



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	13 September 2017
Time:	12.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 4AH
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Cliona May Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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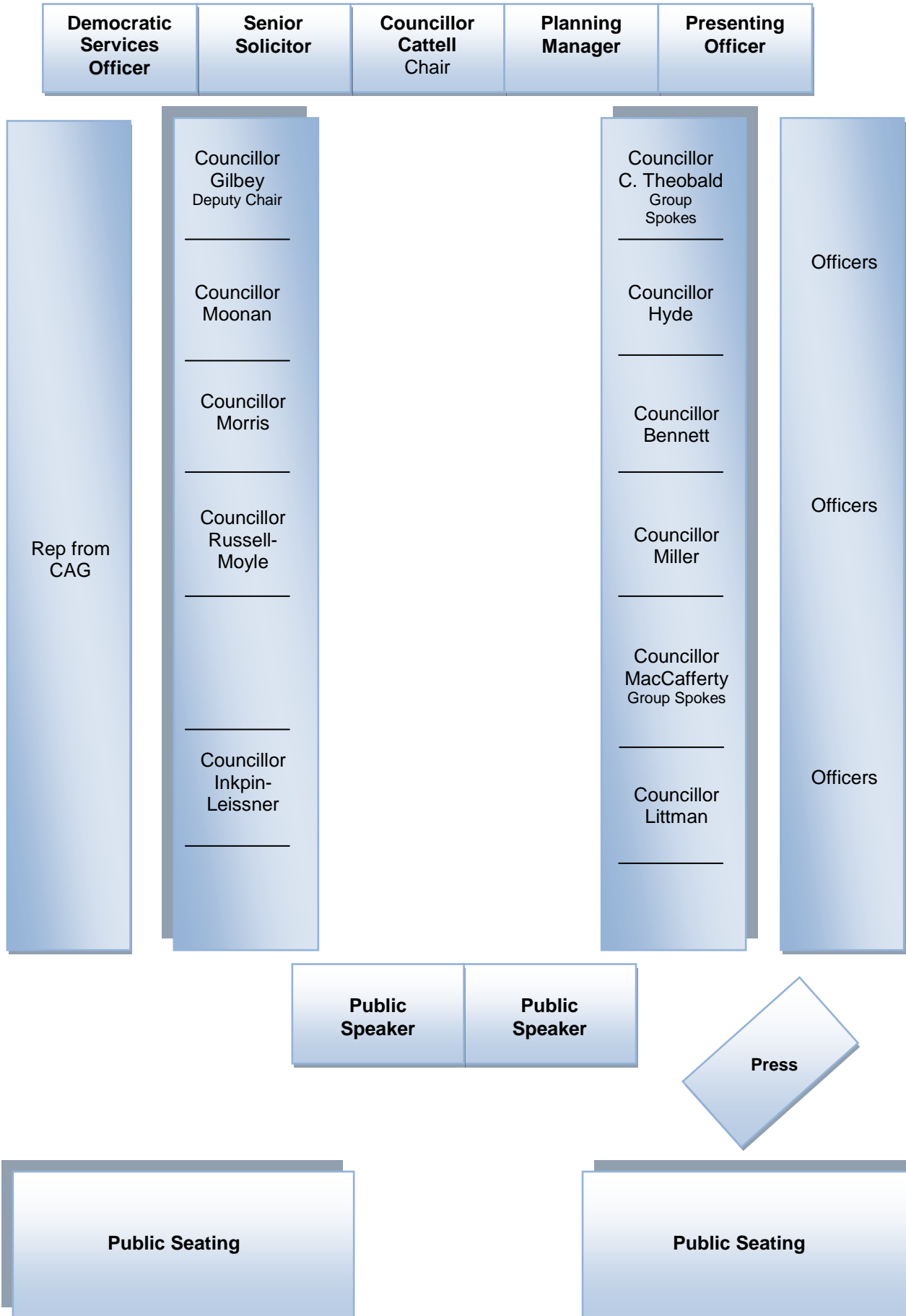
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Democratic Services: Planning Committee



AGENDA

39 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.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

PLANNING COMMITTEE

40 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 9 August 2017 (copy to follow).

41 CHAIR'S COMMUNICATIONS

42 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 6 September 2017.

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

44 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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 BH2017/02410 - Land Off Overdown Rise & Mile Oak Road, Portslade - Outline Application 1 - 58

Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: North Portslade

B BH2016/01903 - Coombe Farm, Westfield Avenue North, Saltdean - Full Planning 59 - 104

Outline application for Demolition of existing farm buildings and erection of 67 family dwellings with public open space and approval of reserved matters for access and landscaping.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

C BH2017/01108 - Site Of Sackville Hotel, 189 Kingsway, Hove - Full Planning 105 - 134

Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.

RECOMMENDATION – MINDED TO GRANT

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Ward Affected: Westbourne

- D BH2017/01891 - West Blatchington Primary & Nursery School, Hangleton Way, Hove - Full Planning 135 - 190**

Demolition of existing school buildings. Erection of Primary school and nursery schools (2 form entry) replacing existing school buildings and erection of secondary school (5 form entry including 6th form).

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hangleton & Knoll

- E BH2017/02256 - Royal Sussex County Hospital, Eastern Road, Brighton - Full Planning 191 - 220**

Erection of a 4no storey extension to existing Emergency Department building with associated alterations.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: East Brighton

- F BH2017/01176 - Land At Goldstone Street, Hove - Full Planning 221 - 246**

Erection of a 3 storey office building (B1) with 2no disabled parking spaces, bin storage and roof terrace.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Goldsmid

MINOR APPLICATIONS

- G BH2017/00767 - 7 Meadow Close, Hove - Householder Planning Consent 247 - 256**

Erection of additional storey with associated alterations and single storey rear extension.

RECOMMENDATION – GRANT

Ward Affected: North Portslade

- H BH2017/00284 - Wayland Paddock, 41 Wayland Avenue, Brighton - Householder Planning Consent 257 - 274**

Re-modelling and extensions to dwelling including associated works.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- I BH2017/01818 - 1 Denmark Road, Portslade - Full Planning 275 - 292**

Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking.

RECOMMENDATION – GRANT

Ward Affected: South Portslade

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- J BH2017/00128 - 17 Barnfield Gardens, Brighton - Householder Planning Consent** **293 - 302**
- Erection of part single part two storey rear extension with associated alterations.
RECOMMENDATION – GRANT
Ward Affected: Queen's Park
- K BH2017/00636 - Sussex Heights, 14 St Margarets Place, Brighton - Full Planning** **303 - 318**
- Installation of render to all elevations, and associated works.
RECOMMENDATION – GRANT
Ward Affected: Regency
- L BH2017/00042 - 2 & 2A Stafford Road, Brighton - Full Planning** **319 - 334**
- Demolition of garages and erection of 1no one bedroom dwelling, alterations to existing flats including alterations to fenestration, installation of front rooflights and rear dormers and associated works.
RECOMMENDATION – GRANT
Ward Affected: Preston Park
- M BH2016/05598 - Land rear of 43 Brunswick Place, Hove - Full Planning And Demolition In CA** **335 - 350**
- Demolition of 2no existing garages and erection of 1no two bedroom dwelling (C3).
RECOMMENDATION – GRANT
Ward Affected: Brunswick & Adelaide
- N BH2017/01742 - 30 Roedean Crescent, Brighton - Householder Planning Consent** **351 - 364**
- Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works.
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal

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

INFORMATION ITEMS

PLANNING COMMITTEE

46 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 365 - 366

(copy attached).

47 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

(copy to follow)

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 367 - 370

(copy attached).

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 371 - 372

(copy attached).

50 APPEAL DECISIONS 373 - 428

(copy attached).

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/index.cfm?request=c1199915>

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 5 September 2017

ITEM A

Land Off Overdown Rise, Portslade

BH2017/02410

Outline Application

DATE OF COMMITTEE: 13 September 2017

BH2017/02410 Land Off Overdown Rise & Mile Oak, Portslade



**Brighton & Hove
City Council**



Scale: 1:4,495

<u>No:</u>	BH2017/02410	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	Land Off Overdown Rise & Mile Oak Road, Portslade		
<u>Proposal:</u>	Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	17.07.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.10.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard LLP	Gainsborough House	Pegler Way Crawley RH11 7FZ
<u>Applicant:</u>	Crest Strategic Projects	Crest House	Pycroft Road Chertsey KT16 9GN

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:

S106 Heads of Terms

- A contribution of £51,100 towards the Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development,
- 40 percent affordable housing (55%/28 units for affordable rental and 45%/22 units for shared ownership),
- A contribution of £33,000 towards an Artistic Component / public realm,
- A total education contribution of £651,771 towards the cost of providing nursery (£160,623), primary (£184,101), secondary (£254,393) and sixth form education (£52,654);
- A contribution of £456,967 towards open space and indoor sport,
- A long-term management and maintenance plan for the proposed/retained open space areas,
- A contribution of £30,400 towards shrub clearance and 10 years sheep grazing of Whitehawk Hill Local Nature Reserve.
- A Transport Contribution of £250,000 towards pedestrian and public transport infrastructure improvements within the vicinity of the site and towards the identified highway improvement works at the junction of the Hangleton Link Road/A27,
- A residential Travel Plan, to be provided for all first occupiers of the development, and

- Walkways Agreement to agree a means of access and management of the pedestrians/cycle routes within the site.

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	2315-A-1000	Rev. B	17 July 2017

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) Layout;
- (ii) Scale;
- (iii) Appearance, and;
- (iv) Landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. Prior to submission of any reserved matters an Ecological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out details for the protection of the ecological interests of the application site before, during and after any archaeological investigation of the application site and the approved Strategy shall be carried out in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the ecological interests of the site before and during construction in accordance with retained Policies QD18 and NC4 of the Brighton and Hove Local Plan 2005.

5. No development shall commence and prior to submission of any reserved matters, a programme of archaeological work shall be secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is imposed because it is necessary to ensure that the heritage assets are fully investigated and evaluated and subsequently where

necessary, safeguarded and recorded in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.

6. Applications for approval of reserved matters shall not be made until the archaeological site investigation and post investigation assessments has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This pre-commencement condition is imposed to ensure that the heritage assets of the site are safeguarded and recorded in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.
7. 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.
8. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. All habitable rooms shall be fitted with glazing that mitigate noise levels by at least 26dB Rw + C and ventilation that mitigates noise levels by at least 26dB Rw + C.
Reason: To ensure that an acceptable standard of accommodation is provided in terms of air quality, ventilation and noise attenuation to the occupiers of the residential units hereby approved and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
10. 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, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. 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.

11. No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive, unless a qualified Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.
12. The buildings within the reserved matters submission shall not exceed 2 storeys in height.
Reason: To ensure the development integrates effectively with its surroundings including the setting of the South Downs National Park and to comply with policies SA4, SA5 and CP12 of the Brighton and Hove City Plan Part One.
13. The number of residential units shall not exceed 125 units.
Reason: For the avoidance of doubt over what has been approved.
14. Prior to commencement of development, a Method Statement showing detailed design of foundations, piling configurations, drainage, services and the preservation of archaeological remains, shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved Method Statement.
Reason: This pre-commencement condition is imposed to ensure that the heritage assets of the site are safeguarded and recorded in context in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.
15. No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

16. Prior to commencement of development a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in strict accordance with the approved detailed design prior to the development commencing.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into the proposal in accordance with retained Policy SU3 in the Brighton & Hove Local Plan 2005 and Policy CP11 in the Brighton & Hove City Plan Part One.
17. Prior to the commencement of the development hereby approved, details of measures which will be undertaken to protect the underground water supply resources shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in strict accordance with the approved details before the development is completed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
18. Prior to the commencement of the development hereby approved, details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in strict accordance with the approved details before the development is completed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
19. Prior to the commencement of the development hereby approved, a drainage strategy detailing the proposed means of foul disposal and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved scheme and timetable.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
20. No development 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 but not be limited to:
- The phases of the Proposed Development including the forecasted completion date(s)

- 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
- 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)
- A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- Details of hours of construction including all associated vehicular movements
- Details of the construction compound
- A plan showing construction traffic routes
- An audit of all waste generated during construction works, to include;
 - a) The anticipated nature and volumes of waste that the development will generate,
 - b) The steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities
 - c) Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

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.

21. No development shall commence until fences for the protection of trees/hedgerows to be retained within the site or adjacent to the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no 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 and hedgerows which are to be retained on or adjacent to the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

22. (i) The development hereby permitted shall not be commenced until conditions 4, 5 and 6 have been formally discharged by the Local Planning Authority and

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 BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - 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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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, to protect the ecological interests of the site, to safeguard and record the heritage assets of the site and to comply with policies SU11, QD18, NC4 and HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

23. The development within the reserved matters submission shall provide up to a maximum of 188 off-street parking spaces.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that an appropriate level of parking provision is provided and to comply with policy CP9 of the Brighton & Hove City Plan Part One and Parking Standards SPD14.
24. No development shall be commenced until full design and layout, engineering, drainage, street lighting (including levels of luminance) and constructional design details, including full details of signing and lining and construction materials of the streets including footpaths proposed within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the

approved details, unless otherwise agreed in writing with the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved highway works and external lighting have been carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the highways infrastructure serving the approved development, to safeguard the interests of users of the highway and to strike an acceptable balance between highway public safety and safeguarding the wider amenities of the urban fringe, including ecological interests and the nearby South Downs National Park and to comply with Policies TR7, CP9 and SA5 of the Brighton & Hove City Plan Part One and policies QD25 and QD27 of the Brighton & Hove Local Plan.

25. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

26. No development shall take place until a scheme setting out the highway works relating to the site accesses has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Proposed site vehicular and pedestrian accesses from Overdown Rise;
- Proposed site vehicular accesses from Mile Oak Road,
- Footway on the eastern side of Mile Oak Road from the site access southwards to connect the new development with the existing footway on the western side of Mile Oak Road;
- Provision of pedestrian crossing to include dropped kerbs and tactile paving between the new footway on the eastern side of Mile Oak Road and the existing footway on the western side;
- Provision of a left turn approach lane for a distance of 40m on the western arm (Fox Way) of the Hangleton Lane/ A293 junction.

No part of the buildings hereby approved shall be occupied until the approved highway works have been carried out and implemented in full accordance with the approved scheme.

Reason: To ensure that suitable vehicle and pedestrian access provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

27. Notwithstanding the Aspect Framework Ecological Management Plan submitted, no development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority prior. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;

- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP aims and objectives should include reference to the SNCI and its reason for designation. The LEMP shall also 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. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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.

28. Notwithstanding the Aspect Ecological Appraisal and Aspect Framework Ecological Management Plan submitted, no development shall take place until an Ecological Design strategy (EDS) addressing mitigation, compensation and enhancement, 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, eg 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.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the protection and enhancement of the landscape and ecological interests of the site in accordance with policies QD18 and NC4 in 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.

29. Notwithstanding the Aspect Ecological Appraisal and Aspect Framework Ecological Management Plan submitted, no development shall take place (including demolition, ground works, site clearance and archaeological investigation) until a method statement for the rescue and protection of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) Extent and location of proposed works shown on appropriate scale maps and plans (to include the receptor site);
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works;
 - f) Initial aftercare and long-term maintenance (where relevant);
 - g) Disposal of any wastes arising from the works.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to protect the ecological interests of the site and ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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.

30. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

31. No development above ground floor slab level of any part of the development hereby permitted shall take place until an Energy Assessment and Strategy has been submitted and approved in writing by the Local Planning Authority. The Strategy should include;
- i) How energy efficiency will deliver carbon reduction,
 - ii) How use of efficient building services will reduce carbon emissions,
 - iii) How application of renewable energy technologies will deliver carbon reductions, and

iv) How 19% carbon emissions reduction will be achieved as a minimum.

The approved measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

32. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Sustainability Statement and an online Sustainability Checklist demonstrating how the scheme addresses Brighton & Hove City Plan Policy CP8 has been submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
Reason: To ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
33. 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.
34. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
35. None of the residential units hereby approved shall be occupied until evidence has been submitted and approved in writing by the Local Planning Authority demonstrating that each residential unit has been constructed to achieve a minimum of a Home Quality Mark One Star.
Reason: To ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
36. 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.

37. The development shall not include appliances for solid or liquid fuel burning and any boilers within the development hereby approved shall be ultra-low NOx gas boilers (emission rates below 16mg/kwh), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
Reason: To mitigate the impact of the development on the Portslade Air Quality Management Area and to comply with policy SU9 of the Brighton & Hove Local Plan.
38. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
39. Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

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' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is advised that at the reserved matters stage regarding landscaping and layout the comments made by the comments made by the Transport Officer regarding pedestrian permeability into and across the site, the Council's Arboriculturist regarding the spacing between the proposed dwellings and the comments made by the County Landscape Architect regarding enhanced planting and a reduction of the extent of development on the west side should be considered. In addition the developer should have regard to the Council's Open Spaces Strategy.

4. To discharge the condition regarding surface water drainage the Lead Local Flood Authority would expect to see the following:
 - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building, as per the Non-statutory technical standards for sustainable drainage systems
 - The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. Examples of suitable maintenance plans can be found at www.susdrain.org.

5. The applicant is advised that a formal application to requisition water infrastructure is required from Southern Water in order to service the development. The developer should contact Southern Water for more information - Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

6. The applicant is advised that the measures to be addressed during the development design for the conditions regarding the protection of the underground water supply resources should include but not be limited to the following;
 - Contaminated land desk studies, groundwater table investigations, reports and risk assessments (re: any intended use of soakaways and possibly SUDS) to be carried out;
 - No drainage systems for the infiltration of surface water drain age into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters;
 - No deep bore soakaways should be constructed;
 - Soakaways in the vicinity of the adit should be restricted to disposal of surface water derived from roof areas only;
 - No piling methods should be employed in the Northern half of the site (in the vicinity of the adit);
 - If piling methods are being considered for the southern half of the site, please contact Southern Water to determine safe working methods and stand-off distances from the adit;

- No storage of fuel within 50 metres of the adit, - all potential contaminants should be kept within bunded containment in accordance with appropriate regulations.
7. Southern Water has advised that no development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works and no new soakaways should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
 8. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
 9. The water efficiency standard required by condition 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.
 10. Should the applicant wish the internal estate roads to be adopted they are advised that they should enter into a Section 38 Agreement with the Highway Authority prior to any works commencing on the construction of the internal estate roads. The applicant is advised to obtain technical approval for all estate road details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 24 of this consent.
 11. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway. The applicant is advised to obtain technical approval for all estate road details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 26 of this consent.
 12. The applicant is advised that the required Construction Environment Management Plan (CEMP) should include but not be limited to; commitments to

implementing appropriate working practices and managing construction vehicle movements to that which avoid peak times and in particular the start and end of the school day for the nearby schools and college, wheel wash facilities at the site access, construction vehicle parking and construction worker travel plan for the site.

13. Scotland Gas Networks advise that there is a pressure gas main near the site. They advise there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Mile Oak is a predominantly residential suburb on the north-western outskirts of Brighton and Hove. Its development can be traced back to the 1920s with outlying housing development east of (what is now known as) Mile Oak Road. Major expansion came in the 1960s with Local Authority flats and houses as well as private, mainly bungalow, development resulting in coalescence with the historic core of Portslade village. Expansion northwards was checked in the 1990s by the by-pass but which also hindered access to Downland. The most recent developments have been denser infill schemes mainly on higher slopes to the east off Fox Way, which at the time was a new road linking Mile Oak to the Hangleton Link Road and the By-pass or Old Shoreham Road beyond. Previous to this the main access to Mile Oak had been through Portslade village from Southern Cross which remains today.
- 2.2 To complement the housing, Mile Oak has a Primary and a Secondary school with Sixth Form, sports centre, recreation ground, football club, community centre, churches, public library, two Medical Centres at Mile Oak and Portslade incorporating GP surgery, convenience stores, post office counter, a pub, takeaways and other business serving the local population. A Co-op store has recently been constructed attached to the Mile Oak Inn and there are larger supermarkets further afield at Benfield Valley (Sainsbury's) to the east and at Holmbush (Tesco/M&S) to the west.
- 2.3 The nearest bus stop is located approximately 0.2miles/a 5 minute walk from the development site, and is served by the main services for the area, the 1 and 1A route which runs between Whitehawk and Mile Oak. These services serve Portslade Station, Portslade Old Village, Hove, central Brighton and the Royal Sussex County Hospital.
- 2.4 The boundary of the South Downs National Park (SDNP) is located to the north of the A27. Access on foot to the SDNP is available via Southwick Hill as well as via two routes under the A27 close to the application site.

- 2.5 Mile Oak itself partly straddles a ridge rising to Cockroost Hill in the north and also occupies the valley between the higher ridges at Foredown Hill / Mount Zion to the east and Southwick Hill to the west. Cockroost Hill and Mount Zion ridges have been bisected by the By-Pass although it is in a tunnel beneath Southwick Hill.
- 2.6 Mile Oak is enclosed to the east and west by the SDNP which largely abuts back gardens. To the north the National Park is on the north side of the By-Pass but nevertheless this enclosure results in the National Park being clearly visible in many views from within Mile Oak itself giving the area a semi-rural character and setting.
- 2.7 The application site is part of an area in the north of Mile Oak considered by the Urban Fringe Assessment (UFA) which has informed the City Plan process. The UFA identifies the site's potential for housing. Further details on the UFA, especially regarding the application site, is located in section 8 of this report.
- 2.8 The UFA divides the area into 6 plots known as 4, 4a, 4b, 5, 5a and 6. The planning application site is a combination of UFA sites 4b, 5 and 5a, comprising an area of 8.88 hectares which straddles the ridge rising to Cockroost Hill. It lies between the northern fringe of housing in Graham Avenue/ Gorse Close/Overdown Rise and the By-pass and is roughly T-shaped. The westernmost slope is currently used for grazing with a field shelter facing Mile Oak Road (site 4b). The remainder of the application site is characterised by dense scrub with a thin woodland belt along the northern edge and hedging along the main western edge (site 5). There are clear paths worn into the central and eastern parts of the site although these are not public rights of way. On the other hand, although private land, these parts of the site are clearly used for informal recreation with access via Overdown Rise, from the east off Ridge Close or from the Downs.
- 2.9 The outline proposal is to provide up to 125 dwellings with vehicular access from Overdown Rise. There is an existing track located between nos. 21 Overdown Rise and 21 Gorse Close, leading to the existing allotments (site 6). The proposal would formalise this access as the main site access to the housing development, whilst retaining and improving access to the allotments and providing formal access to the rear garden of 21 Graham Avenue. A footpath and cycle path would be provided from Mile Oak Road linking up the main site and existing Public Right of Way to the north-east and north-west of the site.
- 2.10 The outline application seeks permission for access with all other matters (scale, layout, appearance and landscaping) reserved for future approval. Nevertheless the application is supported by a considerable amount of background information and reports. An indicative layout shows the proposed housing to be located on the lower slopes of the central portion of the application site (UFA Site 5). UFA Sites 5a and 4b would be left undeveloped. Just under half the application site is proposed to be developed (3.55Ha/42%) therefore just over half (5.33Ha/58%) is to remain undeveloped in perpetuity and enhanced for

biodiversity and recreational purposes through a management agreement, the intention being to dedicate footpaths and cycle links within the site for public use.

- 2.11 Buildings are intended to be 2 storeys in height with a mix of 1 bed flats up to 4 bed semi and detached houses, 40% of which would be affordable housing. Parking appears to be mostly off-street arranged in a combination of garaging, forecourt and communal areas. The proposed layout reflects the site contours with a main crescent or 'boulevard' and 2 spine roads off this rising northwards up the ridge. Indicative landscaping is set out in a Masterplan which shows retention of hedging and scrub along the west and southern boundaries, new tree/hedge planting and green spaces within the housing layout, formalised links into the footpath network around the site and management and enhancement of the remaining SNCI in perpetuity.
- 2.12 The Applicants request that the proposals be screened under the Environmental Impact Assessment (EIA) Regulations was received in February 2016 and the Council formally issued its opinion in April 2016, stating that EIA is not required.
- 2.13 This application follows the refusal of a previous application (BH2016/05908) for a development of a similar form. The earlier application was refused on the following grounds;
- Vehicular movements to and from the development using the access from Mile Oak Road, by virtue of the narrowness and layout of Mile Oak Road, would result in dangers to highway safety;
 - Increased traffic generation and displaced parking from the development would have an adverse impact on surrounding residential roads;
 - The proposed mitigation, compensation and enhancement measures would not satisfactorily address the harmful impacts of the development on the ecology and biodiversity of the Mile Oak Fields Site of Nature Conservation Importance;
 - The applicant has failed to demonstrate that appropriate mitigation; measures are proposed to manage and reduce flood risk in the locality, and
 - The applicant has failed to demonstrate that appropriate sustainability measures have been incorporated into the development.

The reasons for refusal did not relate to the principle of development of the Urban Fringe site, and as such development on the site for housing is accepted. The revised application differs to the previous scheme in the following ways,

- The omission of 5 dwellings accessed from Mile Oak Road,
- The removal of the vehicular access from Mile Oak Road,
- The provision of 5 additional dwellings within the main development area,
- A change to the proposed housing mix, resulting in 21 more flats but 21 fewer houses, than the previous application,
- An increase of the proposed development density (from 30 dph to 43dph),
- The retention of the northern part of UFA Site 5 and all of UFA Sites 5a and 4a to be incorporated within the SNCI and proposed informal open space,

- The submission of additional traffic surveys,
- The translocation of reptiles from the application site to a receptor site,
- Further clarification of the proposed measures to mitigate flood risk, and
- The submission of a supplementary sustainability report.

3. RELEVANT PLANNING HISTORY

BH2016/05908 – Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only. Refused 28.04.2017. Appeal lodged.

Member Pre-Application Briefing

Following refusal of application BH2016/05908 the proposal was revised and presented to members at pre-application stage on the 20th June 2017. Members' feedback included the following points:

- Members were pleased that the 5 dwellings accessed from Mile Oak Road have been removed,
- Councillors welcomed the overall clarity of elements of the proposal, especially drainage and flood risk,
- Whilst members welcomed the proposed changes to Fox Way, they had concerns regarding the impacts of the proposal on traffic utilising roads to the south of the site through Portslade Village and along Locks Hill to the Old Shoreham Road,
- Members noted the commitment to sustainability and City Plan Part 1 policy CP8,
- Welcomed habitat management and reptile translocation proposal for Whitehawk however the ten year contribution towards this mitigation should be additional to a S106 open space contribution,
- Welcome the management plan for the retained open space at the site would be in perpetuity,
- Height of properties should not impact upon the South Downs National Park or surrounding area (should be a maximum of 2 storey), and
- 40% affordable housing provision should be on-site.

