environment Agency the site lies on head deposits overlying the chalk which is designated a principal aquifer and within a source protection zone 3. In addition, the previous use of the farm presents a medium risk of contamination. As such it is integral to ensure that the waters are not contaminated, nor the use of the land.
- 9.172. The applicant has submitted significant amount of assessments to ascertain the extent of the contamination and the required work to be undertaken to mitigate this. The Environment Agency are satisfied that there is no reason to suspect contamination on the site however they have requested for a detailed and robust discovery strategy should any unidentified contamination be encountered during construction works and a verification report is required prior to occupation.
- 9.173. There were concerns relating to asbestos raised in the objection letters. A number of buildings were identified to have suspected asbestos cement roof panels; however no asbestos was identified in any of the exploratory holes or samples. Where identified, the asbestos will be removed appropriately by licensed contractors and asbestos materials disposed of in accordance with legal requirements prior to demolition or other works in order to avoid contaminating soils at the site.

Local Skills & Employment:

- 9.174. Should this application be approved and the s106 agreement be completed there will be a requirement for the developer or designated contractors to submit an Employment & Training Strategy (with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development are provided for local people) to the Council in writing for approval, at least one month before the intended date of Commencement of Development. There will also be a requirement for a contribution towards the delivery of the council's Local Employment Scheme for construction. The contribution will be for a sum of £32,000 be submitted prior to commencement and will be included in the S106 agreement.

Public Art:

- 9.175. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement for the sum of £ 53,400 on the basis that the s106 agreement be completed prior to the implementation of CIL.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied. The proposal would provide a significant contribution of 72 residential units (including 40% affordable housing) against the shortfall of housing in the City.
- 10.3. The site is also identified in the UFA and emerging City Plan Part 2, Policy H2 – Table 7 which identifies the site as being able to accommodate a residential development. The density has increased from the extant scheme; however it is considered that the site can accommodate this and the proposed density is still below 25 dwellings per hectare and is thus considered to be low and reflects the sensitivity of the site. The proposed scheme would result in a greater contribution to housing supply in the City.
- 10.4. The development offers 29 affordable units, 4 more affordable units than the extant scheme and 14% of the affordable housing would meet M4(3) wheelchair accessible requirements, which is in excess of the minimum requirements.
- 10.5. The housing mix would be orientated towards family housing which would contribute to the substantial need for 3 and 4+ bed properties across the city.
- 10.6. The scheme is fully supported by the County Landscape Architect and would not detrimentally impact on the setting of the South Downs National Park. Furthermore, the proposed development would provide an improved visual impact when compared to the extant scheme and existing links into the South Downs National Park will be protected.

- 10.7. The proposed tree cover would soften the proposed development and provide a high-quality landscape setting adjacent to the SDNP and would contribute to biodiversity and sustainability objectives.
- 10.8. 'The Common' provides 3 times more open space than the extant scheme and would provide high-quality open space which relates well to the wider open downland whilst providing communal amenity and children's play areas for the future occupiers. 'The Yards' would provide a shared community focussed landscaped shared space with seating.
- 10.9. The design principles are sound and stem from the local vernacular and SDNP identity. The masterplan fosters an increased sense of community and sense of place whilst providing a high-quality living environment for future occupiers, within a well-functioning sustainable neighbourhood. The three key design concepts within the scheme are interlinked by the high-quality detailing, materials, public realm and carefully considered landscaping.
- 10.10. The standard of accommodation is of a high-quality and all of the units meet the minimum nationally described space standards; each unit provides for suitable private amenity space; and the windows for each property are generously sized and ideally located with dual or triple aspects. The resultant scheme would create a high-quality residential scheme where people want to live.
- 10.11. A number of measures have been proposed and secured to mitigate the environmental impact of the development.
- 10.12. Given the separation distances afforded, no undue harm would be posed to adjoining occupiers as a result of the development. It is acknowledged that there may be a degree of harm experienced during the construction period which will be temporary.
- 10.13. While the proposed scheme will result in an increase in traffic movements from the site the impact of the increased movements on the local road network has been carefully assessed and the Highways Authority have confirmed that the proposed trips will not have a significant impact on the highway, subject to mitigation measures. However it is acknowledged that the Highways Authority have objected against the scheme on the grounds that the CEMP is not secured in a manner that they consider appropriate. Nevertheless, when assessing the scheme before us, in applying the planning balance and the tilted balance in favour of housing provision (incl. affordable housing) this objection does not warrant the refusal of the proposed development. Moreover, an adequate condition is recommended to mitigate the impacts of construction in accordance with relevant planning guidance.
- 10.14. Highways works are also proposed to be secured by legal agreement outside of the site which would contribute to the wider public realm and improve existing highways infrastructure.

- 10.15. An Ecological Management and Mitigation Plan has been prepared which incorporates ecological enhancements to ensure biodiversity net gain as a result of the development.
- 10.16. A contribution will be sought towards local skills and employment, and the creation of full time equivalent and indirect jobs during the construction phase of the proposed development and public art. A significant contribution will also result from the Community Infrastructure Levy.
- 10.17. The scheme complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

11. Community Infrastructure Levy

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission. At present there are two potential CIL calculations on the site, which are dependent on whether the existing floorspace to be demolished is deducted from the CIL calculations as follows:
- Version 1 - Demolished floorspace of outbuildings deducted (evidence of lawful use provided), part deduction for affordable housing (off-set against demolition deduction) - £335,682.68
 - Version 2 – Demolished floorspace not deducted (evidence of lawful use not provided), full deduction for affordable housing - £788,926.50

12. EQUALITIES

- 12.1. Accessible units and disabled parking spaces are proposed.

13. DEVELOPER CONTRIBUTION

- 13.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons as a minimum:
1. The development fails to satisfactorily provide affordable housing and the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.

2. The proposed development fails to provide highway works contrary to the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

**Cllr. Mary Mears
BH2020/00002 – Coombe Farm, Westfield Avenue North**

3rd August 2020:

As a ward councillor for Rottingdean Coastal I wish to object to the above planning application for the following reasons:

In my view this is a total over development of the site with the proposed 72 houses.

In the Brighton & Hove Urban Fringe Assessment June 2014 site 48 Coombe Farm showed flooding as a key constraint with potential of 2.0 (57%) from a total site area of 3.48 with indicative number of dwelling 50.

Total following site cluster limited to 2.1ha (55 Dwelling) across sites 48 (Coombe Farm) 48a 48b and 48c from combined total 71.

This proposed development of 72 houses far exceeds that number cramming 72 on Coombe Farm.

I also have real concerns with regards to flooding, with any development to the rear of the site as this backs up to a very steep bank.

There is a very serious problem with Urban Fringe developments as there is no detail of existing infrastructure, this site at the back of Saltdean will cause even more problems to the area that has only one primary school, the nearest secondary schools are located in Rottingdean or Peacehaven.

Public transport to the back of Saltdean is limited and difficult, with real problems in the winter with ice and snow stopping the busses from running, You would also need to be really fit to cycle as the surrounding areas has very steep hills.

There is a medical centre in Saltdean, but with doctors surgeries already closed in Rottingdean and Woodingdean residents from these areas are travelling to Saltdean medical centre, a development of the size will put more pressure on doctors and dentist in Saltdean.

To build any large development without proper infrastructure is a serious problem for the future, leaving new residents with a home but no local support available, giving them no option but to travel out side of the area onto the busy A259 to access..

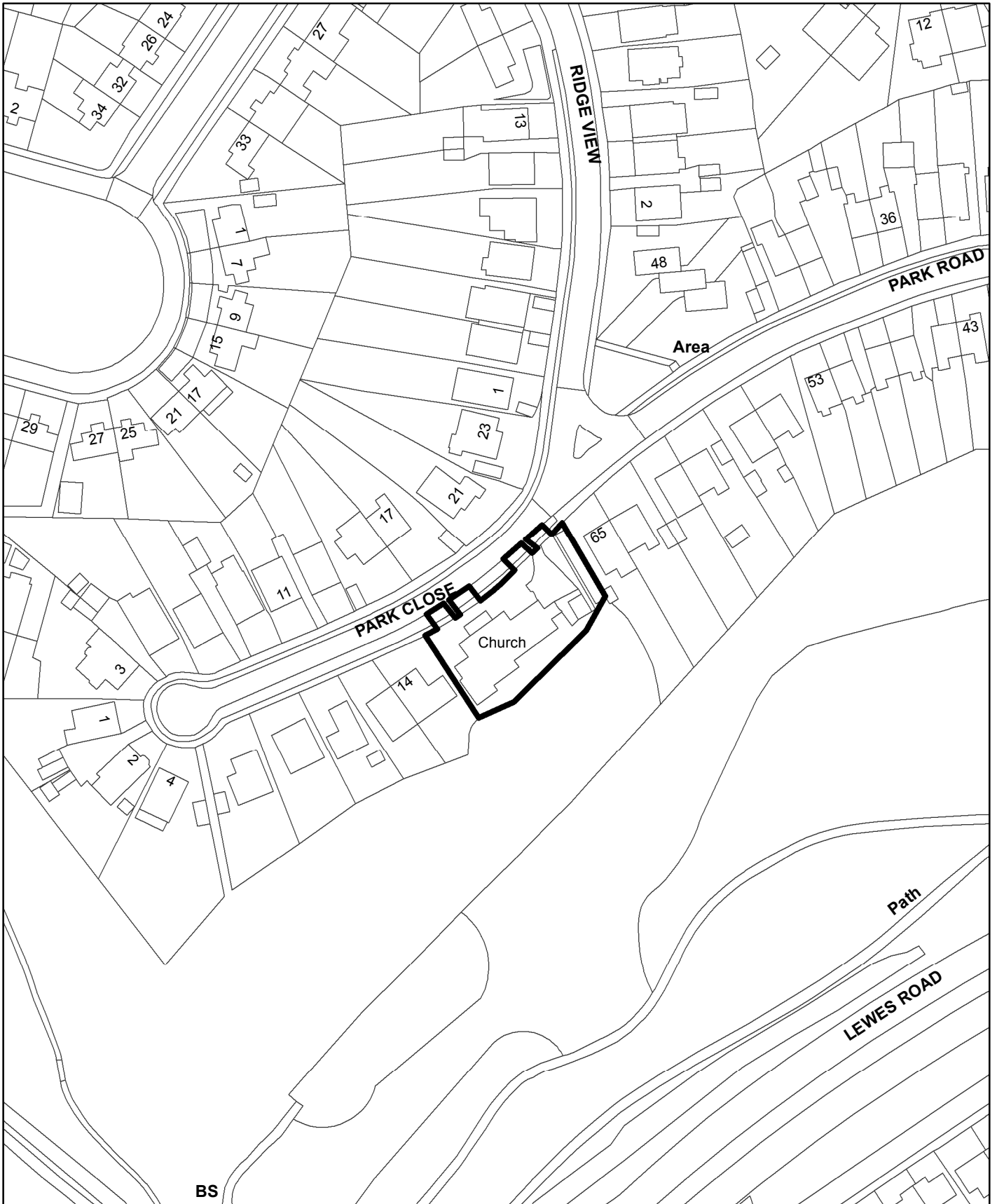
As this is a major planning application and will be coming to planning committee, I wish to reserve my right to speak at committee.

ITEM B

**The Meeting House, Park Close
BH2020/01742
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 01742 - The Meeting House, Park Close



N



Scale: 1:1,250

<u>No:</u>	BH2020/01742	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Meeting House Park Close Brighton BN1 9AJ		
<u>Proposal:</u>	Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	22.07.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	WSE Property Services Ltd C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 24th February 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

- Affordable housing – The S106 legal agreement will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to a policy compliant level of affordable housing via an off-site financial contribution.
- Contribution of £3,100 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	0313-P01	A	19 October 2020
Proposed Drawing	0313-P05	B	19 October 2020
Proposed Drawing	0313-P06	B	19 October 2020
Proposed Drawing	0313-P07	B	19 October 2020
Proposed Drawing	0313-P08	B	19 October 2020
Proposed Drawing	0313-P03	B	19 October 2020

Proposed Drawing	0313-P04	B	19 October 2020
Proposed Drawing	0313-P02	C	19 October 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Prior to first occupation of the development hereby approved, the 1.8 metre high side privacy screens to the first floor balconies shown on the approved plans, shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One.
5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within

the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

9. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat and Badger Survey Report, Urban Edge Environmental Consulting, May 2020, specifically recommendations R1 to R9, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross- sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning

Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

11. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

12. No development shall take place until an ecological design strategy (EDS) addressing protection of the adjacent South Downs National Park and Wild Park Local Nature Reserve (LNR), measures to reduce indirect impacts on the National Park and LNR, and measures to enhance the site for biodiversity, to include the provision of native species of known value to wildlife within the landscaping scheme and the provision of bird (including swift), bat and insect boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works;
- k) details of sustainable drainage system.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- Reason:** To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a Sustainable Drainage Report and/or Flood Risk Assessment report has been produced, including 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.
- 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.
15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), notwithstanding the submitted Arboricultural Impact Assessment, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS shall include details of a clerk of works schedule that specifies arboricultural supervision at appropriate stages of the development process. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until details 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scale (1:10 or 1:5) construction details of critical material junctions including verges and eaves, particularly in relation the dormers shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

19. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

21. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

22. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

23. The development hereby permitted shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

24. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

25. The development hereby permitted shall not be occupied until the new/extended crossovers and access has been constructed.

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

26. The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other ground floor 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
8. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building

and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a converted Church located on the south side of Park Close, Coldean. The building has been in use as a single residential dwelling for over two decades, and is substantial in size in comparison to adjacent dwellings, with a hipped roof and projecting tower. There are a number of trees adjacent to the southeast.
- 2.2. It is understood, from previous applications, that the elevated position of the existing building relative to those adjacent is owing to the ground having been stabilised with concrete piles.
- 2.3. The surrounding area is residential in nature. The site is within an archaeological notification area and backs onto Wild Park to the rear, which sits within the South Downs National Park (SDNP) and is an identified Local Nature Reserve (LNR). Part of this land within the SDNP is in the ownership of the applicant, however, is not part of the development site.
- 2.4. Planning permission is sought for the demolition of the existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works.
- 2.5. Following discussions during the course of the application, amended plans have been received which included amendments to the parking area, additional planting, cycle parking provision, private amenity space provision, changes to internal layouts, additional windows providing cross-ventilation and minor changes to design/ materials.
- 2.6. The planning history of the site presents several proposals for higher density development. The most recent application (BH2017/00641) was refused and dismissed at appeal for reasons including design, character and appearance and potential harm to biodiversity and protected species by virtue of lack of surveys. However, the provision for a higher density residential development was accepted in principle.

3. RELEVANT HISTORY

- 3.1. **BH2017/00641** Demolition of existing house and erection of 5no four bedroom houses (C3) with provision of 6no vehicle parking spaces and associated crossovers. Refused 9.11.2017 for the following reasons:
 1. *The proposed development, by virtue of the mixture of forms and heights, varied roof forms, in addition to the mixed fenestration and three storey appearance to the rear elevation, represents a poorly designed and*

incongruous addition that lacks overall design cohesion and fails to satisfactorily integrate with, and reflect the positive characteristics of, the street, contrary to policy CP12 of the Brighton & Hove City Plan Part One.

2. *Insufficient information has been provided to assess and mitigate any potential impact of the development on protected species and biodiversity both within the site and within the adjacent Wild Park Local Nature Reserve, contrary to policies CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and SPD11 guidance.*
- 3.2. Appeal dismissed 20.7.2018 for reason of poor design leading to harm to the character and appearance of the area, and potential harm to biodiversity and protected species by virtue of lack of protected species surveys.
- 3.3. **BH2015/01130** Demolition of existing house (C3) and erection of 2no two bedroom houses and 4no four bedroom houses (C3). Refused 16.06.2015. Appeal dismissed 10.06.2016.
- 3.4. **BH2014/01905** Demolition of existing house (C3) and erection of 6no four bedroom houses (C3). Refused 21.08.2014.
- 3.5. **96/1013/FP** Installation of new and replacement windows and doors, erection of front boundary enclosures and gates, new roof lights, rear conservatory and verandah, carport on front elevation. (Part retrospective). Approved 16.01.1997.
- 3.6. **94/0488/FP** Alterations to change the use from church meeting rooms to house including disabled access and elevational alterations. Approved 27.06.1994.

4. REPRESENTATIONS

- 4.1. **Twenty-three (23)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
 - Flatted development not in keeping with area
 - Loss of existing building
 - Overdevelopment
 - High density development
 - Poor design
 - Inappropriate size and height
 - Increase in traffic
 - Impact on parking provision
 - Highway safety
 - Overlooking and loss of privacy
 - Close to boundaries
 - Overshadowing and loss of light
 - Noise
 - Impact on wildlife
 - Impact on Wild Park
 - Impact on trees
 - Lack of affordable housing

- Lack of refuse and recycling
- Size of dwellings
- Development may not be financially viable
- Impact on views
- Existing HMOs problematic
- Detrimental impact on property value
- Impact and inconvenience from construction
- Impact on neighbouring foundations

4.2. Following amended plans received in September 2020, a further **Eight (8)** letters have been received objecting to the amended development. Additional grounds for objection are as follows:

- Landslides possible
- Proposed materials not appropriate

5. CONSULTATIONS

5.1. Urban Designer:

Initial comments 14/08/20: No objections

Current proposals are generally well received; positively addressing context and some previous concerns, and providing a high quality of residential accommodation.

5.2. However, there are some concerns regarding:

- Impact of increased hard-standing and car parking on the character of the street;
- Lack of communal external amenity space;
- The scale of proposals against no. 65 Park Close;
- Lack of private external amenity to some dwelling units;
- A lack of innovation and cohesion in appearance and elevational composition.

14/10/20 following amendments:

5.3. Many of the concerns raised in my previous report have been addressed:

5.4. Site layout and landscape:

- The parking arrangement at the front of proposals has been further subdivided and punctuated with additional planting. This is considered to be an improvement;
- The inclusion of private amenity space to all proposed units and the addition of gated access to adjacent woodland has negated the requirement for communal amenity space.

5.5. Scale and massing:

- The additional visualisation has demonstrated that the relationship with 65 Park Close is acceptable

5.6. Orientation, Aspect and Internal Layout:

- The additional side window to lower ground floor units for cross ventilation is noted;
- Provision of private external amenity space to all units is noted;

5.7. However, there are some outstanding concerns below:

- No seating or space for socialising has been added to the entry lobbies as suggested. As no dedicated communal amenity space is proposed, opportunity for social interaction in communal spaces is even more important to ensure a sense of community.

5.8. Architectural Form, Composition and Materiality:

- The proposed cedar cladding to dormers does not negate the requirement of a fascia detail around the top, as was the reason for suggesting a terracotta rainscreen cladding. It was suggested that the use of timber cladding in dormers could be an accent, not the primary material.
- The timber screening to rear dormers has significantly increased their massing against the roofscape.

12/11/20 final comments following amendments:

5.9. The applicant has addressed previous concerns as follows:

- Benches have been added to communal entrances to enhance sociability;
- The scale of timber screening to rear dormers has been reduced, improving their proportion against the roofscape;
- The primary materiality of proposed dormers has been revised to match the clay-tile roof, which is considered to be appropriate.

5.10. As such, design proposals can be supported.

5.11. **Sustainable Transport:** No objection subject to a CIL contribution and conditions relating to retention of the parking area, construction of new crossovers, cycle parking provision, electric charging points, refuse and recycling scheme.

5.12. **Planning Policy:** No objection

The proposed 12 residential units would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030 and would help address the current five-year housing land supply shortfall. There is concern around the apparent lack of private amenity space for every unit which should be clarified in order to comply with policy HO5.

5.13. **City Clean:** No objection

Storage, capacity and access for waste meets CityClean guidelines.

5.14. **Sustainability:**

Initial comments 26/8/20: No objection

It is recommended that sustainability standards relating to City Plan Policy CP8 be secured by planning conditions. It is recommended that alternative sources of heating and hot water, such as air source heat pumps, are considered.

Further details received: 5/11/20:

- 5.15. Larger windows facing south to benefit from solar gain. The willingness to explore the potential for solar thermal heating is welcome. The landscaping and biodiversity proposals are good and should help to enhance the existing mature tree growth to the rear of the property.
- 5.16. **Sustainable Drainage:** No objection subject to a condition relating to submission of a Sustainable Drainage Report and/or Flood Risk Assessment report and a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.17. **Arboriculture** Objection
In general the trees appear of low quality, however T2 Ash has been identified as B grade, BS 5837:2012 recommends retention of trees within this category wherever possible. Additionally, the site faces south east directly into woodland. Post development pressure to prune or remove these trees will be high. Significant compensatory planting, an Arboriculture Method Statement including a Tree Protection Plan should be secured by condition.
- 5.18. **Air Quality:** No objections
- 5.19. **County Archaeologist:** No objection
No significant archaeological remains are likely to be affected by these proposals.
- 5.20. **Southern Water:** No objections subject to a formal application for connection to the public sewerage system is required in order to service this development.
- 5.21. **County Ecologist:** No objections
Provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.
- 5.22. **South Downs National Park Authority:** No objections
The development would be located in an area where there is pre-existing residential development, and as such the development would likely result in minor impacts on the setting of the National Park. Due to intervening tree cover it is unlikely that the three-storey elevation could be viewed from the public footpath to the south of the site within the National Park.
- 5.23. **Sussex Police:** No objections

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing
SA5	The Setting of the South Downs National Park

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
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
NC3	Local Nature Reserves (LNRs)
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development of the site and the impact of the proposed dwellings on the character and appearance of the street and the surrounding area, and on the setting of the adjacent South Downs National Park. The standard of accommodation, sustainability and impact on neighbouring amenity, transport, trees, ecology and biodiversity are also material considerations.
- 8.2. Neighbour objections in relation to loss of view, impact on property value, impact from the construction phase and impact on neighbouring foundations are noted, however are not material planning considerations.
- 8.3. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.4. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Planning Policy:

- 8.5. The surrounding area comprises a cluster of development bordering the South Downs National Park. Park Close is comprised of a mixture of chalet bungalows, bungalows and larger detached properties.
- 8.6. It is recognised that the existing building has a unique character which contributes to the overall qualities of the streetscene. However, it is not listed nor a historic building within a sensitive location, therefore no objection is raised to the principle of its demolition. The gap it would form in the street would allow the new buildings to fit within the building line and general development pattern to the street.

- 8.7. Previous applications and appeal decisions have accepted the principle of a higher density development. Furthermore, the most recent application (BH2017/00641) was assessed under current policies and is therefore a material consideration to which weight has to be given. As such, a residential redevelopment of the site would not be resisted in principle.

Housing density and mix

- 8.8. When considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 12 no. residential units, 11 net increase, on the site would make a positive contribution towards meeting the City's housing target and would help address the current five-year housing land supply shortfall.
- 8.9. Currently the site of 0.09 hectares supports just one residential dwelling. With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare (dph), which on this site would be a minimum of 4.5 dph. Therefore, the proposal for 12 residential units would bring about a highly efficient residential use of the site, subject to other planning considerations.
- 8.10. Policy CP19 requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city.
- 8.11. The dwellings proposed would be one or two-bed. Local assessments indicate that the greatest demand for market housing is for two-bed units (34%). However, there is also demand for other sizes, including for one-bed units (24%) and three-bed units (31%). Therefore, the one and two bed units proposed would meet an identified demand and although, unfortunately, there is no provision for three-bed units in the scheme, it is recognised that this has not been included on the basis that it would not be financially viable as part of this development. Therefore, given the city's housing requirement and the current housing supply position, the additional housing proposed would be welcome and is supported by officers including Council's Planning Policy and City Regeneration officers as it would enable the construction of 12 no. new dwellings in a well-established residential area and would contribute to the council's challenging housing targets.

Affordable Housing:

- 8.12. City Plan Policy CP20 sets out an affordable housing target of 30% for developments of between 10 and 14 (net) new dwellings. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the requirement for a 30% offsite contribution (£546,750). Therefore, the application proposes no affordable housing.
- 8.13. The applicant's FVA has been independently assessed by the District Valuation Service (DVS). The DVS is in agreement with the overall conclusion within the FVA and considers that no commuted sum payment towards affordable housing

can be viably provided. It should be noted that the DVS assessment has taken into account the CIL liability payment of £74,700.

- 8.14. Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements.
- 8.15. However, the DVS notes that the sales values and construction costs would only need to vary slightly for a payment to be possible. Given this, plus current market uncertainty and the lack of similar comparable property sales prices within the area, a late stage review mechanism (re-appraisal of the scheme's viability) is recommended to ensure that the actual achieved sales values and construction costs can be reviewed and any uplift in development value is shared with the Council in the form of an affordable housing contribution. This is recommended as a Heads of Term and can be secured by S106 Legal Agreement.

Design and Appearance:

- 8.16. A development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord with design policies in the City Plan. The existing building sits on land that slopes sharply down at the rear of the site. A number of mature trees about the site at the embankment to the rear, with further semi-mature trees to the front and side. The adjacent properties are set considerably below street level. The site adjoins the South Downs National Park to the rear.
- 8.17. A feature of the streetscape is the prevalence of hipped pitched roofs, which are clearly visible along the street. The consistency in the roof form, together with the visual space between the buildings, helps to define the character and appearance of this suburban street.
- 8.18. The development is designed to give the visual appearance of a pair of semi-detached chalet bungalows within the streetscene, similar in style to adjacent properties. The scale of proposals appears appropriate to the suburban streetscape, appearing as a chalet bungalow from the front, although the ground would be excavated at the rear to create three storeys (provided via 2 storeys and accommodation in the roofscape), which is not considered to be out of keeping with other properties on in the road which have different levels and terraces.
- 8.19. The principle of two hipped pitched roof forms as a continuation of the prevailing house typology is considered to be contextually appropriate and sensitive to the character of the street. This approach has satisfied concerns with the previously refused application (BH2017/00641), in which the design including the roof forms was considered to be incongruous with the prevailing character and was a reason for refusal and later dismissal at appeal.

- 8.20. The proposed roof dormers to the front and rear are also considered to be acceptable within the immediate context. They are well positioned in the roofscape, have no large areas of cladding, and are of a size so as not to appear as a whole additional storey to the dwellings. Many of the surrounding properties exhibit long front dormers, including the properties on either side of the proposed development.
- 8.21. In terms of materials it is considered that sensitivity to context is achieved in the specification of red clay roof tiles and Sussex brick blends. The primary materiality of the proposed dormers has been revised to match the clay-tile roof, which is considered to be appropriate. Terracotta rainscreen cladding proposed to the dormer walls adds some modern elements. The Council's Urban Design officer supports the scheme subject to submission of material samples/ details which can be secured by condition.
- 8.22. The proposals include eight off-street car parking spaces and eighteen cycle spaces. Densification of the site to accommodate 12 dwelling units would inevitably result in higher numbers of parked vehicles. As a suburban area, it is recognised that on-site car parking provision is appropriate for the development, however it should be balanced against the visual impact of increased hard-standing and car numbers. In order to mitigate this; the application has proposed subdivision of the parking bays into sections and street trees and ground planting to naturalise and screen parking areas. This is considered to be acceptable.
- 8.23. In terms of the setting of the adjacent National Park, given the existing residential development, the proposal would result in minor impacts. Due to intervening tree cover it is unlikely that it could be viewed from the public footpath to the south of the site within the National Park. The South Downs National Park Authority have commented on the application and have not raised an objection.

Trees and Landscaping:

- 8.24. Policy QD16 requires that applications for new development should accurately identify existing trees, shrubs and hedgerows must seek to retain existing trees and hedgerows; and wherever feasible include new tree and hedge planting in the proposals. Development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.
- 8.25. Of the nine trees identified on the submitted Tree Survey, six are targeted for removal including two at the rear. In general, the trees appear of low quality, however T2 Ash at the rear has been identified as higher (B) grade. The Council's Arboriculture officer has advised that if this tree is lost, compensatory planting should be sought. This can be secured by condition.
- 8.26. The site occupies a plot that is relatively level with the adjacent highway, although drops away steeply to the rear. This slope is within the applicant's ownership although it does not form part of the development site. It is covered with mature woodland which merges into 'Wild Park' within the South Downs National Park. The proposed development would involve excavation in order to

facilitate the lower ground floor level into the slope including levelled courtyard areas to the rear.

- 8.27. The Arboriculture officer considers that, given that the proposed balconies and courtyards would be in close proximity to existing vegetation, the enjoyment of these areas by future residents may lead to post development pressure to prune or remove this vegetation, and as a result has objected to the proposals.
- 8.28. Whilst it is noted that the trees may overshadow the rear courtyards and the rear windows of the proposed properties this is not considered to be to such an extent that would cause unacceptable harm to living conditions.
- 8.29. It is acknowledged that the Council's Arboriculture officer had the aforementioned concerns in relation to the 2017 application. However, the LPA did not refuse the application for this reason, and the Inspector did not consider works to trees to facilitate the development to be unacceptable and therefore did not dismiss the appeal for this reason, stating:
On the evidence before me I agree that, on balance, the effect of the development on nearby trees could be managed through the use of planning conditions, including conditions requiring new planting.
- 8.30. Whilst the value of the existing trees is acknowledged, given the above and that the trees are not currently protected, it is considered that the potential pruning of this vegetation in the future would not warrant refusal of the application. The arboriculture officer has advised that an Arboriculture Method Statement including a detailed Tree Protection Plan should be sought; this can be secured by condition.

Standard Of Accommodation:

- 8.31. Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17).
- 8.32. The Government has published room and unit sizes which it considers to represent the minimum acceptable size for rooms and units, in the form of 'Technical housing standards - nationally described space standard' (NDSS), March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standards of accommodation. They provide a useful reference point in assessing dwelling size and no. of occupants. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.33. The proposed dwellings would measure as follows:
- LGF: 50 sq metres for 2 person one-bed unit x4
 - GF: 66 sq metres for 3 person two-bed unit x 4
 - FF: 61 sq metres for 3 person two-bed unit x4
- 8.34. All units would comply with the nationally described minimum space standards (50 sq metres for a 2 person one-bed and 61 sq metres for a 3 person two-bed)

, which are referenced in the draft CPP2 Policy DM1, and would benefit from good levels of light, outlook and internal circulation. The submitted section drawings show that units in the roof space would benefit from sufficient head height.

- 8.35. It is proposed that each dwelling would have some private outdoor amenity space in the form of a rear courtyard to the lower ground floor units and a balcony to the upper units. Additionally, a side gate would provide occupants access to the woodland area to the rear. This would provide further access to open space for the residents.
- 8.36. Appropriate refuse and recycling provision is proposed in timber enclosures to the front of the buildings. The bins can be positioned in the front gardens on collection days.

Impact on Amenity:

- 8.37. 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.
- 8.38. The neighbouring property to the southwest, no. 14 Park Close, forms one half of a pair of semi-detached chalet bungalows set considerably below street level. As existing, the single storey side wings of the application property project approximately 5m beyond the rear elevation of no.14 at a separation of under 1m, however are largely disguised by boundary fencing set on a wall approximately 1m high.
- 8.39. The built form of the proposed south eastern building would be set on a similar footprint as the existing building; however, its hipped roof would be sited closer to the shared boundary. When considered against the form of the neighbouring building, it is not considered that the additional bulk at this boundary would cause an overbearing impact. There is an existing side roof window to no. 14 from which the proposed roof would be visible. However, it appears to be a secondary window and there would still be an 8m separation distance from the proposed roof from. Therefore, it is not considered that a harmful loss of light would occur.
- 8.40. To the north-east, no. 65 Park Road forms a semi-detached house set considerably below street level, and approximately 2.9m below the ground level of the proposed buildings. There would be a distance of 6m to 7m between the proposed north eastern building and the existing built form of no. 65. The new development would project approximately 4m beyond the rear elevation to no. 65.
- 8.41. The proposed built form would project considerably closer no. 65 which is significantly lower in height than the proposal. However, the gap between the properties would be entirely in character with the area and it would provide a sufficient distance to avoid any material harm to living conditions. Given this, and the extent of the existing building and the prevalence of vegetation (both existing and proposed) it is not considered that the resultant impact would warrant refusal

of the scheme. The submitted visualisation has demonstrated that the relationship with no. 65 Park Close would not be overbearing. Furthermore no. 65 would retain its main outlook to the rear as well as the substantial rear decking.

- 8.42. It is noted that the proposed balconies to the eastern end of the proposed development could allow for oblique overlooking of the rear garden of no. 65 Park Road. However, the first-floor balconies would have a 1.8m privacy screen to the side, the installation and retention of which can be secured via condition, and the ground floor balconies are inset, limiting views to the side.
- 8.43. No windows are proposed to the upper floor side elevations, limiting overlooking. The proposal would have no significant impact on properties opposite, which are on higher ground level and there are no properties to the rear of the site.

Sustainable Transport:

- 8.44. With regard to cycle parking provision SPD14 requires sixteen spaces for the proposed development, twelve covered long stay spaces and four short stay spaces for visitors. The application proposes twelve covered and six uncovered cycle parking spaces (eighteen in total); this is acceptable and can be secured by condition.
- 8.45. Eight car parking spaces are proposed for twelve flats which is in line with the City Council's maximum parking standards. Census data suggests that this amount is near to the average car parking ownership amount in the Hollingdean and Stanmer ward. Additionally, the Council's Highways officer reports that developments which comprise of solely flats can potentially require less parking provision.
- 8.46. Parking in the street is unrestricted, apart from on match day and events at the nearby Falmer stadium. However, most of the neighbour representations refer to parking issues within the street. This is noted, however the Council's Highways officer has advised that if some overspill parking did occur, this is likely to be minimal and would not be deemed to amount to a severe impact or warrant a reason for refusal under the National Planning Policy Framework.
- 8.47. The applicant is proposing two electric vehicle charging point bays. These are welcomed however further specifications are required and can be secured by condition, as can provision for the new/extended crossovers.
- 8.48. The Highways Officer has recommended funding is secured for improvements to the surrounding transport infrastructure. This is noted, however off-site items such as sustainable transport initiatives would now be paid for through CIL, a city-wide charge which will fund agreed infrastructure projects in accordance with priorities.

Sustainability:

- 8.49. Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations

requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day.

- 8.50. The Council's Sustainability officer has advised that the submitted information gives confidence that these standards can be met; they can be secured by condition, as can a site waste management plan to minimise and manage waste produced during construction, demolition and excavation.

Ecology and Biodiversity:

- 8.51. The proposed development site is not designated for its nature conservation interest, however the South Downs National Park and Wild Park Local Nature Reserve (LNR) adjoin the southern boundary. A Badger Survey Report and Preliminary Ecological Appraisal have been submitted.
- 8.52. The County Ecologist has recommended that measures to protect the adjacent National Park and Local Nature Reserve as well as protected species (such as badgers, bats, breeding birds and reptiles) and to provide a net gain for biodiversity should be set out in a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS). The EDS should include the provision of bird (including swift), bat and insect boxes. The mitigation measures set out in the submitted Bat and Badger Survey Report should be implemented, and a sensitive lighting strategy is required to ensure no light spill onto the adjacent woodland. These measures can be secured by condition.
- 8.53. It is noted that one (low quality) tree identified for removal is within the LNR and National Park. The EDS recommended above should ensure that the impact on the woodland is mitigated through the planting of appropriate native species on site, and that measures are taken to protect the LNR and SDNP, and to reduce indirect impacts. Given this, the loss of this tree would not warrant refusal of the application in this case.
- 8.54. The County Ecologist has confirmed that provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Conclusion:

- 8.55. Given the prevailing character of the streetscene it is considered that the scale and design of the proposed development would not appear out of context or character with the site and the surroundings. The proposed building is unlikely to have an unacceptably overbearing impact on its neighbours and has been carefully designed to take account of overlooking and privacy issues. Subject to conditions it is therefore considered that the development is appropriate in terms of design, scale and impact on amenity, highways, trees, biodiversity and the adjacent National Park and Local Nature Reserve, and would provide 12 (11 net) new dwellings for the City, of a good size and standard.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £74,700. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. DEVELOPER CONTRIBUTIONS

- 10.1. Affordable housing Review Mechanism of viability
- 10.2. Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £3,100 plus the submission of an employment and training strategy in respect of the demolition and construction phases of the development.
- 10.3. **In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission**, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide a Review Mechanism to assess the provision of affordable housing contribution with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the demolition and construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

11. EQUALITIES

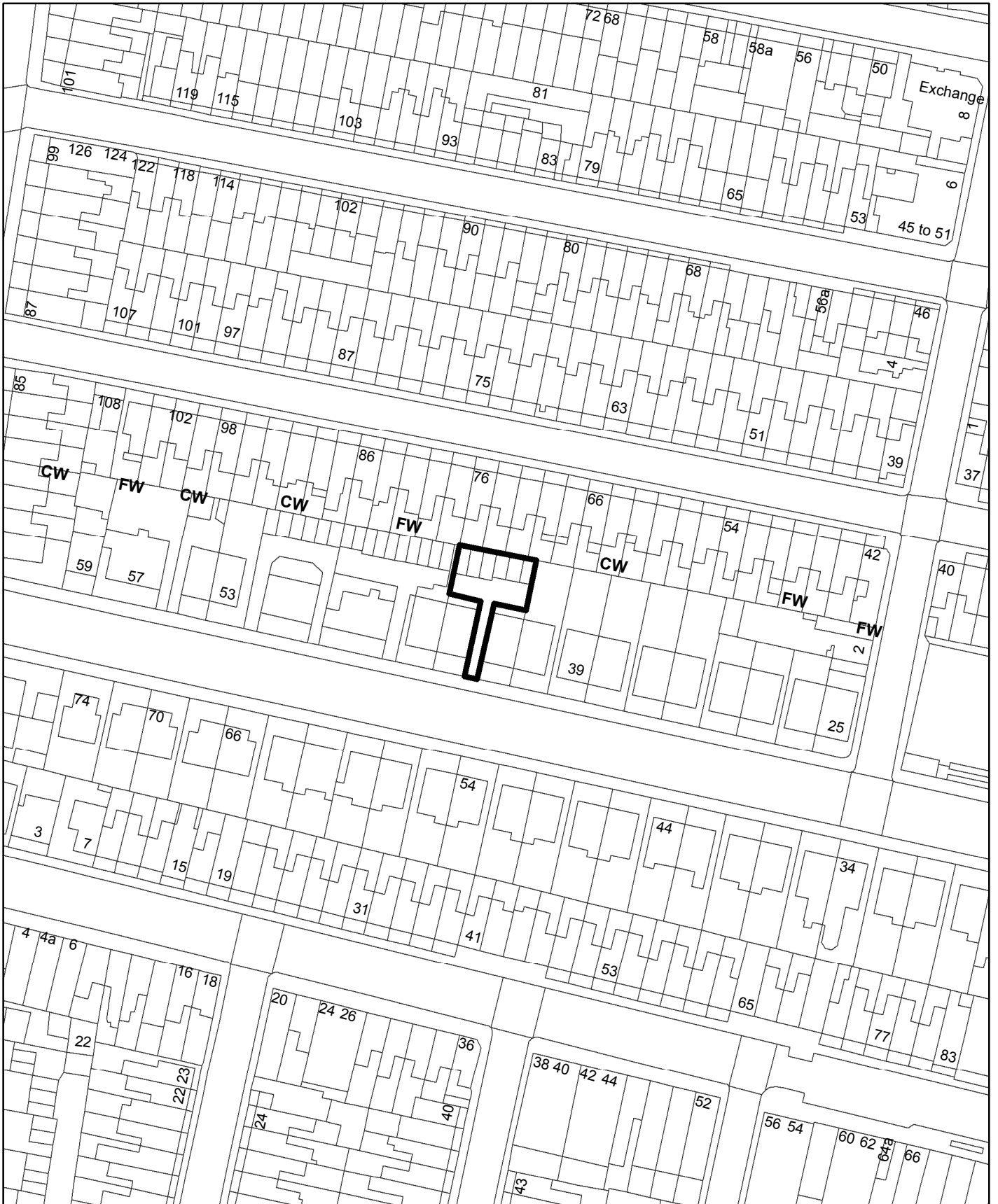
- 11.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the ground floor (new-build) dwellings appears to be achievable; segregated, level access from Park Close proposed.
- 11.2. Policy HO13 states that a proportion (5%) of all new dwellings on larger sites should be built to a wheelchair accessible standard. This is secured by condition

ITEM C

**43 Clarendon Villas
BH2020/02654
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 02654 - 43 Clarendon Villas



N



Scale: 1:1,250

<u>No:</u>	BH2020/02654	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	43 Clarendon Villas Hove BN3 3RE		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no two storey office buildings (use class E) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	21.09.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove Hove BN3 6HS		
<u>Applicant:</u>	Mr Jonathan Stern C/o Turner Associates Ltd 19A Wilbury Avenue Hove Hove BN3 6HS		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	TA 973/01		21 September 2020
Proposed Drawing	TA 973/10		21 September 2020
Proposed Drawing	TA 973/11		21 September 2020
Proposed Drawing	TA 973/12		21 September 2020
Proposed Drawing	TA 973/13		21 September 2020
Proposed Drawing	TA 973/14		21 September 2020
Proposed Drawing	TA 973/15		21 September 2020
Proposed Drawing	TA 973/16		21 September 2020
Proposed Drawing	TA 973/17		21 September 2020
Proposed Drawing	TA 973/18		21 September 2020
Proposed Drawing	TA 973/19		21 September 2020
Report/Statement	SITE WASTE MANAGEM ENT PLAN		21 September 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No construction above ground floor slab level of any part of the development hereby permitted shall take place until details 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

5. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

6. The development hereby permitted shall not be occupied until the privacy screens shown on the approved drawings have been installed in strict accordance with the approved details and shall thereafter be retained as such.