Other Pre-Application

Proposals for the development of this Urban Fringe Site was also subject to pre-application discussion with officers in early 2015 (for 150 dwellings) and late 2016 (for 120 dwellings) and assessed by the Design South East Review Panel in September 2016 (for 125 dwellings).

The 2016 pre-application officer response confirmed that the Urban Fringe Assessments (2014 and 2015) established the principle of some residential development on parts of the application site provided that appropriate mitigation and enhancement measures were properly incorporated to address the potential for adverse impacts particularly with respect to landscape, ecology, open space, flood risk and archaeology. A 'Masterplan' approach was stated to offer the best opportunity to bringing forward the relevant cluster of Urban Fringe Sites (sites 4, 4a, 4b, 5, 5a and 6) for a development of the quantity indicated in the Urban Fringe Assessments.

A Statement of Community Involvement has been submitted as part of the current application, in which it is stated that pre-application discussions regarding the original application were undertaken with a Ward Councillor and that the original proposal had been subject of a public exhibition (held September 2016)

4. REPRESENTATIONS

Three hundred and fifty three (353) letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

Design/Visual Amenities/Landscape Impacts

- Development will spoil an area of natural beauty,
- Development will be of harm to and dominate landscape, and
- Harm to South Downs National Park,

Amenity Issues

- Loss of views/outlook,
- Negatively impact on local community, including further loss of any community cohesion and loss on village feel,
- Increase of anti-social behaviour/crime,
- Will impact on peace/enjoyment of adjacent allotments,
- Adjoining residents will suffer overshadowing, loss of daylight/sunlight, overlooking and loss of privacy,
- Loss of precious open space/'green lung' in area with existing limited amenity space. Land popular with local residents especially for dog walkers,
- Increased levels of air pollution, will have adverse impact on residents health,
- Increased noise/dirt/mud/pollution levels, especially during construction phase,
- Lack of activities in area for children,
- Disruption/aggravation/stress to local residents during construction phase, and
- Will result in loss of peaceful rural/countryside feel.

Transport/Highway/Access Issues

- The local road infrastructure is currently inadequate and not fit for modern traffic, roads are too narrow and congested so additional traffic, including construction traffic, will exacerbate existing transport problems. Additional traffic will cause further damage/wear and tear to roads/kerbs, will result in residential roads being used as 'rat-runs' and additional congestion will create difficulties for emergency services entering/leaving Mile Oak. The minor alterations proposed at bottom of Fox Way will only help marginally. Traffic calming measures and a by-pass entrance/exit is urgently required,
- Proposal will adversely affect road safety for pedestrians, pets, horse riders, cyclists and motorists,
- Additional traffic will alter quality of life for residents,
- People will not car share or cycle as implied by developer,

- Will add to existing parking problems in the area, including during construction phase. Each proposed dwelling will have more than one vehicle. Will impact on emergency services accessing roads in area if more cars parked on side roads/verges,
- Widening the entrance to the roundabout on the A293 will achieve nothing since it is not the lack of entrance lanes from the western junction with Hangleton Lane that causes the queue, rather it is the volume of northbound A293 traffic which has priority,
- A sole access road off Overdown Rise is not adequate and is dangerous, especially in terms of access for emergency services. An alternative access/egress route is needed from Mile Oak Road,
- Inadequate/inaccurate traffic survey data undertaken/submitted, and
- Local public transport links already strained/inadequate. Additional bus services will be required, although putting on extra services will add to traffic problems. Buses are expensive and there is no bus service that heads west to Shoreham.

Other Issues

- Area is inaccessible during periods of ice/snow so residents become isolated,
- Loss of trees,
- A much greater proportion of development for the use of disabled people, which is wheelchair sensitive, should be provided,
- Increase in population. Over-development/over-crowding,
- Area is already heavily developed, additional homes are not needed,
- Loss of part of SNCI. Imperative the contractor for the management of the retained SNCI has extensive experience of similar nature conservation. How will the management be funded?
- Who will the affordable homes be affordable for? Houses will only be affordable to first purchaser then unaffordable after that. Will the developer actually provide the proposed affordable housing once permission is granted?
- Impacts upon any below-ground archaeological deposits,
- There are other areas in City which should be developed first/instead, including brownfield sites and vacant buildings/properties,
- Harm to wildlife and fauna. Reason site is currently so diverse for wildlife is that it is undeveloped/unmanaged,
- Translocation of reptiles to Whitehawk Hill Reserve is not acceptable; they should be retained at the site. Using another area to justify spoiling this area is not acceptable/would do nothing for local wildlife in Portslade,
- Smell from attenuation ponds,
- Will set a precedent for the development of other green spaces, including adjacent allotments,
- Council previously deemed that this land should remain rural to protect the underground water,
- Local services and facilities (schools, nurseries, doctors, dentists, parks etc.) are already poorly maintained/lacking/oversubscribed and cannot cope with new development,
- New application does not address local residents concerns/reasons for refusal of previous application,
- Site only identified in principal as a potential site for development,

- Contrary to City planning policies,
- Additional strain on utility supplies,
- Lack of local resident consultation,
- Decrease of property prices/ability to sell existing houses in area,
- Increased amount of hardstanding/impermeable surfacing, resulting in increased surface water run off/flood risk. Existing drainage/sewerage system inadequate,
- Requires on-going maintenance of balancing ponds and foul water pump, if not maintained will increase flood risk,
- Area will require extra policing and extra council services i.e. refuse/recycling collection, and
- Additional homes on other sites in the area are also planned, will have a cumulative adverse impact on area.

Thirty six (36) letters have been received from residents in the vicinity of the site, supporting the proposed development for the following reasons:

- Have no objections to the proposal,
- Prefer revised scheme,
- More houses for area to thrive,
- Housing is much needed in City, especially family/affordable housing, and will help first time buyers,
- Additional residents in area will be good for local businesses,
- Country needs change and this is the perfect thing we need,
- Building homes creates jobs and income for the nation,
- This is derelict land which should be used,
- The site is getting worse for wildlife and does need vital management,
- Welcome footpath and green area available to the public,
- In agreement to the road/junction on Fox Way being widened/improved due to the current congestion issues,

Five (5) letters have been received from residents in the vicinity of the site, commenting on the proposed development for the following reasons:

- Not averse to the application however extremely concerned about the infrastructure for additional vehicles utilising local roads. Children walking to school will have to cross much busier roads with no formal crossing place,
- Appreciate housing is required but have concerns regarding road access. Request an alternative location for access/egress for the potential of so many vehicles,
- Investment in the local schools, doctors and crossing facilities is essential. Would make more sense to invest in the infrastructure and get everything in place ready for the expansion of houses, population and cars,
- No longer have any police in the area as the PCO's were taken away some considerable time ago,
- Looking to buy in area,

- Traffic data does not seem to show queues in Fox Way from 7.30am onwards, and
- Query where wildlife will go to if field built on.

5. CONSULTATIONS

5.1 External

Brighton & Hove Archaeological Society: The proposed development is close to the site of the Bronze Age settlement found prior to the construction of the Brighton bypass. It is also close to known Neolithic remains at Cockroost Hill. The whole area appears to have features dating the prehistoric period. It is possible that other prehistoric features are still undiscovered. The Society suggests the County Archaeologist is consulted.

5.2 County Archaeologist: Comment. The proposed development is within an Archaeological Notification Area, defining an area of significant prehistoric activity, including settlement and human burials. The site has not been subject to archaeological fieldwork assessment, as required by section 128 of the NPPF when there is uncertainty regarding the existence and significance of heritage assets within a site; however understand that the site contains significant ecology that would be disturbed by intrusive pre-determination evaluation excavation.

5.3 The only solution therefore is to relocate the ecology, evaluate the site to identify archaeological remains, and then for areas of significant archaeology to be removed from the development plan to achieve preservation in-situ. It is assumed that the applicant is prepared for the risk of losing large sections of the developable area.

5.4 In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of further archaeological assessment defined by a programme of archaeological works and the results used to inform a sympathetic design enabling the retention in-situ of the archaeological remains with the development.

5.5 **County Ecologist: No objection.** Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.

5.6 The site lies within Mile Oak Fields Site of Nature Conservation Importance (SNCI), designated for its rough grassland, badger foraging and nesting skylark. Whilst the SNCI has habitat and species interest, its primary interest relates to its public accessibility and its recreational value. Some localised areas of chalk grassland are present in the northern part of the site, but the majority of the grassland is declining due to lack of management. Other than the chalk grassland, the habitats of greatest significance are woodland along the northern edge and the bands of scrub within the site which are largely constrained to the peripheral areas.

- 5.7 The indicative development will lead to the permanent loss of approximately 42% of the SNCI (including formal amenity land). However, the woodland to the north and the grassland in the northern half of the site, including the chalk grassland, will be retained and the grassland brought into positive management to encourage the spread of the priority chalk grassland habitat. It is proposed that an additional area of horse-grazed grassland adjacent to the north western boundary which is currently outside the SNCI will also be managed to enhance the grassland. Scrub and woodland should be protected in accordance with BS5837:2012. The proposed management would benefit a range of species and would help support Biosphere Objectives.
- 5.8 Scrub clearance and subsequent grassland management within the Whitehawk Hill Local Nature Reserve (LNR) will provide an additional 4Ha of chalk grassland habitat and will result in a net gain in biodiversity. In light of the above and given the proposed mitigation and the fact that habitats within the SNCI are declining and are likely to continue to do so without development, the loss of a portion of the SNCI is considered acceptable.
- 5.9 The site is a key reptile site supporting an exceptional population of slow worm, a good population of common lizard and a low population of adder. Grass snake is also present. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended.
- 5.10 The proposed mitigation for reptiles (translocation of populations to receptor areas on and off site and management of those habitats for reptiles) is considered broadly acceptable. Receptor sites must be prepared prior to translocation taking place. An estimate of the proportion of the populations to be retained on site and moved off site should be provided, based on carrying capacity. Snakes should be retained on site. Adders return to the same hibernacula over many years so destruction of such sites can have significant negative impacts on populations. The majority of habitat likely to be used for hibernation (woodland and scrub) is to be retained and protected. If any areas of scrub that could provide hibernacula are identified for removal, these should first be subject to a spring survey, and if hibernacula are identified, the scrub should be retained and protected.
- 5.11 The scrub and tree planting along the northern boundary of the development should include a high proportion of species that will deter predators, e.g. hawthorn and blackthorn, and hibernacula should be placed away from the northern boundary of the development. Long term monitoring of both the development site and the off-site receptor area should be undertaken to ensure the conservation objectives of the mitigation are met.
- 5.12 Bats were recorded foraging and commuting across the site, albeit in low numbers. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species.

- 5.13 Artificial light can negatively impact on bats through, for example, causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance. In particular, the woodland at the northern boundary should be unlit and any footpaths through the northern portion of the site should be unlit.
- 5.14 The site supports breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August).
- 5.15 No badger setts were recorded on site and there were no signs of foraging. However, one badger was recorded commuting along the northern boundary and the SNCI citation includes badger foraging habitat. Badgers are protected under the Protection of Badgers Act 1992. Best practice working methods should be employed to ensure protection of badgers during construction. Boundaries within the development should also be made permeable to wildlife.
- 5.16 Hedgehogs are present on site. The hedgehog is a Species of Principle Importance under Section 41 of the NERC Act. Mitigation for badgers should also benefit hedgehogs.
- 5.17 There are several records of notable species from the site including birds, plants and invertebrates. It is considered that the proposed mitigation and enhancement measures are likely to benefit some of these species.
- 5.18 The proposed development is considered unlikely to have any impacts on any other protected species and therefore no specific mitigation is required. If protected species are encountered during works, works should stop and advice should be sought from an ecologist on how to proceed.
- 5.19 The mitigation measures described in the Ecological Appraisal report are considered appropriate and should be implemented. It is also recommended that the woodland block to the east of the allotments is brought into positive management. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. The enhancements listed in the report are supported. Consideration should also be given to green (chalk grassland) roofs.
- 5.20 The location of bat boxes must take account of the external lighting scheme to ensure flight paths to and from the boxes remain unlit. The provision of house sparrow boxes within the development is welcomed. Boxes should also target swifts and starlings.
- 5.21 The Framework Ecological Management Plan and Landscape Management Plan are broadly acceptable. Hedges should be cut in late winter. Weed control should be done manually rather than through the use of herbicides. Grazing is

the preferred management approach for the grassland. It is recommended that an Ecological Design Strategy and Landscape and Ecology Management Plan (LEMP) are required by condition. Aims and objectives should include reference to the SNCI and reasons for designation. A five yearly review of the management plan is supported and should be informed by a monitoring strategy; this is likely to form part of a wider LEMP.

- 5.22 In summary, provided the recommended mitigation measures are implemented, it is recommended that the proposed development can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act. In line with BS42020:2013, conditions for a Reptile Mitigation Strategy, Ecological Design Strategy and Landscape and Ecological Management Plan should be applied to the permission.
- 5.23 **County Landscape Architect: No objection.**
- 5.24 Impact on Local Landscape character - The submitted Landscape Character and Visual Impact Assessment (LVIA) provides an accurate detailed description of the landscape context and landscape character of the site and surroundings and an accurate assessment of the visual context of the site including longer distance views from the wider downland in the South Downs National Park (SDNP).
- 5.25 The LVIA concludes that the proposed development would have a substantial beneficial effect on the site itself (referred to as Landscape Character Area 1). It is assumed that this is based on the entire area within the red line boundary. It is feasible that bringing the undeveloped part of the site into positive management would have a beneficial effect on this part of the site. However the loss of green field land to built development would not have a beneficial effect on the developed part of the site. The effect would be more likely to be neutral once the landscape mitigation has matured. It is acknowledged that the development would provide an opportunity to create a new softer landscaped transition to the settlement edge than currently exists. Importantly the open spaces will be brought into positive management and should be protected from development in perpetuity. Some modifications to the detailed design and mitigation are suggested to ensure that these benefits are optimised.
- 5.26 The overall conclusion that the development would have a neutral effect on the character of the SDNP by year 15, once the tree planting has matured, is a fair assessment. This will be more successful if the additional planting mitigation measures suggested below are included in the masterplan.
- 5.27 Visual Impact - The visual impact assessment concludes that views from surrounding residential areas would benefit with the development in place and once the associated landscape treatment has matured. It is difficult to agree that this would be the case as the green field site would be lost to development. However the visual effects from local residential areas do need to be considered in the context of the existing built up area of Mile Oak. It is considered that the

long term visual effects of the development would be minor or negligible from surrounding residential areas.

- 5.28 The views from the wider downland in the north would be against the background of the built up area of Mile Oak. The proposed mitigation planting and landscape buffer to the north of the development would ensure that these visual impacts are negligible over time. This will be more successful if the additional planting mitigation measures suggested are included in the masterplan.
- 5.29 The view from Southwick Hill across the development site is the most sensitive of views to the site from the SDNP. The sinuous edge to the proposed development is supported as this will help to break up the impact in views from Southwick Hill.
- 5.30 The omission of the 5 units, which were situated to the west of the development adjacent to Mile Oak Road, is welcomed as this part of the site is prominent from Southwick Hill.
- 5.31 Proposed Mitigation - There would appear to be two blocks of flats in the south east corner of the site adjacent to the balancing pond. These should be no higher than 2 storeys to ensure that the development is in character with the surrounding residential area.
- 5.32 The proposed tree planting is quite sparse across the development. This is not out of character with the existing housing areas, however these lack adequate tree cover to soften the built up area. The transition from the built up edge to countryside would be more successful if additional planting is incorporated into the scheme.
- 5.33 It is understood that the ecologist have suggested that the small block of woodland to the east of the allotments be brought into positive management as part of this scheme. The public footpath around the edge of this wood is currently overgrown and intimidating and enhancement to this would be a positive compensatory measure for the proposed development.
- 5.34 It is recommended that the application can be supported in principal subject to consideration of the reduction of the extent on the west side and enhanced planting proposals as outlined.
- 5.35 **Natural England:** Comment. Advise that the proposal is unlikely to affect any statutorily protected sites.
- 5.36 **Sussex Police Crime Prevention Design Adviser:** Comment. This application is a resubmission of the refused application with some changes, however previous comments remain extant. More in-depth advice to be made at reserved matters stage.

- 5.37 **Office for the Police & Crime Commissioner for Sussex:** Comment. A financial contribution of £31,825.49, for essential policing infrastructure, would be required to make this development acceptable in planning terms.
- 5.38 **Highways England:** No objection. Highways England concerns itself with proposals that have potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27 trunk road.
- 5.39 Having considered the proposals, previous comments on BH2016/05908 still stand. Satisfied that, if granted consent the development in its own right would not have a severe impact on the safe operation of the SRN. However as the site is part of the urban fringe special area of development and accordingly contributes towards the cumulative traffic impacts on the A27 junctions which have been identified for mitigation as part of CPP1 the City Council should seek an appropriate contribution towards agreed A27 junction improvements required to deliver CPP1. On this basis Highways England has no objection to the proposals.
- 5.40 **Southern Water:** Comment. 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. The site lies within a sensitive water supply groundwater extraction area (source of drinking water) with an underground groundwater adit running along the northern border of the site. Should the Council be minded to grant, request a condition be attached requesting details of measures which will be undertaken to protect the underground water supply resources.
- 5.41 The exact position of a public combined sewer within the site must be determined before any proposed layout is finalised. There is a decommissioned water trunk within the site. No development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works and no new soakaways should be located within 5m of a public sewer. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.42 An initial desk top study indicates that Southern Water currently cannot accommodate the needs of this proposal without additional local infrastructure being provided. The proposal would increase flows into the wastewater sewerage system as a result increase risk of flooding in and around the area contrary to NPPF paragraph 109.
- 5.43 The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term

maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

- 5.44 Should the Council be minded to grant, requests that conditions be attached to secure agreement for the means of foul disposal and foul and surface water sewerage disposal.
- 5.45 Following initial investigations, there is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains or improvements to existing mains will be required to provide sufficient capacity to service the development.
- 5.46 **Scottish Gas Network:** Note the presence of Low/Medium/Intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of the low/medium pressure system or above or within 3m of an intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.
- 5.47 **Environment Agency:** No comment. The proposal does not fall within its checklist by virtue of the type of development proposed.
- 5.48 **Internal:**
Arboriculturist: No objection. The site is relatively open and treeless apart from the young pioneer plants that have only just started colonizing the site since grassing was halted. In view of the minimal loss of tree cover and the potential for future planting, have no objection to the application.
- 5.49 **City Parks:** Comment. Regarding the relocation of reptiles from land in Mile Oak to a suitable, four hectare, location on Whitehawk Hill LNR, can provisionally confirm that City Parks would agree to this.
- 5.50 Whitehawk Hill is home to some of the City's best remaining ancient chalk grassland, which is a European priority habitat and is incredibly species-rich, however large parts of the hill are dominated by advancing bramble and other scrub such as cotoneaster, privet etc. Several years ago City Parks re-introduced sheep grazing to some areas of open grassland here, which is already having a positive impact, but City Parks are unable to expand any further until the larger blocks of scrub are cleared. Reptiles such as slow worm and common lizard thrive in habitats such as chalk grassland due to the relatively high ground temperature, open aspect for basking, free-draining soil and abundant food sources. With a contribution from the developer would be able to clear the scrub and introduce sheep with the aim of grazing the area year-round at a low pressure, which will gradually eradicate the invasive species and restore chalk grassland.
- 5.51 The total cost is estimated at £30,400. The cost would cover payment for ten years of grazing, various grazing materials and scrub clearance by contractors.

- 5.52 **City Regeneration:** Supports the proposal from the perspective that the development will provide 125 much needed dwellings of mixed tenure, an agreed percentage of which will be affordable homes in line with council policy. This will make a significant contribution to the City's challenging housing targets.
- 5.53 Should the application be approved, through a S106 Agreement, an Employment and Training Strategy will be required. To be submitted at least 1 month before commencement.
- 5.54 In addition, in accordance with the Developer Contributions Technical Guidance, requests a contribution through a S106 Agreement for the payment of £50,100 towards the Council's Local Employment Scheme and construction related training.
- 5.55 **Education Officer:** Comment. There are currently shortfalls in pupil numbers at the Primary School and the Aldridge Academy (PACA) closest to this development. The Primary School has between 12 and 27 free places in each Year Group and PACA also has places available. However the proposal is outline therefore necessary contribution to education infrastructure should be secured in principle with calculations made when construction commences. A total sum of £651,771 is sought.
- 5.56 **Environmental Health Officer:** Recommends approval subject to conditions. Comments remain the same as for application BH2016/05908. While the layout has changed, this will have minimal effect on road traffic noise levels, and no impact on overall recommendations.
- 5.57 **Environmental Health Air Quality Officer:** Recommends approval subject to conditions.
- 5.58 **Sustainability Officer:** Comment. The letter provided by the Agent states that the scheme will address policy CP8 as part of detailed design at reserved matters stage.
- 5.59 In the revised overall site layout, there is no further information about energy efficiency, passive design or incorporation of renewable energy technologies.
- 5.60 In order to ensure Policy CP8 is addressed, it is recommended that the applicant be requested to submit prior to commencement of development an energy assessment detailing how energy efficiency will deliver carbon reduction, use of efficient building services will further reduce carbon emissions, and how application of renewable energy technologies will deliver yet further carbon reductions. This energy assessment should set out how 19% carbon emissions reduction will be achieved as a minimum.
- 5.61 The applicant will be required to submit a Sustainability Checklist which must indicate how other aspects of Policy CP8 are addressed. Previously the proposed conditions suggested in the comments dated 06.12.16 were as follows:

In the event of permission being granted, the following conditions are proposed:

- Minimum energy and water performance standards
- Home Quality Mark One Star as a minimum pre occupation
- Further details to demonstrate how the scheme addresses Policy CP8 at detailed design stage, and
- Energy Assessment and strategy; the strategy should be implemented prior to occupation.

- 5.62 **Planning Policy: No objection.** A previous application for a similar proposal on the site (BH2016/05908) was refused at committee in April on five grounds, none of which were related to the planning policy comments provided, which were supportive of the proposed scheme.
- 5.63 The revised application seeks to address the reasons for refusal with the major alteration to the layout being that the 5 dwellings, which were proposed to be access from Mile Oak Road, have been re-located within main part of the application site accessed from Overdown Rise.
- 5.64 The principle of some residential development at Mile Oak Hill has been established through the 2014 Urban Fringe Assessment and confirmed through the 2015 Further Assessment of Urban Fringe Sites (Ecology, Landscape and Archaeology).
- 5.65 The revised proposal now under consideration has an increased density of 43dph, due to the removal of the area of development on site 4b that was previously proposed and the relocation of the dwellings proposed for that area to site 5. Although still below the 50dph level, this increased density is welcomed, and the revised proposal is therefore able to be more strongly supported in planning policy terms.
- 5.66 The housing mix has also been slightly altered, however the mix of both affordable and market housing remains weighted towards family sized housing (2 and 3 bed units) and this is considered appropriate for the site and location and in accordance with policies CP19 and SA6 of City Plan Part One.
- 5.67 The proposed scheme retains the previously proposed 40% affordable element and is therefore is in line with the requirements of City Plan Part One CP20.
- 5.68 **Public Art Office: No objection.** To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £33,000, be included in the section 106 agreement.
- 5.69 **Housing Strategy: No objection.** Welcome the inclusion of the policy compliant number of affordable housing units as 50 (40%). The developer has confirmed that the number and tenure of units will be policy compliant. The mix of unit sizes, while not fully compliant, is an acceptable mix. Provision of wheelchair housing and the size of units needs to be confirmed.

- 5.70 **Sustainable Transport:** The Highway Authority has no objections in principle to the application subject to the inclusion of necessary conditions and clauses within a S106 agreement.
- 5.71 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding the detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- 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
- CP16 Open space
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing
- SA4 Urban Fringe

SA5 The Setting of the National Park
SA6 Sustainable Neighbourhoods

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU3 Surface Water Drainage
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
SU11 Polluted land and buildings
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
NC4 Sites of Nature Conservation Importance

Supplementary Planning Documents:

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

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of Recreational Space

Urban Fringe Assessment 2014

Further Assessment of Urban Fringe Sites 2015 – Landscape and Ecological Assessments

Brighton and Hove: Further Assessment of Urban Fringe Sites 2015: Archaeological Desk-Based Assessment

Urban Characterisation Study 2009

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The loss of a view or devalued property prices as a result of the development, which were matters raised in some objections, are not material planning considerations. The main considerations in the determination of this outline application relate to the principle of development, landscape impacts, ecology, archaeology, transport and highway safety, affordable housing, potential impact on neighbouring amenity, flooding and sustainability.

8.2 Principle of Development:

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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 The Council's housing delivery strategy is set out in City Plan Policy CP1. This identifies that approximately 1060 dwellings could be provided on urban fringe sites, such as that the subject of this application, across the city.

8.4 As set out previously, the reasons for refusal of the earlier application did not relate to the principle of the development of the Urban Fringe site.

8.5 Urban Fringe

City Plan Policy SA4 relates to the City's urban fringe. This policy seeks, where appropriate, to promote and support the careful use and management of land within the urban fringe to achieve 5 objectives in addition to stating 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 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 5 objectives set out in the policy.

8.6 Part 2 of the City Plan (CPP2) is in the very early stages of preparation. As such sites within the urban fringe may have potential to provide housing but have not been assessed in detail or formally allocated for housing. Proposals which come forward in advance of CPP2 will be judged on their own merits with the 2014 Urban Fringe Assessment (UFA 2014): a material planning consideration in the determination of such applications. Further Assessment (Further Assessment of Urban Fringe Sites 2015 (UFA 2015)), not mentioned in CPP1, was commissioned in Summer 2015 to undertake more detailed ecological, landscape and, subsequently, archaeological assessments of some of the urban fringe sites in order to inform preparation of CPP2. The UFA 2015 is therefore also a material consideration in the determination of applications for Urban Fringe Sites.

8.7 The Inspector's report into CPP1 makes clear that decisions on whether individual sites should be developed will be made through the CPP2 process or through the development management process. Therefore whilst the UFA 2014 and UFA 2015 might indicate potential for housing on a given site they are high level studies aimed at assessing the development potential of a number of

urban fringe sites. They do not firmly establish the principle of development or allocate sites. However the Urban Fringe sites are identified in the up-dated Strategic Housing Land Availability Assessment (SHLAA) (published February 2017) as contributing towards the city's 5 year housing supply.