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

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the

Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

8. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.
9. The buildings hereby approved shall be used as offices only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To safeguard the amenity of occupiers of nearby properties and to comply with policy QD27 of the Brighton and Hove Local Plan.
10. The proposed rooflights and upper windows in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
11. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
12. Notwithstanding the approved drawings, the hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a backland plot to the rear of residential properties on the northern side of Clarendon Villas and the southern side of Goldstone Road. The site is accessed from Clarendon Villas and is currently occupied by 6no garages (use class Sui Generis). Planning permission (BH2017/02057) has previously been granted for the demolition of the garages and the erection of 2no two-storey office buildings (B1) (as per the previous Use Classes Order). This permission is currently extant, expiring on 27th December 2020.
- 2.2. The current application proposes an identical development to the scheme previously granted comprising the demolition of the garages and the erection of 2no two-storey office buildings (use class E), and associated works. The previous permission as an extant scheme carries significant weight in the consideration of this application.

3. RELEVANT HISTORY

- 3.1. **BH2017/02057** - Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works. Approved

4. REPRESENTATIONS

- 4.1. **Twenty-one (21)** letters have been received, objecting to the proposal for the following reasons:
- Loss of privacy
 - Overlooking
 - Additional traffic
 - Disturbance during construction
 - Offices inappropriate for neighbourhood
 - Overdevelopment
 - Too close to boundary
 - Noise
 - Accessway too narrow
 - Overshadowing
 - Loss of outlook
 - Design an eyesore
 - Existing garages never used
 - Parking shortage
 - Damage to trees and local wildlife
 - New offices not needed due to covid-19
 - Sets a precedent

- Emergency vehicle access
- Land should be sold to neighbours as garden plots
- Previous application inaccurate
- Worsen damp problems
- Restrict access
- Light pollution
- Does not comply with policy EM4

5. CONSULTATIONS

5.1. **Economic Development:** No comment received

5.2. **Sustainable Transport:** No objection
Recommended approval subject to the suggested conditions and informatives.

5.3. **Planning Policy:** No comment received

5.4. **Southern Water:** No comment
Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

5.5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.6. **Environmental Health:** No comment received

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019);

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal and the impacts upon neighbouring amenity. Transport implications are also material considerations.

Principle of Development:

- 8.2. The current application is identical to a previously approved and extant planning permission BH2017/02057 - Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works. Approved, and this is a material consideration in the determination of this application which must be given substantial weight.
- 8.3. There is no objection to the loss of the 6no existing garages. The proposed business use of the site would be consistent with the NPPF in that it would make effective use of land by reusing land that has been previously developed (brownfield land).
- 8.4. Local Plan Policy EM4 states that planning permission will be granted for new business and industrial uses (Use Classes B1 and B2) on unidentified sites within the built up area boundary provided that seven criteria are met.
- a) *There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;*
 - b) *The site is readily accessible by public transport, walking and cycling;*
 - c) *The development would not result in the net loss of residential accommodation;*
 - d) *The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.*
 - e) *The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;*
 - f) *The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and*
 - g) *There is adequate landscaped amenity open space.*
- 8.5. The proposal was previously considered to comply with all the relevant criteria and it is considered that there has been no material change in the circumstances of the site to indicate a different assessment should be taken now.
- 8.6. There is a long-standing shortage of office employment space in the city, with added pressure on the existing stock from Permitted Development and Prior Approval changes of use. EM4 a) is therefore considered met. Concerns have been raised that the ongoing COVID-19 pandemic has resulted in a reduction in demand for office space. In the absence of any evidence to confirm this and the fact that overall there is a long-standing shortage of office employment space, together with the fact that there is an extant implementable permission, the proposal is considered acceptable.
- 8.7. The site is centrally located near to sustainable transport links, in accordance with EM4 b).
- 8.8. EM4 c), d) and e) are also considered met.
- 8.9. EM4 f) is addressed in a subsequent section of this report but in summary is considered met.

- 8.10. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable.
- 8.11. Accordingly there is no objection to the principle of the proposed development.
- 8.12. A condition is recommended to ensure that the development is used as an office and not as any other use within Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which may not be appropriate for this location. It is noted that residential use would also not be considered appropriate due to the front screening restricting access to outlook, daylight and sunlight.

Design and Appearance:

- 8.13. No objection is raised to the loss of the existing garage buildings on the site which are of little architectural value and do not contribute positively to the streetscene or surrounding area.
- 8.14. The proposed office units would be set in a single building within the footprint of the existing garages. The offices would have a single storey appearance with a pitched roof in order to accommodate a mezzanine floor within. The proposal includes excavation of the land to the north of the site in order to reduce the impact of the increase in height of the building. The roof ridge height would be approximately 2.2m higher than the existing flat roof structures and would be 0.8m higher than the existing boundary wall separating the site from the rear gardens of the properties on Goldstone Road to the north. The proposed materials for the building include painted render walls, metal standing seam roof, and aluminium windows and timber/metal doors.
- 8.15. Much of the site is not visible from public view as it is surrounded by semi-detached and terraced residential properties, although the buildings would be glimpsed through the access driveway from Clarendon Villas. The building would be visible from the rear of flats on Clarendon Villas.
- 8.16. The proposed office buildings would not share the defining characteristics of the property frontages of the nearby terraced properties. The existing dwellings on neighbouring streets predominantly consist of two/three storey dwellings with predominantly rendered or brick exteriors, pitched roofs, prominent bay windows and traditional roof dormers. The proposed office building would have a single storey appearance, with a size and scale of the building subservient to and more modern than the more traditional houses surrounding the site.
- 8.17. Although the proposed design would contrast somewhat with these neighbouring properties, the simple modern design would be appropriate as the site does not form part of the street scene. Overall, it is considered that the proposal would preserve the character and appearance of the surrounding area in accordance with policy CP12 of the Brighton and Hove City Plan.

Impact on Amenity:

- 8.18. 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.
- 8.19. The site abuts the gardens of residential dwellings to the north on Goldstone Road, and residential properties converted into flats to the south on Clarendon Villas. The greatest impact would be on the flats directly to the south which are nos. 43 and 45 Clarendon Villas.
- 8.20. The proposed office use, as well as the use of the amenity spaces, car parking spaces and driveway, would intensify the use of the site in an enclosed plot surrounded by neighbouring properties and gardens. It is also accepted that pedestrian movements to and from the site through the access route would increase, and that this could result in some noise and disturbance to the immediate neighbouring residents.
- 8.21. However, with a projected 12 employees the occupancy of the proposed offices would be relatively low, and as an office use there is unlikely to be significant activity outside of daytime office hours. The proposed forecourts/amenity areas may be used by employees for short periods, however given the relatively low level of occupancy of the offices, this is unlikely to cause significant noise disturbance.
- 8.22. Office use can be secured by condition to prevent the development being converted into other Class E uses at a later point which may have an increased impact upon the neighbours.
- 8.23. It should also be noted that the existing garages could be more likely to be used at any time of day (or night), and if used at maximum occupancy with 6 parking spaces (and additional ones in front of the garages), the noise and disturbance from vehicular movements could be more significant than the proposed development which incorporates only 2. no parking spaces.
- 8.24. In view of all of the above it is considered on balance that the proposed office use would not result in significant noise and disturbance to warrant refusal of the application.
- 8.25. The proposal does not include an increase in the height of the rear boundary wall and so would not have an increased impact in terms of overshadowing or overbearing impact upon the gardens of the properties on Goldstone Road.
- 8.26. Whilst the proposed roof ridge would exceed the height of the boundary wall, due to the eaves being set below the top of the parapet and the low roof pitch angle there would be no increased impact upon the northern neighbours in terms of overshadowing or overbearing impact.
- 8.27. Whilst it is accepted that the increased height of the building would have some impact upon the rear windows of the flats on Clarendon Villas, the separation

between the proposed building and these properties (approx. 9m) would be sufficient to prevent a significant overbearing impact or loss of sunlight, daylight or outlook. The proposal does include a dividing fence in closer proximity (approx. 6m) but this fence would be of a proportionately reduced height and so would not have an increased impact on the neighbours than the building itself.

- 8.28. The proposal would create the potential for additional views towards the neighbouring properties on Clarendon Villas, although it is noted that views towards these dwellings are already possible from the existing garages. The proposal includes an approx. 2m high dividing fence/screen to prevent mutual overlooking between the ground floor of the offices and the southerly neighbours. The first floor/mezzanine windows are proposed to have slatted screens to obscure views out. The rooflights would, due to their positioning in the roofslope, only afford views upwards towards the sky. Therefore, and subject to conditions ensuring the implementation of the above mitigating measures and that the first floor/mezzanine windows are additionally fixed shut, it is considered that the proposal would not result in a significant degree of additional overlooking or loss of privacy for the dwellings on Clarendon Villas.

Sustainable Transport:

- 8.29. The proposal is unlikely to generate a significant uplift in trip generation and so a financial contribution will not be sought in this instance.
- 8.30. Access to the proposed office units would be via the existing shared access route from Clarendon Road and it is acknowledged that this is not an ideal arrangement. However, in view of this also being the existing arrangement in situ, and the proposal resulting in a significant reduction in parking spaces on the site (from 6no as existing to 2no as proposed) it is considered that this does not warrant a reason for refusal. The Highways Authority have reviewed the scheme and have raised no objection in this regard.
- 8.31. As aforementioned the proposal includes 2no on-site car parking spaces which is in accordance with SPD14 guidance. It should be noted that this is a reduction compared to the number of on-site car parking spaces as existing. Whilst the existing garages may or may not currently be actively used for vehicle parking, this use could resume at any time. It is considered that the likely number of vehicle movements associated with the modest on-site car parking is considered unlikely to cause significant harm to residential amenity.
- 8.32. The site is located within a Controlled Parking Zone and so any demand for on-street car parking permits could be managed by the Local Highways Authority.
- 8.33. The proposal includes changes to the existing hard surfaces, and a condition is recommended to ensure any new hard surfaces are made of porous materials.

Sustainability:

- 8.34. A condition is recommendation to ensure that BREEAM 'very good' standard is met in accordance with Policy CP8 of the CPP1.
- 8.35. Details of refuse and recycling facilities can be secured by condition.

Other Considerations:

- 8.36. Due to the past uses of the garages, a contaminated land discovery strategy is recommended to be secured by condition.
- 8.37. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.38. The concerns raised by public representations are acknowledged, however in accordance with the assessment of material planning considerations as set out above it is considered that the proposal is acceptable. Other concerns raised by objectors do not relate to material planning considerations and so cannot be taken into account in assessing the application.

Conclusion:

- 8.39. The proposal is identical to an extant permission, and it remains considered that the scheme complies with policy EM4 of the Brighton and Hove Local Plan. The proposed design is considered acceptable. It is considered that the proposal would not give rise to a significant detrimental impact upon neighbouring amenity or the transport network. Sustainability matters including water and energy efficiency and BREEAM standards can be met through suitable conditions. Approval is therefore recommended.

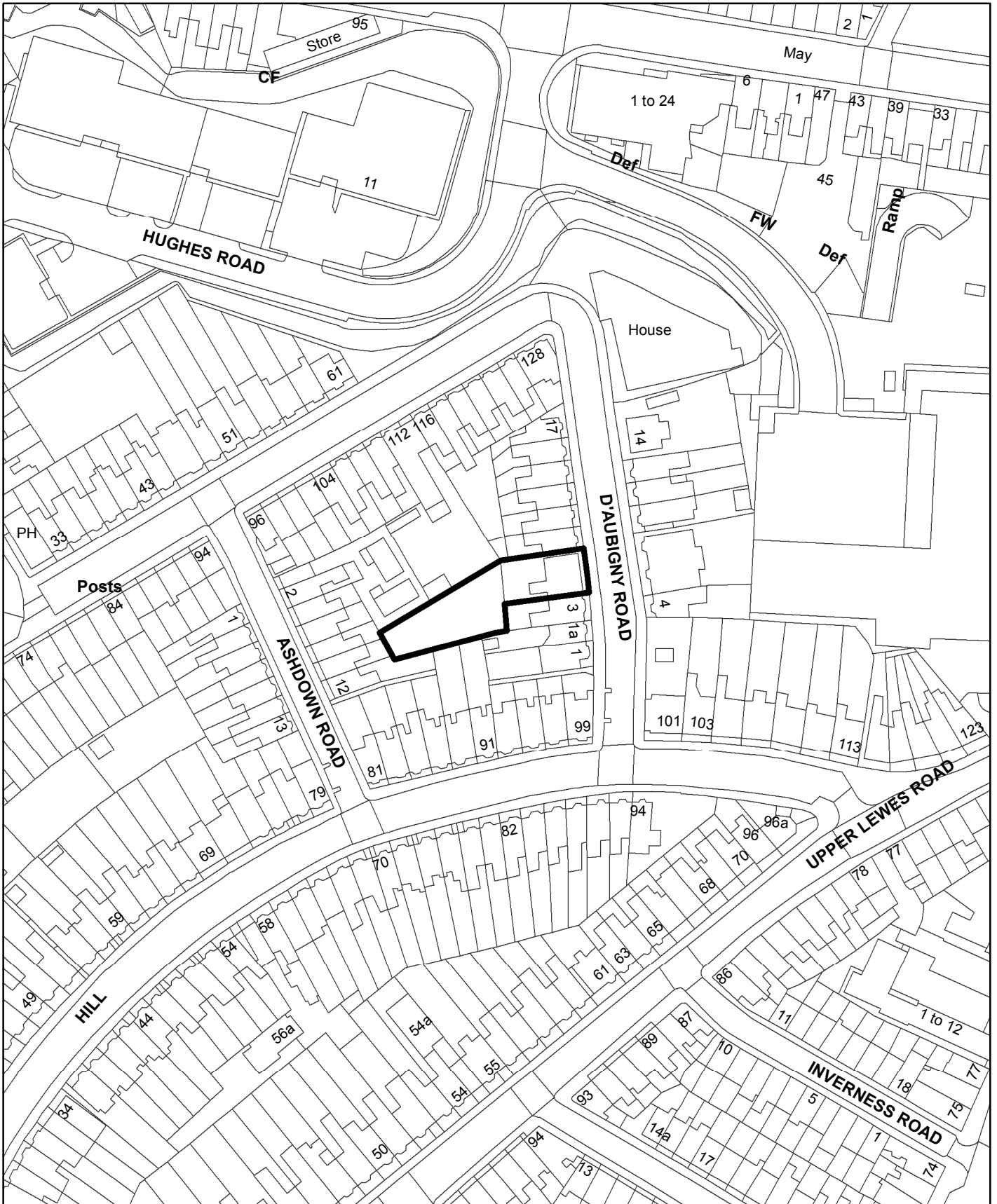
- 9. **EQUALITIES**
None identified

ITEM D

**Basement 5, D'Aubigny Road
BH2020/02655
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 02655 - Basement 5, D'Aubigny Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02655	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Basement 5 D'Aubigny Road Brighton BN2 3FT		
<u>Proposal:</u>	Erection of a single storey outbuilding/ shed to rear garden (part-retrospective).		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	24.09.2020
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	19.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Laurence Marks 5A 5 D'Aubigny Road Brighton BN2 3FT		

This application has been referred to Planning Committee for decision due to the number of representations received. Furthermore, one representation has been received from a member of the department.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	Plan		21 September 2020
Proposed Drawing	Elevations		21 September 2020
Proposed Drawing	Site Plan		21 September 2020
Block Plan			24 September 2020
Location Plan			21 September 2020

2. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

3. The outbuilding hereby approved shall only be used for purposes incidental and ancillary to and in connection with the use of the main property as a residential unit and shall at no time be occupied as a separate or self-contained unit of accommodation or place of employment.

Reason: To ensure the use of the development hereby permitted is appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policies QD27 of the Brighton & Hove Local Plan.

4. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION AND APPLICATION DESCRIPTION

- 2.1. The application site relates to an end of terrace property which is sub-divided into flats. The property is located within the Round Hill conservation area.
- 2.2. Planning permission is sought for the erection of a single storey outbuilding at the end of the rear garden. Works have commenced on site.

3. RELEVANT HISTORY

None

4. CONSULTATIONS

- 4.1. **Arboriculture:**
Initial Comment - 24/09/2020

The Arboriculture team notes the subbase and concrete pad have already been constructed, with this being retrospective consent. We would always recommend a raft/pile foundation in close proximity to trees, to minimise root damage during construction and potential future direct root pressure. Beech as a species are particularly sensitive to root disturbance. Although the tree is not protected by a Preservation Order it is located within a designated Conservation Area (Round Hill) and therefore has certain protection measures under the Town & Country Planning Act.

Further Comment - 15/10/2020

- 4.2. If there has been damage to roots, it will have already occurred constructing the base and not really much that can be done arboriculture wise here. The only relevant condition is for the replacement within 5 years obligation if the tree were to die.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters has been received objecting to the proposed development on the following grounds:
- Outbuilding is large, overbearing and obtrusive and visible from adjoining properties and gardens.
 - Badly sited and too close to boundary wall
 - Damage to the beech tree which has been subject to some branch lopping.
 - Loss of tree would gradually erode the character and appearance of the conservation area.
 - Risk to the local wildlife as the gardens provide valuable habitats for wildlife.
 - Harmful impact on the setting of the conservation area.
 - Spoils the views over the Roundhill back gardens
 - Increased socialising in shed will negatively affect neighbours
 - Concerns that the outbuilding would be used as employment workspace with potentially noisy work activities taking place.
 - Loss of view

6. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the design and appearance of the development; impact on the character and setting of the conservation area; impact on neighbouring amenity; and impact on trees within the site.
- 7.2. The application is part retrospective as the concrete base has been laid, the outer structure of the outbuilding has been built and the roof partially completed. To seek planning permission retrospectively is a valid course of action in the development process and is not a material consideration in the determination of this application.
- 7.3. Concerns raised by local residents that the structure will be used as a place of employment are speculative and there is nothing in the application submission which suggests this to be the case. If planning permission is granted and the structure later became used as a place of employment, this may constitute a breach of planning control, however, it is not part of the assessment of this application. The proposed outbuilding would be used as a shed ancillary to the main dwellinghouse. It is recommended that this is secured by condition.

Design and Appearance

- 7.4. The proposed outbuilding is sited at the rear of the garden and has a gross footprint of approximately 11.8m². The mono pitched roof slopes upwards from the rear to the front of the structure, with an eaves height of 2.1m at the rear, rising to 2.51m at the front.
- 7.5. The appearance of the outbuilding would be alternative to the host building, finished in stained timber with a felt roof. However, the detached nature of the outbuilding helps remove the need for it to mimic the appearance of the host building in terms of material finish and general design. It is considered that the outbuilding would be a suitable size and height, relative in proportion to the size

of the rear garden and its more modern appearance does not cause any harm to the character and appearance of the host building or wider conservation area. Moreover, it will appear as an ancillary domestic outbuilding, typical of garden locations.

Impact on Heritage Assets

- 7.6. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight"
- 7.7. Policy HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One requires proposals to preserve or enhance the character or appearance of the conservation area which includes the retention and protection of trees, gardens, spaces between buildings and other open areas.
- 7.8. The application site has a generous rear garden and features a large beech tree to the rear which contributes positively to the character of the conservation area. The outbuilding would not be visible from D'Aubigny Road or Ashdown Road and a significant amount of garden space would be retained. The beech tree is not covered by a Tree Preservation Order, however by virtue of being located within a designated conservation area, has certain protection measures under the Town and Country Planning Act 1990. Whilst it is regrettable that the base for the outbuilding has already been laid and some branches of the tree have already been removed, the Council's Arboriculturalist has reviewed the proposal and recommended that the retention of the beech tree and replacement if it becomes seriously damaged or dies within 5 years, is secured by condition.
- 7.9. For these reasons, the proposal is not considered to harm to character or appearance of the site or wider conservation areas.

Impact on Neighbouring Amenity

- 7.10. Due to the Covid-19 pandemic a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and from recently taken aerial imagery of the site. In addition, the applicant provided site photos throughout the course of the application.
- 7.11. The outbuilding is between 2.1m and 2.51m in height and would be of a modest scale, typical of an outbuilding found within a garden. To the south and west, the site is enclosed with a boundary wall/fence of approximately 1.6m in height and to the north, the boundary wall is 2.8m in height. It is noted that the additional 0.5m increase in height close to the shared boundary could result in some additional impact in terms of its appearance from the neighbouring side of the boundary, however, given the minimal increase, the outbuilding would not appear overbearing or cause significant loss of light through overshadowing.
- 7.12. The proposed outbuilding is to be used as a shed by the occupants of the host dwelling house. Such use is unlikely to generate significant noise disturbance or

additional activity that could be considered harmful to the amenities of local residents. Views from the outbuilding would be similar to the existing views achieved from standing within the rear garden and would not result in significant overlooking or loss of privacy to the adjacent properties above the existing situation.

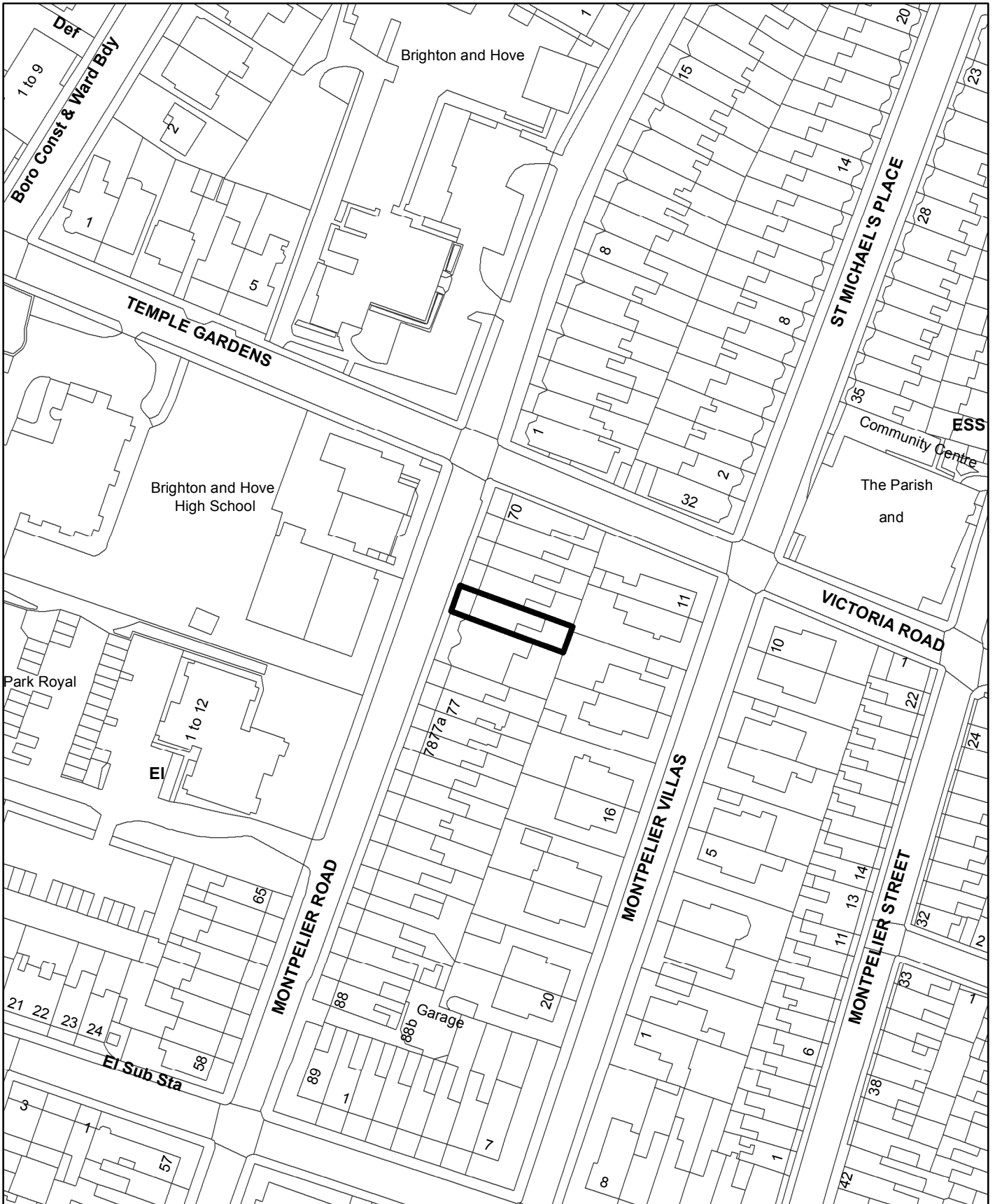
8. EQUALITIES
None identified

ITEM E

**Basement Flat, 74 Montpelier Road
BH2020/02453
Householder Planning Consent**

DATE OF COMMITTEE: 2nd December 2020

BH2020 02453 - Basement Flat, 74 Montpelier Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02453	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Basement Flat 74 Montpelier Road Brighton BN1 3BD		
<u>Proposal:</u>	Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	10.09.2020
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	05.11.2020
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Lewis And Co Planning SE Ltd	Lewis & Co Planning	2 Port Hall Road Brighton BN1 5PD
<u>Applicant:</u>	Mr Raphael Goldberg, c/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed front excavation works including demolition of the coal stores would have a detrimental impact upon the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill Conservation Area. No public benefits have been identified sufficient enough to outweigh this harm. The proposal is therefore contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies HE1 and HE6 of the Brighton and 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 received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	A0.1		10 September 2020
Proposed Drawing	A0.3		10 September 2020
Proposed Drawing	A0.5		10 September 2020
Proposed Drawing	A0.7		10 September 2020
Proposed Drawing	A0.8		10 September 2020
Proposed Drawing	A0.9		10 September 2020

2. RELEVANT HISTORY

- 2.1. **BH2020/02454** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat. Internal alterations to layout of flat. Under consideration
- 2.2. **BH2020/01031** - External and internal alterations incorporating reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property. Internal alterations to layout and associated works. Refused
- 2.3. The reason for refusal was as follows:
'The proposed demolition of the front coal stores, the blocking up of the storage area access door and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1, HE3 and HE6 and Brighton & Hove City Plan Part One policy CP15.'
- 2.4. **BH2020/01030** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property and associated works. Refused
- 2.5. The reason for refusal was as follows:
The proposed demolition of the front coal stores and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1 and HE6 and Brighton & Hove City Plan Part One policy CP15.
- 2.6. **BH2014/03164** - Certificate of lawfulness for existing UPVC windows and door to rear elevation at basement level. Approved

3. CONSULTATIONS

- 3.1. **Heritage: Objection**
The subject application follows an earlier scheme (BH2020/01030 & BH2020/01031) which was refused on heritage grounds on 8 June 2020. The current scheme has been amended to remove the issues addressing the unauthorised works to the windows and is as follows:
- demolition of the coal cellars within the front setback
 - reinstatement of railings to front elevation
 - re-tiling of entrance threshold path

- new access stair to basement
- alterations to access to the central store area within the basement
- removal of hallway partitions

Proposed external works

- 3.2. The proposed demolition of the front coal vaults/stores is not supported as it would have an adverse effect on the architectural and historic character of the listed building contrary to policy HE1. As described in the submitted HOP Engineering letter, the cellar is brick-arched with the possibility of a further cellar to the south of the one proposing to be demolished. Coal cellars are important features of listed terraces in Brighton as they played an important role in the history of the building and their relationship with the main house. As shown in the 1871 drainage plan extract within the Heritage Statement, these coal cellars are historic and integrated into the overall design of the building. Whether or not the historic coal cellars are in continued use is not a heritage consideration. The onus is on the owner to maintain the listed building and to ensure proper maintenance of all areas of the building.
- 3.3. The historic layout of the front setback can also be seen in the 1871 drainage plan, showing that the existing layout is likely the original layout with the stairs to the basement along the southern boundary. It is unclear from the photographs submitted, however the existing stairs to the basement may be original as they follow the stair layout on the 1871 drainage plan.
- 3.4. The existing front entrance path appears to be paved with a modest terracotta and black encaustic tiles with a checkerboard pattern. The tiles appear to be historic however further investigation is required. The proposed removal of these tiles and replacement with large black and white tiles is more akin to Edwardian, not Regency style is not supported.
- 3.5. The proposal to reinstate the front boundary railings would make a positive contribution to the listed building, however these works would not mitigate the proposed harm by the demolition of historic fabric of the listed building. The reinstatement of the front boundary railings are not dependent on the proposed demolition of the front cellar and stair alteration works.

Proposed internal works

- 3.6. The reintroduction of a separate doorway into the main front room is welcomed as this follows the historic floor plan. The reconfiguration of the hallway is supported as this enclosure of the hall was likely introduced in the 1980s conversion. The proposed reconfiguration of access to the central store area is supported. As shown in the 1871 drainage plan, access to this central store space has previously been altered and the proposal will not cause any further harm to the historic fabric of the listed building.
- 3.7. Overall, the proposal would have an adverse effect on the architectural and historic character and appearance of the listed building and is not supported. Whilst the harm would be less than substantial, the proposal does not represent any public benefits which would outweigh such harm (as described above). Therefore, the proposed development is not supported. The proposal fails to

meet the requirements of the NPPF and policies HE1 and HE6 and is not supported.

4. REPRESENTATIONS

- 4.1. **Three (3)** letters have been received, supporting the proposal for the following reasons:
- good design
 - in keeping with Listed Building
 - the coal store is not used and is an eyesore
- 4.2. **Councillor Alex Phillips and Councillor Tom Druitt** have jointly written to support the application on the following grounds and requesting that it be determined at planning committee:
- will increase light to the basement
 - enhance the building frontage
- 4.3. A copy of this correspondence is attached to this report.

5. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which was completed on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

6. CONSIDERATIONS & ASSESSMENT

- 6.1. The application relates to a grade II listed four-storey over basement mid-terrace property on the eastern side of Montpelier Road. The site is within the Montpelier and Clifton Hill Conservation Area.
- 6.2. Planning permission is sought for excavation works to the front of the property including the removal of the historic coal store. The application also includes the reinstatement of railings to the front of the property, new decorative pathway tiling and the creation of new access stairs to the basement flat.
- 6.3. The main considerations in the determination of this application relate to the design and appearance of the proposed external alterations and the impact upon the character, appearance and significance of the grade II listed building and the Montpelier and Clifton Hill Conservation Area.
- 6.4. The current application follows a previously refused application for similar works. The current application differs insofar as it is no longer proposed to alter the in-situ uPVC windows and doors at the rear.

Design and Appearance and Heritage impacts:

- 6.5. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 6.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 6.7. The existing coal store is an important historic feature of the listed building, being integrated into the overall design of the building and illustrative of its past use. The demolition of the coal store would therefore have an adverse impact on the architectural and historic character of the listed building, and a resultant detrimental impact on the character and appearance of the Montpelier and Clifton Hill Conservation Area. It is recognised that the coal store is not currently in active use however this does not diminish its historic significance.
- 6.8. The existing access stairs leading down to the basement may also be original, as it is in the same location as shown on the 1871 drainage plan.
- 6.9. The proposed replacement Edwardian-style tiling would appear not to be an era-appropriate replacement for what appears (subject to further investigation) to be a historic Regency terracotta checkerboard pattern. Further investigation and possible amendments would be sought if the development were otherwise acceptable.

- 6.10. The reinstatement of front boundary railings would have a positive impact on the listed building and streetscene, however this is considered not to mitigate for the harm caused by the demolition of the historic fabric of the listed building and the inappropriate replacement tiling.
- 6.11. Overall, it is considered that the proposed external works would have a detrimental impact upon the character and appearance of the grade II listed building and the wider conservation area. This would, however, be judged as 'less than substantial' harm, and paragraph 196 of the NPPF states that, where a proposal would result in 'less than substantial' harm to a designated heritage asset, this harm can be accepted provided that there are public benefits arising from the development sufficient to outweigh this harm.
- 6.12. As aforementioned, the reinstatement of the railings would have a positive impact upon the character and appearance of the listed building and streetscene and this would be a public benefit arising from the proposal. However, in accordance with the advice of the specialist Heritage team, it is considered that the benefit arising from the reinstatement of the railings does not outweigh the harm caused by the loss of the coal store. Moreover, it is noted that the railings could be reinstated independently of the proposed works to the coal store and tiling.
- 6.13. It is recognised that the proposed works would improve access to natural light and outlook from within the basement flat. This, however, is a private benefit rather than a public benefit and as such is considered not to outweigh the above identified harm to the character, appearance and historic significance of the grade II listed building and conservation area.
- 6.14. It is therefore considered that, overall, the proposed external works would have a detrimental impact upon the character, appearance and historic significance of the grade II listed building and the wider conservation area. Whilst this harm would be less than substantial, it is considered that there are no public benefits arising from the scheme sufficient enough to outweigh this harm as per the terms of the NPPF paragraph 196. The proposal is therefore contrary to policies HE1 & HE6 of the Brighton & Hove Local Plan, policy CP15 of the Brighton & Hove City Plan Part One and paragraph 196 of the NPPF.
- 6.15. The applicant has referred to other properties in the vicinity of the site where similar works have been undertaken. No planning approvals for comparable proposals have been identified and no specific examples have been provided by the applicant. In any case, each application must be assessed on its own planning merits.
- Impact on Amenity:**
- 6.16. 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.

6.17. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.

7. EQUALITIES
None identified



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

**Cllr. Alex Phillips and Cllr. Tom Druitt
BH2020/02453 – Basement Flat, 74 Montpelier Road**

21st September 2020:

Tom (copied in here) and I would like to support this planning application: BH2020/02453 because it will increase light into the lower ground floor flat and enhance the appeal of the building's frontage.

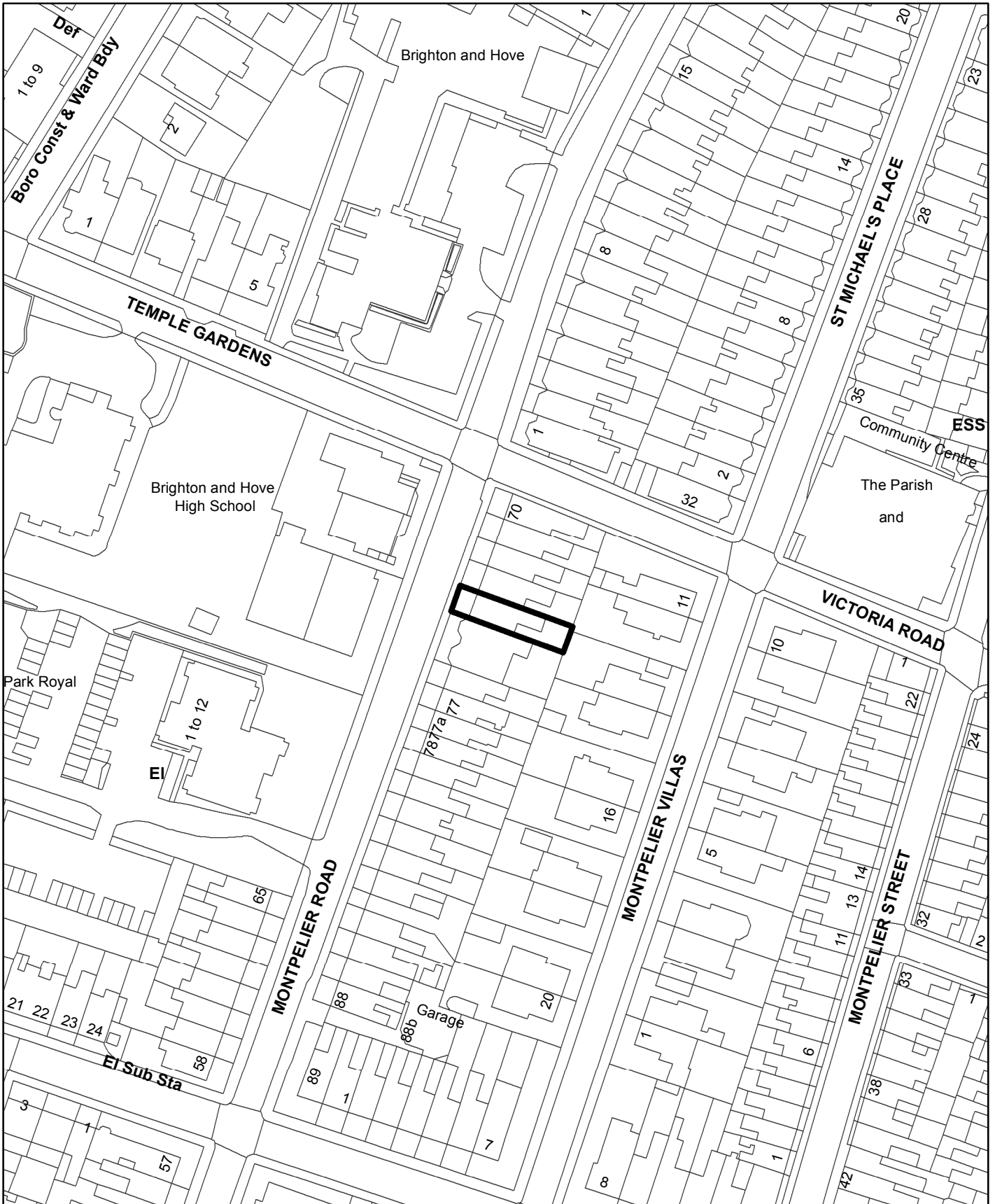
Please can you confirm that this will now go to committee to be determined, and let us know what date it goes, in case either of us can be present to speak to it please?

ITEM F

**Basement Flat, 74 Montpelier Road
BH2020/02454
Listed Building Consent**

DATE OF COMMITTEE: 2nd December 2020

BH2020 02454 - Basement Flat, 74 Montpelier Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02454	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Basement Flat 74 Montpelier Road Brighton BN1 3BD		
<u>Proposal:</u>	Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat. Internal alterations to layout of flat.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	10.09.2020
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	05.11.2020
<u>Listed Building Grade:</u>	Listed Building Grade II		
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Mr Raphael Goldberg, c/o Lewis And Co Planning Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** Listed Building Consent for the following reasons.
1. The proposed front excavation works including demolition of the coal stores would have a detrimental impact upon the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill Conservation Area. No public benefits have been identified sufficient enough to outweigh this harm. The proposal is therefore contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies HE1 and HE6 of the Brighton and Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	A0.1		10 September 2020
Proposed Drawing	A0.3		10 September 2020
Proposed Drawing	A0.5		10 September 2020
Proposed Drawing	A0.7		10 September 2020
Proposed Drawing	A0.8		10 September 2020
Proposed Drawing	A0.9		10 September 2020

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a grade II listed property on the eastern side of Montpelier Road. It is a terraced house dating from c1840, now converted to flats, and forming a group with numbers 70-74. It has four storeys over basement

with a butterfly pitched roof behind a front parapet. The front elevation takes the form of a full height, full width segmental bay. The site is within the Montpelier and Clifton Hill Conservation Area.