- 8.8 However Policy SA4 sets out policy objectives as well as development criteria and does state that UFA 2014 is a material consideration in considering applications for residential development in the urban fringe. The acceptability, or otherwise, of residential development on the site is dependant primarily on how it meets the policy objectives and satisfies development criteria together with assessments of the impact on the biodiversity and ecology of the SNCI, archaeology and landscape/visual impact. Development which would cause harm is unlikely to be supported.
- 8.9 Urban Fringe Assessment 2014
The Urban Fringe Assessment 2014 (UFA) is an independent study that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan. The assessment, published in June 2014, provides an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and considers the scope for mitigation of any adverse impacts identified.
- 8.10 As stated within the assessment "Accommodating housing in the urban fringe will contribute towards the objectively assessed need (OAN) for housing in the city. It will also benefit the wider local economy and present opportunities for investment and regeneration in the more outlying communities of the city, both around the main urban area, and at the edges of the 'satellite' settlements to the east".
- 8.11 The assessment goes on to state that, "This investment has the potential to result in wider economic, environmental and social (e.g. health and wellbeing) benefits to the city and not just individual communities".
- 8.12 The application site is challenging as it comprises a locally designated Site of Nature Conservation Importance (SNCI) called Mile Oak Fields (largely UFA sites 5 and 5a). In addition, it straddles the ridge of a spur dissected by the A27 by-pass but which nevertheless is a prominent site in immediate and other, more distant, strategic views from within the SDNP. In particular this is from Southwick Hill to the west and to a lesser, but no less important extent, from the east and the north. In addition UFA 2015 suggests there are reasons to believe there may be undisturbed archaeological interest in parts of the application site.
- 8.13 The application comprises 3 sites (4b, 5 and 5a) identified in the UFA 2014 as part of an area comprising a cluster of 6 sites (known as Sites 4, 4a, 4b, 5, 5a and 6) collectively termed Land at Mile Oak Hill, having a total area of approximately 12.8 hectares. Of this total, the UFA 2014 suggests the upper slopes of site 5 should not be developed because of landscape impact. Furthermore it states "Development in site 5 would have greater adverse impact in isolation if the areas to the east and west were not developed."

- 8.14 Omitting the upper parts of site 5 retains approximately 7.5ha of the total area of the cluster identified within the UFA's with potential for (housing) development. UFA 2014 recommended that only 5.6 hectares (of the 7.5 hectares formed by the cluster of urban fringe sites, about 75%) in total be developed to allow for appropriate mitigation of potential adverse impacts. In particular, were all sites to be developed UFA 2014 states there would be significant net loss of open space (in sites 5a and 6) and significant adverse ecological impacts (in sites 5 and 5a). Additionally the UFA set out that there may be potential archaeological interest across the Study Area which should be considered at pre-application stage. Such potential is described as "very high" in the case of sites 5, 5a and 6.
- 8.15 The application site comprises urban fringe sites 4b, 5 and 5a with a collective area of approximately 8.88 hectares. The indicative layout accompanying the outline application shows approximately 3.55ha of built development on the lower slopes of Site 5, with the remainder of Site 5 together with Sites 4b and 5a, a combined area of approximately 5.33ha, to be retained and enhanced as SNCI and open space. Section 4.5 of the Framework Ecological Management Plan (FEMP) states that retained SNCI to the north of the site would be subject to a covenant preventing future development and it is "anticipated that a management company would be formed or appointed to implement the management plan".
- 8.16 Urban Fringe Assessment 2015
Utilising the results of the UFA 2014, the subsequent UFA 2015 was undertaken to assist a reduction in the shortfall between the housing target and the Objectively Assessed Need of 30,120 dwellings for the period 2010 to 2030. It identified Study Areas for further landscape and/or ecological assessment in order to provide a more detailed basis to test previous assumptions made in the UFA 2014 about principles and potential densities of development.
- 8.17 In terms of the Mile Oak Hill Study Area, to which this application relates, the UFA 2015 agreed with the conclusion of UFA 2014 in respect of the principle of housing capable of being delivered at certain parts of the potential development areas without significant impacts of landscape and ecology but revised assumptions regarding:
- The size of potential development areas and yield is reduced to address the potential for significant ecological impacts, with a greater proportion of grassland habitats in particular retained to enable mitigation to be delivered,
 - Habitat enhancement can be assured within the remainder of the Study Area, including within the development,
 - Built development is minimised at the upper slopes of Site 4b and permeability is maintained through developments (to minimise landscape impacts), and
 - Incorporation of robust mitigation measures to address any impacts on protected species.
- 8.18 Furthermore, the 2015 assessment advocates that "Given the issues associated with development of these sites, and the importance of developing

robust mitigation proposals, this Study Area would benefit from the development of a Masterplan to guide detailed design”.

- 8.19 Whilst a Masterplan approach for the development of Urban Fringe Sites 4, 4a, 4b, 5, 5a and 6 was suggested in the conclusions of the UFA 2015 it is noted that the cluster of sites are in 3 different ownerships.
- 8.20 At pre-application stage it was stated that the applicant had not been able to gain sufficient interest for a masterplan despite approaches to the owner of Sites 4 and 4a. Site 6 is allotments in Council ownership and, in the applicant’s opinion, unlikely to be considered for other uses. These factors hinder preparation of an overall Masterplan, however the proposal does provide a Masterplan Strategy for the majority of the site including for the area of open space forming Sites 4b, 5 and 5a. The applicant agrees with the UFA 2015 about the reduced potential for housing development compared to the UFA 2014 and adds that while Sites 4 and 4a may be promoted by the current owner, in the applicant’s opinion the Council’s assessment of Sites 4b, 5 and 5a likely potential housing numbers of 280 across the cluster of sites at Mile Oak is optimistic (by approximately 100 units) given the “topography of the area, which makes certain sections of the site very difficult to construct and/or undesirable due to landscape impacts”. Impacts on landscape, ecology and archaeology are discussed in more details below.
- 8.21 **Ecology and Archaeology**
The outline application is accompanied by an Ecological Appraisal and Framework Ecological Management Plan and an Archaeological Desk-Based Assessment.
- 8.22 From an archaeological point of view the site is identified as being located within an Archaeological Notification Area, defining an area of significant prehistoric activity, including settlement and human burials.
- 8.23 Policy HE12 of the Brighton & Hove Local Plan states that development proposals must preserve and enhance sites of known archaeological interest. Proposals likely to have an adverse impact on archaeological interest will not be permitted except where the Planning Authority, in balancing the relative importance of the site against need or the proposal, is satisfied the adverse impacts are minimised and need for the proposal outweighs likely harm.
- 8.24 The further 2015 Archaeological Assessment of the Urban Fringe Sites concludes that any future residential development would have significant impacts upon buried archaeological deposits. In light of the potential loss of archaeological deposits on the site a programme of non-intrusive and intrusive archaeological evaluation would be required to evaluate the potential, the results of which would form the basis for future decisions. There is no indication that the potential development area contains buried archaeological deposits of national significance that would necessitate preservation in situ or which would constitute an insurmountable constraint for development (although this remains an option for the planning authority to consider). Nevertheless any future planning applications should expect to be required to conduct a comprehensive

suite of pre-application and post-determination archaeological works. If further archaeological evaluation indicates very high potential for significant archaeological remains, then parts of the site may not be suitable for development.

- 8.25 With regard to the Archaeological Assessment accompanying the application there is some difference between this and the County Archaeologist's assessment in respect of past activities that may have occurred on site. Nevertheless the County Archaeologist does not dispute the conclusion of the applicant's Assessment; that proposed development (which would include not only buildings but roads, footpaths landscaping and balancing ponds as well) is likely to impact on any below ground deposits so further mitigation work would be appropriate or reasonable. As the County Archaeologist notes, the NPPF states such work should take place before planning applications are made in order that the Planning Authority is aware of all factors in taking a decision. However as the applicant's archaeological advisor also notes there are ecological interests on the site which have prevented the recommended investigations and assessment of the significance of any archaeological interest. It is also noted that the County Ecologist would object to such archaeological investigations unless the potential ecological impacts of such investigations are first addressed. It is in the context of these relatively unusual circumstances that the County Archaeologist recommends that ground investigations could take place as a condition of consent albeit with the fundamental proviso that the findings may have significant impacts on the developable area and consequently the numbers of dwellings that could be built. In turn this could impact on other factors such as the assessment of highways impacts, affordable housing and necessary infrastructure contributions. Indeed it may transpire archaeological interests are so significant that harm caused by development could prevent any building at all, although as the UFA's note there is no indication at this stage that this could be the case.
- 8.26 There is therefore further ecological mitigation work to be carried out followed by investigative archaeological work the results of which are fundamental to the amount of development the site can accommodate. In terms of Policy HE12 therefore, without a proper assessment of the archaeological interest of the site it is not possible to give particular weight to that interest nor is it possible to make an informed judgement about the balance to strike relative to the need for the proposal itself. Whilst this might point towards failure to comply with Policy HE12, owing to the unusual circumstances of the known ecological interest preventing investigative archaeological works at this stage and the acknowledged need for additional housing across the City, it is considered more appropriate to condition such investigations in order to inform the balancing exercise set out in Policy HE12 which should be carried out at reserved matters stage.
- 8.27 Policy NC4 in the Brighton & Hove Local Plan states planning permission will not be granted for a proposal within an SNCI where it is likely to have an adverse impact. Exceptions will only be made where damaging impacts can be prevented through protection, enhancement and management, or a proposal is essential and cannot be located elsewhere and meets other requirements.

- 8.28 The proposal would result in the permanent loss of approximately 42% of the SNCI, including formal amenity land. However the woodland to the north and the grassland in the northern half of the site, including the chalk grassland, would be retained and the grassland would be brought into long-term positive management to encourage the spread of the priority chalk grassland habitat. In addition the parcel of land adjacent identified as site 4b in the UFA, which is outside of the boundary of the SNCI, would also be managed to enhance the grassland.
- 8.29 The Ecological Appraisal accompanying the application found that the SNCI has not been managed which has degraded its value over time as a result of encroachment by scrub and tall ruderal vegetation. Without intervention degradation will likely continue. Various sized populations of wildlife were found including a significant population of slow worm and housing development will result in loss of part of the SNCI. Therefore the Appraisal sets out a range of measures to halt the decline of the retained SNCI, which includes restoring the calcareous grassland by active management and safeguarding against the encroachment on invasive species. It is proposed that the land immediately to the north of the proposed dwellings would be more actively managed and left accessible to residents, with a footpath running through this area connecting with the Public Rights of Way to the north-east and north-west. It is stated that public access would not however be encouraged to the north of the proposed footpath and this land would be managed to achieve the aims of the submitted Management Plan.
- 8.30 The submitted Ecological Appraisal sets out a range of ecological enhancement measures including,
- New native planting to the SNCI and within the residential area,
 - Provision of species rich grassland within the residential area,
 - Developing the attenuation basis as ecological features over time;
 - Provision and management of public footpaths, and
 - Provision of bat and bird boxes and hedgehog nesting domes.
- 8.31 Application BH2016/05908 was refused on ecology grounds, namely,
- “The proposed mitigation, compensation and enhancement measures would not satisfactorily address the harmful impacts of the development on the ecology and biodiversity of the Mile Oak Fields Site of Nature Conservation Importance”.
- 8.32 In addition to the above measures, following refusal of the earlier scheme, a receptor site has now been found which would receive reptiles translocated from the application site and as such would provide off-site habitat restoration.
- 8.33 It is proposed that Whitehawk Hill Local Nature Reserve (LNR) would be enhanced, firstly by removing scrub and subsequently grazed by sheep in order to return it back to a chalk grassland habitat which is considered to have a high biodiversity value. Once the LNR has been enhanced reptiles from the application site would be translocated. A contribution to secure a 10 year

management plan for the LNR would also be provided by the applicant as part of the proposal. Whilst the proposal would result in approximately 3.55 Ha of existing SNCI being lost at Mile Oak Hill, the proposal would secure measures to reverse degradation of the remaining Mile Oak Fields SNCI (5.33Ha) in addition to the enhancement of Whitehawk Hill LNR (4.24Ha), with the overall result being that the proposal would secure higher quality habitats within the city, representing an overall net gain in biodiversity.

8.34 Provided the recommendations set out in the submitted Ecology Appraisal can be secured by condition or agreement, it is considered the package of measures amount to the exception requiring prevention of damage set out in Policy NC4.

8.35 **Design and Appearance**

As part of the application a Landscape Character and Visual Impact Assessment (LVIA) and a Landscape Management Plan have been submitted. The LVIA is considered to provide accurate detailed description of the landscape context and landscape character of the site and surrounds in addition to an accurate assessment of the visual context of the site, including longer distance views from the wider downland in the SDNP.

8.36 Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City's identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).

8.37 Whilst the application seeks consent for access only, with the final scale and design being subject to a reserved matters application, an indicative layout for a development of up to 125 dwellings has been provided which shows all of the proposed development in the lower section of urban fringe Site 5.

8.38 The landscape proposal shows open space retained north of the proposed built form, forming a buffer between the proposed dwellings and the boundary with the A27. This proposed retained open space would comprise two elements;

- Land immediately north of the proposed dwellings which would be more formally managed green space comprising hedge, shrub and tree planting, and
- A pedestrian and cycle link though the north of the site, beyond which would lie a green corridor through the north of the site across Sites 4b, 5 and 5a, which would be managed for the purposes of improving the sites ecological value.

8.39 The indicative layout plans submitted shows that orientation of the key frontages of the proposed development would vary across the site.

8.40 Within the submission it is stated that the proposed dwellings would be restricted to 2 storeys in height. It is considered that the height of development should be restricted to 2 storeys via a condition, in order to ensure that the

development is in character with the surrounding residential area and not of adverse harm to the surrounding landscape.

- 8.41 A condition removing householder permitted development rights could be attached to a reserved matters application when the layout and design of the proposed development is known, if it is considered that future alterations to the proposed dwellings would have an adverse impact upon the visual amenities of the surrounding area, including the setting of the SDNP.
- 8.42 Impact Upon Setting Of South Downs National Park
The South Downs is a landscape of national importance. As set out above the application site is located in the setting of the SDNP.
- 8.43 Policy SA5 requires proposals within the setting of the National Park (SDNP) to have regard to its impact. Development within the setting of the Park should be consistent with and not prejudice the Park's purposes and must respect and not significantly harm the Park and its setting and should have due regard to the Council's priorities for the South Downs where appropriate.
- 8.44 Paragraph 109 of the NPPF requires development to contribute to and enhance the nature and local environment including by protecting and enhancing valued landscapes. In addition "Great weight should be given to conserving landscape and scenic beauty in National Parks [...], which have the highest status of protection in relation to landscape and scenic beauty" (paragraph 115).
- 8.45 The National Parks and Access to the Countryside Act 1949 imposes certain duties on local planning authorities, when determining planning applications in relation to, or affecting, National Parks. Specifically, s11A (2) of that Act, as inserted by s.62 of the Environment Act 1995, states:
- "In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park."
- 8.46 The purposes of National Parks, as set out in s5(1) of the 1949 Act, are:
- "(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and
(b) of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public."
- 8.47 As the proposed development is not sited within the National Park it is not considered that s5(1)(b) above applies in this instance. The proposal would however, result in the creation of new public footpaths across the site, which would enhance access to the nearby existing SDNP footpaths located near the site.

- 8.48 As a result of the 1949 Act, in determining this application, regard therefore must be given to the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the SDNP. The proposed development's enhanced landscaping scheme, ecological enhancement measures and the assessment with regards to archaeology are referred to later in the report.
- 8.49 The application site can be seen from within the SDNP from the all directions east, north and west although despite being on a ridge is only intermittently visible in views from Foredown Ridge and Mount Zion to the east. From the north the site is seen beyond the By-Pass and against a backdrop of existing development of Mile Oak. It is most visible from Southwick Hill to the west from where it can be clearly seen in sweeping views between the sea and Cockroost Hill. Even so the current appearance of the site, being predominantly scrub, differs from the wider chalk Downland within the SDNP. The site is also contained by the By-Pass which tends to associate it with the built-up area of Mile Oak rather than the wider SDNP so appropriate development would be seen as an extension of the built-up area rather than an incursion into the SDNP. The indicative layout reflects the UFA recommendation in avoiding development on the upper slopes although it is noted that it might appear rather odd in views from Southwick Hill if the adjoining Sites 4 and 4a are not developed.
- 8.50 The County Landscape Officer's reservations about the applicant's positive assessment of the visual impact of development compared to its current greenfield state are noted. However the County Landscape Officer's overall conclusions and recommendations are generally supportive in terms of the impacts on the SDNP to the extent that Policy SA5 is considered to be satisfied (bearing in mind the layout is indicative). The recommendations regarding additional planting and management can be secured by condition or agreement.
- 8.51 Taking these findings forward within the overarching policy context provided by SA4 it can be concluded that the proposals, being in advance of CPP2, reflect the findings in the UFA and satisfy the key criteria in SA4 c) and d) in having regard to the downland landscape setting of the City and appropriately mitigating or compensating for any adverse impacts of development subject to further investigative archaeological investigation. In addition the proposals help to achieve many of the relevant SA4 objectives with regard to protecting the setting of the SDNP, securing better management of the urban fringe, improving public access, biodiversity enhancement and protection of groundwater.
- 8.52 **Landscaping**
Most of the land to which the application relates has in the past been used for open grazing or agriculture and therefore would have been relatively treeless. The Council's Arboriculturist notes that there is now a considerable invasion of pioneer species on the site with a mixture of young tree and shrubs appearing such as hawthorn, dogwood, wayfaring tree, blackthorn etc. There is also considerable highway planting on the land to the north of the site along the bypass which is starting to spread or encroach onto the application site. In addition there is a hedgerow to the west (mainly elm) and south of the site plus

a small woodland conservation area (former allotment land) some distance away to the far east of the site beyond the existing allotment site.

- 8.53 It is considered that the proposed development would have minimal impact on the existing trees and shrubs on and around the site other than young plants recently established which will be completely lost in order to accommodate the proposal.
- 8.54 Landscaping of the proposed development is not being considered at this stage however the indicative layout plan provided shows the retention of the SNCI to the north of the main part of the proposal and planting around the boundaries and within the site. The potential conflicts regarding the location of certain plots and the recommendations of the County Landscape Architect regarding additional planting within the proposal are noted.
- 8.55 Further details regarding landscaping of the proposal and associated management would be provided as part of subsequent reserved matter applications or via conditions.
- 8.56 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.57 While the layout is to be finalised and subject to separate approval when details would be given careful scrutiny, the indicative layout suggests retention of prominent hedging and dense scrub along the southern and western boundaries of Site 5, the former also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflects that prevailing in the area and there is some commonality with proposed houses set back behind front gardens/hardstandings and there is a less rigidity in, for example, the set back of houses from the roads and greater variety in house sizes which should result in a more interesting streetscape for future residents.
- 8.58 Some concerns have been raised by objectors, mainly in Graham Avenue and Gorse Close, to potential loss of privacy from houses proposed along the southern site boundary. However many of the rear gardens of these existing houses are currently open to view as they can be clearly seen when using the current open space. Moreover the indicative layout shows the separating distance between existing and proposed houses to be little different to that prevailing in the area. There are no apparent reasons why the proposed layout should result in material nuisance or loss of amenity to existing residents and should therefore satisfies policy QD27.
- 8.59 The sole access to the proposal would be between 21 Gorse Close and 21 Overdown Rise. Whilst it is acknowledged that such access point would create additional traffic passing the side elevations of these neighbouring properties it is considered that the proposal would not have a significant adverse impact

upon the amenities of these properties given that the windows that would face the access road appear to be secondary windows. Furthermore the indicative plan provided shows landscaped areas to the side of the proposed access road. It is considered that planting could provide a visual screen between the access road and neighbouring properties which would also help to reduce the potential perception of traffic noise from the proposed access road. Landscaping of the proposal is subject to reserved matters stage and therefore this issue would be addressed at a later stage.

- 8.60 A condition removing householder permitted development rights could be attached to a reserved matters application when the layout and design of the proposed development is known, if it is considered that future alterations to the proposed dwellings would have an adverse impact upon the amenities of neighbouring properties.
- 8.61 **Standard of Accommodation and Accessibility:**
It is considered that a detailed scheme could be designed which would provide an acceptable standard of accommodation for future occupiers. In regard to the sloping nature of the site it would be important to ensure that level access to the dwellings is provided to ensure that optional access standards could be incorporated and comply with Policy HO13 of the Brighton & Hove Local Plan.
- 8.62 Given the locality of the site it is expected that there could be high road traffic noise levels due to the nearby A27. An Environmental Noise Survey and Assessment has been provided as part of the application. The report findings indicate the mitigation levels that will be needed with regards to glazing and ventilation in order to protect future residents. The Council's Environmental Health Officer considers that most standard double glazing should reach the level of protection needed, but recommends that it should still be conditioned to ensure that adequate protection is put in place.
- 8.63 There is some concern over the road traffic levels that may be experienced in some of the gardens closest to the A27. However it is understood that very little could be done to mitigate these levels further and that it would be preferable to have gardens designated for the proposed dwellings with road traffic noise levels, than no open space provision.
- 8.64 **Housing Mix and Affordable Housing:**
Although the application is outline it is intended that the revised scheme would provide the following housing provision),
- 8 x 1 bed flat (no change from refused application),
 - 20 x 2 bed flat (+20 compared to previous application),
 - 1 x 3 bed flat (+1 compared to previous application),
 - 34 x 2 bed house (-14 compared to previous application),
 - 57 x 3 bed house (- 4 compared to previous application),
 - 5 x 4 bed house (- 3 compared to previous application)
- 8.65 Compared to the previously refused scheme the proposed housing mix comprises 21 more flats but 21 fewer houses.

- 8.66 Policy CP14 relates to development density. The acceptability of the previous application was a finely balanced judgement due to the previously proposed density being 30dph, which was significantly below the 50dph requirement set out in policy CP14 and which was the density level suggested for the site in the 2014 UFA. Further information submitted, in respect of the earlier application, was considered to justify the lower density in that instance, with considerable weight being given to the comments of the County Landscape Architect and the sensitivity of the surrounding National Park landscape in reaching that view.
- 8.67 The development now proposed, as shown in the indicative layout plan submitted, would have a density of approximately 43dph, due to the removal of the area of development in Site 4b and the relocation of the 5 dwellings from Site 4b to Site 5. Although the proposed density is still below the UFA/policy CP14 required density of 50dph, the increased density is welcomed and as such the proposal is able to be more strongly supported in terms of policy CP14.
- 8.68 Policies CP19 seeks to improve housing choice and ensure an appropriate mix of housing is achieved across the city. New residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure development makes a positive contribution to the achievement of mixed and sustainable communities. The City Plan considers there is clear evidence of a city-wide bias towards smaller dwelling types and due to the limitations of central sites it will be important to maximise opportunities for family sized accommodation on suitable sites. The Objectively Assessed Need for Housing (June 2015) recommends the following mix of market housing across the city; 15% one bed, 35% two bed, 35% three bed and 15% 4+ bed.
- 8.69 Policy CP20 sets out the Council's targets for onsite affordable housing provision. There is a sliding scale rising to 40% on sites of 15 or more dwellings. Such housing should be appropriately integrated throughout the development with the level and type of affordable housing determined according to local need (with emphasis on family sized units), accessibility, viability and without prejudicing the overall development or other planning objectives. There should be a mix of tenures within the affordable housing provision, with policy stipulating a preferred city-wide mix of 30% one bed, 45% two bed and 25% 3+ bed units. On individual sites the preferred affordable mix is to be negotiated and informed by up-to-date assessment of local need and neighbourhood characteristics.
- 8.70 The submitted outline proposal indicates the mix below (affordable and market housing) in the column titled Proposed compared with the recommended proportions set out in the City Plan and the Objectively Assessed Need. This assumes 125 units, 50 of which would be affordable.

Market Mix			
	Recommended	Proposed	Difference
1 Bedroom	15%	0%	-15%
2 Bedroom	35%	32%	-3%
3 Bedroom	35%	63%	+28%

4+ Bedroom	15%	5%	-10%
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Affordable Mix			
	Recommended	Proposed	Difference
1 Bedroom	30%	16%	-14%
2 Bedroom	45%	60%	+15%
3+ Bedroom	25%	24%	-1%

- 8.71 As a result of the amendments to the layout of the proposal, following the previously refusal the proposed housing mix within the scheme has been slightly altered to include 21 more flats but 21 fewer houses. The proposed mix for both market and affordable housing remains weighed towards family sized units (2 and 3 bedroom units), which is considered appropriate for the site and location and as such accords with policies CP19 and SA6.
- 8.72 The proposed the 40% affordable housing provision should be spread throughout the layout rather than concentrated in one part, a principle supported by Policy CP20 and should be indistinguishable from the proposed market housing in the overall design/appearance of the properties. The Council's Housing Strategy prioritises support for new housing which delivers a suitable mix with an emphasis on family homes for affordable rent. The 'Affordable Housing Brief' (AHB) provides an evidence base for the assessment of needs. With regard to this proposal the tenure mix for the affordable housing would be 55%/28 units affordable rent and 45%/22 units intermediate /shared ownership. 5 units (10%) of the proposed affordable housing units should be wheelchair accessible. Recent experience encourages these units to be rented although none of this type of unit is identified in the proposals, however such provision can be ensured via a condition.
- 8.73 Proposals which meet the national prescribed (floor) space standards are supported however at this stage, as there are no details of the unit sizes other than by numbers of bedrooms and as such compliance with the standards cannot be assessed.
- 8.74 **Sustainable Transport:**
Application BH2016/05908 included transport reasons for refusal, namely;

"Vehicular movements to and from the development using the access from Mile Oak Road, by virtue of the narrowness and layout of Mile Oak Road, would result in dangers to highway safety" and "Increased traffic generation and displaced parking from the development would have an adverse impact on surrounding residential road".
- 8.75 In order to address the above reason for the refusal the revised proposal omits the 5 dwellings which would have been accessed from Mile Oak Road and as such the vehicular access point from the development site with Mile Oak Road has been removed. In addition 21 more flats but 21 fewer dwellings are now proposed.

- 8.76 Further to the Transport Assessment, which was submitted a part of the previous application; additional traffic surveys have been carried out and submitted as part of the revised proposal as part of an addendum to the resubmitted Transport Assessment. The additional traffic surveys shows that the 2016 flow data was robust and confirms that the modelling presented in the resubmitted TA remains an appropriate assessment of the proposal. In addition the additional surveys demonstrate that the total increase in traffic movements on local routes south of the site to Portslade and Hove would be negligible once traffic has dispersed across the network.
- 8.77 Pedestrian Access
The main pedestrian access to the site would be from Overdown Rise with the access plan showing a 2m footway on both sides of the carriage way. The submitted Indicative Landscape Plan does not show an eastern footway alongside the allotments to Overdown Rise and it should be extended to provide a continuous footway on both sides. This issue can be dealt with via a condition.
- 8.78 The other main pedestrian entrance to the site is from Mile Oak Road. Although the vehicle access previously proposed in the refused application is removed, the Highway Authority would continue to seek amendments to this access, to be secured as part of the S278 agreement.
- 8.79 The indicative layout plan shows various pedestrian routes within the site, some of which are already established routes but with no legal status. These include footpaths along the main vehicular routes but also within the SNCI to the north of the built area. The majority of the routes in the SNCI run east/west but there are also links running north/south from the proposed development itself. These are considered to provide convenient access to the wider area and the public rights of way beyond the development site and are welcomed by the Highway Authority. It is assumed that these routes are to remain private.
- 8.80 In order to maintain pedestrian permeability into and through the site the Highway Authority requires the applicant to enter into a walkways agreement for the proposed pedestrian routes within the site, as part of the S106 agreement. In addition further details of the layout and design of the internal access roads and footpaths should be secured via a condition.
- 8.81 The applicant has previously confirmed that they wish the road to be adopted and a S38 agreement would therefore be required. The Highway Authority would adopt the main spine road only and not the cul-de-sacs off the main route.
- 8.82 Vehicular Access
As set out above the formerly proposed Mile Oak Road vehicular access point has been omitted from the proposal but it retains the main vehicular access point between 21 Gorse Close and 21 Overdown Rise. This retained access is in the form of a simple priority junction with priority being given to Overdown Rise, as previously recommended by the Highway Authority.
- 8.83 Cycle Parking

SPD14 states that a minimum of 1 cycle parking space per unit for 1 to 2 bed units and a minimum of 2 cycle parking spaces per unit for 3 to 4+ bed units is required. Visitor cycle parking should be provided at a rate of 1 space per 3 units.

8.84 For this development of up to 125 residential units (62 x 1-2 bed units and 63 x 3+ bed units) the minimum cycle parking standard is 230 cycle parking spaces in total (188 residents and 42 visitor spaces).

8.85 All houses appear to have either a garage or the potential for side access into the back garden; whilst the flats have adequate space to accommodate cycle parking within the vicinity of the building. Further details of cycle parking facilities should be secured via a condition.

8.86 Servicing

The main servicing activity associated with the proposed development is considered to be that of the collection of refuse and recycling and deliveries to each property. The applicant has submitted a swept path analysis of a refuse vehicle (10.980m in length) accessing the site, however is noted that this is based on the originally proposed layout, although this has not changed substantially. The Highway Authority has no objections to the proposed servicing arrangements.

8.87 Car Parking

SPD14 states that in this location the maximum of car parking provision is 1 space per dwelling plus 1 space per 2 dwellings for visitors. For this development of up to 125 residential units the maximum car parking standard is 188 spaces (125 spaces for residents & 63 visitor spaces).

8.88 The proposal comprises 221 spaces in addition to 63 garage spaces. The applicant acknowledges that this is in excess of the Council's SPD14 standard and the level previously recommended by the Highway Authority.

8.89 When assessing all available census data for car ownership the likely residential car parking demand for a development of up to 125 residential units, in this location, is between 143 and 155 cars.

8.90 The design and layout of parking would be provided at reserved matters stage and as a result it is recommended that a condition is attached, should overall the proposal be considered acceptable, that states that the detailed layout shall not provide more than 188 off street car parking spaces, in order to limit the level of parking. This is in addition to the on-street capacity that would be created within the development. The current proposal to provide 221 spaces plus 63 garages plus on-street capacity would therefore be substantially greater than the maximum permitted. It is necessary to provide an appropriate balance between over providing for car parking and limiting overspill parking. However, taking account of on-street capacity within the site that the proposal would create and local car ownership levels it is not considered that overspill parking beyond the site would be substantial.

- 8.91 Electric Vehicle Charging Points
SPD14 requires that a minimum 10% of the car parking provision to have electric vehicle charging provision and a minimum of 10% of the car parking provision to have a passive provision to allow conversion at a later date. Although the applicant acknowledges such requirement, no details of electric vehicle charging provision have been provided within the submission. Such provision could however be secured via condition.
- 8.92 Disabled Parking
SPD14 states that the minimum standard for disabled parking is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard to cater for visitors.
- 8.93 From the submitted illustrative layout plan it appears that the majority of units have access to at least 1 dedicated car parking space. If a resident was disabled they would therefore have a dedicated bay which would be for their sole use. Therefore in this instance it is not necessary for any of the houses to have a dedicated disabled bay.
- 8.94 However, for the communal parking for the flats and visitors the Highway Authority would look for dedicated disabled bays. Further details of the disabled car parking provision including numbers and layout should be secured via condition.
- 8.95 Public Transport
The nearest bus stops to the site are located on Graham Avenue outside the local shopping area. This is approximately 0.2mile/a 5 minute walk from the development site. This bus stop has a shelter, accessible kerb but no real time information sign.
- 8.96 This bus stop is served by the main services for the area, the 1 and 1A route which runs between Whitehawk and Mile Oak. These services serve Portslade Station, Portslade Old Village, Hove, central Brighton and the Royal Sussex County Hospital.
- 8.97 Improvements are needed to public transport infrastructure in order for the development to benefit from a quality public transport service that provides a real choice and alternative to the private car for future residents of the development. Such improvements can be secured via the S106 agreement.
- 8.98 Trip generation/Highway Impact
An Addendum to the previously submitted Transport Assessment has been submitted as part of the revised application in order to address the concerns raised in the earlier reasons for refusal and the feedback provided by Councillors at the Pre-application Briefing with regards to traffic volumes travelling from the site in a southerly direction, to Portslade and/or Hove.
- 8.99 In order to forecast the potential trip generation of the proposals and to forecast the likely impact on the road network the proposed development would have the

applicant has resubmitted previous junction assessments, covering the following junctions;

- Proposed site access Overdown Rise,
- Graham Avenue/Graham Crescent
- New England Rise/Thornhill Rise
- Fox Way/Hangleton Link (A293) roundabout

- 8.100 In order to obtain existing traffic movements on the network the applicant has undertaken traffic count surveys at various locations in 2016 and an additional survey in June 2017, following the earlier refusal. The 2017 data suggests that the data used in the original assessment is a reasonable basis for assessment.
- 8.101 In order to forecast the trip generation from the development the applicant has resubmitted the data previously deemed acceptable by the Highway Authority using the industry standard TRICS database. As the number of units has not changed, this is considered acceptable in this instance.
- 8.102 In order to assign the forecast trips through the road network consideration has been given to 2011 census travel to work data but also the original 2016 surveyed data from classified turning counts. This approach is widely accepted by Highway Authorities as a method of assigning traffic to the highway network.
- 8.103 Previous junction modelling undertaken using industry standard software in the following scenarios has been resubmitted: 2018 base, 2018 base and development, 2021 base and 2021 base and development.
- 8.104 The modelling results show that the priority junctions are all forecast to operate within acceptable capacity thresholds and that the additional development traffic would not have a significant impact upon their operation in all modelling scenarios.
- 8.105 The current application retains the previously proposed improvement scheme that can be delivered to improve traffic flow on the Fox Way arm of the Fox Way/A293 roundabout. The improvement scheme provides a two lane approach arm for a length of 40m to Fox Way, where currently there is only a one arm approach. The applicant has undertaken modelling which demonstrates the proposed works improve the performance of the Fox Way arm.
- 8.106 S106
To comply with the Brighton and Hove Local Plan 2005 policy TR7, TR11 and TR12, Policy CP7 and CP9 of the City Plan Part One, the National Planning Policy Framework and the Council's Guidance on Developer Contributions the applicant is expected to make a financial contribution towards highway infrastructure in the vicinity of the site.
- 8.107 The Highway Authority would look for the S106 contribution of £250,000, to go towards pedestrian and public transport infrastructure improvements within the vicinity of the site. These works shall be focussed on minor footway improvements such as dropped kerbs and tactile paving, missing links of the

public rights of way network as identified within the Rights of Way Improvement Plan and bus stop improvements including real time passenger information signs and accessible bus stops. This is to ensure that the site has access to a realistic alternative mode to the private car, benefits from a high quality public transport service and the local amenities that will serve future residents are accessible for all irrespective of their level of mobility; in line with the NPPF.

- 8.108 Additionally, as highlighted in the City Plan Strategic Transport Assessment (May 2013) and the Addendum Report (June 2014) this site forms part of the Urban Fringe developments which were assessed as part of the Addendum Report. Modelling work undertaken as part of this strategic TA details that infrastructure improvements are required at the junction of Hangleton Link Road/A27.
- 8.109 The proposed development would contribute towards the cumulative traffic impact upon strategic locations of the road network which have been identified for improvements works to accommodate the forecast growth identified as part of the City Plan. Therefore the Highway Authority would look for some of the above contribution to go towards contributing to the cost of the agreed A27/Hangleton Link Road mitigation works which are required to deliver the development identified in the City Plan.
- 8.110 Travel Plan
The applicant has re-submitted a Framework Residential Travel Information Plan as part of the Transport Assessment. The Highway Authority would look for the need to produce a Travel Plan and provide Residential Travel Information Packs to be secured via S106 and for the following measures to be included within the travel packs as a minimum:
- Provision of 2 three month bus season tickets to each first residential property,
 - Free voucher towards the purchase of a bike – voucher £200 1 per household,
 - Public Transport Information, and
 - Local walking & cycling maps.
- 8.111 S278 Highway Works
The proposed highway works at Overdown Rise and requested footway improvements at Mile Oak Road would need to be undertaken through a S278 agreement with the Highway Authority.
- 8.112 Additionally, the Highway Authority would look for the applicant to deliver the mitigation measures put forward for the Fox Way/Hangleton Link Road junction through a S278 agreement prior to occupation of the development.
- 8.113 **Sustainability:**
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 an exhaustive range of criteria around sustainable design features.

8.114 The previous application was refused on grounds including;

“The applicant has failed to demonstrate that appropriate sustainability measures have been incorporated into the development, contrary to policy CP8”.

8.115 As the application is outline only it could be expected that some of the sustainable elements may not yet have been considered however within the current application the applicant confirms the commitment to meeting the requirements of policy CP8 by securing a 19% carbon reduction improvement against Part L 2013 and the “optional” standard for water efficiency, which is defined as not more than 110 litres per person per day maximum indoor water consumption. In addition it is stated that the applicant is willing to commit to a Home Quality Mark, which is equivalent to the requirements set out in policy CP8. In addition within the Appendices of the Planning Statement a supplementary report has been submitted, which assesses the proposal against Buildings for Life 12.

8.116 The application site is located close to a bus service (1 and 1A) which provides a route to and from Brighton. A Travel Plan has also been submitted in which a range of measures are set out to encourage the use of sustainable transport and to reduce reliance of private vehicles.

8.117 In order to ensure that policy CP8 is addressed it is recommended that the applicant be requested to submit, prior to commencement of the development, an energy assessment detailing how energy efficiency will deliver carbon reduction, how use of efficient building services will further reduce carbon emissions and how application of renewable energy technologies will deliver yet further carbon reductions.

8.118 Whilst further information regarding energy efficiency, passive design or the incorporation of renewable energy technologies has not been provided as part of the revised outline application it is acknowledged that further full information would be required at reserved matters stage. Sustainability conditions (some additional to those recommended for the previous application) are recommended, including that the proposal meets minimum energy and water performance standards, to ensure compliance with policy CP8 and as such refusal based on sustainability grounds is not considered justified.

8.119 **Other Considerations:**

Construction Environmental Management Plan

Due to the nature and scale of the development proposed and its location adjacent to the strategic road network, a Construction Environmental Management Plan is requested. As well as providing measures to mitigate the highway impact of the construction phase of the proposal the plan should ensure that the construction traffic avoids the Portslade Air Quality Management Area.

8.120 Land Contamination

As part of the application a contaminated land report (Ground Conditions Desk Study) has been submitted and subsequently scrutinised to ensure that it is robust. The report has identified the classification of site as being very low to low risk in terms of possible contamination. However it has then gone on to suggest an intrusive investigation, partly due to the unknowns of the site. A better understanding may have been gathered through a site walkover as part of the desktop study, which may have negated the need for further testing. However it is appreciated that the report is joint geo-chemical and geo-technical, and further works may have been necessary for geo-technical reasons anyway. Conditions are therefore recommended with regards to further contamination investigation, and any possible future remediation.

8.121 Flood Risk:

Despite the site being located in Flood Zone 1 (i.e. has a low probability of flooding) there is history of surface water and groundwater flooding in the area.

8.122 The previous application was refused on grounds that; “The applicant has failed to demonstrate that appropriate mitigation measures are proposed to manage and reduce flood risk in the locality”.

8.123 The Flood Risk Management Office states that the Council has constructed a series of large soakaways, lagoon and bund in the area of the development on the parcel of land located to the west of the site, to reduce the risk of flooding. The applicant will need to consider and ensure, when finalising the site layout and drainage, that the development would not adversely affect these existing structures.

8.124 Whilst a Flood Risk Assessment and Drainage Strategy was provided as part of the previous application, as a result of the above reason for refusal further clarification of the measures to mitigate flood risk has been submitted as part of the current application, including garden soakaways, permeable paving, infiltration basins and prevention of run-off,.

8.125 The Flood Risk Assessment and Drainage Strategy, which supports the indicative layout, suggests surfaces other than roads will be either planted or permeably paved draining to soakaways. Run off from roads will be dealt with by two basins which would need to be at the lowest points of site 5. These are designed to deal with 1:100 year flooding events with an additional 40% increase in rainfall allowance for climate change. Any surface water run-off will therefore be dealt with in the application site without aggravating existing problems that may occur elsewhere. Whilst not necessarily reducing existing problems elsewhere this approach is in accordance with the requirements of the NPPF and CPP1 Policy CP11.

8.126 Southern Water has confirmed that the development would be located within a Source Protection Zone and around one of their public water supply sources. As such Southern Water requests that a number of conditions, including relating to the protection of the public water supply source and the means of foul and surface water sewerage disposal, are attached if overall the proposal is considered acceptable.

- 8.127 The Council's Flood Risk Management Officer has assessed the proposal and has advised that any concerns can be addressed through an appropriate surface water drainage scheme, which can be secured by planning condition.
- 8.128 Air Quality
The Council's Air Quality Officer recommends approval of the planning application, subject to mitigation measures. Whilst there is not a direct impact to human health in terms of air quality, the completed build would generate additional vehicle movements which have the potential to impact the Portslade Air Quality Management Area (AQMA). Given the indirect impacts of the proposal on air quality, there is a requirement for the applicant to implement numerous mitigation measures to address the acceptability and future proofing of the build. These measures including a Construction Environmental Management Plan (CEMP), electric vehicle charging, water and energy requirements, low emission boilers, travel plan etc should be secured by conditions/S106 agreement.
- 8.129 Financial Contributions
The financial Planning Obligations set out above regarding education, open space, local employment scheme, transport and artistic complement have been calculated at the outline application stage based on the methodology set out in the Council's Developer Contributions Technical Guidance (March 2017) and based on the maximum amount of development proposed, in this case 125 dwellings.
- 8.130 Conclusion
As set out above, a previous application for a similar development was refused by Planning Committee on grounds relating to transport, sustainability, ecology and flooding. An appeal has been lodged against this earlier refusal.
- 8.131 Since the refusal the developer has undertaken a pre-application Briefing with Councillors regarding the revised scheme subject of this application, namely the removal of the Mile Oak Road vehicle access point and the relation of 5 houses from Urban Fringe Site 4b to Site 5. In addition further information regarding transport impacts, sustainability and flooding have been submitted and a commitment to enhance and management the Whitehawk LNR to allow the translocation of reptiles to this site is proposed, in order to overcome the previous reasons for refusal. As such it is not considered that refusal on the earlier reasons could be sustained.
- 8.132 The provision of up to 125 new dwellings would be a significant contribution to the supply of housing in the City, including 40% affordable housing. In addition the proposal would result in the enhancement, management and maintenance of the retained SNCI (which includes a formally defined area for public use) and the enhancement and management of the Whitehawk LNR.
- 8.133 The NPPF's presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved without delay. In this instance it is considered that the proposal

accords with the City Plan Part 1 and the Brighton & Hove Local Plan 2005, represents sustainable development and as such approval is recommended.

9. EQUALITIES

- 9.1** As this is an outline planning application with all matters reserved, except access, no equalities issues are identified. However the scheme indicated within the outline application would provide 50 units/40% affordable housing (28 units/55 percent for Social/Affordable Rental and 22 units/45 percent for Intermediate Affordable Housing).
- 9.2** If overall considered acceptable conditions are proposed which would ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that 5 percent of the overall development would be built to Wheelchair Accessible Standards.

ITEM B

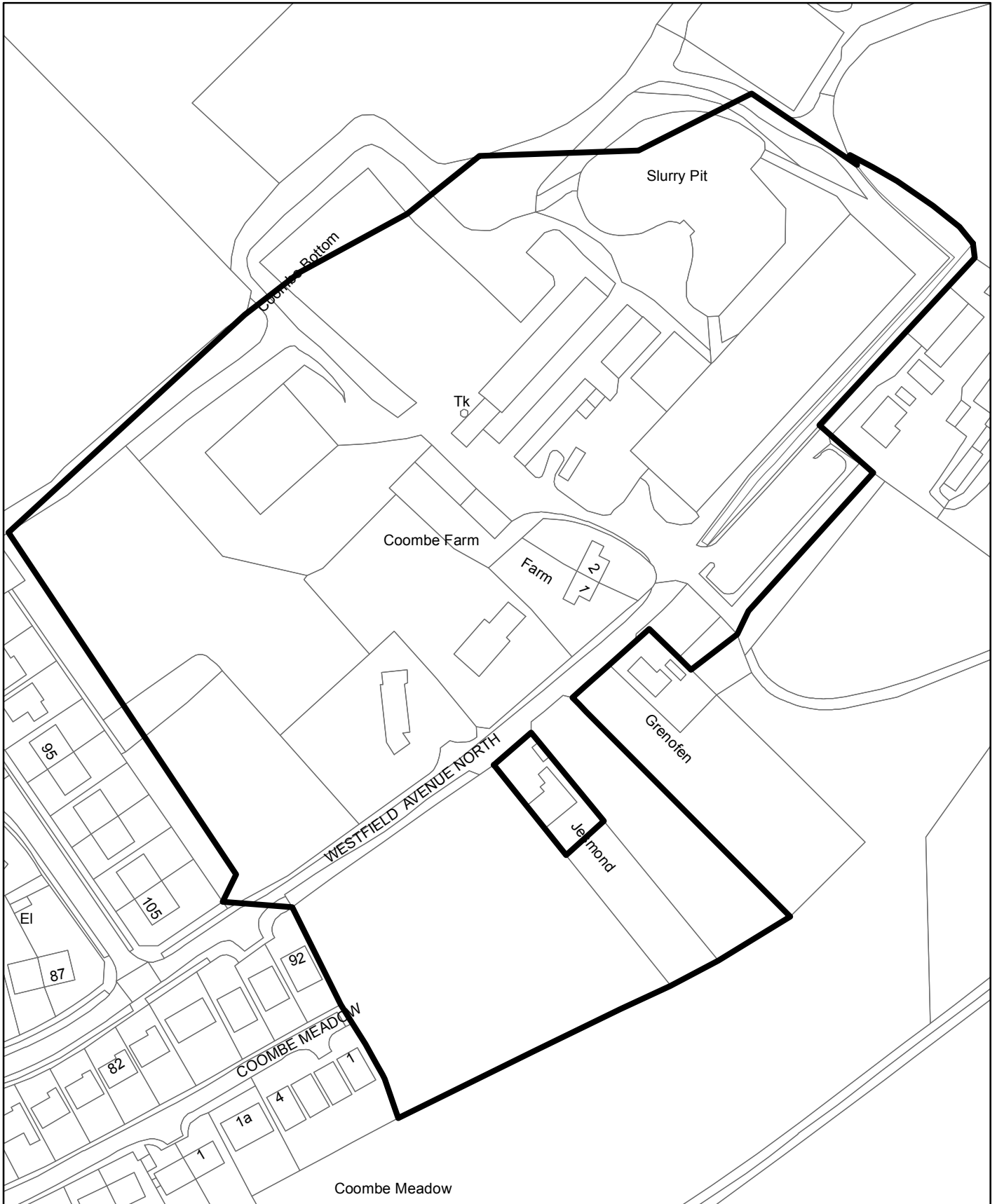
**Coombe Farm, Westfield Avenue North,
Saltdean, Brighton**

BH2016/01903

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2016/01903 Coombe Farm, Wesfield Ave North, Saltdean, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,550

<u>No:</u>	BH2016/01903	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Outline Application Some Matter Reserved		
<u>Address:</u>	COOMBE FARM, Westfield Avenue North, Saltdean, Brighton, BN2 8HP		
<u>Proposal:</u>	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.		
<u>Officer:</u>	Stewart Glassar, tel: 292153	<u>Valid Date:</u>	24.06.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23.09.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.12.2017
<u>Agent:</u>	Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mike & David Carr c/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

- 40% affordable housing with an indicative split of 48% as Affordable Rent and 52% shared ownership
- A total contribution of £335,291 towards the cost of providing primary and secondary education
- A contribution of £32,300 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development
- Financial contribution of £105,000 which shall go towards public transport and pedestrian improvements within the vicinity of the site
- A Residential Travel Plan, to include a Residential Travel Pack, to be provided for all first occupiers of the development, to include:
 - Provision of 2, three month bus season tickets to each first residential property
 - Free voucher towards the purchase of a bike – voucher £200 1 per household
 - Public Transport Information
 - Local walking & cycling maps

- The provision and management of the children's equipped play area (a LEAP), picnic areas, informal open space and landscaping together with any necessary financial contribution together with a £13,818.00 contribution towards indoor sport
- Artistic Component element of £45,000.

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
Site Layout Plan	101	E	24 March 2017
Landscaping Proposed	0072P.100	D	24 March 2017
Landscaping Proposed	0072.P.101	D	24 March 2017
Landscaping Proposed	0072.P.102	D	24 March 2017
Landscaping Proposed	0072P.103	D	24 March 2017
Block Plan	102	C	24 March 2017
Landscaping Proposed	0072P.104	D	24 March 2017
Landscaping Proposed	103	C	24 March 2017
Other	104	C	24 March 2017
Other	105	C	24 March 2017
Other	AIR QUALITY ASSESSMENT	773713-REP-ENV-005 Rev 4	24 March 2017
Other	TRANSPORT STATEMENT	5452/001/R01A	24 March 2017
Design and Access Statement	ADDENDUM	7 February 2017	24 March 2017
Other	0072P.201	B	24 May 2016
Other	0072P.211	B	24 May 2016
Landscaping Proposed	0072P.300	B	24 May 2016
Landscaping Proposed	0072.P.310	B	24 May 2016
Archaeological Assessment	CBAS0603		24 May 2016
Ecology Report	PRELIMINARY ECOLOGICAL APPRAISAL	141652	24 May 2016
Ecology Report	REPTILE SURVEY		24 May 2016
Landscaping Proposed	LANDSCAPE AND VISUAL IMPACT ASSE		24 May 2016
Other	TOWN PLANNING STATEMENT		24 May 2016

Location Plan	LOC	A	24 May 2016
Other	LEWIS _CO. LETTER	24th March 2017	24 May 2016

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.

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition three below, whichever is the later.

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

3. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) Layout;
- (ii) Scale;
- (iii) Appearance;

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

General/Site Wide

4. The development hereby approved shall not exceed a maximum of 60 residential units.

Reason: For the avoidance of doubt and as this matter is fundamental to protecting the visual amenities of the area and to comply with policies QD6, QD18 and NC4 of the Brighton & Hove City Plan Part One and policies CP10 and CP12 of the Brighton and Hove City Plan Part One.

5. The buildings within the reserved matters submission shall not exceed 2 storeys in height and be in general conformity with the Building Heights Plan (102 Rev C).

Reason: To ensure the development integrates effectively with its surroundings including the setting of the South Downs National Park and to comply with policies SA4, SA5 and CP12 of the Brighton and Hove City Plan Part One.

6. 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.

7. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

8. No development 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 complaints from 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 which demonstrates that construction vehicles will only access the application site from the north, in order to avoid the Rottingdean Air Quality Management Area (AQMA).

- viii) An audit of all waste generated during construction works, to include;
 - a) The anticipated nature and volumes of waste that the development will generate
 - b) The steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities.
 - c) Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

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 Supplementary Planning Document 03 Construction and Demolition Waste.

- 9. No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 10. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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.

Landscaping/Ecology

- 11. Prior to first occupation of the development hereby permitted, a scheme for the detailed planting of the approved landscaping plan shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed planting including to all communal areas and all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

13. Prior to first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also 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. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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. In accordance with the recommendations in the approved ecological report, no development shall take place prior to the following being submitted to and approved in writing by the Local Planning Authority:
- (a) An Invertebrate survey
 - (b) Details of the dense scrub in the south of the site being checked for badgers
 - (c) An assessment of any tree to be removed as part of the proposals as to its potential value for bats
 - (d) a nesting bird check should be carried out prior to any demolition/clearance works to be undertaken during the bird breeding season (March to August)
 - (e) A mitigation strategy for the protection of reptiles

The above submissions shall include where relevant the following:

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

The works shall be carried out in accordance with the approved details prior to commencement of the development and shall be retained in that manner thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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.

15. Prior to first occupation of the development hereby permitted, details of all hard and soft surfacing and details of all boundary treatments 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 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.

16. No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity 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:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of “biodiversity protection zones”;
- iii. 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);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii. 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: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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.

Highways/Transportation

17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

18. Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

19. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
20. No development shall be commenced until full engineering, drainage, street lighting and constructional design details, including full details of signing and lining and construction materials of the streets including footpaths proposed within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the interests of users of the highway in accordance with Local Plan Policies TR7 and Policy CP9 of the Brighton & Hove City Plan Part One.
21. No dwelling shall be occupied until the car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
22. No development shall be commenced until the full design and layout of all parking (excluding garages), up to a total maximum of 100 spaces, (of which 85 shall be designated for residents, 13 for visitors and 2 disabled spaces) within the development has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that an appropriate level of parking provision is provided and to comply with policy CP9 of the Brighton & Hove City Plan Part One and Parking Standards SPD14.
- Flooding/Drainage***
23. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the Flood Risk and Sustainable Drainage Assessment (Ref: 10180/3/FRA01 REVA) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

24. Prior to commencement of development a detailed design and implementation plan of foul and surface water disposal from the site and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

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

Contamination

25. No development shall be commenced until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- a) All previous uses
- b) Potential contaminants associated with those uses
- c) A conceptual model of the site indicating sources, pathways and receptors
- d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. An options appraisal and remediation strategy based on the results of the site investigation and the detailed risk assessment referred to in (2), giving full details of the remediation measures required and how they are to be undertaken.