- 2.2. Listed building consent is sought for excavation works to the front of the property including the removal of the historic coal store. The application also includes the reinstatement of railings to the front of the property, new decorative pathway tiling, the creation of new access stairs to the basement flat and internal alterations.

3. RELEVANT HISTORY

- 3.1. **BH2020/02453** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to lower ground floor flat. Under consideration
- 3.2. **BH2020/01031** - External and internal alterations incorporating reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property. Internal alterations to layout and associated works. Refused
- 3.3. The reason for refusal was as follows:
'The proposed demolition of the front coal stores, the blocking up of the storage area access door and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building, the setting of other listed buildings and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1, HE3 and HE6 and Brighton & Hove City Plan Part One policy CP15.'
- 3.4. **BH2020/01030** - Reinstatement of railings, installation of new decorative tiling and excavation works to front of the property. Creation of new front access stairs to the lower ground floor flat and replacement windows and doors at the rear of the property and associated works. Refused
- 3.5. The reason for refusal was as follows:
The proposed demolition of the front coal stores and the replacement of the historic basement window would be detrimental to the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill conservation area contrary to Brighton & Hove Local Plan policies HE1 and HE6 and Brighton & Hove City Plan Part One policy CP15.
- 3.6. **BH2014/03164** - Certificate of lawfulness for existing UPVC windows and door to rear elevation at basement level. Approved

4. REPRESENTATIONS

None received.

5. CONSULTATIONS

5.1. Heritage: Objection

The subject application follows an earlier scheme (BH2020/01030 & BH2020/01031) which was refused on heritage grounds on 8 June 2020. The current scheme has been amended to remove the issues addressing the unauthorised works to the windows and is as follows:

- demolition of the coal cellars within the front setback
- reinstatement of railings to front elevation
- re-tiling of entrance threshold path
- new access stair to basement
- alterations to access to the central store area within the basement
- removal of hallway partitions

Proposed external works

5.2. The proposed demolition of the front coal vaults/stores is not supported as it would have an adverse effect on the architectural and historic character of the listed building contrary to policy HE1. As described in the submitted HOP Engineering letter, the cellar is brick-arched with the possibility of a further cellar to the south of the one proposing to be demolished. Coal cellars are important features of listed terraces in Brighton as they played an important role in the history of the building and their relationship with the main house. As shown in the 1871 drainage plan extract within the Heritage Statement, these coal cellars are historic and integrated into the overall design of the building. Whether or not the historic coal cellars are in continued use is not a heritage consideration. The onus is on the owner to maintain the listed building and to ensure proper maintenance of all areas of the building.

5.3. The historic layout of the front setback can also be seen in the 1871 drainage plan, showing that the existing layout is likely the original layout with the stairs to the basement along the southern boundary. It is unclear from the photographs submitted, however the existing stairs to the basement may be original as they follow the stair layout on the 1871 drainage plan.

5.4. The existing front entrance path appears to be paved with a modest terracotta and black encaustic tiles with a checkerboard pattern. The tiles appear to be historic however further investigation is required. The proposed removal of these tiles and replacement with large black and white tiles is more akin to Edwardian, not Regency style is not supported.

5.5. The proposal to reinstate the front boundary railings would make a positive contribution to the listed building, however these works would not mitigate the proposed harm by the demolition of historic fabric of the listed building. The reinstatement of the front boundary railings are not dependent on the proposed demolition of the front cellar and stair alteration works.

Proposed internal works

5.6. The reintroduction of a separate doorway into the main front room is welcomed as this follows the historic floor plan. The reconfiguration of the hallway is

supported as this enclosure of the hall was likely introduced in the 1980s conversion. The proposed reconfiguration of access to the central store area is supported. As shown in the 1871 drainage plan, access to this central store space has previously been altered and the proposal will not cause any further harm to the historic fabric of the listed building.

- 5.7. Overall, the proposal would have an adverse effect on the architectural and historic character and appearance of the listed building and is not supported. Whilst the harm would be less than substantial, the proposal does not represent any public benefits which would outweigh such harm (as described above). Therefore, the proposed development is not supported. The proposal fails to meet the requirements of the NPPF and policies HE1 and HE6 and is not supported.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which was completed on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
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Supplementary Planning Documents:

SPD09	Architectural Features
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. In considering whether to grant listed building consent the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.2. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 8.3. The existing coal store is an important historic feature of the listed building, being integrated into the overall design of the building and illustrative of its past use. The demolition of the coal store would therefore have an adverse impact on the architectural and historic character of the listed building, and a resultant detrimental impact on the character and appearance of the Montpelier and Clifton Hill Conservation Area. It is recognised that the coal store is not currently in active use however this does not diminish its historic significance.
- 8.4. The existing access stairs leading down to the basement may also be original, as it is in the same location as shown on the 1871 drainage plan.
- 8.5. The proposed replacement Edwardian-style tiling would appear not to be an era-appropriate replacement for what appears (subject to further investigation) to be a historic Regency terracotta checkerboard pattern. Further investigation and possible amendments would be sought if the development were otherwise acceptable.
- 8.6. The reinstatement of front boundary railings would have a positive impact on the listed building, as would the proposed internal alterations which would return the internal layout closer to its historic floor plan. However, these positives are considered not to mitigate for the harm caused by the demolition of the historic fabric of the listed building and the inappropriate replacement tiling.
- 8.7. Overall, it is considered that the proposed external works would have a detrimental impact upon the character and appearance of the grade II listed building and the wider conservation area. This would, however, be judged as

'less than substantial' harm, and paragraph 196 of the NPPF states that, where a proposal would result in 'less than substantial' harm to a designated heritage asset, this harm can be accepted provided that there are public benefits arising from the development sufficient to outweigh this harm.

- 8.8. As aforementioned, the reinstatement of the railings would have a positive impact upon the character and appearance of the listed building and streetscene and this would be a public benefit arising from the proposal. However, in accordance with the advice of the specialist Heritage team, it is considered that the benefit arising from the reinstatement of the railings does not outweigh the harm caused by the loss of the coal store. Moreover, it is noted that the railings could be reinstated independently of the proposed works to the coal store and tiling.
- 8.9. It is recognised that the proposed works would improve access to natural light and outlook from within the basement flat. This, however, is a private benefit rather than a public benefit and as such is considered not to outweigh the above identified harm to the character, appearance and historic significance of the grade II listed building and conservation area.
- 8.10. It is therefore considered that, overall, the proposed external works would have an adverse impact upon the character, appearance and historic significance of the grade II listed building and the wider conservation area. Whilst this harm would be less than substantial, it is considered that there are no public benefits arising from the scheme sufficient to outweigh this harm as per the terms of the NPPF paragraph 196. The proposal is therefore contrary to policies HE1 & HE6 of the Brighton & Hove Local Plan, policy CP15 of the Brighton & Hove City Plan Part One and paragraph 196 of the NPPF.

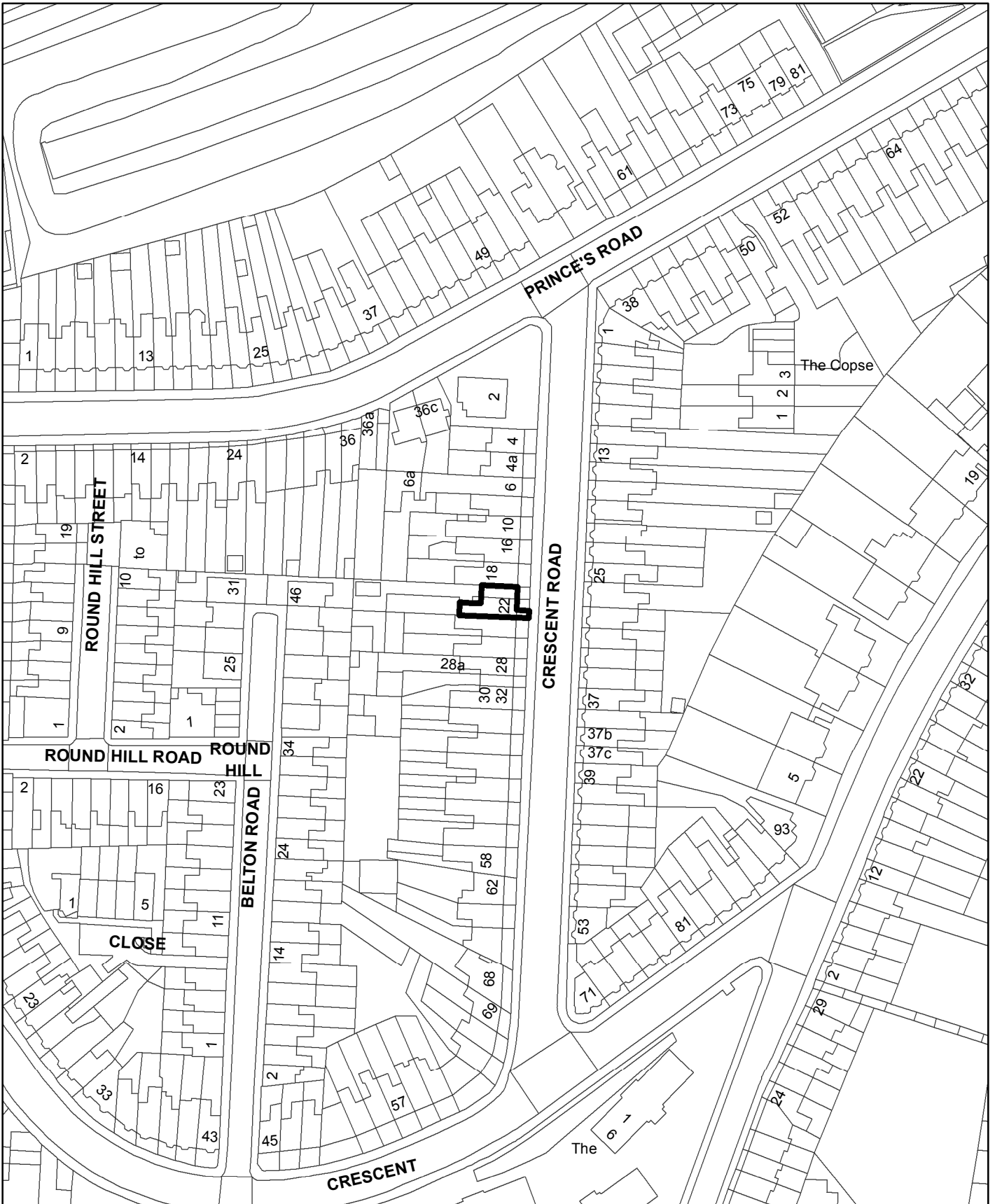
9. EQUALITIES
None identified

ITEM G

**22 Crescent Road
BH2020/01986
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 01986 - 22 Crescent Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/01986	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 Crescent Road Brighton BN2 3RP		
<u>Proposal:</u>	Change of use from single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Revised drawing and description).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	07.08.2020
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	02.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Townsend C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2134 02	D	16 October 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

4. The kitchen and living/dining room and storage area as detailed on the approved plans shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

5. The hereby approved development shall only be occupied by a maximum of four (4) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a maisonette (set over the first and second floors) of a historic terraced property on the west side of Crescent Road within the Round Hill conservation area.
- 2.2. Planning permission is sought to change the use class of the property from (C3) dwellinghouse to (C4) small house in multiple occupation (HMO) including the erection of a privacy screen around the roof terrace on the second floor.
- 2.3. No site visit was carried out for this application, but it was possible to make use of photographs taken for the previous application under BH2019/01986, as well as using streetview and aerial views of the site.

3. RELEVANT HISTORY

- 3.1. **ENF2020/00223:** Enforcement - Building works ongoing following a refusal for an HMO (Case Closed - No Breach 9/7/20)
- 3.2. **ENF2019/00518:** Enforcement - Change of Use, HMO and possible roof terrace without planning permission (Case Closed - No Breach 21/1/20)
- 3.3. **BH2019/01986:** Change of use from single dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4). (Refused 12/11/19)
- 3.4. **88/1685/F:** Alterations and change of use to convert existing dwellinghouse into two self-contained flats including the installation of front velux windows, rear roof extension and rear roof terrace over existing two-storey rear extension. (Approved 31/8/89)

4. REPRESENTATIONS

- 4.1. **Fifty-five (55)** letters were received from neighbours, objecting to the proposed development for the following reasons:
- Impact of noise from HMOs on neighbourhood
 - No need for more HMOs due to other student housing being developed in the area
 - Need more family housing in the city
 - Rooftop terrace would cause additional noise
 - Overlooking from roof terrace
 - Impact on character of conservation area
 - Changes to plans not enough to overcome reason for refusal of previous application
 - Impact on traffic and parking
 - Anti-social behaviour, from noise, littering, and drugs
 - Impact on local facilities e.g. schools
 - Screening of the terrace will not prevent noise
- 4.2. Following amendments made to the plans as originally submitted, the application details were re-advertised and neighbours given another opportunity to comment. From this round of consultation, an additional **ten (10)** letters of objection were received from neighbours. No additional matters were raised, and the amendments were considered to have no impact on the reasons for objection already given by these respondents during the first round of consultation.
- 4.3. **Councillor West** objected to the application on the following grounds:
- The proposal is not materially different to the previous scheme
 - If granted, the number of HMOs would be higher than permitted by policy
 - Impact on noise and disturbance
 - Loss of privacy
- 4.4. A copy of the objection is attached to this report.

5. CONSULTATIONS

- 5.1. **Housing:**
Comment
First floor front bedroom is an inner room so a mist system should be installed in the high-risk kitchen area.
- 5.2. **Planning Policy:**
No Comment
- 5.3. **Sustainable Transport:**
Comment

Car free condition will be required as the site is in CPZ J with 89% uptake from last 12 months available data. Trips unlikely to be significantly greater. Site constrained so no cycle parking.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which finished on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
QD27	Protection of amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the development, the impact of the change of use on the host building and wider Round Hill conservation area, the standard of accommodation for future occupants, as well as the impact on the amenities of local residents.

8.2. An amendment to the plans as submitted with the application was agreed during consideration of this application. Those amendments included the removal of screening around the roof terrace on the second floor, and an internal amendment to the room layout on the first floor resulting in an increased floor area for one of the bedrooms. As these changes included an external alteration, the proposed scheme was re-advertised to neighbours.

Principle of Development:

8.3. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Sui Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.4. A mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and eighty-three separate properties (excluding the application site) have been noted within 50m of the application site. Six authorised HMOs currently exist within this group - one on Belton Road and five on Crescent Road. This represents 7.1% of the total properties within 50m of the application site. The principle of the change of use is, therefore, acceptable, and a balanced mix of dwellings would still exist within the immediate area.

8.5. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwellinghouses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

Design and Appearance:

8.6. The application originally proposed a privacy screen around the roof terrace at the rear of the second-floor bedroom. This was included as a response to concerns raised by members of the planning committee during consideration of

the previous application that a high-level roof terrace might result in harmful overlooking towards neighbouring buildings.

- 8.7. While these concerns were raised, this issue did not form part of the reason for refusal. Furthermore, the presence of the roof terrace is an existing authorised feature and is accessible only through one of the private bedrooms.
- 8.8. It is considered that the impact on the appearance of the building by adding an additional 1.8m screen at that height on the rear of the building, although it would be of limited visibility to the wider area, would nevertheless detrimentally affect the appearance of the building and would also be of a particular concern to the wider character and appearance of the Round Hill Conservation Area.
- 8.9. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.10. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given “considerable importance and weight”.
- 8.11. For the reasons outlined it was considered that the harm resulting from the inclusion of screening outweighed the benefits of increased privacy, and the plans were amended to reflect the removal of the proposed screen.
- 8.12. As a result of the exclusion of the screening there are no external alterations proposed for this application and so the change of use itself has no impact on the conservation area.

Impact on Amenity:

- 8.13. 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.
- 8.14. The previous application under BH2019/01986, for a 5 person HMO, was refused due to concerns regarding the increased noise and disturbance to neighbouring occupiers as a result of the intensification of use of the property. The current application now proposes four occupants. The existing property has four bedrooms and could currently be occupied by a family of four adults or a larger family with smaller children. A HMO with four adults is more commensurate with the existing potential levels of occupation/usage and accordingly it is considered that the potential level of harm that was perceived to result from a larger HMO has been overcome.
- 8.15. In addition, given the number of HMOs within a 50m radius is within policy stipulations, it is considered that the impact of this use would not have a disproportionate or adverse impact upon the on the wider amenity of the street.

- 8.16. For the reasons discussed above, no screening is proposed to the existing roof terrace which was granted permission in 1988 (application reference 88/1685/F). The additional height that the screen added to the building would have resulted in loss of light and loss of outlook from nearby windows serving the kitchen and one of the bedrooms within the application address, which would adversely impact on the standard of accommodation, and this harm to amenity is considered to outweigh any existing overlooking from the authorised terrace.

Standard of Accommodation:

- 8.17. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.
- 8.18. The current application retains the floorplan from the previous refused application but differs from it by reducing the number of bedrooms from five to four, by relocating the kitchen to a space formerly occupied by a bedroom on the first floor, with an associated increase in the amount of communal space. This also enables the floor area of the bedroom in the second floor roofspace to be increased and the area formerly identified as a 'study' to become a storage area. The second floor bedroom includes private access to the rear roof terrace. The bedrooms on the first floor all exceed 7.5msq and are suitable for occupation by one person. The second floor bedroom would be 15.7msq.
- 8.19. The layout and standard of accommodation was considered acceptable in the previous application and did not form part of the reason for refusal. Given that one fewer occupant is now proposed, it is considered that the space provided by the bedrooms and the degree of communal space available for use by up to four occupants is considered to provide a suitable standard of accommodation.

Sustainable Transport:

- 8.20. The proposed change of use is not considered by the Highway Authority likely to result in a significant increase in trip generation. It is also noted that the site is constrained and there is no space for cycle storage that might otherwise have been required for a development of this sort and so will not be requested on this occasion.
- 8.21. Although the Highway Authority note that the change of use is unlikely to result in a significant increase in trip generation, they have sought to remove the existing rights of the property to a parking permit.
- 8.22. Given that the existing property could be occupied by four adults at present and the occupants are entitled to parking permits, there is no reasonable basis on

this occasion to require the current property to relinquish its existing rights or require a parking survey as there is unlikely to be a significant increase in trip generation.

9. EQUALITIES
None identified.

Cllr. Pete West
BH2020 01986 - 22 Crescent Road

18th August 2020:

As a ward councillor I would like to support the many residents moved to object to this application.

With one less bedroom the application not materially different to the one previously refused. If granted the density of HMOs in the area would be in excess the policy threshold for acceptance. The impact from noise, disturbance and loss of amenity placed upon neighbours will be considerable.