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

The approved details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

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.

26. No dwelling shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy in Condition 25 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: 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.

27. 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.

Sustainability

28. No development above ground floor slab level of any part of the development hereby permitted shall take place until information has been submitted and approved in writing by the Local Planning Authority demonstrating that each residential unit would be built to achieve 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 and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

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

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

30. No development above ground floor slab level of any part of the development hereby permitted shall take place until an Energy Strategy has been submitted and approved in writing by the Local Planning Authority. The Strategy should include a renewables feasibility study and proposals to install renewable energy generation, a strategy for energy efficiency and means to achieve the 19% carbon reduction target and, passive design approach providing details of climate adaptation.

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

31. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all the external lighting of the development (including design, layout and levels of illuminance) shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation, the illuminance levels shall be tested by a competent person to ensure that the agreed illuminance levels are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the agreed levels. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of the occupiers of adjoining properties and to ensure a satisfactory appearance to the highways infrastructure serving the approved development, to safeguard the interests of users of the highway and to strike an acceptable balance between highway public safety, neighbouring amenity and safeguarding the wider amenities of the urban fringe, including ecological interests and the nearby South Downs National Park and to comply with Policies TR7, CP9 and SA5 of the Brighton & Hove City Plan Part One and policies QD25 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. The following may help to fulfil the requirements of the contamination conditions and ensure the development does not result in unacceptable and unnecessary impacts on the environment.
 - a) Following the risk management framework provided in CLR11 - 'Model Procedures for the Management of Land Contamination': <https://www.gov.uk/government/publications/managing-land-contamination>
 - b) Refer to Environment Agency guiding principles for land contamination, including in our 'Groundwater Protection: Principles and Practice' document:
 - i. <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>
 - ii. <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>
 - c) Further information may be found on the land contamination technical guidance pages on the direct.gov website:

(+30% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. It is not sufficient to state: “the system is therefore designed to cause a nuisance if the silt traps block, prompting the resident to clear the silt trap.” Examples of suitable maintenance plans can be found at www.susdrain.org.

6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) ‘Guidance Notes for the Reduction of Light Pollution (2011)’ for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council’s Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490)
7. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, vibrations, dust, odour, smoke or light, this does not preclude the Council from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document ‘Guidance on the permeable surfacing of front gardens’ which can be accessed on the DCLG website (www.communities.gov.uk).
9. 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.
10. The water efficiency standard 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.
11. The Construction Environment Management Plan should include commitments to implementing appropriate working practices and managing construction

vehicle movements to that which avoid peak times and wheel wash facilities are the site and other mitigation measures.

12. The applicant is advised that Southern Water have stated that no development or new tree planting should be located within 3m either side of the centreline of the foul sewer, no new soakaways should be located within 5m of a public sewer and all existing infrastructure should be protected during the course of construction works. The applicant can discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
13. A Section 278 Agreement with the Highway Authority must be entered into prior to any works commencing on the adopted highway.
14. The applicant is advised for the roads that are to be adopted that they must enter into a Section 38 Agreement with the Highway Authority prior to any works commencing. The applicant is advised to obtain technical approval for all estate road details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 22 of this consent.
15. Under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season can be 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.
16. There is the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
17. Badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to land located on the north-eastern edge of Saltdean.
- 2.2 The site covers 3.7 hectares and 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.

- 2.3 The former farm buildings/yard are now used for a variety of purposes including livery stables, vehicle repairs, caravan/motorhome storage, construction/scaffold storage. The surrounding fields are still in agricultural use as arable land but are now farmed by contractors and the crop grain is stored in Shoreham. The site is not uniformly level and does undulate across the site.
- 2.4 The site is accessed from Westfield Avenue, a residential distributor road. The site access serves a number of existing residential properties adjacent to the application site as well as the application site itself.
- 2.5 The wider area to the south of the site is suburban and residential in character. The South Downs National Park bounds the site to the north, west and east. The site can therefore be described as 'urban fringe' in that it adjoins the existing built up area of the City but is not undisturbed countryside as it contains a number of functional buildings and has developed the character of a low-level quasi industrial estate. However, the surrounding land (particularly the National Park) is generally at a higher ground level than the application site, and so provides something of a natural amphitheatre and thereby limits longer views into the site.
- 2.6 The application proposes the redevelopment of the site for housing. The application has been submitted in outline to establish the principle of the use. The detailed matters of access and landscaping are also to be considered at this stage. However, the issues of layout, scale and appearance are not matters which form part of the consideration of this application.
- 2.7 Although the issues of scale and layout are reserved, the application has provided illustrative details which shows a potential layout and indicates that there would be a maximum of 60 dwellings. Given that it is necessary to know the likely scale of the development in order to be able to assess the access and landscape issues it is appropriate that this information is provided. It is also necessary to know the likely make up of the development in order to calculate the developer contributions. If the application is approved, any permission would be subject to a condition limiting the development to a maximum of 60 dwellings and therefore to all intents and purposes the maximum scale of development will be established. (It should be noted that the application was originally submitted for 67 dwellings but has been reduced due to the likely landscape/ecological impact of this number of units.)
- 2.8 The existing access from Westfield Avenue North will be utilised and improved.
- 2.9 Since submission of the application the proposal has been amended to reduce the number of units being sought and additional information provided with regard to landscape, ecology and transportation issues.
- 2.10 The scheme has not been subject to pre-application discussions.

3. RELEVANT HISTORY

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

BH2001/01619/FP - Proposed extension to existing cow housing. Approved 17.12.2001

BH2000/00880/OA - Erection of detached agricultural dwelling and new vehicular access. Refused 20.07.2000.

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

3.1 Officer pre-application discussions were held in May 2015 and draft proposals for the site were also presented to planning committee members in March 2016. The key feedback was:

- 40% affordable housing is welcome;
- Clarity required between public space to be offered for adoption;
- Buffer planting is welcome;
- Welcome the aspiration to improve links to the National Park;
- Encourage the submission of full details of landscaping with any outline applications as a matter for consideration;
- Neighbourliness was considered to be an important issue particularly the relationship between existing and proposed development.

4. REPRESENTATIONS

4.1 **One Hundred and Fifty Eight (158)** representations have been received (including representations from former MP for Kempton & Peacehaven Simon Kirby, Ramblers East Sussex, Saltdean Swimmers and Saltdean Residents) objecting to the proposed development for the following reasons:

4.2 Design/Visual Amenities/Landscape Impacts

- Development will change character of area, will destroy landscape character,
- Will lead to urban sprawl,
- Development should only be where the existing buildings are positioned
- Area is not suitable for housing development at all and should not be included in the Council's designated areas for development,
- Proposal will affect view into and out of the South Downs National Park,
- Loss of agricultural land
- Proposed landscape planting will be hard to achieve given ground conditions

4.3 Amenity Issues

- Loss of privacy/aspect for neighbouring residents,
- Increased noise and disturbance, including from construction
- Light pollution,

- Overshadowing to existing neighbour residents, and
- Overlooking and loss of privacy to existing neighbour residents,
- Impact on existing high pollution levels
- Impact on wildlife
- Impact of dog kennels on new occupants
- Impact of using former slurry pit on future residents health

4.4 Transport/Highway/Access Issues

- The local road infrastructure is currently inadequate so additional traffic will aggravate existing problems
- Query information in submitted transport assessment,
- Increased journey times, affects peoples jobs/home life and businesses,
- Congestion
- Concerns regarding access to/from site especially for construction vehicles and emergency vehicles,
- Increased road/pedestrian/horse rider safety issues/concerns,
- Increased parking demand/problems,
- Implications for bus services,
- Site inaccessible in bad weather, and

4.5 Other Issues

- Lack of local services/infrastructure (Schools, GPs)
- Loss of horses/livery facilities.
- Harm and disruption to wildlife/ecology/biodiversity/insects/plants
- Light pollution,
- Proposal would result in further loss of green/open space,
- Increased air pollution/ poor air quality levels especially in Rottingdean AQMA, levels which are already high/exceed acceptable limits. Any increase in pollution will have adverse impact on people's health, especially school children and the elderly, and subsequently cause an even greater strain on the health service,
- Site is a greenfield site, brownfield sites should be considered for development/refurbishment first,
- There is poor drainage in the area which is prone to flooding, proposal will increase flood risk,
- Over-development/over-crowding of site,
- Increased noise pollution,
- Query information in Air Quality Report,
- Is contrary to national and local policies especially NPPF/PPG, City Plan Part 1 and the Urban Fringe Assessment conclusions
- Affordable housing is not wanted in this area
- Need to ensure properties are not 'buy-to-let' but owner/occupier only
- Lack of consultation by developers
- Consultee comments not favourable to the proposal

- 4.6 In addition 7 letters have been received supporting the proposal for the following reasons:
- the City needs additional housing
 - the scheme provides 40% affordable housing
 - the site already contains buildings
 - the site cannot be widely seen and will have limited landscape impact
 - will have limited traffic impacts and remove heavy/agricultural vehicles from the area.

4.7 **Councillor Mary Mears:** Objects A copy of her letter is attached.

5. CONSULTATIONS

5.1 External

Brighton and Hove Archaeological Society: Comment that the County Archaeologist is contacted for his recommendations.

5.2 County Archaeologist:

No objection

The application site has been subject to a recent archaeological evaluation, which failed to reveal a single archaeological feature and only a small number of unstratified archaeological artefacts. The archaeological evaluation report concludes that the site has only a 'limited potential for producing archaeological remains'. Thus based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals.

5.3 County Ecologist: No objection

Provided the recommended mitigation measures are implemented, the proposed development as amended, can be supported from an ecological perspective.

5.4 County Landscape Architect: No objection

The revised layout does address the concerns with regard to the potential landscape and visual impacts of the proposals and it is recommended that it can be supported.

5.5 It is recommended that a detailed planting scheme is required as a condition. A landscape and ecological management plan (LEMP) should be required to ensure that the landscape scheme and natural areas are managed in accordance with the design intentions in the long term. The LEMP should include positive management of the area of existing woodland in the south east corner of the site, if this is in the same ownership as the development site.

5.6 Environment Agency: No objection

Subject to conditions on land contamination relating to site investigation, remediation and verification there are no objections to the proposal.

5.7 Lewes District Council: No comments received

- 5.8 **Natural England: No objection**
The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 5.9 [Note: Natural England's original comments advised that the LPA have regard to Natural England's Standing Advice. It is noted that surveys were carried out with regard to designated sites and protected species, reptiles, breeding birds, badgers, bats, invertebrates and that mitigation measures and enhancement opportunities were proposed. The amendments to the application were a direct consequence of the County Ecologists assessment of the submitted surveys having regard to best practice advice and guidance.]
- 5.10 **South Downs National Park Authority No comments received**
- 5.11 **Southern Water: Comment** Southern Water can provide a water supply to the site. Measures will need to be undertaken to divert/protect the public water supply main and a formal application for connection to the public sewerage system will be required in order to service this development
- 5.12 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 the consultations with the Environment Agency to ensure the protection of the public water supply source. A condition requiring the submission of foul and surface water details prior to the commencement of development is recommended.
- 5.13 **Sussex Police: Comment**
Being an outline application no further crime prevention advice will be necessary at this stage.
- 5.14 **Internal
City Regeneration: Support** the application as the additional housing provision which will make some contribution to addressing the council's challenging housing needs. The new households will contribute to the economic wellbeing of the local and wider area.
- 5.15 An Employment and Training Strategy will be required and in accordance with the council's Developer Contributions Technical Guidance, a contribution of £32,300 towards the delivery of the council's Local Employment Scheme will be required.
- 5.16 **Education Officer: Comment** Would seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance would be seeking a total contribution of £335,291 in respect of primary and secondary provision.

- 5.17 This calculation is based on 60 units. The primary provision would be likely to be spent at Saltdean Primary School, Our Lady of Lourdes RC Primary School and St Margaret's C E Primary School.
- 5.18 This proposed development is in the catchment area for Longhill School in terms of secondary places. While there is currently some surplus capacity at Longhill with the recent growth in primary numbers know that this will not remain the case for much longer. Consequently it is appropriate to seek a contribution for secondary school provision.
- 5.19 **Environmental Health: (Air Quality)** Further information was sought with regard to dispersion modelling. Query if there will be central boilers and CHP plant with emissions to air or whether each household would have its own gas boiler and chimney? Query whether heat and power be met by electric supply including renewables without combustion? Recommend that all permanent residential dwellings are wired and ready for vehicle charging (bikes, cars and vans) as appropriate
- 5.20 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding surface water drainage.
- 5.21 **Housing Strategy:** Comment that the application is for 60 properties including 40% affordable, which equates to 24 properties. The council requires 10% of the affordable units (and 5% of all units) to be built to the Council's wheelchair accessible standard which requires that it meets national technical standards Part 4M (3) at build completion. In this case the affordable housing should include at least 2 properties (and the site overall 3) built to this standard.
- 5.22 Affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The scheme design appears to show all the housing is all of the same standard and design.
- 5.23 This scheme provides only family houses – with a large proportion expected to be 3 beds+. Family housing is welcome but a mix that includes smaller units would meet the Affordable Housing Brief. The preferred mix would be: 6 x 2 bed units, 17 x 3 bed units, 1 x 4 bed unit with a tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate e.g. shared ownership being the preferred Citywide objective.
- 5.24 **Planning Policy Comments** The potential for housing development on this site has been established through the conclusion of the Urban Fringe Assessment. However, the acceptability of this proposal is subject to detailed consideration of ecology and landscape impacts by the County Ecologist and the County Landscape Architect.
- 5.25 **Sustainable Transport** Following the initial observations of the Highway Authority the scheme has been amended and further information provided to allay the concerns of the Highway Authority with regard to the impact of the

development. In particular, clarification was provided on pedestrian routes and trip generation, amendments were made to the vehicular access and parking provision.

- 5.26 Accordingly, subject to the provision of the suggested conditions and completion of a s106 agreement, there is no objection to the proposal.
- 5.27 **Sustainability Officer:** Adopted Brighton & Hove City Plan Part One policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 5.28 The use of building integrated photovoltaic technology, composting bins and rainwater butts is welcomed. Compliance with policy CP8 can be secured through planning conditions and in particular an Energy Strategy including: renewables feasibility study, renewable energy generation and energy efficiency.

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk

CP12 Urban design
CP14 Housing density
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing
SA4 Urban Fringe
SA5 The Setting of the National Park
SA6 Sustainable Neighbourhoods

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR15 Cycle network
TR18 Parking for people with a mobility related disability
SU3 Surface Water Drainage
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
SU11 Polluted land and buildings
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
NC4 Sites of Nature Conservation Importance

Supplementary Planning Documents:

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

Supplementary Planning Guidance:

SPGBH9 A guide for Residential Developers on the provision of recreational space

Other Documents:

- Brighton & Hove Urban Fringe Assessment - June 2014
- Further Assessment of Urban Fringe Sites 2015 - Landscape and Ecological Assessment - December 2015
- South Downs Integrated Landscape Character Assessment - December 2005 (Updated 2011)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed development, the likely impacts of such a development on the visual amenities of the surrounding area, including the setting of the South Downs National Park, the landscape and ecology implications. The proposed density of development, the access arrangements and related traffic implications must also be assessed. The report also considers the issues of air quality, sustainability, drainage/flood risk and archaeology.

8.2 Principle of Development

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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore currently demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 Accordingly, there remains a pressing need to ensure residential development continues to come forward and in this context the current proposal for up to 60 new dwellings would make an important contribution towards that objective.

8.4 It is recognised that the proposed scheme would also make a contribution towards meeting the City's significant affordable housing requirements by providing 40% affordable housing units (which equates to 24 units) create jobs, particularly during the construction phase, as well as make appropriate contributions towards education, open space/recreation and public transport infrastructure.

8.5 Urban Fringe

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.

8.6 The potential for some residential development on part of the application site was identified through the Urban Fringe Assessment studies that were undertaken in 2014 and 2015 to support City Plan Part 1 and the preparation of City Plan Part 2.

8.7 Under the adopted Brighton & Hove City Plan Part One the site is subject to the urban fringe policy SA4, which states that development within the urban fringe will not be permitted except where a site has been allocated within a Development Plan or where a countryside location can be justified and where certain specified criteria are met, including regard to the downland landscape setting of the City and any adverse impacts of development are minimised and appropriately mitigated and/or compensated.

8.8 Policy SA4 also states that where proposals for residential development come forward prior to the adoption of City Plan Part Two (which is to include site

allocations) then the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of planning applications.

8.9 The Urban Fringe Assessments 2014 and 2015

The Urban Fringe Assessment 2014 (UFA) is an independent, high level assessment that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan Part One in order to inform the overall housing delivery requirement for the City being taken forward through the preparation of Brighton & Hove City Plan Part One.

8.10 The UFAs provided an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and considers the scope for mitigation of any adverse impacts identified. As a result of the UFA 2014 policy CP1 identifies the potential for around 1000 new dwellings within the City's urban fringe.

8.11 The UFAs are a material consideration in the determination of planning applications for development proposals within the urban fringe and therefore the in-principle acceptability of some residential development on part of the site has been established through the findings of the UFAs. It is however noted that the findings of the UFAs are indicative and should be applied flexibly on a site by site basis and, where appropriate, and justifiable, an increased level of development may be accepted.

8.12 As stated within the 2014 assessment "Accommodating housing in the urban fringe will contribute towards the objectively assessed need for housing in the city. It will also benefit the wider local economy and present opportunities for investment and regeneration in the more outlying communities of the city, both around the main urban area, and at the edges of the 'satellite' settlements to the east". The assessment goes on to state that, "This investment has the potential to result in wider economic, environmental and social (e.g. health and wellbeing) benefits to the city and not just individual communities".

8.13 The 2015 Further Assessment of the Urban Fringe Sites was undertaken to provide more detailed assessments (with regards to landscape and/or ecology) of the sites identified as having housing potential, to inform potential site allocations to be taken forward through City Plan Part Two, which is now in preparation.

8.14 The UFAs identify four parcels of land around Coombe Farm which are referred to as Sites 48, 48a, 48b and 48c and were known collectively as Study Area L18/E15. Sites 48, 48a and 48b correspond broadly to the current application site. Site 48c is adjacent to but outside the current application site. The 2014 UFA identified all four parcels as having the potential for either low or medium density housing development which cumulatively could provide approximately 55 units. This initial assessment only identified flooding as a potential key constraint to development.

- 8.15 For site 48 (the area of Coombe Farm to the west of the access road) the UFA states that ‘The whole site is potentially developable apart from the wooded area and two dwellings with gardens in the south east corner and the north west edge where the land rises and buildings start to dominate the surrounding landscape.’
- 8.16 For sites 48a and 48b the UFA states that low density residential development could be appropriate in these areas. The UFA recommends that development in these areas should maintain the existing building line and not extend further up the slope than the properties Jesmond and Grenofen. In wider views from the downland and residential roads to the west of the site, notably Wivelsfield Road, the higher part of this area is visible as an open green field which is contiguous with the open space of Tenant Hill.
- 8.17 The 2015 UFA concluded that:
- “In conclusion, it is considered that housing can be delivered at certain parts of the potential development areas within Study Area L18/E15 without significant impacts on landscape and ecology, on the assumption that:
- New development is sensitively located, to avoid upper slopes of Sites 48a, 48b and 48c
 - Avoidance of impacts on retained habitats within the Study Area and the adjacent 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
- 8.18 Given the existing nature of the study area, it may be possible to enhance the site for ecology through the incorporation of green infrastructure and wildlife habitat within proposals.”
- 8.19 Landscape and ecology are discussed in more detail below.
- 8.20 National Park/Landscape Impacts
As set out above the application site is located on the boundary with the South Downs National Park, which is a landscape of national importance. Policy SA5 of the City Plan relates to the setting of the National Park and seeks to both protect and enhance its natural beauty by requiring developments within its setting to have regard to the impact on the National Park, in particular its purpose and its ability to deliver its duty.
- 8.21 The South Downs Integrated Landscape Assessment identifies the site as being bounded by the Adur to Ouse Open Downland Character area A2. This is characteristically open downland with sparse hedges and post and visually transparent wire field boundaries. The description also identifies that the landscape is sensitive to changes beyond the South Downs boundary, for example within the adjacent urban areas.
- 8.22 The National Parks and Access to the Countryside Act 1949 imposes certain duties on local planning authorities, when determining planning applications in

relation to, or affecting, National Parks. Specifically, s11A (2) of that Act, as inserted by s.62 of the Environment Act 1995, states:

"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".

8.23 The purposes of National Parks, as set out in s5(1) of the 1949 Act, are:

"(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public".

8.24 As the proposed development is not sited within the National Park it is not considered that s5(1)(b) above applies in this instance.

8.25 As a result of the 1949 Act, in determining this application, regard therefore must be given to the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the SDNP.

8.26 It is acknowledged that the site is not a completely undeveloped area land and already contains a number of buildings, uses and open areas of storage, all of which have an impact on the landscape and setting of the National Park. The site does not therefore have an open form or character which would be seen as significantly contributing to the distinctiveness of the setting.

8.27 Clearly, the scale of development would be greater than the existing levels of built form and activity but as the site is set at a low level relative to the surrounding higher levels of the SDNP and, whilst there would be inter-visibility between parts of the SDNP and the development, the scheme would be more widely viewed in the context of the existing settlement boundaries of Saltdean and would reflect a similar relationship to the SDNP as existing elsewhere.

8.28 Since submission of the application the proposal has been amended to reduce the overall number of units (from 67 to 60 dwellings) to ensure development on higher, more sensitive areas of the site are not developed and so the setting of the National Park is protected. This amendment accords with the 2015 UFA which noted that "new development on the coombe-side sites (48a, 48b and 48c) should not be located on higher ground than existing houses."

8.29 The South Downs Integrated Landscape Assessment and the Brighton and Hove Urban Characterisation Study identify that the lack of mature planting on the Saltdean urban interface with the national park creates a hard edge to the downland countryside. The landscape masterplan for this proposed development provides a landscape buffer that will offer a landscape screen and buffer between the new development and the wider national park countryside.

- 8.30 The proposal for low density development with houses in large gardens would be in character with the neighbouring residential areas and the Mount Estate Character Area as described in the Brighton and Hove Urban Characterisation Study. The extensive tree planting proposed in gardens and public areas and the central open space within the development will help to mitigate the new development and integrate it into the suburban landscape.
- 8.31 Accordingly, it is considered that the proposal has addressed the concerns identified in the initial submission and that the extent of development generally accords with that envisaged in the UFAs. The principle of well-designed and adequately mitigated housing development on this site could therefore conserve and enhance the character of this area in the context of the surrounding National Park.
- 8.32 **Ecology/Biodiversity/Nature Conservation**
The site is not covered by any designations, statutory or non-statutory, for nature conservation interest. However, the site is adjacent to the Coombe Meadow Site of Nature Conservation Importance (SNCI) which is designated for its chalk grassland, scattered scrub and rough grassland. Given the proximity of the SNCI to the site, Policy CP 10 of the Brighton & Hove City Plan is a relevant consideration in that it seeks to ensure developments conserve, restore and enhance biodiversity.
- 8.33 The County Ecologist made some initial observations on the proposed development and as a result the scheme was amended. The main concerns were that insufficient land would be retained to accommodate the necessary mitigation and enhancement measures and offered little potential for retention of semi-natural habitats (and the species they support) within the development or offer little opportunity for compensatory habitat, other than around the boundaries and within the communal open space where habitats would be isolated and subject to disturbance.
- 8.34 As a result of these observations, in tandem with those of the County Landscape Architect, the following amendments were made to the scheme:
- Development is no longer proposed on the upper slope of Coombe Meadow;
 - An ecology zone will be introduced in the northern corner of the site;
 - New buffer planting is now proposed along the northern boundary (new Hawthorn and Whitebeam trees);
 - The set-back between dwellings on the north-eastern boundary and the National Park would be increased from 2.5 metres to 10 metres.
- 8.35 Prior to any development taking place it is acknowledged that appropriate mitigation strategies would need to be in place to protect the various species and habitat supported by the site. These would need to cover:
- The protection of reptiles and enable them to be retained on site through the provision of refuges and habitat management;

- A nesting bird check if demolition/clearance works are to be undertaken outside the bird breeding season;
 - The provision of alternative nesting opportunities as part of the development;
 - The dense scrub in the south of the site which would need to be surveyed for badgers prior to construction;
 - An assessment of bat roost potential for any trees proposed for removal;
 - An invertebrate survey.
- 8.36 As a result of the amendments to the scheme, the County Ecologist has now confirmed that the scheme is acceptable and subject to the appropriate mitigation measure, which can be secured through conditions, the scheme can be supported from an ecological perspective.
- 8.37 Overall given the above, it is not considered that the current proposal would have a significantly harmful impact upon visual amenities and the local landscape, including the setting of the National Park and as such the proposal accords with relevant policies.
- 8.38 **Proposed Housing, Amenity and Recreation Provision**
The application is in outline and therefore there are no formal layout plans or detailed designs for the houses. Some illustrative material has been provided which has been necessary to inform the impact of the development on the wider landscape. By implication, this work and the subsequent amendments have set a limit on the likely scale of development.
- 8.39 The 2014 UFA study indicated potential for low (25 detached houses per hectare) to medium (50 terraced houses per hectare) density residential development on the site. The current application proposes an average net density across the site which is considered low (16 dwellings per hectare) and although it is recognised that the total developable area of the site and number of units proposed have been reduced as a result of the amendments, the original proposed density was similarly low at 18 dwellings per hectare.
- 8.40 The illustrative layout for the site suggests that the density is likely to be varied across the site, with the density generally decreasing as the development moves away from the existing built up area and closer to the South Downs National Park boundaries to the north and west. Although the appearance of the dwellings is reserved for subsequent approval the indicative information indicates that the development would be two storeys in height. It is considered that the height of development should be restricted by condition to 2 storeys in order to ensure that the development is in character with the surrounding residential area and to ensure that the landscaping scheme remains effective.
- 8.41 This approach generally accords with what was envisaged in the UFA studies.
- 8.42 The proposal complies with policy CP20 in that 40% (24 units) of the proposed units would provide affordable housing. The tenure split on each site will be a matter for negotiation subject to up to date local need assessments. The applicants have asked for the exact split to be determined at the reserved matters stage but this would normally be included with the legal agreement that

is concluded at the outline stage. However, it is noted that the original application (for 67 properties) showed a split of 48% as Affordable Rent (13 properties) and 52% (14) for shared ownership sale and this would seem to be a reasonable basis on which to proceed at this stage.