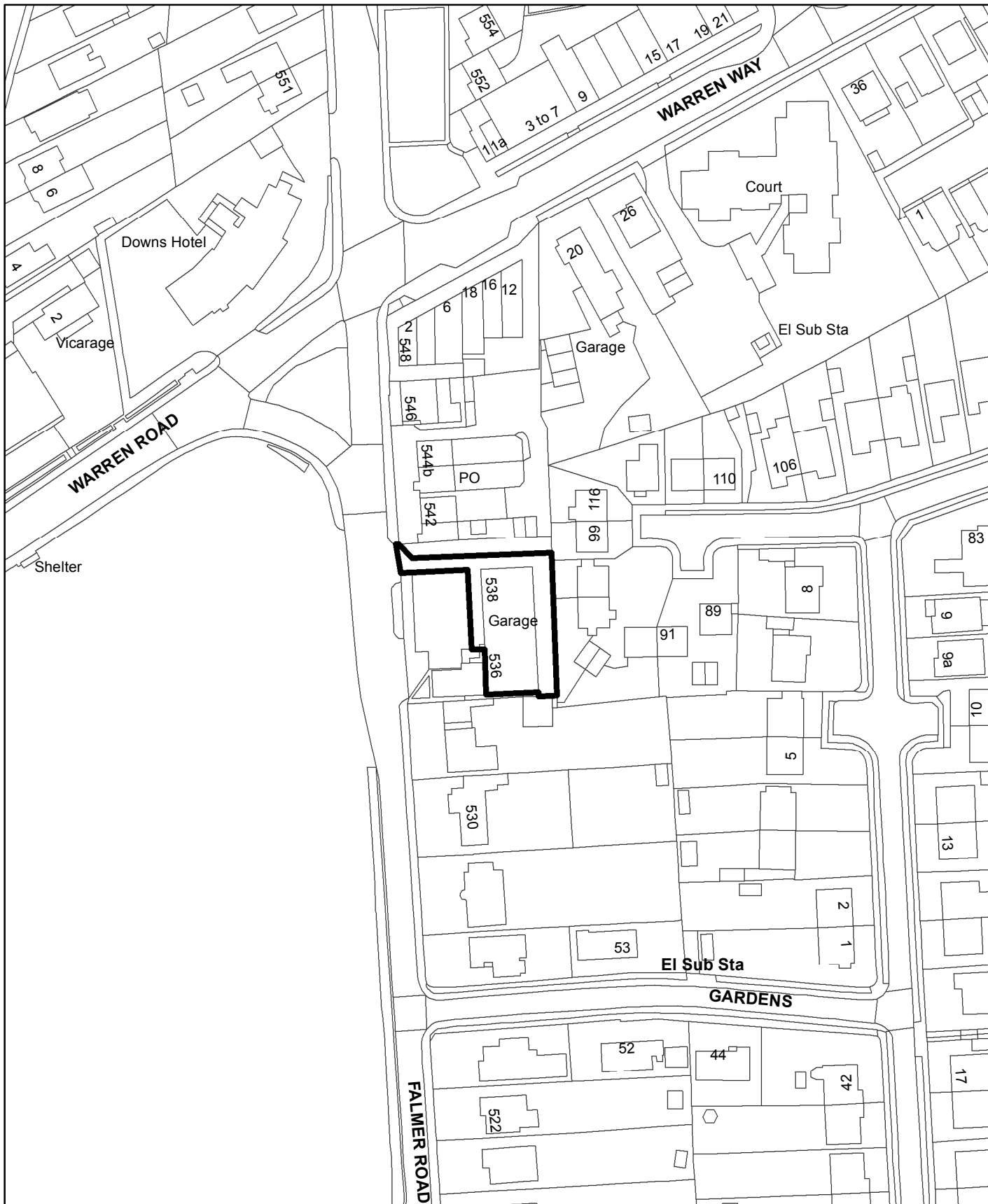
I trust the planning officers will be minded to refuse the application, however in the case they are minded to grant I request the matter is put before the committee for determination.

ITEM H

**Woodingdean Service Station,
534 - 540 Falmer Road
BH2020/02587
Removal or Variation of Condition**

DATE OF COMMITTEE: 2nd December 2020

Woodingdean Service Station, 534 - 540 Falmer Road



Scale: 1:1,250

<u>No:</u>	BH2020/02587	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Woodingdean Service Station 534 - 540 Falmer Road Brighton BN2 6ND		
<u>Proposal:</u>	Variation of conditions 3 (opening hours) and 4 (machinery operating hours) of application BH2002/01601/FP (Change of use of former car showroom at ground floor to use for vehicle inspection and testing for MOT certification with sales area for accessories and customer reception at ground floor and lower ground floor level.) so that the premises can be opened until 18:00 on Saturdays with machinery operating hours on Saturdays extended until 17:00.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	21.09.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Woodward Automotive Ltd Autovets 536-540 Falmer Road Brighton BN2 6ND		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			14 September 2020

2. Not used.
3. The premises shall not be open except between the hours of 0800 to 1900 hours Mondays to Fridays; 0800 to 1800 on Saturdays; and not at any time on Sundays or Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan.
4. No machinery shall be operated, no process shall be carried out, no vehicles shall be repaired either mechanically or to the bodywork and no spraying shall take place outside the following times: 0800 to 1800 hours Mondays to Fridays;

0800 to 1700 hours on Saturdays; and not at any time on Sundays or Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan.

5. At no time outside the main building shall vehicles be either repaired or sprayed.
Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan.
6. No flue, vent or chimney or other means of extraction system shall be installed without the prior written consent of the Local Planning Authority. Such installation shall be carried out strictly in accordance with a scheme submitted to and approved by the Local Planning Authority prior to works commencing on site.
Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan
7. Not used.
8. Not used.
9. The windows on the north and east elevation of the building shall be permanently locked shut.
Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan.
10. No panel beating shall be carried out at the premises at any time.
Reason: To safeguard the amenities of the locality and to accord with policy QD27 of the Brighton & Hove Local Plan.
11. The ground floor windows to the east and north elevations shall be obscure glazed and thereafter permanently retained to the satisfaction of the Local Planning Authority.
Reason: To prevent overlooking to residential properties and to accord with policies QD14 and 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a commercial car repair/MOT garage on the eastern side of Falmer Road in Woodingdean, Brighton.

- 2.2. The application seeks planning permission to vary two conditions on the original permission BH2002/01601/FP for the MOT garage relating to opening hours (condition 3) and machinery operating hours (condition 4).
- 2.3. During consideration of the application, the description was amended (following Environmental Health comments) and the earlier opening hours on (07:20 - 08.00) weekdays was removed from the proposal. The application is now only seeking later opening and machinery operating hours on Saturdays. The revised application seeks later opening on Saturdays from 16:00 to 18:00 and later machinery operating hours from 13:00 to 17:00 on Saturdays.

3. RELEVANT HISTORY

- 3.1. BH2002/01601/FP - Change of use of former car showroom at ground floor to use for vehicle inspection and testing for MOT certification with sales area for accessories and customer reception at ground floor and lower ground floor level. Approved 06.09.2002.

4. REPRESENTATIONS

- 4.1. **Six (6) letters** have been received objecting to the proposed development for the following reasons:
 - Additional traffic
 - Detrimental effect on property value
 - Noise
 - Too close to boundary
 - Extended hours would exacerbate existing issues
 - Overdevelopment
 - Already working later on Saturdays, bank holidays and some evenings
 - Residential amenity

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection
Due to the proximity of residential properties in the vicinity of the service station and the noises that are reasonable to assume with its normal/daily operations, have concerns that earlier opening of the premises could have a significant and detrimental impact upon the amenity of these properties.
- 5.2. However, due to the increased background level of noise in the area (directly adjacent to a very busy main road) would not object to extended opening hours on a Saturday.
- 5.3. Should the applicant wish to resubmit details that do not include earlier opening hours, will be happy to consider this.

- 5.4. However, without further details clearly demonstrating that nearby residential will not be affected by earlier opening hours, currently would not be happy to approve an extension of opening hours as proposed in the current application.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which closed on 30 October 2020.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to whether the proposed extension to opening hours is acceptable in terms of the impact on the amenity of adjoining neighbours and the local area.
- 8.2. The application site is currently permitted to open between the hours of 08:00 and 19:00 Mondays to Fridays and 0800 to 1600 Saturdays. The permitted machinery hours are currently 0800 to 1800 Monday to Friday and 0800 to 1300 hours on Saturdays. No opening or machinery operating at any time is permitted on Sundays or Bank or Public Holidays.
- 8.3. The application as amended seeks to introduce longer opening and machinery operating on Saturdays with opening hours increased to 1800 hours and machinery operation until 1700 hours. As originally submitted, permission was also sought to open the premises earlier at 07.20, however, this was deleted from the proposal following comments received from Environmental Health.

Impact on Amenity:

- 8.4. 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.
- 8.5. The proposed extended opening and operating hours on a Saturday have not been objected to by Environmental Health. While the comment received did set out significant and detrimental impact concerns from proposed earlier opening hours during the week, which have now been removed from the proposal, it did not raise similar heightened concerns regarding alterations to Saturday closing hours. No concerns were raised in respect of the later opening (condition 3) and operating (condition 4) hours on Saturdays. The restrictions on not opening on Sundays and Public or bank Holidays are unaffected by this proposal and the premises would continue to be restricted on those days.
- 8.6. While it is acknowledged that the extended opening hours will create a longer duration of noise on a Saturday it is not considered that this would be significantly harmful to warrant refusal.
- 8.7. It is also noted that in addition to restrictions placed on the original permission requiring the premises to open during set times and only use machinery during set times, the premises are also subject to other restrictions. These are that there shall be no panel beating at any time, vehicles shall not be repaired or sprayed outside the building at any time and that the windows of the north and east elevation shall remain permanently shut. These conditions are recommended to remain in place to safeguard the amenities of the locality in accordance with policy QD27.
- 8.8. Some conditions from the decision notice for BH2002/01601/FP have been updated to reflect current development plan policies. Others referred to were pre-commencement matters and as such conditions have not been re-applied to this decision as the use has long begun and these would now be unenforceable so

serve no value being added now. To ensure consistency with condition number the conditions that no longer apply have been stated as 'not used'.

- 8.9. Overall subject to compliance with the attached conditions, it is not considered that the proposed extended Saturday opening and machinery operating hours would have a significant detrimental impact on the amenities of neighbouring properties that would warrant refusal of the application.
- 8.10. Objections received regarding effect on property values is not a material planning consideration. The objections also refer to non-compliance with the existing opening hours. The failure to comply with hours restricted by a planning condition should be reported to the Council's enforcement team for investigation and is not a consideration in the determination of this planning application.

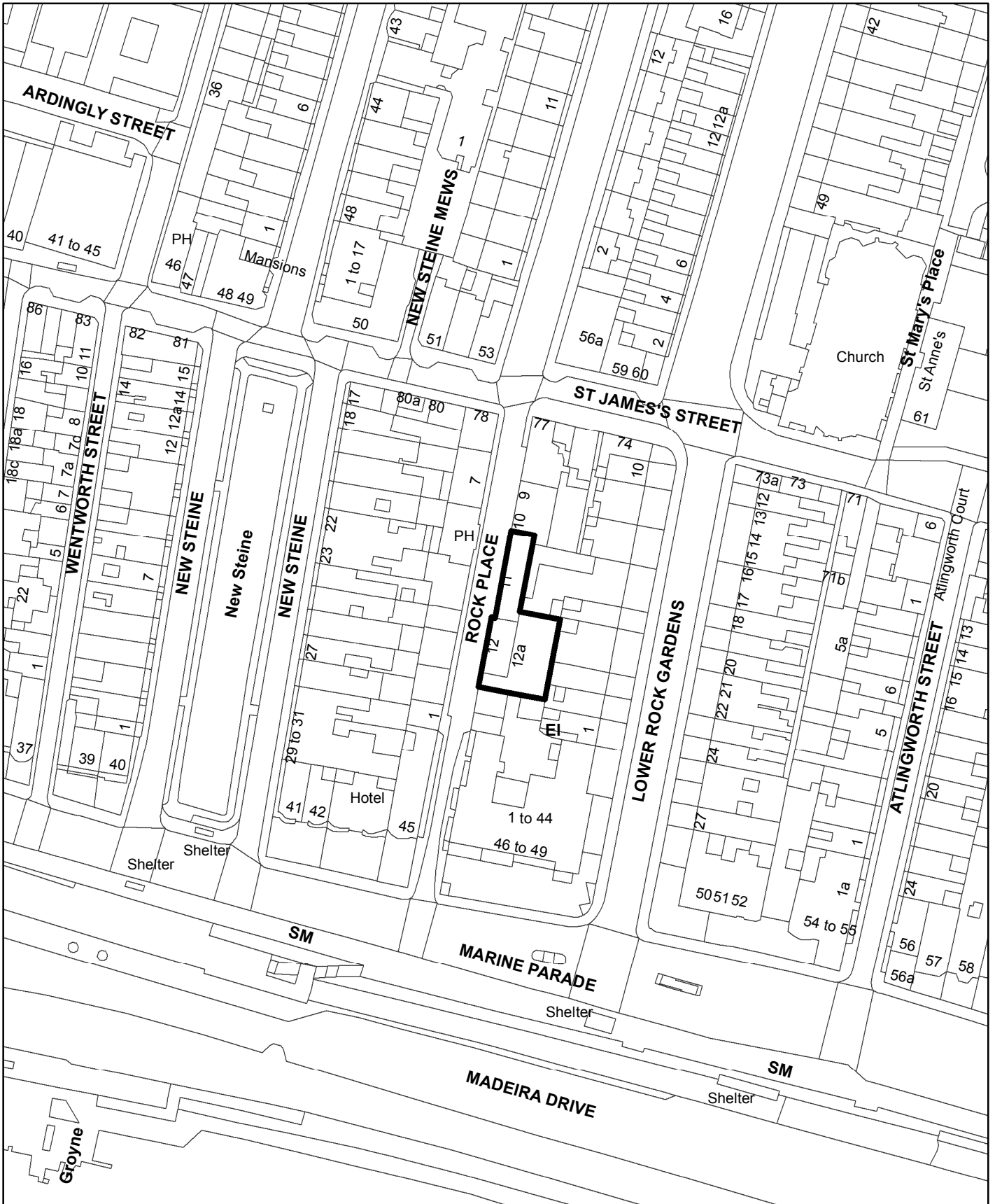
9. EQUALITIES
None identified

ITEM I

**11-12 Rock Place
BH2020/01505
Full Planning**

DATE OF COMMITTEE: 2nd December 2020

BH2020 01505 - 11-12 Rock Place



N



Scale: 1:1,250

<u>No:</u>	BH2020/01505	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	11 - 12 Rock Place, Brighton, BN2 1PF		
<u>Proposal:</u>	Demolition of existing buildings and erection of a part two, part three storey mixed use development comprising flexible co-working B1(a) use on ground & first floors, 3no. one bedroom flats & 1no. two bedroom flat (C3) on first & second floors with roof terrace.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	04.06.2020
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	30.07.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	23.10.2020
<u>Agent:</u>	GHOST Mr Ben Stanier 112-114 Great Portland Street London W1W 6PH		
<u>Applicant:</u>	Mr CSJ Lewcock 36 Vine Street Brighton BN1 4AG		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to GRANT planning permission and the following Conditions and Informatives as set out hereunder.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	219013 -A2.1		20 October 2020
Proposed Drawing	219013 -A2.2		20 October 2020
Proposed Drawing	219013 -A2.3	A	20 October 2020
Proposed Drawing	219013 -A8.1	A	20 October 2020
Proposed Drawing	219013 -A8.2		20 October 2020
Proposed Drawing	219013 -A9.1		20 October 2020
Proposed Drawing	219013 - SK2.1		20 October 2020
Location Plan			04 June 2020
Block Plan			04 June 2020
Report/Statement	Phase 1: Desktop Study and Preliminary Desk Assessment Report		04 June 2020
Report/Statement	Transport Statement		07 August 2020
Report/Statement	Travel Plan		07 August 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development above ground floor slab shall take place until full details of all dormers and their windows including 1:20 elevations and 1:1 sections have been submitted and carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab shall take place until full details of all new windows and doors and their reveals and sills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. No development apart from demolition 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:

- a) samples of all brick (including details of its bonding and pointing), render and tiling (including details of the colour of render and paintwork to be used);
- b) a product specification sheet for the street bollards; and
- c) 1:20 elevations, 1:1 sections and a product specification sheet for the roof terrace hard surfacing and balustrading, including that for the means of separation.

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. A bee brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

7. Eight swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

8. The hard surface, including to the segregated pedestrian footpath, hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the

hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

9. The B1(a) office use hereby permitted shall not be carried out except between the hours of 09:00 and 17:00 on Mondays to Fridays, and not at all on Saturdays and Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

10. Details of soundproofing and glazing specifications shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. They shall be installed in accordance with the approved details and shall be retained in perpetuity in accordance with those details thereafter.

Reason: To safeguard the amenities of the future residential occupiers, to not unacceptably restrict the activities carried out by the licenced premises at 6 Rock Place and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

11. Notwithstanding the drawings hereby approved, the development hereby permitted shall not include a door accessing the residential staircase to the southern part of no. 12 at first floor level.

Reason: To safeguard the privacy of the future residential occupiers and to comply with Policy QD27 of the Brighton & Hove Local Plan.

12. Within 6 months of commencement of the residential development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14.

- 13.

(a) Notwithstanding the drawings hereby approved, the development hereby permitted shall not be occupied until details of accessible and spaced cycle parking facilities providing 14 spaces for the employees of, and visitors to, the commercial development 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.

- (b) The commercial development hereby permitted shall not be occupied until showers and changing facilities are provided to cater for a minimum of 10% of staff.

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 and SPD14.

14. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

15. No development, including demolition and excavation, shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

16.

- (1). No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2). The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of Condition 18 (1b) that any remediation scheme required and approved under the provisions of Condition 18 (1b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise

agreed in writing by the Local Planning Authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with Policy SU11 of the Brighton & Hove Local Plan.

17. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

18. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

19. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' / 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority.

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

20. The ground and first floors of the building hereby approved shall be used as an office (Use Class E(g)(i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area, the City's office space and to comply with Policies QD27 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One.

21. The works of demolition hereby permitted shall not begin until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the conservation area and to comply with Policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
4. The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Local Highway Authority (copied to the Council's Parking Infrastructure Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.

6. The applicant is advised that the condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of parts (a) and (b) of Condition 16.
7. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
8. The water efficiency standard required under Condition 18 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.
9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
10. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements.
11. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to 11 and 12 Rock Place on the east side of this mews. The former is a single storey with pitched roof vacant vehicle repair garage (Use Class B2) whilst the latter is a two storey vacant used car dealership (Sui Generis) on the ground floor with two residential units (Use Class C3) above, also with a pitched roof. No. 12 has a underpass leading to a double height space to the rear where vehicles used to be stored.

- 2.2. The subject properties are located towards the northern end of Rock Place, closer to the junction with St James's Street than to the southern junction with Marin Parade (A259). Properties on the western side of Lower Rock Gardens back onto the rear of the site. Rock Place itself is a one-way street from south to north with double yellow lines to the southern part and a few marked parking spaces.
- 2.3. The buildings are within the East Cliff Conservation Area, but are not subject to an Article 4 direction removing permitted development rights nor are they listed. The closest listed buildings are at 8 and 9 Lower Rock Gardens and Chain Pier House (both Grade II listed). The site is also within It is also within Controlled Parking Zone (CPZ) C.
- 2.4. The current application seeks planning permission for the demolition of the existing buildings and the erection of a part two, part three storey mixed use development comprising flexible co-working B1(a) use on the ground & first floors, 3 one bedroom flats & a two bedroom flat (C3) on the first & second floors with a roof terrace.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00298:** Phased redevelopment to provide office / studio space at ground floor level with residential flats above at 2-5 and 11-12 Rock Place. Advice issued 12 March 2019
- 3.2. **BH2019/03350:** Demolition of existing buildings and erection of a three storey (plus basement) mixed use development comprising flexible co-working B1 use over basement, ground & first floors and 5no one bedroom flats on the second floor. Withdrawn by the applicant 15 January 2020 following concerns from Officers
- 3.3. **PRE2020/00042:** Demolition of existing car garages and construction of a new 4 story building comprising basement, ground and first floor co-working space and five self-contained residential flats at second floor level. Response issued 26 March 2020 giving the following advice:
 - The proposal would not result in a loss of employment, instead providing a substantial amount of office floor space would support the Council's objectives;
 - Whilst the provision of 3 additional dwellings would make a contribution to the Council's housing targets, justification must be provided as to why they all have one bedroom;
 - The proposal, by reason of its scale, mass, form and detailing, would be incongruous and would fail to respect the character and appearance of Rock Place as a service street / mews and the East Cliff Conservation Area contrary to national and local policy;
 - The non-provision of an internal courtyard to provide landscaped amenity space for the offices should be justified and the proposal must result in a net gain for biodiversity;

- The impact upon the flats at 6 and 7 Lower Rock Gardens in terms of outlook and overlooking, and on Brighton Rocks from noise and disturbance should be addressed;
- The proposed dwellings should meet or exceed the Technical Housing Standards - Nationally Described Space Standard and be provided with sufficient ventilation, outlook and natural lighting, but on site external amenity space is not required;
- Disabled parking apart, car-free development is acceptable, the residential and commercial units must have separate cycle spaces and bin stores, the travel plan must be revised and a servicing and deliveries management plan must be provided; and
- The proposal must result in sustainability gains and contamination being remediated.