- 8.43 The council requires 10% of the affordable units (and 5% of all units) to be built to the Council's wheelchair accessible standard which requires that it meets national technical standards Part 4M (3) at build completion (i.e. at time of letting / shared ownership sale). In this case the affordable housing should include at least 2 properties (and the site overall 3) built to this standard. As this is an outline application these requirements will be secured through a combination of the s106 agreement and conditions.
- 8.44 Policy HO13 also requires all other residential dwellings in a development, that are not wheelchair accessible, to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) standards, which can be ensured via the attachment of a condition.
- 8.45 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. As the application is submitted in outline the issues of privacy, outlook and overshadowing would be assessed at the reserved matters stage. At certain points existing properties will be adjacent to new dwellings. The illustrative layout indicates that it should be possible to achieve the development without compromising the overall character of the area or the amenity of neighbours.
- 8.46 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. From the illustrative plans submitted it is apparent that each unit of accommodation could be provided with private amenity area appropriate to the scale and character of the development proposed. It is also noted that the submission indicates that 2292m² of informal open space would be provided in the centre of the application site. This would be available for use by the wider community and would include a children's equipped play area (a LEAP), picnic areas, informal open space and landscaping. The provision of these facilities could be secured through the legal agreement
- 8.47 **Sustainable Transport:**
Policies require development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling.
- 8.48 Trip Generation and Highway Impact
The applicant has provided a revised Transport Statement to address the concerns of the Highway Authority with regard to trip generation modelling and the potential highway impact. In particular, the submission now assigns vehicle

trips through the transport network based on Census 2011 Travel to Work data which the Highway Authority deems to be an acceptable approach.

- 8.49 Thus, the proposed development is anticipated to generate 30 two-way car trips during both the network morning peak hour (08:00 - 09:00) and evening peak hour (17:00 - 18:00) and that the proposed development would generate a total of 383 vehicle trips over a 24-hour period on a typical weekday. Based on the TRICS assessment it is identified that approximately 62.5% of trips will be undertaken by car followed by approximately 21% on foot. Using the data for method of travel to work for the Rottingdean Coastal ward as a whole indicates that 42.0% of existing residents travel to work as drivers or passengers in a car. This suggests that the mode share of 62.5% for travel by car for the proposed development is robust and that the development may well generate fewer trips than indicated.
- 8.50 From the detailed impact assessment, the level of trips during the peak hours would have a limited impact on junction capacity, especially as the trips will be dispersed across the local highway network. The anticipated trip generation of the proposed development is therefore not expected to have a material impact on the local highway network and as such detailed assessments of junction capacity has not been considered necessary.
- 8.51 Using the travel to work 2011 Census data, an assessment of traffic distribution has been undertaken which predicts the following distribution of traffic by destination during the morning and evening peak hours:
- i) Residents travelling within Saltdean – 1 additional car
 - ii) Residents travelling to/from Newhaven – 2 to 3 additional cars
 - iii) Residents travelling to/from Brighton & Hove and High Street/Falmer Road – 13 to 16 additional cars
 - iv) Of those travelling west from Saltdean, 2 to 3 additional cars are predicted to travel via the High Street/Falmer Road.
- 8.52 Based on the predicted traffic distribution it is not considered that traffic from the proposed site will have a material impact on local junctions in the peak hours.
- 8.53 Vehicular Access
The applicant is proposing that the current narrow vehicular access on Westfield Avenue North, which provides access to the farm, is to be widened to 5.5m and the access road into the site will be formed of a priority T-junction. This section of Westfield Avenue North is currently un-adopted and this will remain the case. Access to Saltdean Kennels is retained as part of the proposals.
- 8.54 The section of road at this junction leading into the development site will have priority over vehicles accessing the Saltdean Kennels. Vehicles egressing from the Saltdean Kennels will have to give way to vehicles exiting the residential development. Given the likely vehicle numbers the Highway Authority agree with the priority given at this junction.

- 8.55 The bend in the road will assist with reducing vehicle speeds as they enter the development site but the applicant is also proposing a raised table at this junction. The Highway Authority welcomes this treatment as it will provide an effect treatment at reducing vehicle speeds and act as an entry treatment to encourage an appropriate vehicle speed within the development.
- 8.56 Between the site access junction and the end of the adopted highway on Westfield Avenue North the intended road design has been amended to prevent higher speeds on the approach to the site. A dropped kerb pedestrian crossing on this access road is also proposed, which is welcomed.
- 8.57 Further details of internal access roads including full details of the design, materials, lining and signing should be secured via condition.
- 8.58 Due to the nature and scale of the development a Construction Management Plan is required. The Highway Authority would look for the need to produce a plan prior to commencement to be secured via a condition. The Construction Management Plan must include measures to mitigate the highway impact the construction will have. The plan shall include a clear construction plan with a timeline, likely delivery numbers and measures should include but not be limited to reducing deliveries and vehicle movements such as consolidating deliveries and advising deliveries of suitable routes to and from the site.
- 8.59 Pedestrian Access
The main pedestrian access is directly from Westfield Avenue North. As noted above, the current vehicle access that provides access to the farm is proposed to be widened to include a 5.5m carriageway. A 2m footpath is also proposed although it is not proposed to be a continuous footpath on the western side of Westfield Avenue North which connects into the existing adopted highway footpath. However, the pedestrian route is an acceptable design solution and therefore the Highway Authority does not deem it warrants a reason for refusal.
- 8.60 The applicant is also proposing various pedestrian access points which predominantly provide access to the surrounding countryside and Public Rights of Way in the local vicinity. This level of pedestrian permeability into the surrounding countryside is welcomed by the Highway Authority. These links appear all to be in private ownership and it is assumed that this will remain the case.
- 8.61 In relation to internal pedestrian access within the site the applicant is proposing a shared surface access for the majority of the site. Given the alignment and design of the roads, speeds are considered to be low and therefore the Highway Authority would not wish to object to a shared surface approach. The applicant is proposing that the roads and footpaths within the site remain private and are managed under a service agreement. Further details of the internal access roads should be secured via condition and this should include full details of the design and layout of all roads and footpaths including details of materials, signing and lining, materials and cycle stands.
- 8.62 Public Transport

The nearest bus stops to the site are located on Coombe Vale just to the north of its junction with Westfield Avenue North. This is approximately 0.1mile/a 3 minute walk from the development site.

- 8.63 This bus stop simply has a bus stop flag and timetable information. The bus stop does not benefit from any measures that the Highway Authority would look for to provide accessible access and a high quality bus service (Real Time Passenger Information (RTPI), accessible bus kerbs, bus shelter). This bus stop is served by the 27 route which runs between Saltdean and Westdene. This service serves Rottingdean, Brighton Marina, Brighton Station and Withdean Sports Complex. During the day on Mondays to Saturdays there are 4 services per hour, reducing to 3 an hour in the early evening and 2 an hour from 8pm.
- 8.64 The 47 bus service also serves this area of Saltdean. The bus stops at Saltdean Vale shops is served by the 47 service (Monday – Saturdays and 57 service (Sundays and public holidays). These services run from Saltdean via Rottingdean and Ovingdean to Brighton whilst also serving Brighton Marina, the County Hospital and Brighton station. This service runs only once an hour.
- 8.65 These bus stops (Saltdean Vale Shops West Bound and adjacent to Saltdean Vale Shops) do not benefit from real time passenger information or accessible kerbs as they only have a flag with timetable information and a shelter.
- 8.66 Whilst the existing public transport system can accommodate the proposed increase in demand for public transport, the intention is to encourage more future residents to travel by bus. Improvements are therefore needed to public transport infrastructure in order for the development to benefit from a quality public transport service that provides a real alternative for residents than using a car. This would also ensure that the development is in accordance with the National Planning Policy Framework (NPPF) and policy CP9 of the City Plan Part One. These improvements would need to be provided as part of the s106 agreement.
- 8.67 Car Parking
SPD14 states that the maximum car parking standard for residential units in this location is 1 space per dwelling plus 1 space per 2 dwellings for visitors. For this development of 60 residential units the maximum car parking standard is 90 spaces (60 spaces for residents & 30 visitor spaces).
- 8.68 The Highway Authority initially tested the parking requirement for the original 67 units against existing data to calculate the cars per bedroom and apply this to this development and the number of bedrooms proposed. This was to enable the forecast of likely car ownership to take account of unit size as well as location factors. When looking at all the available census data and the applicants own assessments, the likely resident parking demand was shown to be 93 vehicles.
- 8.69 The revised Transport Statement states that, “... *parking numbers have been reduced from those previously proposed such that the new layout includes 85 dedicated parking spaces for the residential units. In addition there will be 13*

visitor parking spaces (eight of which will be electric parking) and 2 disabled parking spaces, a total of 100.”

- 8.70 The Highway Authority does not wish to object to this level of car parking provision but would look for an additional condition to be included on any permission granted which requires full details of the parking layout and design for both residents and visitors.
- 8.71 Disabled Parking
SPD14 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard to cater for visitors.
- 8.72 From the submitted illustrative layout plan it appears that all units have access to at least 1 dedicated car parking space. If a resident was disabled they would therefore have a dedicated bay which would be for their sole use. Therefore in such an instance it is not necessary for any of the houses to have a dedicated disabled bay.
- 8.73 The submission indicates that 17 of the 34 visitor car parking spaces would be marked as disabled parking bays. This does appear excessive given that approximately 5% of the population of Brighton & Hove have a Blue Badge and that approximately 16.3% identify themselves as having a long term health problem or disability. The Highway Authority has concerns that given the number of disabled parking bays proposed these will be abused by non-disabled users and that this could lead to other disabled bays being abused in other locations as people become accustomed to parking in these bays. Therefore the Highway Authority would look for the number of disabled visitor spaces to be reduced to better reflect the likely need for these bays. Further details can be secured via condition.
- 8.74 Electric Vehicle Parking
SPD14 requires a minimum of 10% of car parking spaces to be equipped with electric vehicle charging points and a further 10% to have passive provision to allow conversion at a later date. As well being required by SPD14 for all new residential developments above ten residential units, ensuring that facilities for electric vehicles are provided will in the long-term facilitate a shift to lower emission vehicles and assist in mitigating any potential impact on local air quality from increased trips. Such details can be required via a condition.
- 8.75 Cycle Parking
SPD14 states that a minimum of 1 cycle parking space per unit for 1 – 2 bed units and a minimum of 2 cycle parking spaces per unit for 3 – 4+ bed units is required. Whilst visitor cycle parking should be provided at a rate of 1 space per 3 units.
- 8.76 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority’s preference is for the use of

Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

8.77 The applicant states within section 4.31 of the Transport Statement (TS) that:

“Cycle parking for residents will be provided within the dwelling curtilage, while visitor cycle parking will be provided at the open space central islands and footway.”

8.78 The illustrative layout shows that it would be possible for each dwelling to have a garage or side access which will allow a convenient means of access to a cycle store in the rear garden. Further details of the cycle parking provision can be secured via condition and any submission will need to include details of its location, number and nature.

8.79 Servicing

The main servicing activity associated with the proposed development is considered to be that of the collection of refuse and recycling and deliveries to each property. The applicant has submitted a swept path analysis of a refuse vehicle (8.5m in length) accessing the site. The Highway Authority has no objections to the proposed servicing arrangements.

8.80 Travel Plan

The applicant has submitted a draft Residential Travel Information Pack. The Highway Authority would look for the need to produce a Residential Travel Information Pack to be secured via S106 and for the following measures to be included as a minimum:

- Provision of 2, three month bus season tickets to each first residential property
- Free voucher towards the purchase of a bike – voucher £200 1 per household
- Public Transport Information
- Local walking & cycling maps

8.81 **Other Considerations**

8.82 Air Quality

Given the location of the site and its context adjacent to the National Park, the development will not introduce new residents to an area of known pollution.

8.83 Whilst there would not be a direct impact on future residents and occupiers of the site in terms of health and air quality the proposal would generate additional vehicle movements, which has the potential to impact on local air quality.

8.84 As noted earlier in this report, the level of additional traffic to be generated that would travel through the Air Quality Management Area (AQMA) in Rottingdean High Street would be limited. Given what the previous Planning Inspector said about the impact on the AQMA when considering residential development on land south of Ovingdean Road and the fact that it wasn't supported at appeal, it is not considered that this scheme would have a significantly worse impact.

- 8.85 However, it is recommended that the CEMP contains a requirement for construction traffic routes to avoid the Rottingdean Air Quality Management Area (AQMA) to ensure any impact is minimised.
- 8.86 Sustainability:
City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as requiring that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.87 It is acknowledged that this application is only in outline, with detailed design and layout reserved. Thus, whilst the provision of composting bins, rainwater butts and sustainable urban drainage is welcomed, many of the key sustainability issues, particularly around energy, will only properly be addressed at the detailed stage. Nevertheless, City Plan Policy CP8 sets minimum energy and water efficiency standards which will be required through the use of conditions on any outline approval.
- 8.88 The application submission refers to the use of integrated photovoltaic technology although at this stage it cannot be demonstrated that building orientation and roof slopes will necessarily be ideal for solar resource. Nevertheless, conditions can again be imposed to ensure this is included within the overall design methodology for the site by requiring the submission of an Energy Strategy for the development which can address the issues of energy efficiency, provision of renewable energy and help to address the issue futureproofing of the development in terms of sustainability.
- 8.89 Drainage/Flood Risk:
As part of the application a Flood Risk and Drainage Assessment has been submitted.
- 8.90 The Council's Flood Risk Management Officer acknowledges that there is a risk from the site suffering overland flooding from the surrounding farmland but has no objections to the proposal subject to a condition being attached to any approval requiring the submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 8.91 The Flood Risk Management Officer would expect to see as part of any such submission:
- Details of the final peak rate of the surface water runoff – post development
 - Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations
 - A demonstration that the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30%

allowance for climate change) year event in any part of a proposed buildings susceptible to water

- Maintenance plan for the lifetime of the development
- To demonstrate that any measures proposed to reduce the residual flood risk of overland flow will be not increase flood risk to third parties.

8.92 Archaeology

The site is adjacent to an Archaeological Notification Area. Policy HE12 states that development proposals must preserve and enhance sites with known and potential archaeological interest and their setting.

8.93 The site has been subject to recent archaeological investigation and the County Archaeologist confirms that this failed to reveal a single archaeological feature and only a small number of unstratified archaeological artefacts. Thus based on the information supplied, the County Archaeologist does not believe that any significant below ground archaeological remains are likely to be affected by these proposals.

8.94 **Other Developer Contributions**

8.95 Education

A total contribution of £335,291 towards the cost of providing primary and secondary educational infrastructure in the City for school age pupils this development would generate has been requested by the Council's Education Officer.

8.96 Saltdean Primary School, St Margaret's C E Primary School or Our Lady of Lourdes RC Primary School are the closest primary schools and offer a total of 960 permanent places. There are currently 934 pupils on roll which leaves a surplus capacity of just 2.7%. A development of 60 houses will significantly eat into the surplus accommodation at these schools and therefore a contribution is justified.

8.97 In terms of secondary education the development would fall into the catchment area for Longhill School. At the present time there is some surplus capacity within this school. However, school rolls are rising and so this will not be the case in the future, it is therefore appropriate to request a contribution in respect of secondary education.

8.98 Local Employment Scheme

In accordance with the Developer Contributions Technical Guidance a contribution, of £32,300 to the Local Employment Scheme in addition to the provision of a local employment strategy for the development is sought by the Council's City Regeneration Team.

8.99 Open Space

The application proposes 2292m² of informal public open space which would be provided through a S106 agreement. The legal agreement will cover any necessary management and financial contributions. The development also generates a £13,818.00 component towards indoor sports.

8.100 Artistic Component

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. Policy 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. Based on the development proposed it is suggested that the Artistic Component element for this application is to the value of £45,000.

8.101 **Conclusion**

In conclusion it is considered that having regard to the need to identify housing sites, the previous work which has been undertaken in identifying sites in the urban fringe with potential for redevelopment and the provision of 40% affordable housing, there are sound planning policy reasons for supporting the principle of the application.

8.102 The 60 units would represent a low density development which is what has previously been stated as the preferred level of development for the area. Whilst the UFA suggested 55 units, the suggested developable area in the UFA was primarily due to the potential for significant adverse ecological effects. This application has been able to fully consider the ecological (and Landscape) issues and following observations and an amended scheme is now supported by both the County Ecologist and County Landscape Architect. Therefore a scheme for 60 units would not be contrary to the UFA.

8.103 It is acknowledged that the scheme will have some visual impact on the area but the impact upon the South Downs National Park has been fully considered and given the proposed landscaping, mitigation measures and existing topography, this impact is not at a level which would harm the setting or character of the Park, when viewed from either inside or outside the Park.

8.104 The impact upon the local road network has been considered closely by the Highway Authority as this is an issue of significant local concern. However, taking into account the submitted assessments, the proposed level of development and mitigation measures (improvements to walking and public transport facilities, provision of a Travel Plan and associated measures), the residual cumulative impacts of this development are not considered to be severe, as set out by the NPPF. The likely levels of traffic are not likely to cause adverse air quality impacts. The additional measures sought by the Highway Authority are considered necessary to mitigate the impact of the development and ensure that it complies with policy. The Travel Plan and other requested measures will be secured as part of the S106 agreement.

8.105 In view of the above it is considered that the proposal is acceptable and that the benefits of the scheme outweigh the concerns of developing the site.

9. **EQUALITIES**

- 9.1 The scheme would provide for 40% affordable housing. Conditions can be attached to ensure that all dwellings are built to Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that 5% would be built to Wheelchair Accessible Standards.

COUNCILLOR REPRESENTATION

Re Planning Application BH2016/01903 Coombe Farm

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

In my opinion the proposed 67 homes is overdevelopment for the site, and could have a serious detrimental impact as the site is on the Urban Fringe..

This is one of a number of planning applications with large numbers of housing proposed in the surrounding area, while each application is judged separately on its merit, and whilst we all recognise the need for housing in the City.

We must also be mindful that the surrounding infrastructure is unable to cope now.

In my opinion this planning application for 67 homes will further add even more pressure on school places. Saltdean Primary has already built an extension to fill much needed existing placements,. And the availability for doctors surgeries to take on new patients, will add to the problems for residents in the area.

There is already serious traffic congestion on the A259 both ways at peak times, which has been highlighted by the traffic and pollution levels in Rottingdean High Street.

This proposed planning application for 67 homes, with car movements will add to this problem, and could create even more rat – runs, to those being experienced in Saltdean now.

The narrow road leading in and out the site, also has potential to cause traffic congestion.

Should the decision be minded to grant under delegated powers, I wish this planning application to go to the planning committee and reserve my right to speak.

Kind regards.

Mary.

Councillor Mary Mears
Conservative Member for Rottingdean Coastal Ward

ITEM C

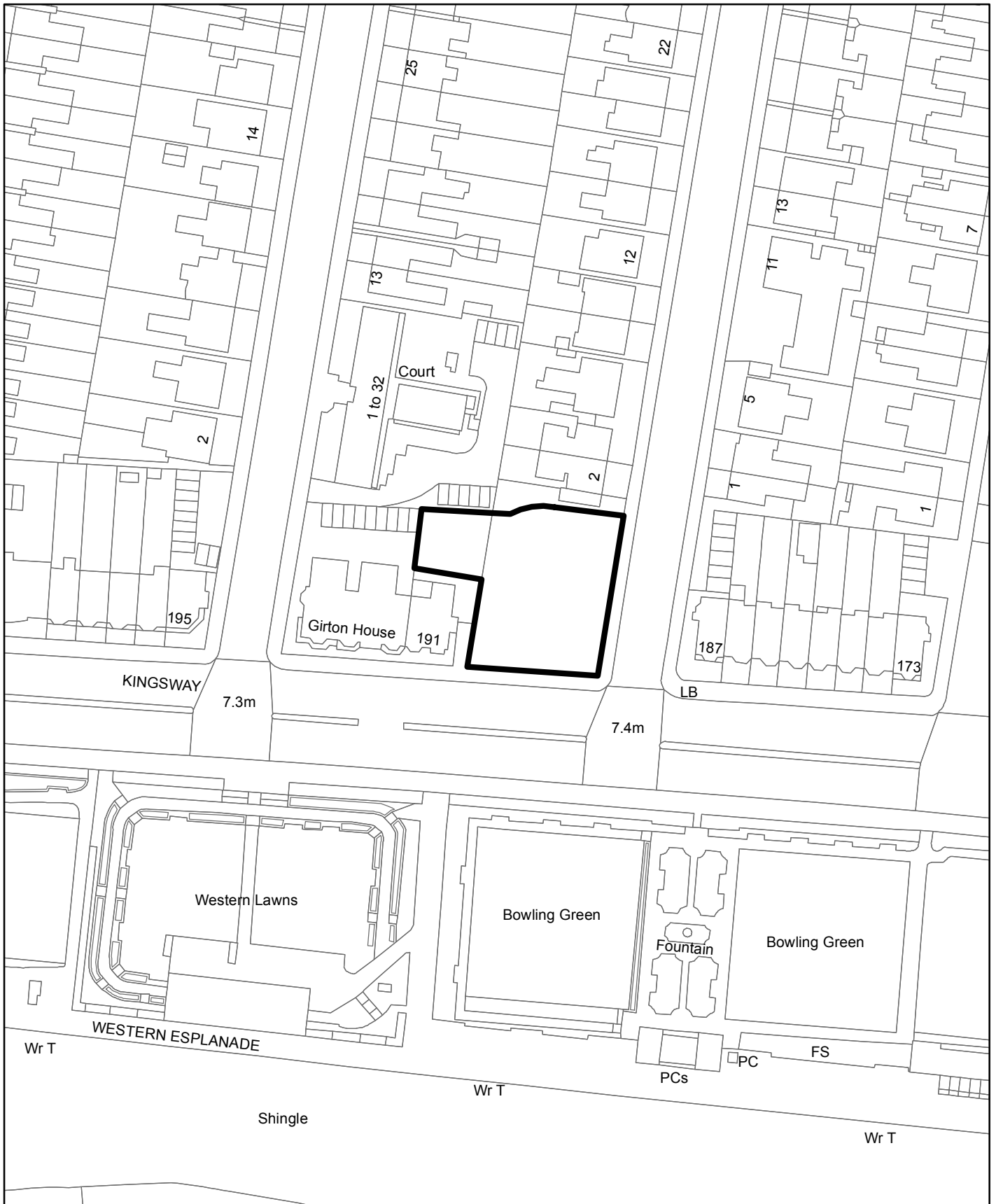
Site Of Sackville Hotel, Kingsway, Hove

BH2017/01108

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/01108 Site Of Sackville Hotel, 189 Kingsway, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01108	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of Sackville Hotel 189 Kingsway Hove BN3 4GU		
<u>Proposal:</u>	Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville gardens, 21no basement car parking spaces,6no ground floor car parking spaces, cycle parking, plant and associated works.		
<u>Officer:</u>	Gareth Giles, tel: 293334	<u>Valid Date:</u>	31.03.2017
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	30.06.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.09.2017
<u>Agent:</u>	Iceni Projects Limited	Jayne McArthur	Flitcroft House 114-116 Charing Cross Road London WC2H 0JR
<u>Applicant:</u>	Hyde Vale Limited	C/o Iceni Projects	Flitcroft House 114-116 Charing Cross Road London WC2H 0JR

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

- Affordable housing – There are three viable tenure options for affordable housing on site. Firstly: 5 x Rented and 4 x Shared Ownership (15% of site); Secondly: 8 x Rented (13% of site); Thirdly: 12 x Shared Ownership (20% of site).
- The S106 will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.
- Education Contribution - £60,192 towards the cost of primary, secondary and sixth form provision most likely to be spent at West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road.
- Recreation / open space contributions - £129,908 towards provision in the local area including potential new projects on Western Lawns, locations to be confirmed.

- Local Employment Scheme contribution - £18,200 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution - £63,900 towards bus stop improvements such as accessible kerbs, real time information boards and shelters at various nearby locations, pedestrian and cycle network improvements between the site and nearby attractions and a new car club bay.
- Travel Plan including Travel Information Packs and two years' car club membership per household.
- Public Realm improvement with an artistic component, to be provided on site.

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
Block Plan	13.099.002		30 March 2017
Floor Plans Proposed	13.099.100 BASEMENT		30 March 2017
Floor Plans Proposed	13.099.101 GF		30 March 2017
Floor Plans Proposed	13.099.105 4TH		30 March 2017
Floor Plans Proposed	13.099.106 5TH		30 March 2017
Floor Plans Proposed	13.099.107 6TH		30 March 2017
Floor Plans Proposed	13.099.109 ROOF		30 March 2017
Elevations Proposed	13.099.113 WEST		30 March 2017
Sections Proposed	13.099.114		30 March 2017
Floor Plans Proposed	13.099.102 1ST	A	19 July 2017
Floor Plans Proposed	13.099.103 2ND	A	19 July 2017
Floor Plans Proposed	13.099.104 3RD	A	19 July 2017
Elevations Proposed	13.099.110 SOUTH	A	19 July 2017
Elevations Proposed	13.099.111 EAST	A	19 July 2017
Elevations Proposed	13.099.112 NORTH	A	19 July 2017
Floor Plans Proposed	13.099.108 7TH	A	17 August 2017

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 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 complaints from 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.
 - viii) An audit of all waste generated during construction works.

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.

- 4 Part (i) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then

Part (ii) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

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.

- 5 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples / 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;

- a) Samples of all brick, pavers and cladding,

- b) Details of all window reveals and cills, doors, canopy and balcony treatments (including tinted/obscured balcony glazing), pipework / rainwater goods, gates, walls and railings.

Development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 6 Notwithstanding the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of privacy screens for the west-facing balconies on the 4th floor and 7th floor as well as those balconies on the western-most side of the southern elevation, shall be submitted to and approved in writing by the local planning authority. The privacy screens shall then be constructed in accordance with the approved details prior to first use of the balconies and shall be retained as such thereafter.

Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

- 7 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing to include type, position, design, dimensions and materials - including durability and maintenance,
- b) Details of all boundary treatments to include type, position, design, dimensions and materials - including durability and maintenance,
- c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details;
- d) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8 Part i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Part ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (i) to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

9 No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme has been submitted for approval to the local planning authority on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.