3.4. Of relevance at 2 - 5 Rock Place:

BH2019/01200: Change of use of the ground floors from car showrooms/workshops (Sui Generis) to office/studio (B1) incorporating revised fenestration to front elevation, installation of roller shutter and associated work.
Granted 30 September 2019

4. REPRESENTATIONS

4.1. **Two (2)** representations in support, including one from the Regency Society, have been received for the proposal for the following reasons:

- It is an improvement on the earlier scheme in that a 2 bed flat has been introduced together with a shared roof terrace. The fenestration has been revised to be more appropriate for the area.
- It seems like an appropriate set of buildings, sits well within the street and will complement the recent development at 2-5 Rock Place.
- It will be a car-free scheme and the introduction of bollards will prevent unofficial, random car parking and provide a safe route for pedestrians.
- The regeneration benefits outweigh any adverse impact on the conservation area.
- The current buildings are ramshackle and of no merit attracting anti-social behaviour, particularly drug use.

4.2. **Councillor Rainey** has supported the application for the following reasons:
Investment to the area

- Good quality accommodation
- In keeping with the Conservation Area
- High environmental standards
- Development will be car free
- Provide cycle storage

A copy of the correspondence is attached to the report.

4.3. **The Conservation Advisory Group (CAG)** has recommended that this application be refused and be heard at Planning Committee for determination for the following reasons:

- No attempt has been made to improve the proposal on previous applications, as there still is a failure to appreciate the scale and simplicity of the old stables and workshops being the last visible signs left in Rock Place of the latter part of the C18th.
- This unassuming side street which still illustrates how it served the grander properties of New Steyne and Rock Gardens does not require an architectural statement of no period and nor random references to other buildings in the CA. The preservation of the existing idiom would be much more helpful.
- To reclaim and incorporate the original clay peg tiles of No 11 should be part of any new proposal.
- The overall design is clumsy and too large and inappropriate as before. Also the advice given at the pre-application stage as to the hierarchy of the windows, size of dormers etc., seem to have been ignored.
- This development will visually harm the Conservation Area.

5. CONSULTATIONS

5.1. **Heritage:** Approve with conditions

North Block

The proposed north block is two-storeys with accommodation within the attic. The roof form has been amended from a non-traditional mansard to a gable roof running north-south. This change to the roof shape of the north block is welcomed and presents a more traditional roof profile to the street.

- 5.2. The location and size of the dormers in the north block have been revised to be smaller and align with the windows below. This also reflects the earlier comments that the window opening sizes should reflect the traditional hierarchy seen throughout the conservation area. A condition will be required for dormer details for all the proposed dormers within the scheme.

- 5.3. The re-use of the existing clay peg tiles on this non-traditional mansard roof is welcomed. The painted brick finish is also a suitable material finish for the building as it relates well to the historic service use of Rock Place.

Middle Block

- 5.4. The window treatment of the first floor has been amended to relate better to the ground floor windows. The large ground floor windows / doors have been amended to sit at ground level and not on a plinth as previously submitted. A condition requiring door and window details will be required for all street elevation openings. A condition should also be required regarding the materials and detailing of the roof terrace balustrading.

South Block

- 5.5. The southern block of the proposal has undergone the most amendments from the initially submitted proposal. The overall roof form and siting of the southern block has been altered in line with the initial heritage comments provided. Instead of replicating the poor architectural example to the immediate south of the subject site, the southern block now sits better with the middle and northern

blocks. The roof form is now a traditional mansard to the street and is pitched from well behind the parapet which minimises the bulk of the roof. This has also allowed dormers to sit behind the parapet to gain additional internal space. As with the northern block, the windows and dormer positions and sizes have been rationalised and follow the traditional hierarchy of openings within the conservation area. As mentioned above, window, dormer and door details on the street elevation will be required by condition.

5.6. Policy HE8 of the Local Plan requires proposals to retain buildings and structures that make a positive contribution to the character and appearance of the conservation area. Whilst the existing buildings on the subject site are representative of the historic service street, they are not considered to make a positive contribution to the conservation area. However, as advised in previous applications and pre-application advice, the built form and scale of the buildings does make a positive contribution to the conservation area in that they represent the historic service nature of Rock Place. As the current buildings on site are not considered to make a positive contribution to the character and appearance of the conservation, Policy HE8 does not apply. The assessment of the proposal has been undertaken using Policy HE6 to ensure the proposed development preserves the character and appearance of the East Cliff Conservation Area.

5.7. The amended plans have addressed the initial concerns raised in the June heritage comments. The proposal now represents a high standard of design and reflects the character and appearance of Rock Place and the wider East Cliff Conservation Area and is in accordance with the requirements of Policy HE6. Therefore, the proposal as amended is supported subject to conditions.

5.8. **Transport: Unable to Approve**

The LHA strongly objects to the design of the footway, which is on public highway, due to:

- The footway not proposed to be continuous and level having steps and a raised entrance to the proposed site. This means that those with visual and mobility disabilities shall have difficulty or be unable to fully travel along the full length of the footway.
- There being insufficient details submitted with regards to the proposed works on the carriageway including its feasibility. This should include carriageway widths, levels and swept path analysis etc. and include any approved works on the highway associated with the proposals at 2-5 Rock Place. These must be provided prior to determination to ensure that the street shall operate acceptably when the amendments have been made. The applicant states that “they are happy to have a Planning Condition imposed for the detailed design of the proposed bollard arrangement together with swept path analysis prior to occupation of the development” however there is no certainty that widths will then be sufficient and is therefore conditioning such works would not be appropriate in this instance.
- Several doors opening outwards onto the footway, that may obstruct and hit pedestrians without warning when opened. Due to this being on public highway, and in reference to The Highway Act 1980, the LHA has the

right to remove and block up any doors that pose such a hazard to highway users.

- 5.9. The applicant forecasts that there is likely to be overspill of 18 vehicles from this development. The implementation of an adjacent footway including parking restrictions is likely to lead to the displacement of other vehicles not associated with the current businesses.
- 5.10. The applicant has not provided surveys that demonstrate how these additional vehicles shall be accommodated in the local area, other than stating that there will be “*stringent existing parking controls and permit restriction on staff and residents will ensure that there is no on-street overspill parking. The development will be marketed as car-free to future residents.*” However, this cannot be applied as the car permit-free condition is not appropriate and would not be applicable to staff at the new B1 use (only the residential element). Therefore, the LHA cannot be satisfied that the site’s users would genuinely be car-free and users may park in nearby streets to access the site.
- 5.11. Assessment of the transport impact of the development needs to be robust and independent, and include parking surveys in line with the Lambeth Methodology and Parking Standards SPD14. At present the applicant has not carried out such surveys and does not satisfy the concerns of the LHA.
- 5.12. The applicant has stated that it will encourage its users to be car-free and that those who choose to drive can use local car parks. However, in reality these are further away and the applicant is unlikely to be able to prevent its staff and visitors parking in nearby streets. In this case, the applicant has not demonstrated that there will not be a severe impact or overspill onto the highway as per SPD14 and NPPF.
- 5.13. The applicant is providing four bike lockers (one per unit) for the residential units. Their dimensions suggest that residents will be expected to store their bicycles vertically, which is not acceptable as the spaces will not be accessible to all. Cycles may also be damaged by such type of storage in long stay use. It is also noted that most of the other 14 spaces (7 Sheffield type stands) are inadequately spaced (700mm as opposed to 800mm in Department for Transport’s Manual for Streets).
- 5.14. Whilst some of the TRICS parameters for the comparison sites are not ideal in the submitted transport report and travel modal splits are estimated using 2011 Census modal data, the traffic impact associated from the new use is not significant enough to warrant a reason for refusal.
- 5.15. The applicant outlines various parking and other options for disabled users to access the site, to which no objection is raised.
- 5.16. A Travel Plan has been submitted to support approval and this can be secured as part of a S106 obligation should permission be granted.
- 5.17. A store is being provided for the commercial waste associated with this development and this appears to be acceptable.

- 5.18. When considering the need for a sustainable transport contribution, the number of daily person trips is considered together with the need for any off-site improvements to serve the proposed development. On this basis and when using the applicant's indicated trips in its Transport Report, a contribution of £28,000 is recommended, calculated in accordance with the Council's Development Contributions Technical Guidance.
- 5.19. The contribution will be allocated towards a number of schemes in the local area. These improvements should include but not be limited to:
- Dropped kerb and tactile paving across the southern entry point to Rock Place.
 - Bus stop accessibility improvements, such as real time information signs, at the nearest westbound bus stop 'New Steine' to the City Centre and the eastbound 'New Steine' bus stop taking the site's users to Rottingdean, Saltdean, Easts Sussex and beyond.
- 5.20. As of 5th October 2020 the Council will be taking contribution through the Community Infrastructure Levy (CIL), which will replace the individual contributions required to mitigate the impact of developments, such as the outlined sustainable transport contribution. Therefore, if this application is determined after the CIL is introduced then this will replace the sustainable transport contribution and the outlined works will be funded through the CIL instead.
- 5.21. **Planning Policy:** No objection subject to the considerations outlined below and a restriction of use condition
Employment Floorspace
The proposed development is located within Rock Place which is considered to be a mews. Therefore, Local Plan Policy EM11 and City Plan Part One Policy CP3 apply. As B1 use is retained on the ground & first floors, including a 600m² increase in B1 employment floorspace, the requirement for the test of redundancy and unsuitability of the B2 use is not required and the application is considered to conform with the policies.
- 5.22. The provision of 600m² new flexible co-working B1 office floorspace is welcomed; providing space for creative media and digital industries. No concerns are raised with any of the criteria in Local Plan Policy EM4 in this instance.
- 5.23. In addition, draft CPP2 Policy DM11 requires development proposals involving the provision of new B1 floorspace to provide for well-designed buildings and layouts suitable for their use and to 'future proof' the floorspace. Particular close attention is needed to check that the design features outlined in paragraph 2.97 have been taken into consideration and shown in the proposed plans in order to ensure that the space is fit for purpose and therefore will allow for a successful take-up of the employment floorspace including under any continuing or future social distancing restrictions.

- 5.24. Permitted development rights allow for the automatic change of use from B1(a) office to residential. In order to safeguard the B1(a) employment space a condition should be applied restricting the use of the employment space for no other purpose other than B1 office.

Residential

- 5.25. The provision of four residential units would result in the net gain of two dwellings and will make a small contribution towards the city's housing target as set out in City Plan Policy CP1. There are three one-bed and one two-bed units proposed, and although it is not demonstrated how housing demand and need was taken into account, as required by policy CP19c, the mix appears acceptable.

- 5.26. The proposed units should meet the minimum Nationally Described Space Standards (NDSS) as required by the draft CPP2 Policy DM1 and amenity considerations in Local Plan Policy QD27 and CPP2 Policy DM20 should be also be taken into account.

Heritage

- 5.27. The site is located within East Cliff Conservation Area and in the setting of a listed building. The case officer will need to give attention to the impact of the proposed development on the conservation area and listed building and careful consideration should be given to comments from Conservation Officers regarding the acceptability of loss of the original mews buildings and of those to replace it.

Waste Management

- 5.28. The demolition of the existing buildings will create a considerable quantity of demolition waste. A comprehensive Site Waste Management Plan should be required by condition.

- 5.29. Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised. Circular economy principles should be incorporated wherever possible.

- 5.30. Policy WMP3e requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. A refuse area is indicated on the proposed ground floor plan.

- 5.31. **City Regeneration: Approve**

The application will provide much needed development to this site and help to regenerate the area. The proposed creative media and digital co-working spaces would be a good mix with the existing surrounding businesses and commercial premises.

- 5.32. As this development creates additional employment space of 600sqm, in accordance with Planning's Technical Guidance for Developer Contributions, there will be a requirement to submit a contribution £6,000.

- 5.33. In addition, and as an obligation with a S106 agreement, an Employment & Training Strategies must be submitted in respect of both the demolition and construction phases of the development at least one month prior to the respective phases.
- 5.34. The strategies should demonstrate how the developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Coordinator and organisations operating in the city to encourage employment of local construction workers during the demolition (if applicable) and construction phases of the proposed development, with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the proposed development are provided for local people (residents living within the city postcodes).
- 5.35. **Environmental Health: Approval with conditions**
Noise
The applicant plans to put residential opposite Brighton Rocks, 6 Rock Place a well-established public house. There have been noise complaints made in the past, and the weekend of Pride, Rock Place is closed off for street parties. With residential being so close, it is possible this could lead to formal noise complaints, which Environmental Health would be duty bound to investigate and take action over if a nuisance was found.
- 5.36. Ultimately though it is recognised there is shortage of housing and it will be up to the planner to decide based on all information provided, whether on balance the need for housing outweighs concerns raised.
- Contaminated Land**
- 5.37. 11-12 Rock Street according to the Kelly's 1974 directory has been a Motor Engineers.
- 5.38. No works to be undertaken as part of this permission shall commence until there has been a desk top study submitted to and approved in writing by the Local Planning Authority followed by a site investigation report if potentially contaminants are found, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.
- 5.39. **Southern Water:**
A formal application for a connection to the public foul sewer is required, and this should be attached to any consent as an informative.
- 5.40. The planning application form makes reference to using Sustainable Urban Drainage Systems (SUDS), which may be adopted by Southern Water if requested by the developer.
- 5.41. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.

- 5.42. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.
 -
- 5.43. Initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water run-off to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the agreed discharge rates. Foul and surface water on-site network shall remain separate until the boundary of the site or final connection to public sewer.
- 5.44. The disposal of surface water from this development should be in compliance with the hierarchy of Part H3 of Building Regulations:
- a) An adequate soakaway or some other adequate infiltration system
 - b) A water course
 - c) Where neither of the above is practicable: a sewer.
- 5.45. It is possible that a public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation into its ownership will be required before any further works commence on site.
- 5.46. Should this application receive planning approval, the following condition is requested to be attached to the consent: *“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Planning for Sustainable Economic Development
CP3	Employment Land
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP13	Public streets and spaces
CP15	Heritage

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM4	New business and industrial uses on unidentified sites
EM11	Mews - mixed uses
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation and Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, landscaping and biodiversity, the impact on neighbouring amenity, the proposed standard of accommodation, the impact on the highway, contamination and sustainability.

Principle of development:

- 8.2. It is noted that the existing buildings were formally in use as a car workshop (Use Class B2) and a car showroom (Sui Generis). They are considered to be in a mews and therefore Local Plan Policy EM11 applies. Part (a) outlines that planning permission will not be granted for the change of use of such businesses to residential unless employment floorspace is retained at ground floor level. It further states that where B2 uses are no longer required, then the premises will be retained for B1(a), (b) (c) business use.
- 8.3. The proposed development would result in a change of use to an open plan, flexible, co-working B1 office over the ground and first floors, with the retention of a residential use above. The car workshop business has moved to 1 Church Road in Portslade and the car showroom business has relocated to Unit 3 of Harbour Industrial Estate in Shoreham-by-Sea. As such, the proposal complies with Policy EM11.
- 8.4. Local Plan Policy EM4 relates to new office uses. The site is readily accessible by public transport, walking and cycling, and would not result in the net loss of residential accommodation or an important open space. In terms of the need for the proposed use, the Employment Land Study 2012 indicated that the city as a whole has insufficient supply of B1 office space to accommodate future employment needs. The scheme for an additional 600m² (1,070m² in total) of office floor space would therefore support the Council's corporate and strategic objectives to support business growth, income generation and job creation. There is no landscaped amenity open space, but it is not considered possible to provide this without compromising the privacy and security of the residential uses above.
- 8.5. The impact of the proposal on the environment and residential amenity as per criteria e and f of the policy is considered further upon in this report. The provision of further employment space is, however, supported in principle.

- 8.6. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.7. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.8. The site counts as a small 'windfall site', bringing the benefit of providing two additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of two dwellings (such as that in this proposal) would represent a minor contribution.
- 8.9. Accordingly, the proposal is acceptable in-principle and is considered to be compliant with Policies SS1, CP1, CP2, CP3, EM4 and EM11.

Design and Heritage:

- 8.10. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.11. In considering whether to grant planning permission which affects the setting of a listed building the Council has a statutory duty to have special regard to the desirability of preserving its setting and any features of special architectural or historic interest which it possesses.
- 8.12. Rock Place is characterised by its historical service use with ad-hoc development and informal architecture adding to the distinctiveness of the narrow street. Varied building heights, roof forms and building fenestration also add to the character of the street.
- 8.13. Historic OS maps indicate that the properties along the western side of Rock Place were likely associated with the grand townhouses of the (eastern side of) New Steine. The ordnance survey maps show less convincing evidence of this on the eastern side of Rock Place, but these sites may also have been associated with the larger townhouses on Lower Rock Gardens.
- 8.14. Whilst the existing buildings may be representative of the historic service street, the demolition of the existing buildings is considered acceptable since

they are not considered to make a positive contribution to the conservation area. Local Plan Policy HE8, which requires the retention of buildings that do make a positive contribution to be retained does not therefore apply.

- 8.15. Given the historic setting of this site it is important that the scheme responds to that as well as the existing context sitting between a two storey building (no. 10) with a tall hipped roof to the north and a three storey building (no. 12a) to the south with dormers in the roof forming accommodation on the top floor. As such, it is two storeys to what will now be referred to as the 'middle block' and three storeys to what will henceforth be referred to as the 'north and south blocks'.
- 8.16. All of the proposed buildings would exceed the height of those that they are directly replacing, which is considered necessary to provide a viable scheme and to optimise the development potential of the site. However, the proposed scale and massing does not uniformly level-up the street, but instead responds to the historic setting and its context through the variation of building heights. This complies with advice in SPD12 outlining that where a varied roof-line is an important aspect of the character of a street that has developed with buildings of varying height and scale, any proposal to level up buildings to a uniform height will be resisted.
- 8.17. Furthermore, the use of different types of roof typology with varying degrees of roof pitch allows the top floors of the north and south blocks to fit in with existing development along Rock Place and the vicinity as well as be subordinate to the buildings themselves. This is particularly evident in the changes to the south block, which features a traditional mansard with a roof pitch and dormers set well back from the parapet allowing for additional internal space, as opposed to following the less sympathetic architectural example immediately to the south. The use of traditional roof profiles, forms and well-proportioned front dormers are important elements of the design that are supported. Whilst a large area of flat roof is proposed to the middle block, and which is not necessarily a characteristic element on Rock Place or this part of the conservation area, it provides an important external amenity space for two of the residential units, one of which is a family sized dwelling where the provision of such a space would be expected.
- 8.18. The proposed buildings are also considered to be well-designed in respect of reflecting the hierarchy of floors through window sizes, with their size decreasing as the building ascends, inclusive of those within the dormers, which align with the windows below. It is recommended that a condition be imposed to be secure details for all the proposed dormers. A further improvement to the scheme over that originally submitted has been to the ground floor fenestration, which sit level with the ground level and do not open outwards on the proposed segregated pedestrian footpath. Officers also recommend that window and door details be secured by condition.
- 8.19. In terms of materials, such as the painted brick finish, they are considered suitable in this historic setting and are also recommended to be secured by an appropriately worded condition. The condition is recommended to include the

details for the roof terrace balustrade. Officers acknowledge the re-use of the existing clay peg tiles on the non-traditional mansard roof of no. 11, which has benefits in terms of the impact on heritage assets and material waste.

- 8.20. This scheme has undergone various iterations following Officer advice at application stage and during the pre-application process to reach a proposal that is considered to be acceptable for the reasons discussed above.
- 8.21. Given that the proposal in its revised form represents a high standard of design, it is considered to preserve the character and appearance of Rock Place and the wider East Cliff Conservation Area. Since it does not cause any harm to the significance of designated heritage assets, the public benefits of the proposal do not need to be weighed against it, although they would be significant in the form of the 600m² of new employment floorspace as well as the net gain of two dwellings. As such, the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15 and Local Plan Policies QD5, HE3 and HE6.

Biodiversity and Landscaping:

- 8.22. Conditions in respect of bee and swift bricks are recommended to be added in order to provide a biodiversity net gain on the site.
- 8.23. The extent of landscaping proposed is largely limited to the new segregated pedestrian footpath. It is recommended that a condition be imposed to ensure it is finished in porous and / or permeable materials so that any rainwater would not run-off onto the adopted (public) highway. The only other landscaped area would be the roof terrace between the two bedroom flat (Flat C) and the maisonette (Flat D) over the first and second floors. The finish to this has not been specified, but as part of the aforementioned materials condition the surfacing can be submitted for assessment.

Impact on Neighbouring Amenity:

- 8.24. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25. The main impact of the proposal would be the flats at 6 and 7 Lower Rock Gardens. There are hostels at nos. 2, 3 and 4-5 and as such are less sensitive to amenity impacts given their transient nature. The main considerations would be outlook, overlooking and noise/general disturbance.
- 8.26. In terms of outlook, the proposed buildings would be higher than the existing, albeit at the same distance away. Avoiding the uniform levelling-up of the street by providing a two storey, flat-roofed middle block is also considered to provide a sufficient gap for outlook for the occupiers of nos. 6 and 7.
- 8.27. The windows at first floor level would largely serve the offices. Whilst these are a lot closer to the buildings on Lower Rock Gardens than the second floor windows and those to Flat D, their main purpose is to provide natural light and ventilation of the office use, which is not considered to be significantly noisy

and would likely operate between 09:00 and 17:00 i.e. not anti-social hours. The former uses are considered to be substantially noisier. As such, it is not considered that their location gives rise to any harmful overlooking or noise issues, subject to the office hours being secured by condition. The three windows to Flat D largely serve a staircase and are set back approx. 14m from the nearest residential window.

- 8.28. The second floor residential windows to Flats B and C would be set back 1.15m further than the first floor office windows. Given the proximity, it is considered that any section of those windows that is below 1.7m from internal floor level is obscure glazed and fixed shut. It is recommended that this and the opening style of the windows is secured by condition.
- 8.29. Given the substantial increase in commercial floorspace and therefore employees that would be on site at any one time, as well as an increase in residential occupiers, the proposal could result in an increase in general noise and disturbance. As previously noted, opening hours are to be conditioned and whilst Environmental Health Officers have concerns that the future residents may be impacted by noise from the current licenced premises (Brighton Rocks) opposite, this harm is considered to be outweighed by the benefits of this proposal as previously outlined. Whilst it is noted that that future occupants would be aware of the proximity of the pub opposite before occupying the building it is nevertheless important that appropriate glazing specifications and soundproofing are incorporated into the proposed development, to protect residents amenity and avoid noise complaints for the pub. It is recommended that this be achieved by condition.
- 8.30. As such, the proposal is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Standard of Accommodation:

- 8.31. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.32. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.33. Four dwellings are proposed as follows: a 2b4p (2 bedroom, 4 person) flat and three 1b2p dwellings, one of which is a maisonette. All are compliant with the Gross Internal Areas outlined within the NDSS (and in the case of the maisonette is significantly oversized), as are the bedrooms sizes, and this is

therefore considered acceptable. The floor to ceiling height to the first floor level would be 2.77m and that to the second floor mostly at 2.4m, which are considered acceptable.

- 8.34. Only Flats C and D are dual aspect, but Flats A and B face west and east respectively, therefore benefitting from sufficient outlook, ventilation and natural light, subject to the aforementioned condition for details of the windows. The staircase to the southern part of no. 12 is shown as serving both the office and residential uses, which is considered unacceptable, particularly since there is a separate staircase providing access to the first floor office space. It is recommended that a condition be imposed requiring that the first floor door to the residential staircase not be formed.
- 8.35. It is acknowledged that the roof terrace is proposed to be shared between Flats C and D, but this is considered to be inappropriate on privacy grounds. It is therefore considered that as part of the recommended condition for the roof terrace balustrade, details of a means of separation be provided. This also applies to the rear of the roof terrace to prevent overlooking to and from the dwellings to the rear of the site. Splitting the roof terrace would still provide approx. 28m² of external amenity space to each dwelling, which is considered to be an acceptable amount of provision in this instance. For the other two dwellings the proximity of both the beach (a 4 minute walk) and Queens Park (a 7 minute walk) is noted.
- 8.36. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5.

Sustainable Transport:

- 8.37. The site is considered to be in a sustainable location given the proximity to bus stops on Marine Drive and St James's Street, and local shops and services on the latter.
- 8.38. It is recognised that the Local Highways Authority have currently raised an objection in respect of the segregated pedestrian footway, overspill car parking and the quality of the cycle parking provision.
- 8.39. Given that revisions have been provided so that doors do not now open out onto the new footway and that the footway is both continuous and flat, no planning objections are raised to these issues. A condition is recommended in respect it being construction of porous and / or permeable materials for the reasons previously given. It is, however, noted that this is proposed on land pertaining to the LHA and therefore will subject to further discussions with them, separate to the planning process.
- 8.40. As regards overspill car parking, the maximum of 18 vehicles is considered to be a worst-case assessment. In terms of where these vehicles would park, the site (and the streets to the north, east and west) are within a Controlled Parking Zone (CPZ) which prevents on-street parking. It is noted that the nearest street that is not within a CPZ or subject to pay and display is Madehurst Close a mile away, and so approximately 20 minutes' away by foot. The uptake for

residential parking permits within CPZ C is 99% as a 12 month average and 108% for February this year, indicating that it is already oversubscribed. Given that there is no prospect of future residential occupiers gaining a residential car parking permit, it is recommended that they be restricted from applying for such a permit by condition. Although the existing residential units would be entitled to a permit, the loss of any parking in front of the development means there would be a further impact if this entitlement were to be retained. If visitors wished to arrive to site by vehicle, they could use public car parks or the pay and display parking on Madeira Drive.

- 8.41. In terms of the new B1 use, the aforementioned car parking permit restriction on the future occupier(s) would not be applicable. In this case, a Travel Plan has therefore been provided by the applicant for the co-working offices detailing how travel by sustainable modes of transport would be encouraged with dedicated measures to reduce the number of vehicle trips. This is in accordance with SPD14, which states that *“If overspill car parking is likely from a proposed development the Highway Authority would look for... suitable mitigation which could include a Travel Plan which should include measures to promote sustainable travel including but not limited to car club bays and membership and public transport season ticket vouchers.”* Compliance with the submitted travel plan is recommended to be secured by condition rather than by S106 Agreement, which is unnecessary.
- 8.42. Additionally, the applicant has stated that the commercial development would be marketed as car-free to future occupiers and it is considered that the parking bays on New Steine, Marine Parade and Madeira Drive and The Lanes and Chapel Street car parks are unlikely to be a feasible option for employees given the cost of daily parking and of annual season tickets.
- 8.43. It is not considered that a car parking survey undertaken at this time would be representative of the ‘normal’ or pre-Covid situation. As such, the application would not be contrary to NPPF paragraph 109 since it is not considered that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. Moreover, the vehicles that would have been displaced by the new footway are those associated with the businesses, which have since closed and relocated as previously mentioned.
- 8.44. Since there are no wheelchair accessible dwellings proposed, there is no need to provide a disabled parking space. A space is required for each disabled employee for the commercial element plus two additional spaces or 5% of the total capacity, whichever is greater. However, no parking can be provided on-site, including for disabled people. In mitigation, there are designated disabled car parking spaces located on New Steine and Devonshire Place within 150m of the site; they can also park for up to three hours on single yellow or double yellow lines (providing there are no loading restrictions); a wheelchair taxi guarantee service is provided by the Brighton & Hove bus company; and door-to-door transport service for people who find it difficult or impossible to get on and off buses, or to get to the bus stop, would be promoted in the offices and

dwellings. The non-provision of disabled car parking is therefore considered acceptable in this case.

- 8.45. Four lockers for the residential dwellings have been provided in addition to seven Sheffield stands for the commercial element. Whilst ideally separate rooms would be provided, the provision of a separate means of storage is considered acceptable. A total of 14 spaces (11 for staff and 3 spaces for visitors) are required and seven Sheffield stands would be sufficient to accommodate the bicycles. However, insufficient space has been left in-between the stands to allow for bicycles to be manoeuvred in and out. Given that the layout of the room is not capable of being reconfigured given its limited size, it is recommended that a condition be imposed requiring that the plans be revised at a later date to show an enlarged cycle store with an acceptable layout of stands. As part of the cycle parking condition, it is recommended that showers and changing facilities are provided to cater for a minimum of 10% of staff.
- 8.46. Given the current use of the site and the scale of this scheme, it is not considered necessary to condition a servicing and delivery management plan. The commercial refuse store shown is considered to be acceptable.
- 8.47. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £28,000. However, given that the Community Infrastructure Levy (CIL) came into force on 5 October, this is no longer necessary as it would be captured by the CIL payment for the residential units, B1 being exempt from any charge.
- 8.48. Given the extent of demolition, a Site Waste Management Plan (SWMP) is recommended to be secured by a pre-commencement condition.

Contamination:

- 8.49. The Phase 1: Desktop Study and Preliminary Risk Assessment Report submitted with the application recommends that an intrusive contaminated land investigation is carried out. Given that the land has been identified as potentially being contaminated as result of the former uses, it is recommended that a pre-commencement condition is added in respect of a site investigation report, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.

Sustainability:

- 8.50. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that triple A rated air conditioning and rain water

harvesting are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.

- 8.51. For the commercial element, it is expected that the proposed development would achieve BREEAM Very Good rating and this is also recommended to be conditioned.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for this application would be calculated at £175 per square metre of new residential floorspace. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. CONCLUSIONS

- 10.1. The scheme makes a minor contribution to the Council's housing targets in addition to a significant contribution to the City's supply of office floorspace, which is considered to further weigh in favour of the proposal. The scheme is considered to preserve the character and appearance of Rock Place and the wider East Cliff Conservation Area. The scheme satisfactorily overcomes previous concerns regarding the redevelopment of the site, and would maintain residential amenity, provide an acceptable standard of accommodation, ensure highways safety whilst promoting sustainable transport and provide net gains in sustainability and biodiversity. As such, this application is recommended for approval subject to conditions.

11. EQUALITIES

- 11.1. The dwellings would not be suitable for wheelchair users or those with a mobility-related disability given their location on the upper floors and a lift not being provided. The non-provision of disabled car parking has been justified and numerous measures have been proposed by the applicant to facilitate travel to the site by wheelchair users and those with a mobility-related disability, which is welcomed.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Clare Rainey
BH2020/01505 – 11-12 Rock Place

25th June 2020:

Stance: Customer made comments in support of the Planning Application

Comment: This development will bring much needed investment to the St James St area offering significant employment opportunities and good quality accommodation, which will help the immediate local economy. The proposed developments have high environmental standards, and are in keeping with the architecture of the East Cliff Conservation Area. This development will include provision for bike shelters and will be car free, helping to encourage active travel and reduce the high levels of atmospheric pollution on St James St.

PLANNING COMMITTEE

Agenda Item 84

Brighton & Hove City Council

NEW APPEALS RECEIVED 01-10-2020 – 04-11-2020

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2019/03564
<u>ADDRESS</u>	18 Church Road Hove BN3 2FL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of retractable glazed enclosure to replace existing canopy.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2020/00867
<u>ADDRESS</u>	12 Sussex Road Hove BN3 2WD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey side extension and the installation of 3no. rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/11/2020
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2019/03120
<u>ADDRESS</u>	22 Hanover Terrace Brighton BN2 9SN
<u>DEVELOPMENT DESCRIPTION</u>	Creation of additional lower ground floor level to form new 1 bedroom dwelling (C3) with extension to existing HMO above. Alterations to rear garden to create lower ground floor courtyard and ground floor patio, formation of new front entrance way for new dwelling, removal of chimneys and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	06/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2020/00721
<u>ADDRESS</u>	97 Whippingham Road Brighton BN2 3PF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 6no. person small House in Multiple Occupation (C4) to 7no. person large House in Multiple Occupation (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	06/10/2020

APPLICATION DECISION LEVEL Delegated

WARD

HANOVER AND ELM GROVE

APPEALAPPNUMBER

BH2020/01136

ADDRESS

55 Hartington Road Brighton BN2 3LJ

DEVELOPMENT DESCRIPTION

Change of use from existing six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui generis).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

06/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2018/00576

ADDRESS

38 Coldean Lane Brighton BN1 9GE

DEVELOPMENT DESCRIPTION

Change of use from a six bedroom small house in multiple occupation (C4) to a seven bedroom large house in multiple occupation (Sui Generis) (retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2020/01028

ADDRESS

Land Rear Of 19 And 21 Isfield Road Brighton BN1 7FE

DEVELOPMENT DESCRIPTION

Erection of 3no three bedroom houses (C3) fronting Lambourne Road with associated landscaping & parking.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

06/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEALAPPNUMBER

BH2020/00724

ADDRESS

2 Dyke Close Hove BN3 6DB

DEVELOPMENT DESCRIPTION

Erection of two-storey rear extension incorporating 2no first floor balconies. Roof alterations including 2no front dormer windows, rear dormer featuring balcony, and removal of existing chimneys. Repositioning of garage, alterations to fenestration and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/11/2020

APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2019/03639

ADDRESS

112 Coombe Road Brighton BN2 4EE

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for existing use as a 4no bedroom small house in multiple occupation (C4).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

28/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2020/01258

ADDRESS

37 Auckland Drive Brighton BN2 4JD

DEVELOPMENT DESCRIPTION

Change of use from single dwellinghouse (C3) to 4no bedroom small house in multiple occupation (C4) with associated works including alterations to fenestration (Part Retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

NORTH PORTSLADE

APPEALAPPNUMBER

BH2020/01054

ADDRESS

106 Southdown Road Portslade BN41 2HJ

DEVELOPMENT DESCRIPTION

Hip to gable roof alterations incorporating rear dormer and front dormer with 1no front rooflight, erection of single storey rear extension, and decking area with associated alterations.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

PATCHAM

APPEALAPPNUMBER

BH2020/00650

ADDRESS

140 Carden Avenue Brighton BN1 8NH

DEVELOPMENT DESCRIPTION

Demolition of existing 3no bedroom dwelling and erection of one 2no bedroom house and two 2no two bedroom flats incorporating cycle store, parking and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

14/10/2020

APPLICATION DECISION LEVEL

Delegated

WARD

PATCHAM

APPEALAPPNUMBER

BH2020/01624

<u>ADDRESS</u>	Land At 3 Brangwyn Avenue Brighton BN1 8XH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a detached three bedroom residential dwelling (C3) with vehicle hardstanding and crossover.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2019/01922
<u>ADDRESS</u>	Land To The Rear Of 47 Springfield Road Brighton BN1 6DF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey (plus habitable loft space) 2no. bedroom dwelling (C3) on rear garden land, and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2020/00679
<u>ADDRESS</u>	Land At 12 Sussex Place Brighton BN2 9QN
<u>DEVELOPMENT DESCRIPTION</u>	Outline application for erection of 9no houses (C3) with all but the matter of access reserved.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2020/01324
<u>ADDRESS</u>	3 St Georges Terrace Brighton BN2 1JH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a first floor rear extension with glazed roof (part retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	29/10/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2020/00180
<u>ADDRESS</u>	First And Second Floors 65 Western Road Brighton BN1 2HA
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for proposed change of use of first & second floors from retail (A1) to residential (C3) to create 2no flats.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS

APPEAL RECEIVED DATE 04/11/2020
APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2020/00784

51 Norfolk Square Brighton BN1 2PA

Replacement of existing glass window shopfront with bi fold doors.

APPEAL IN PROGRESS

07/10/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2019/00964

Land At Brighton Marina Comprising Outer Harbour, Western Breakwater And Adjoining Land Brighton Marina Brighton

Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works and infrastructure (harbour wall) works.

Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to 520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.

APPEAL IN PROGRESS

19/10/2020

Planning (Applications) Committee

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL

BH2020/01006

18 Wilkinson Close Brighton BN2 7EG

Erection of single storey annexe to rear of existing house.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/10/2020
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2020/01333
ADDRESS Land Adjacent 12 Cranleigh Avenue Rottingdean
Brighton BN2 7GT
DEVELOPMENT DESCRIPTION Change of use from residential detached garage to
create 1no one bedroom dwelling (C3).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/10/2020
APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**
APPEALAPPNUMBER BH2020/00918
ADDRESS Garages Southdown Avenue Portslade
DEVELOPMENT DESCRIPTION Erection of a two storey detached two bedroom
dwellinghouse replacing existing garages.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 22/10/2020
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2019/03578
ADDRESS 22 Over Street Brighton BN1 4EE
DEVELOPMENT DESCRIPTION Replacement of windows with UPVc
(Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/10/2020
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2020/00215
ADDRESS 23 Trafalgar Street Brighton BN1 4EQ
DEVELOPMENT DESCRIPTION Change of use of basement and ground floors
from retail (A1) to mixed use retail and drinking
establishment (A1/A4), installation of new
shopfront incorporating separate entrance to upper
floor maisonette, installation of external stairs and
seating to rear, revised fenestration and
associated works.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/10/2020
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2020/00704

14 Saxon Road Hove BN3 4LE

Erection of single storey first floor side extension with 2no roof lanterns

APPEAL IN PROGRESS

03/11/2020

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2020/00911

7 Tongdean Rise Brighton BN1 5JG

Erection of a two storey ground floor rear extension with rear terrace and associated landscaping and works to garden. Erection of single storey first floor flat roof extension to form additional second floor. Revised fenestration, installation of timber cladding to front and sides. Extension to existing front garage, installation of crossover and new driveway and associated works.

APPEAL IN PROGRESS

12/10/2020

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2020/01419

55 Hillcrest Brighton BN1 5FP

Roof alterations to raise hipped roof to facilitate creation of a first floor with front and rear dormers, rooflights to front and side slopes and erection of single storey rear extension.

APPEAL IN PROGRESS

03/11/2020

Delegated



PLANNING COMMITTEE

Agenda Item 85

Brighton & Hove City Council

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application No	<i>BH2019/00964</i>
Site Address	<i>Land At Brighton Marina Comprising Outer Harbour, Western Breakwater And Adjoining Land Brighton Marina Brighton</i>
Description	<i>Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works and infrastructure (harbour wall) works. Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to</i>



**Brighton & Hove
City Council**

	<i>520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>23.03.2021</i>
Venue of Appeal	<i>Virtual Meeting</i>
Appeal Decision	
Planning Officer	<i>Jane Moseley</i>

APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/10/2020 AND 17/11/2020

<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00097
<u>ADDRESS</u>	Land To East Of 18 Davigdor Road Hove BN3 1TT
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a two storey 2no bedroom detached single dwelling (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00515
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00099
<u>ADDRESS</u>	199-201 Old Shoreham Road Hove BN3 7EA
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of 1no detached two storey, three bedroom dwelling house (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00516
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	NORTH PORTSLADE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00104
<u>ADDRESS</u>	1 Thornbush Crescent Portslade BN41 2GW
<u>DEVELOPMENT DESCRIPTION</u>	Erection of detached garage on communal parking area to rear of property. (Retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03734
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00127
<u>ADDRESS</u>	4A Montpelier Place Brighton BN1 3BF
<u>DEVELOPMENT DESCRIPTION</u>	Display of 1no internally illuminated fascia sign.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00714

APPLICATION DECISION LEVEL

Delegated

WARD

ROTTINGDEAN COASTAL

APPEAL APPLICATION NUMBER

APL2020/00095

ADDRESS

21 Tumulus Road Saltdean Brighton BN2 8FR

DEVELOPMENT DESCRIPTION

Erection of summer house in rear garden. (Part retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02871

APPLICATION DECISION LEVEL

Planning (Applications) Committee