Reason: To provide the occupants with sufficient air ventilation without the need to open windows thereby protecting them from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Drainage Strategy, March 2017 submitted in support of this application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

11 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning 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.

Reason: This pre-commencement 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 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 12 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.

- 13 The development hereby approved shall not be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

- 14 The development hereby approved shall not 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.

- 15 A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

- 16 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be

implemented in full prior to the first occupation of the development hereby approved.

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

- 17 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 18 Prior to first occupation of the development hereby permitted, notwithstanding the approved plans which include some details of car parking layout, final details of the car park layout to include sufficient disabled car parking and motorcycle parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of residents and visitors to the site and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

- 19 The narrowed crossover and access shall be constructed and redundant section is reinstated to footway prior to the first occupation of the development hereby permitted.

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

- 20 Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

- 21 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

- 22 Prior to occupation of the development hereby approved the glazing requirements as per tables 6.3 and 6.4 of the 7th Wave Acoustics report dated 13th March 2017 shall be implemented and retained unless otherwise agreed in writing by the local planning authority.

Reason: To protect the occupants of the development from noise nuisance in accordance with Policy SU10 of the Brighton & Hove Local Plan.

- 23 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 policies HE10 and HE6 of the Brighton & Hove Local Plan and CP12 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. A condition requiring details to be approved of car parking layout is necessary despite details being included in the application. This is because although the layout of the basement disabled parking is in accordance with Traffic Advisory Leaflet 5/95 Parking for Disabled People which requires a 1.2m access zone on both sides of each bay, the proposed bay at ground level is not and, as noted in the Highways Authority consultation response, access constraints mean that it is considered that this would be better located at basement level to ensure users are able to conveniently access the building entrance.
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 must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
4. The applicant is advised that the scheme required to be submitted by the relevant condition relating to car-free development should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic

Regulation Order; and details of arrangements to notify potential purchasers, and occupiers that the development is car-free.

- 5 To discharge the sustainable drainage condition, the Local Flood Authority would expect to see
 - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate that the sustainable drainage system will be able to cope with a 1 in 100- year plus climate change event.
- 6 The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the relevant condition.
- 7 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site covers an area of 0.14 hectares and comprises vacant, brownfield land which was previously occupied by the Sackville Hotel on Hove seafront. It is surrounded by close-boarded fencing within the mainly residential area of Sackville Gardens Conservation Area, on the western corner of Kingsway and Sackville Gardens. There are no listed buildings within this conservation area.
- 2.2 Adjoined to the west of the site is the newly completed block of 9 flats at 191 Kingsway (5 storeys) with Girton House beyond that. To the northwest of the site is the 1970's four storey Clarke Court block of flats that fronts onto Walsingham Road. Clarke Court contains some windows facing south onto the rear of Girton House and some facing due east towards 2 Sackville Gardens. To the north of the site is a two storey house at 2 Sackville Gardens; there are no windows from that property facing directly onto the site. To the east at the opposite corner of Sackville Gardens is the "San Remo" building at 173-187 Kingsway (6 storeys). South of the site across the Kingsway is the Western Esplanade Hove Lawns including formal bowling greens and various low-rise seafront structures.
- 2.3 Planning permission is sought for the erection of a new residential block of 60 flats, 27 car parking spaces, 80 cycle parking spaces and associated works. The proposed materials are gault brick (yellow/cream), bronze detailing to the balconies and screens and dark grey metal for window frames and penthouse level. The proposal rises to 8 storeys at its main, southern elevation fronting

Kingsway and steps down to 5 storeys on the return, east elevation facing Sackville Gardens.

2.4 The 60 flats comprise:

- 40 x one bed flats (including 12 x one person studio flats);
- 19 x two bed flats;
- 1 x three bed flat.

2.5 The application submission indicated that individual units were designed tenure-blind to accommodate private market housing or affordable housing as required, however a confidential viability assessment was submitted with the application indicating no affordable housing was viable (see Affordable Housing section below for further information).

2.6 Minor amendments were received during the course of the application to some of the concerns raised by the Heritage Officer and other adjustments: frosted windows were added to the northern elevation instead of the bronze panels, and the colour of the basement vents were amended to match the surrounding brickwork.

3. RELEVANT HISTORY

BH2015/04414 Construction of a 4 to 17 storey building (plus basement) to provide 98 residential dwellings with a mix of one, two and three bedroom units with balconies and terraces, new pedestrian and vehicle access from Sackville Gardens, basement car parking, cycle parking and associated works including new plant, substation and landscaping. Withdrawn (10/03/16)

BH2015/00471 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate 5no storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, incorporating underground parking accessed from Sackville Gardens. Approved (15/04/15)

BH2012/00982 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (19/06/12). Allowed at appeal (10/10/12).

BH2012/00097 Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens. Refused (09/03/12)

BH2011/01146 Erection of 5no five bedroom terraced houses (5 storeys plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens. Refused (01/08/11)

BH2006/02153 Demolition of Hotel (Retrospective). Approved (26/11/12)

Neighbouring site at 191 Kingsway

BH2011/03956 Demolition of existing building and construction of nine residential flats - Allowed at appeal 10 October 2012.

Pre-Application Advice

Officer pre-application advice was given on an earlier version of the proposed scheme in January 2017. The principle of a residential scheme in this location was considered acceptable subject to:

- Conservation area is key constraint.
- No higher than 8 storeys, 2 penthouse storeys on 6 normal storeys preferred to reduce bulk.
- Transitional stepping-down of height on Sackville Gardens elevation is a suitable approach.
- Proposed building line is accepted.
- 40% affordable housing should be provided on-site.

Members Pre-Application Briefing

The applicant presented a pre-application scheme to Councillors on 7 February 2017. Members present were generally supportive of the height, scale, bulk and vertical rhythm of the proposed building both to the seafront and the transition to the lower buildings in Sackville Gardens. Design elements including the entrance onto Kingsway and external materials were supported. Concerns were raised about the blank west-facing flank wall.

3. REPRESENTATIONS

3.1 **Seventy six (76)** letters have been received from residents within the vicinity of the site objecting to the proposed development on the following grounds (with highest number of objections first):

- The building's height is too tall, that it should be at least 2 storeys lower with reference to the Tall Buildings Guidance.
- Car parking including on-site parking provision being insufficient for the number of residential units and requesting that future residents should be prevented from applying for parking permits to limit increases in on-street parking pressure and traffic congestion specifically.
- Standard of accommodation; the size of the units being too small and having too few bedrooms, suggesting that too many studio or one-bedroom units failed to meet local needs which is mainly for two-bedroom and family sized accommodation.
- Overdevelopment / density, criticism of the number of units, the massing and the coverage by area.
- Affordable housing criticising the lack of affordable housing provision in the application submission.

- Design and appearance, criticism of the design aesthetic of the proposed building including comments that it is too modern in this context and out of scale with the street scene and nearby rooflines.
- Loss of privacy relating to overlooking of dwellings to the north and west of the site from proposed balconies on the rear and sides of the building.
- Loss of Light to nearby dwellings.
- Heritage concerns about impacts on the surrounding Sackville Gardens Conservation Area.
- Noise pollution, air pollution,
- Pressure on infrastructure and services,
- Need for biodiversity improvements such as bird boxes,
- Loss of sea views.

3.2 **Five (5)** letters were received from residents within the vicinity of the site offering general comment with some elements of support for the proposed development, summarised as follows:

- Design and appearance, particularly compared to previous schemes on the site.
- Provision of cycle parking.
- Height of the development.
- Car free designation (beyond the on-site car parking provision).

3.3 **Cllr Tom Bewick** has commented on the application, a copy of the letter is attached to the report.

4. CONSULTATIONS

4.1 **County Archaeology:** No objection

A programme of archaeological works should be secured by condition. The written scheme of investigation will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).

4.2 **Conservation Advisory Group:** No objection
CAG recommends approval.

4.3 **County Ecologist:** No objection

The proposed development will result in the loss of all vegetation from the site; this loss should be compensated through the provision of a sensitive landscaping scheme which uses native species of known value to wildlife, biodiverse green roofs and green walls. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities (NERC) Act 2006 and NPPF. Opportunities include the provision of a sustainable urban drainage scheme, the provision of house sparrow boxes on the new buildings, and the use of species of known wildlife value within the landscape scheme.

- 4.4 To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). There is an active fox den on the northern boundary. Measures should be taken to ensure foxes are excluded from the den prior to its destruction and that this should avoid the period when young are fully dependent.
- 4.5 **West Hove Forum:** Comment
Priority to make the Western Lawns more family friendly recognising a diversity of needs; an inclusive play area, accessible for younger children and those with disabilities; a grass sports games area is another possibility; and also including exercise for older people. We recognise that specific uses of such S106 contributions must require careful consideration taking account of growing needs, protecting an important community space and avoiding crowding out established community uses noted above; what we are looking for is an explicit recognition of the priority for local use focused on the Western Lawns.
- 4.6 **Hove Civic Society:** No objection
Support subject to appropriate car parking and protection of privacy. Design elements including reduction in scale along Sackville Gardens and position of vehicle entrance are positive.
- 4.7 **Sussex Police:** No objection
General support; advice to the applicant to incorporate principles of Secured by Design to ensure a safe and secure environment for residents and visitors.
- 4.8 **Southern Water:** No objection
Consents will be necessary for excavations in proximity to a water main crossing the site.
- 4.9 **Policy Officer:** No objection
Principle of residential development is accepted.
- 4.10 All flats appear to meet the Government's Technical housing standards: nationally described space standard published in March 2015. Policy HO13 in the 2005 Local Plan provides the policy base for requiring the higher optional access standards set out in Building Regulations Part M(4)(2) for accessible and adaptable and Part M(4)(2) for fully wheelchair accessible. All dwellings should meet Part M(4)(2) and 10% of the affordable housing should meet the higher Part M(4)(3) fully wheelchair accessible standard. However the Planning Statement indicates that only 3 units or 5% of the total units will meet Part M4(3)(2b) standards.
- 4.11 With respect to Policy CP19 Housing Mix, the latest objective assessment of housing need indicates that the most demand for market housing is for 2 and 3 bedroom properties (35% each). The proposed housing mix for this scheme is 68% 1-bedroom and, 30% 2-bedroom and 2% 3-bedroom units. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme could be improved upon by a better balance of two and three bedroom properties in the overall mix.

4.12 **Heritage Officer:** Objection

The submission follows pre-application advice based on a slightly different scheme. Positive feedback was given at pre-application stage when the seventh storey was presented as a lower penthouse level, thereby reducing the apparent difference in scale with the adjacent buildings.

4.13 It is accepted that due to existing building heights that have developed along the Hove seafront in more recent times the Kingsway frontage is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. Further, it is considered that some variation in building heights to punctuate the wider sea facing frontage of Hove can enhance the townscape, and there is therefore some scope for a slightly taller building on this site, subject to an acceptable impact on immediate surroundings. However, it is considered that due to its low scale character, Sackville Gardens would not be preserved or enhanced in the same way and even the 5 storey element will dwarf the 2 storey houses to the North.

4.14 It is therefore considered that to reduce the impact of the significant height difference between the proposal and the flanking seafront terraces, particularly San Remo to the East, the scheme should revert to 6 main storeys with 2 penthouse levels as proposed at the pre-application discussions, and the balcony slab/screen structure should accordingly be lowered by 1 floor. Additionally the Western elevation of the southern penthouse levels should be set in from the main façade to better respect the scale of the terrace to the West, and likewise the northern elevation of the penthouse fronting Sackville Gardens should also be drawn back from the main northern façade. This development will be very prominent in views from the north in Sackville Gardens where the greatest impact on the Conservation Area will be experienced and it is considered that the scale of the proposal and contrasting roofline will harm the character of Sackville Gardens. It is considered that this would be less than substantial harm. Whilst the existing vacant plot is harmful, it is considered that developing the site will only enhance the conservation area with the use of good contextual design.

4.15 The use of brick and zinc as proposed is considered acceptable in principle, along with etched glass balcony balustrades. The use of bronze does not draw on the existing palette of materials in the immediate surroundings and there are reservations about this, particularly on the large return surfaces of the vertical screens, which in oblique views will be dominant in the street scene.

4.16 **Education Authority:** No objection

Primary School provision would be likely to be from West Hove Infant School, Hove Junior School, St Andrew's Primary School, Hove Junior school Holland Road, Brunswick Primary School or West Hove Infant School Connaught Road as they are the closest primary's to the development. These school currently offer a total of 3,000 places and there are currently 2,885 pupils on roll at these schools. This offers a surplus of just 4% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. With regard to the secondary provision the development is currently

in the catchment area for Blatchington Mill and Hove Park Schools. Given the limited capacity of all of these schools, a S106 contribution is entirely appropriate to seek a contribution in this respect.

4.17 Economic Regeneration: No objection

Support for economic benefits of new housing provision on the local area. An Employment and Training Strategy will be required and a contribution towards the delivery of the council's Local Employment Scheme.

4.18 Sustainable Transport: No objection

The Highway Authority has no objections to the proposed development subject to a S106 agreement and the necessary conditions.

4.19 Car Parking:

27 car parking spaces are proposed including four disabled bays which is within the maximum limit in SPD14. This would provide parking at a ratio of 0.45 spaces per dwelling. Car ownership for the proposed development is likely to be lower than the ward average owing to the proposed units being flats and the majority having less than three bedrooms.

4.20 Taking account of the number of units without a parking space (33), it is therefore recommended that the permit free condition be attached to any planning consent in line with SPD14 guidance.

4.21 The car park layout is acceptable subject to minor amendments to accommodate acceptable disabled and motorcycle parking, to be secured by condition.

4.22 Cycle Parking:

80 cycle parking spaces are proposed using a two-tier system. Although acceptable in principle, it is recommended that further details of the stacking system including the manufacturer's specifications and horizontal and vertical clearances be obtained by condition.

4.23 Trip generation and S106 contribution:

Additional vehicle trip generation during any one hour represents a low proportion of existing flows (approximately 1%) and would have an acceptable impact on the surrounding highway network but access to sustainable transport measures is still necessary. S106 contributions of £63,900 should be secured and used to fund the following sustainable transport improvements:

- Accessible kerb and/or real time information and/or shelter at the westbound bus stop on Kingsway to the south east of the site (Sackville Gardens); and/or
- Accessible kerb and/or real time information at the westbound bus stop on Kingsway to the south west of the site (Walsingham Road); and/or
- Shelter and/or real time information at the eastbound bus stop on Kingsway to the east of the site (Westbourne Villas); and/or
- Pedestrian and cycle network improvements between the site and nearby attractions and services including Hove Lagoon, the seafront, New Church

Road and King Alfred Leisure Centre. This will include, but not be limited to, dropped kerbs, tactile paving, footway buildouts and side road entry treatments; and

- New car club bay in the vicinity of the development site to include advertising and amending the Traffic Regulation Order, lining and signing.

4.24 **Environmental Health:** No objection

The applicant has provided an acoustic report as well as information relating to potential land contamination. The acoustic report indicates that enhanced glazing is necessary for the majority of the facades and windows. To ensure a level of protection without opening the windows, a system of ventilation is necessary. This is also reflected in the report but no one definitive type of ventilation has been determined or recommended by the applicant. This may be dealt with via a flexible condition.

4.25 There is little evidence from the information held to support a full phased contaminated land condition. However, as a former hotel, and the potential for waste fly tipped on the site, there is the potential for asbestos containing materials to be present on the site. Asbestos sampling may be achieved via a condition.

4.26 **Housing Strategy:** Insufficient Information / Comment

At the time of comment, the applicant has not confirmed the number, location, size or tenure of any affordable units in the proposals.

4.27 A policy compliant 40% as affordable housing would provide 24 homes. To meet the Affordable Housing Brief the provision should provide the 24 units as 55% Affordable Rent (13 units) and 45% shared ownership (11 units).

4.28 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. There is a very pressing need for affordable homes in the City with half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population. 1,655 households are currently in Temporary Accommodation, 1,098 of which include children and/or pregnant women, and more than 25,404 people are on the joint housing register - 64% of whom are in demonstrable need - Bands A to C. [Source: Housing Statistical Bulletin October to December 2016].

4.29 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. There is only one 3 bed property at this development. 66% of all the proposed units are 1 beds but a mix which includes 2 beds would be preferred. The wheelchair accessible properties would be preferred as Affordable Rent and all appear to be 2 beds. Smaller Affordable Rent units can be used for people to downsize when they are under-occupying, potentially freeing up larger family homes elsewhere in the city.

4.30 The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from

policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum. This should be included in the S106 agreement in case of any changes to the proposed scheme following the granting of planning permission.

4.31 **Sustainability Officer:** Comment

There are some positive features proposed with the scheme that address policy CP8 Sustainable Buildings, but more could be done to improve the scheme. The Sustainability Checklist indicates some further positive measures to address aspects of policy CP8: internal flood resilience measures; ecological mitigation measures; provision of 80 cycle parking spaces; one allocated car club space; and two electric vehicle charging spaces. The scheme could be improved by including green roofs or walls; further passive design measures; use of sustainable materials; rainwater butts or rainwater harvesting and reuse; food growing or edible/productive planting incorporated into landscaping proposals; provision for onsite composting.

4.32 **Local Flood Authority:** No objection

No objection subject to the necessary conditions attached.

5. MATERIAL CONSIDERATIONS

5.1 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

5.2 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);

5.3 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.

6. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
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
CP14 Housing density
CP15 Heritage
CP16 Open space
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

The Sackville Gardens Conservation Area Character Statement - 1997
SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPG15 Tall Buildings

7. CONSIDERATIONS AND ASSESSMENT

7.1 Principle of Development

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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

7.2 The last lawful use undertaken on the site was a hotel that was demolished following a fire in 2006. Since then, a series of planning permissions have approved a change of use of the site to residential. The site is not identified for a specific use within the Development Plan. The principle of the proposed residential use is therefore accepted.

7.3 Scale of Development / Tall Building Guidance

City Plan Part One Policy CP14 requires development to make full, efficient and sustainable use of land. The density of 60 flats across 0.14 hectares equates to 429 dwellings per hectare which is therefore supported by Policy CP14.

- 7.4 Policy CP12 identifies the site as being within the Western Seafront and Kingsway area, with potential for taller development. CP12 states that taller buildings on existing brownfield land can achieve sustainable growth subject to respecting identified local character and protecting built heritage. City Plan Policy CP12 builds on evidence within Supplementary Planning Guidance "BH15 Tall Buildings" (SPG15) which identifies the Western Seafront/Kingsway corridor as an area with opportunities for mid-rise buildings of 6-8 storeys, including landmark buildings.
- 7.5 The site is within the Sackville Gardens Conservation Area. An objection letter referred to the Council's Tall Buildings Study (Gillespies, 2003) which identified the application site as within a "Planned conservation area generally unsuitable for tall buildings". However, SPG15 was adopted more recently and did not include exact boundaries for tall buildings corridors, but defined linear zones around transportation routes. SPG15 (and CP12) do support tall-buildings in conservation areas providing that it can be demonstrated that the character and appearance of the conservation area is preserved or enhanced.
- 7.6 The City Plan therefore supports a tall building in this location in principle, subject to all other material considerations.
- 7.7 **Height**
Fronting Kingsway, the proposed building is 26m tall to the upper roof of the penthouse level and 23m tall to the highest point of the main elevation (7th storey). The adjoined building at 191 Kingsway is 17.8m at its highest point.
- 7.8 The Sackville Gardens eastern elevation steps down from 26m at the corner of Kingsway to 16m at the northern 5 storey end and 13m to the top of the main elevation on this side (4th storey). The nearest building to the north, 2 Sackville Gardens, measures 11.5m tall to ridge-height at a separation distance of 12m. The bulk of the eastern elevation, although still substantially larger than the houses along Sackville Gardens, sufficiently steps-down to a height that would not be overly dominant of the existing 2-storey houses given the surrounding context and separation distance.
- 7.9 There are comparable buildings nearby on Kingsway that set a precedent for 8 storey buildings next to shorter neighbours including in conservation areas. 'Fairlawns' (159 Kingsway), 150m to the east, is a modern 8-storey residential building within the Pembroke and Princes Conservation Area and stands adjacent to the 3-storey over basement historic terrace of 167-171 Kingsway. To the rear of Fairlawns is a two-storey house (2 Princes Crescent) at a separation distance of 16m. 'Horizon' (205 Kingsway), 100m to the west of the application site, is also a modern 8-storey over basement residential building and adjoins the 4-storey over basement historic terrace of 195-203 Kingsway within the Sackville Gardens Conservation Area. In both nearby examples, the neighbouring buildings are at odds in terms of their architectural styles and

relative heights, but do not appear overly discordant in the streetscene because of the great variety of styles, heights and spacing that characterises this part of the Kingsway.

7.10 The application building would stand 8m taller than its adjoined neighbour at 191 Kingsway but this level of difference would not be out of keeping with the significant variety of heights, forms and styles along this part of Kingsway.

7.11 Constraining new development to being no taller than all adjoining neighbours would not allow for variety and sustainable, higher density re-development of brownfield land as supported by City Plan Policy CP12. Kingsway is identified as a tall buildings corridor and Special Area in the City Plan and is likely to see further tall buildings in the future; proposals in the short term should not be limited to lower heights solely because they are a progenitor of this trend.

7.12 **Design and Appearance**

Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history (NPPF paragraphs 58 and 64). Kingsway, the A259, is a busy dual-carriageway and a main arterial route into the City from the west. Within the vicinity of the application site Kingsway is characterised by tall, often utilitarian, residential development on its north side and open lawns with sparse, low-rise sea-front structures on the south side. Many of the streets running north from Kingsway, including Sackville Gardens, are characterised by historic rows of smaller domestic buildings of two or three storeys, book-ended by taller buildings at the southern end on Kingsway.

7.13 The palette of materials is based around gault brick (yellow/cream) which is a common and characteristic tone within the Sackville Gardens Conservation Area. It is noted that the use of bronze and dark grey metal detailing are non-traditional materials in this area but their tone and limited use relates well to the brick, presenting a modern appearance whilst preserving surrounding historic character. The extensive use of glazed balconies presents a risk of a cluttered appearance from domestic paraphernalia and untidiness on the outside of the building. The use of etched glass to provide some mitigation can be secured by condition.

7.14 The building line is acceptable, aligning with the adjoined 191 Kingsway along its southern boundary and relating adequately to houses on Sackville Gardens along its eastern boundary despite taking an angle away from them. The curved design feature to the south east corner is understood to have arisen from consultation with the community and provides visual interest and connectivity between the two most prominent elevations. The south elevation replicates the bay-rhythm and window proportions of the San Remo building to the east which will provide consistent proportions in the streetscene and is an architectural strength.

7.15 The position, form, detailing and choice of materials are appropriate in this location and respond well to the mix of modern and traditional influences in the area.

7.16 Sackville Gardens Conservation Area

Great weight should be given to the preservation of the character and appearance of the Sackville Garden Conservation Area, with any harm requiring a 'clear and convincing justification' such as economic, social and environmental benefits (NPPF paragraph 132).

7.17 The Sackville Gardens Conservation Area, along three straight and parallel residential streets running northwards from the seafront, was built in the late 19th century from either red or yellow gault brick, with some stucco buildings in between. Many of the buildings have prominent gables to the street with some of them still retaining their original red tiled roofs. The clear geometrical layout of the conservation area has a role in its character with the busy east-west arterial routes in and out of the City and the north-south streets being comparatively quiet with only local traffic associated with the houses.

7.18 The Conservation Area Character Statement describes buildings on Kingsway as being generally 5 or 6 storeys high and more ornate and prominent than the smaller more domestic buildings in the quieter street to the north. The former hotel on site was 5 storeys and the neighbouring building to the east, "San Remo" (173-187 Kingsway), is a very good historic terrace of 6 storeys. The architectural variety and also the contrasting juxtaposition of taller, south-facing Kingsway buildings and low-rise east- and west-facing houses is a key part of the local character and creates a strong sense of place.

7.19 Sackville Gardens itself is a quiet residential, tree-lined street formed mostly of low-rise housing development between busy thoroughfares. The application site 'book-ends' Sackville Gardens as viewed from the north and would be in stark contrast to the current situation where the empty site provides no visual break before the Western Lawns and sea beyond. However, this is a clear anomaly in the wider conservation area (and adjacent areas) where the overwhelming pattern of urban form and grain is for taller, varied Kingsway buildings south of the low-rise, ordered streets and conservation areas to the north.

7.20 The Council's Heritage Officer is comfortable with the overall height in principle, considering that taller buildings have emerged along the Hove seafront recently so the site is able to accommodate a new building of a larger scale than would normally be acceptable in this conservation area. However, it was concluded that the bulk of the building with 7 full storeys and a penthouse between its neighbouring seafront terraces does not adequately preserve the character of Sackville Gardens. Several other minor elements of the design and appearance also raised some concern.

7.21 The Heritage Officer proposed a series of amendments to address their concerns, rather than raising a fundamental objection to the scheme from the outset. These included adjusting the design to 6 full storeys and two penthouse levels effectively limiting the bulk and main architectural features of the building to 6 storeys whilst retaining the overall 8-storey height. Most of the minor amendments were agreed and changed by the applicant but they were not

mind to alter the 7th storey to a lower-penthouse level and so the proposal is assessed on this basis.

- 7.22 The designation of a conservation area does not prevent a tall building in principle, subject to the preservation of its historic character and appearance. The proposed 8 storey building would appear as a significant change compared to the current vacant site, but would continue the established development pattern of the area, as set out above. As set out earlier in this report, the colour palette, bay proportions, building line and orientation of the proposal conforms well to the surrounding conservation area despite being a modern design. The neighbouring building to the west, 191 Kingsway is a new-build with very modern design; an appeal inspector found *"rather than being 'incongruous', I consider that the building would fit easily into its surroundings and would respect the development pattern without dominating or detracting from the more historic buildings on the seafront and the character and appearance of the conservation area"*. For these reasons it is considered that the character of the conservation area is preserved by the proposal.
- 7.23 The appearance of the Sackville Gardens Conservation Area will be most affected in views along Sackville Gardens close to the site from the north where the height of the proposed building relative to houses on the street would be most apparent. Although the building will visually dominate the nearest houses on Sackville Gardens when viewed in close proximity to the site, its height will be seen in the context of the other tall buildings nearby and the building will clearly read as being more related to Kingsway. From further along Sackville Gardens, moving away from the site to the north, the building's relative height will become less evident and its building line, transitional stepping-down in height and colour palette will accord with the surrounding houses and not appear significant obtrusive. Noting again that many of the conservation area streets nearby end in tall buildings along the Kingsway yet retain their special historic qualities, the appearance of the conservation area although impacted, is not considered to be significantly harmed by the proposal on balance.
- 7.24 **Affordable Housing:**
City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal of 60 dwellings this would equate to 24 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% social or affordable rented and 45% intermediate e.g. shared ownership. For the application scheme this would equate to approximately 13 rented units and 11 intermediate units.
- 7.25 The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.

7.26 A confidential viability assessment was submitted with the application indicating no affordable housing was viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. Following extensive discussion and adjustment of financial variables between the DVS and the applicant's viability consultant, the DVS advised that the scheme could viably support affordable housing but could not reach agreement with the applicant on one fundamental area of disagreement: Benchmark Land Value, which is key to determining the viability of the site. As no agreement could be reached, the Council commissioned a third party to adjudicate (BNP Paribas). BNP Paribas reported that three options were viable:

- 15% affordable housing of mixed tenure (5 x Rented, 4 x Shared Ownership)
- 13% affordable Rented only (8 units)
- 20% affordable Shared Ownership only (12 units)

7.27 **Impact on Amenity:**

Neighbouring representations raised amenity concerns mainly relating to loss of light and loss of privacy from overlooking.

7.28 The submitted Daylight and Sunlight Report and the Overshadowing Assessment provide a full assessment of light impacts on neighbouring properties. It concludes that impacts arising from the proposed development demonstrate good levels of compliance with BRE guidance.

7.29 The northernmost windows are proposed to be obscurely glazed and the north-facing windows of the main building will be comparable to several other north-facing units to the rear of buildings located along Kingsway including the neighbouring 191 Kingsway which has the same orientation and outlook.

7.30 There are only two balconies which afford a limited view north towards the private amenity space of housing. The fourth floor rear penthouse has a west-facing balcony which looks towards the rear of Clarke Court at a distance of 46m and with no outdoor amenity space so loss of privacy is minimal. Oblique views towards the rear gardens of houses on the western side of Sackville Gardens could be protected by the installation of a narrow privacy screen, to be secured by condition. The seventh floor penthouse again has a west-facing balcony with minimal visibility to the north which could also be protected by the installation of a privacy screen.

7.31 Concern has been raised about the overlooking of front and roof terraces at the adjacent 191 Kingsway from the front balconies on each floor of the new building, as well as the penthouse terrace. From the submitted drawings it does appear that a clear line of sight in close proximity would occur and so the installation of privacy screens to the western-most balconies is recommended to be secured by condition.

7.32 Otherwise, taking into account all of the other representations, the impact on amenity is not harmful enough to warrant the refusal of the application.

7.33 **Type and Quality of Accommodation**

The proposed accommodation schedule is 40 x one bed units (including 12 studio flats), 19 x two bed units and 1 x three bed units.

7.34 The latest objective assessment of housing need for Brighton & Hove (GL Hearn, June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each). This reflects continuing demand for housing from younger persons and young families. Studio flats offer limited flexibility to changing household circumstances. On this basis, the proposed mix for this scheme is less than ideal. However, a city-wide preference for housing mix cannot be applied rigidly to each site and it has to be considered that a block of flats on the seafront is likely to contain smaller units with fewer bedrooms to cater for a certain market, compared to areas further away from the city centre which would focus more on family units. There is however a wide range of unit sizes, despite a majority of one-beds, and on balance it would not be expedient to refuse the application on this basis alone.

7.35 The Council does not have adopted minimal space standards for new dwellings but uses the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. All of the proposed dwellings exceed the national minimal space standards with the larger two-bed and three-bed units offering the most generous space well above the minimal standards and all with private balconies. The access to light and outlook is generally good and some of the smaller units on the northern side have been amended to include more windows. The individual and overall accommodation is assessed as being satisfactory.

7.36 **Sustainable Transport**

Subject to the recommended conditions, the Highways Authority supports the application. The highest number of representations raising concern about transportation matters related to on-street parking pressure. The application proposes 27 car parking spaces, 6 outside at ground level to the rear of the site and 21 in the basement car park including 4 disabled bays. This would leave 33 new units without a parking space. A condition is therefore recommended to prevent any future residents from applying for an on-street parking permit, preventing any additional pressure experienced by local residents. A financial contribution to improve local sustainable transport measures is also sought along with a Travel Plan to encourage sustainable transport choices.

7.37 **Sustainability**

Sustainability measures have been incorporated into the design including a 28kWp solar PV system on the roof. The Council's Sustainability Officer is supportive of the energy saving features of the development although notes more could have been incorporated in the design of the scheme. The Sustainability Officer recommends considering a decentralised energy scheme such as communal heating which is an objective of City Plan Special Area policies. However, given the site is not within a Special Area designation (it is adjacent to the northern boundary of SA1) and energy and water saving measures to meet the requirements of policy CP8 can be secured by condition,

a decentralised energy scheme is not considered reasonable to require. A condition to secure biodiversity enhancements is also proposed.

8. EQUALITIES

- 8.1 The scheme would provide for between 8 and 12 affordable houses. Conditions are attached to ensure that all dwellings are built to Building Regulations Optional Requirement M4 parts (2) and (3)(2b) standards for accessibility.

ITEM D

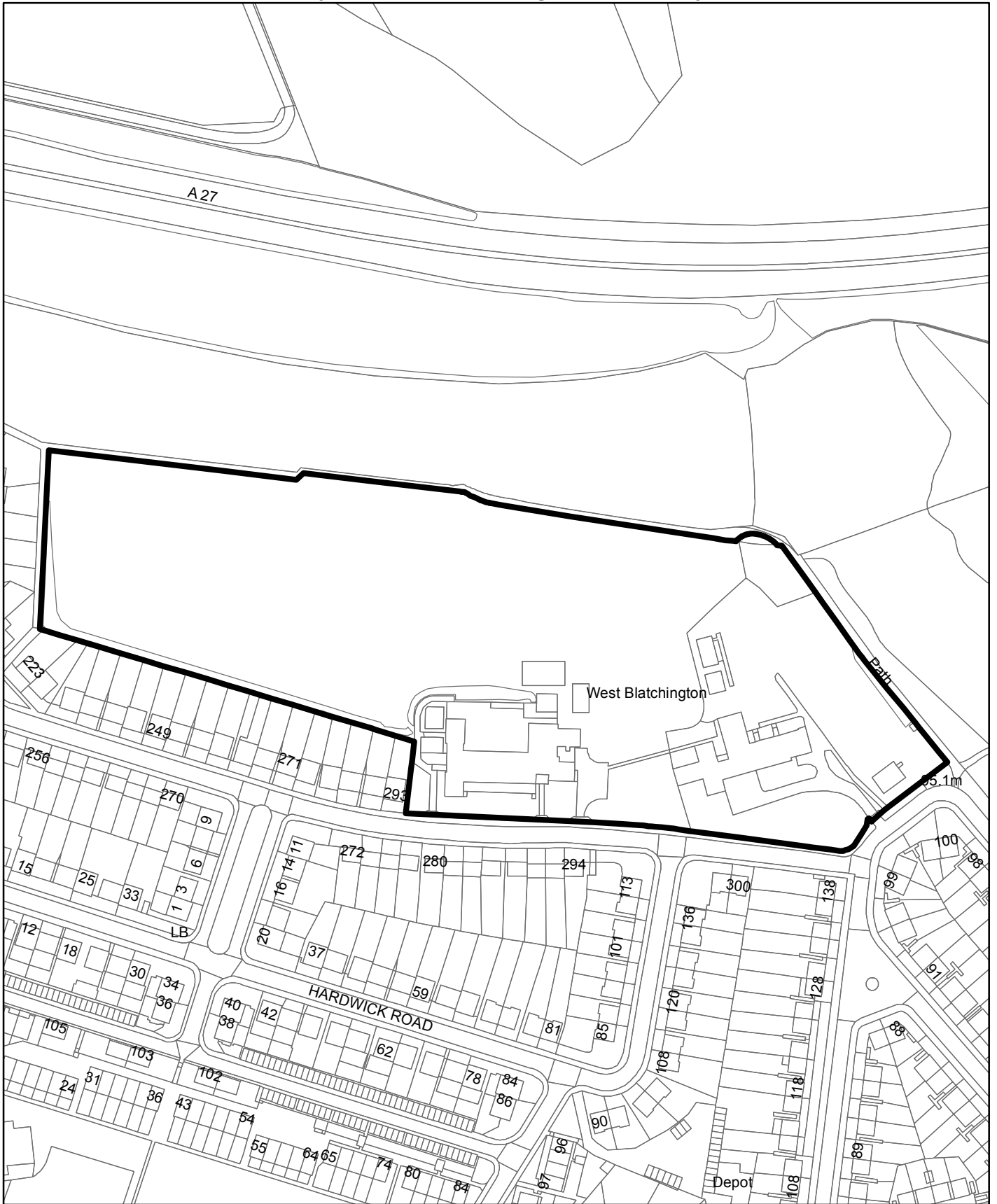
**West Blatchington Primary & Nursery
School, Hangleton Way, Hove**

BH2017/01891

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/01891 West Blatchington Primary & Nursery School Hangleton Way Hove



**Brighton & Hove
City Council**



Scale: 1:2,249

<u>No:</u>	BH2017/01891	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	West Blatchington Primary & Nursery School Hangleton Way Hove BN3 8BN		
<u>Proposal:</u>	Demolition of existing school buildings. Erection of primary school and nursery school (2 form entry) replacing existing school buildings and erection of secondary school (5 form entry) plus 6th form, including re-provision of sports pitches, provision of new access and parking and associated landscaping.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	14.06.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.09.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Education and Skills Funding Agency C/O Agent		

1. RECOMMENDATION

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 the Secretary of State deciding not to call the application in for determination, a Section 106 agreement to secure the following Heads of Terms and subject to the following Conditions and Informatives:

S106 Heads of Terms

- A financial contribution of £150,000 towards the enhancement of sports facilities in either: Greenleas Park, Knoll Recreation Ground, Hove Park, Portslade Sports Centre or Waterhall;
- Community use of indoor and outdoor sports facilities and community storage facilities and details of management of this;
- Provision of a minimum of 40sqm floor area of additional exclusive community storage space for sports use with internal access to sports hall;
- A financial contribution of £93,090 towards the Local Employment Scheme;
- A Training and Employment Strategy to secure 20% local labour during construction;
- An artistic influence within external areas/landscaping/boundary treatment/building facades of the site to a minimum value of £24,000;
- A Travel Plan including car park/drop-off area management plan, commitment to introduction of mini bus service, inclusion of the construction period and use of the site outside school hours;
- A total financial contribution of £270,000 towards sustainable transport measures and safer routes to school to include (but not be limited to): Warning signage/Real time public transport information/Accessible

kerbs/Bus shelter(s)/Amendments to parking and loading restrictions/Pedestrian crossing(s)/Footway extensions/Dropped kerbs/Tactile paving/Junction narrowing/Pedestrian facility improvements in the following locations: Hangleton Way, junction with Chichester Close, Amberley Drive, Hardwick Road, junction with Stonecroft, Downham Drive, Poynings Drive, bridleway entrance, junction with Harmsworth Crescent, junction of Clarke Avenue, junction of Beeding Avenue junction of Clayton Way; junction of Northease Drive, junction of Lark Hill, junction of Park Rise;

- A s278 Agreement to secure works prior to occupation relating to the site accesses on to the public highway. This shall include the following:
 - Addition and/or amendment and/or removal of school keep clear markings to reflect revised access locations;
 - Provision of vehicle accesses to the primary and secondary schools to include raised crossings and tactile paving;
 - Removal and/or relocation of redundant pedestrian guardrail; and
 - Removal of redundant vehicle accesses and reinstatement of footway including the provision of a reinforced footway for emergency vehicle access at the current Poynings Drive access.

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.
[Note: drawing numbers will be inserted into the Late Representations 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. No development shall take place until a Phasing Plan outlining how and when different parts of the development will be constructed has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of proper planning and to ensure the necessary infrastructure and mitigation measures are in place at each relevant stage, to comply with polices CP5, CP7, CP9, CP10, CP11, CP15, CP16, CP17, CP18 and SA6 of the Brighton and Hove City Part One and TR4, TR7, TR11, TR12, TR14, TR18, SU3, SU5, QD15, QD16, QD18, QD27, HO19 and HE12 of the Brighton and Hove Local Plan.
4. No development 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 complaints from 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
- viii) An audit of all waste generated during construction works

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 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.

5. No development of each respective phase agreed under condition 3 shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies CP15 of the Brighton and Hove City Plan Part One and HE12 of the Brighton and Hove Local Plan and the National Planning Policy Framework.
6. No respective phase of the development as agreed under condition 3 shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under the condition above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies CP15 of the Brighton and Hove City Plan Part One and HE12 of the Brighton and Hove Local Plan and the National Planning Policy Framework.
7. The use of the secondary school including 6th form hereby approved shall be limited to a total occupation and pupil roll of no more than 1050 pupils at any time and the use of the primary and nursery school hereby approved shall be limited to a total occupation and pupil roll of no more than 483 pupils at any time.
Reason: To ensure the development satisfactorily provides for the travel demand and other infrastructure which it creates and to enable the impacts of any future intensification of use of the site to be duly considered by the Local

Planning Authority, to comply with policies TR4, TR7, TR11, TR12, TR14, TR18, QD27 and HO19 of the Brighton and Hove Local Plan and CP7, CP9 and SA6 of the Brighton and Hove City Plan Part One.

8. No part of the development hereby permitted shall first be brought into use until details of staggered core opening hours of the secondary, primary and nursery schools and details of other opening hours of the site have been submitted to and approved in writing by the Local Planning Authority. The agreed core and other opening hours shall be implemented and retained thereafter.

Reason: In order to minimise the impact of the development on surrounding transport infrastructure and residential amenity and in order to comply with policies TR4 and QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

9. No construction equipment or machinery shall be brought onto the site and no development shall take place until details of how existing trees will be protected within each respective phase of the development as agreed under condition 3 have been submitted to and approved in writing by the Local Planning Authority. The details shall confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Assessment by Paul Roberts at Connick Tree care dated 23rd January 2017, and shall incorporate the protection measures as identified on the Tree Constraints Plan by Connick Tree care drawing reference 142307/PRO/TRPP dated 26/1/2017. The details shall also include an Arboricultural Supervision Statement. The Supervision Statement shall include details of the following:

- a) Induction and personnel awareness of arboricultural matters
- b) Identification of individual responsibilities and key personnel
- c) Timing and methods of site visiting and record keeping, including updates
- d) Procedures for dealing with variations and incidents.

The agreed scheme of supervision shall be carried out and shall be administered by a qualified arboriculturalist and the tree protection measures shall be implemented. No vehicles, plant or materials shall be driven or placed within the areas enclosed protected areas.

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 QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and SA5 of the Brighton and Hove City Plan Part One.

10. Notwithstanding details submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works for each respective phase. The agreed services and soakaways shall be implemented.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works to provide sufficient space for the proposed landscaping, in the interest of the visual amenities of the area and to

comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and SA5 of the Brighton and Hove City Plan Part One.

11. No development above ground floor slab level shall take place until a masterplan scheme for the landscaping of the site for each respective phase of the development as agreed under condition 3 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following:
- i) Details of all hard and soft landscaping
 - ii) Details of all boundary treatments
 - iii) Detailed planting plans including written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme and planting method (including cultivation and other operations associated with tree, shrub, hedge or grass establishment).

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and biodiversity, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and SA5, CP12, CP13 and CP10 of the Brighton and Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted of each respective phase agreed under condition 3 shall take place until samples and 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) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window and door treatments, and details of depth of cill reveal
 - e) Samples of all other materials to be used externally.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and SA5 of the Brighton and Hove City Plan Part One.

13. No development above ground floor slab level of each respective phase agreed under condition 3 shall take place until a BS4142: 2014 Assessment within an Acoustic Report carried out by a competent person, such as a member of the Institute of Acoustics, has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall demonstrate that the schools will meet the internal noise level standards of Acoustic Design of Schools: Building Bulletin 93 2014 and BS8233:2014 and WHO 2009 guidelines, so that internal noise does not exceed the levels prescribed. The report shall take account of all plant and equipment to be used at the development. The report shall detail mitigation measures taken to reduce noise to an acceptable standard (including ventilation measures to allow windows to be closed). A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be included as required. The agreed measures needed to reach the required internal noise standards shall be implemented within the development before any part of each respective phase is first occupied and shall be retained thereafter.

Reason: To protect the amenity of the occupiers of the buildings, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

Reason: To protect the amenity of the occupiers of nearby properties, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
15. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 08.00 to 17.00 on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
16. No permanent plant shall be installed within each respective phase of the development as agreed under condition 3 until a scheme for the fitting of odour control equipment to the buildings and sound insulation thereof, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of each respective phase of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. No external lighting shall be installed within each respective phase of the development as agreed under condition 3 until details including type, appearance, levels of luminance and timing of illumination have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained

as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the locality, to comply with policies SU10, QD25 and QD27 of the Brighton & Hove Local Plan and SA5 of the Brighton and Hove City Plan Part One.

18. There shall be no external floodlighting within the site.
Reason: To protect the visual amenity of the locality and wider views of the site both into and out of the South Downs National Park, and to protect the amenity of occupiers of nearby residential properties, to comply with policies QD25, QD26 and QD27 of the Brighton and Hove Local Plan and SA5 of the Brighton and Hove City Plan Part One.
19. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.
Reason: To safeguard the amenities of the locality and the amenities of the occupiers of adjoining properties to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
20. The new primary and nursery school hereby permitted shall not be first brought into use until the acoustic fence as detailed on drawings 0103 Rev PL03 and 0502 Rev PL01 submitted on 22/08/2017 to be erected between the two schools has been installed.
Reason: To ensure there is no undue noise disturbance to users of the primary school, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
21. Prior to first occupation of each respective phase of the development as agreed under condition 3, details of the car park layout to include circulation roads, vehicle swept paths, drop-off areas, disabled parking, motorcycle parking and pedestrian routes including dropped kerbs shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the respective phase of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of pedestrians, disabled staff and visitors to the site and motorcycle users and to comply with policies CP9 of the City Plan Part One and policies TR7 and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
22. Prior to first occupation of each respective phase of the development as agreed under condition 3, details of secure cycle parking facilities for the occupants of, and visitors to, the development and safeguarded areas to allow for future expansion of cycle parking shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the respective 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.

23. Unless otherwise agreed in writing by the Local Planning Authority:
- i) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable; and
 - ii) Within 4 months of first occupation of each respective phase of the development hereby permitted, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of '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 City Plan Part One.

24. No development of each respective phase agreed under condition 3 shall commence until a drainage strategy detailing the proposed means of surface water drainage and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. Details of an associated management and maintenance plan of the proposed surface water drainage system as outlined in the submitted Flood Risk & Drainage Assessment and Sustainable Drainage Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved scheme and timetable.

Reason: For water protection and prevention of flood risk and to ensure that the principles of sustainable drainage and their associated maintenance are incorporated into this proposal to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

25. Development of each respective phase agreed under condition 3 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.

Reason: For water protection and prevention of flood risk to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan.

26. No development above ground floor slab level for each respective phase of the development as agreed under condition 3 shall commence until a Scheme to Enhance Nature Conservation interest within the site has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include provision of a minimum of 8 bird nesting boxes (house sparrow and swift), 2 bat

nesting boxes, and provision logpile and meadow habitats. The approved Scheme shall be implemented before first occupation of each respective phase of the development (or in the first planting season following occupation with regard to meadow habitat) and retained thereafter.

Reason: In the interests of enhancing biodiversity, to comply with policy CP10 of the Brighton and 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. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
3. With regard to conditions 9 and 10 above, before any equipment, materials or machinery are brought onto the site for the purposes of development it is recommended that a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager take place to confirm the protection of trees on and adjacent to the site and the contents of the arboricultural supervision statement required.
4. With regard to condition 17 above, light can be classed as a statutory nuisance under the provisions of the Environmental Protection Act 1990. The nationally recognised reference document for lighting performance is The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2011). Consideration should be given to reducing obtrusive light from sports facilities. Within it environmental zones are classified in accordance with their locality – E2 for villages or relatively dark outer suburban areas is likely to be most applicable. The predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors should be included.
5. The schools are required to submit a Food Registration Form to Environmental Health 28 days before opening. Further advice can be given to the schools for example on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brightonhove.gov.uk).
6. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
7. A formal application for connection to the public sewerage system and to requisition water infrastructure is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

8. The pressure gas main near to the site can be identified on the gas mains record. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The developer should, where required confirm the position using hand dug trial holes. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located on the edge of the built up area (but within it), with a bridleway and mature tree screen to the A27 to the north and east, and then the South Down National Park beyond that, and Hangleton Way and residential properties to the south, and residential properties to the west.
- 2.2 The site comprises the school and nursery buildings and associated grounds and playing pitch of West Blatchington Primary and Nursery schools. The buildings across the site vary in height between single and two-storey and there are a number of temporary/mobile classrooms. Levels vary across the site, with the rear (north) being set higher.
- 2.3 There are currently two vehicular access points, one via Amberley Drive to the south-east and one via Hangleton Way to the south. There are two on site car parking areas.
- 2.4 There is currently a Multi-Use Games Area (MUGA) to the east of the primary school and a single grass football pitch and running track and rounders pitch to the north/north-west.
- 2.5 Currently the school and nursery are not operating at capacity and there are 305 on the roll (of a potential capacity of 463).
- 2.6 The application proposes the following:
 - Demolition of all existing buildings on site, as part of a phased redevelopment with no break in school provision on site during construction
 - Replacement of the West Blatchington Primary and Nursery Schools with one new building to house a total of 483 pupil places, comprising 420 pupils (2 form entry) for the primary school including 30 Autistic Spectrum Condition (ASC) unit spaces, and 33 nursery spaces. This represents an increase in capacity of 20 additional places for nursery and ASC places at the school.
 - The WB building would be 1-2 storeys in height and comprise associated classrooms, halls, dedicated staff space etc. The gross internal area for this school building would be 3310sqm.
 - The proposed core opening hours for WB school have been amended since first submitted and are likely to be registration at 8.45am (junior) 8.50am (Infants/nursery) and 3pm end Infant/nursery and 3.10pm end Junior, although this is subject to discussion. A breakfast club would run from 7.45am and an after school club until 5.30pm.

- Relocation and expansion of the Kings School from the existing site at former Portslade Aldridge Community Academy (PACA) 6th form building for pupils of 11-18yrs to include a sixth form, to provide a 5-form entry for a total of 1050 pupils, based on 750 11-16yrs pupils and 6th form of 300, and 150 students per year group. It is projected it will take 5 years for Kings School to grow to its intended size (from present numbers of 393 pupils plus 100 new in yr 7).
- The Kings building would be 1-3 storeys in height, comprising associated classrooms, halls, dedicated staff space etc.
- The core opening hours for Kings School have been amended since first submitted and are likely to be 8.30am-3.25pm, although this is subject to discussion. A breakfast club is proposed from 8am and an after school club would be provided between 3.30pm-4.30pm. It is envisaged the community use of the building would be after the school day until 10pm on weekdays and between 9am-10pm on Saturdays and 10am – 5pm on Sundays. Kings School will put in place a lettings programme for school facilities for the sports hall, MUGA, pitch and main hall space.
- Provision of various sports facilities for each school is proposed (note no floodlighting is proposed). In summary this comprises a relocated and levelled full-size football pitch, a mini-soccer pitch, a training grid, a 6 pitch cricket square-using main field, 8-lane 100m athletics track, a 3 court sports hall and a 3 court MUGA for Kings School, and a mini-soccer pitch, an 8-lane 60m athletics track and retention of existing MUGA for West Blatchington.
- Two vehicular accesses are proposed off Hangleton Way, one to serve each school. The existing access at Downland Drive/Poynings Drive would be reinstated as footway but which allows use for emergency vehicles.
- Car parking for both schools is proposed, 29 general spaces, 2 disabled spaces and 1 minibus space for WB and 50 general spaces, 3 disabled and 3 minibus spaces for Kings.
- Drop-off areas are proposed within the schools to be used only by pupils with special needs.
- The proposal involves removal of 20 trees within the site, and proposes replacement tree planting and landscaping.
- An additional acoustic fence between the schools has been added to the scheme, as well as a 6m high mesh ball-stop fence to the west of the playing pitch

3. RELEVANT HISTORY

3.1 None of direct relevance to this proposal. There have been several permissions for mobile classrooms and minor alterations to the schools and its boundary treatment.

3.2 Pre-Application Member Briefing:

The scheme was presented at the pre-application stage at Members Briefing on 10/1/17. There was general recognition of the importance of building capacity for education provision and Members wanted to see the strategic case for education provision in this location. Members wished to see evidence that there would be no loss of recreation space for local community including sports teams

arising from the development. Members considered management issues for community use on site are important. Members considered the layout of sports to be well thought out. Members wished the proposals to maximise the availability of outdoor and indoor recreation provision for pupils on site. Members expressed concern about the about quantity of space for the Primary School and wished there to be dedicated play space for different age groups. Members expressed concern that cars will park where they can at start and end of the school day, and wished some drop off spaces on site. Members wished to see a staggering of school opening times between sites and that account was taken of the fact that some 6th formers would drive themselves. Members considered the designs to be acceptable, being unfussy and not flamboyant. The simple use of brickwork and colours was supported. Members wished the issue of the impact of internal lighting from the north side of the buildings on downland to be considered.

3.3 Officer pre-application advice:

The main matters negotiated by officers at the pre-application stage were: changes to site layout to ensure the site is used efficiently and playing fields left are maximised, provision of additional sports facilities, securing agreement for shared community use of facilities and to a financial contribution to off-site sports enhancement, design changes including use of blended bricks, more prominent main entrances and reduced prominence of roof plant, removal of unsatisfactory vehicular access at corner of Amberley Drive and provision of additional landscaping and tree planting between the development and the bridleway. In addition, more supporting information with regard to educational need was requested, which has been submitted. Increased levels of sustainability were requested, such as introduction of a green roof and/or photovoltaic panels to help meet a BREEAM standard of 'excellent' however these were not brought forward.

4. REPRESENTATIONS

4.1 Neighbours:

Twenty (20) letters have been received objecting to the proposed development on the following grounds:

4.2 Transport, traffic, access and safety:

- Will result in huge increase in traffic and gridlock to already congested area
- Roads are not wide or designed to take such volumes of traffic
- Will result in more chaotic parking and less pavement space
- There have already been near-misses and accidents because of cars parked on corners
- Will create serious highway safety problems and accidents
- Proposed accesses are dangerous, and why two?
- Need for a designated drop-off/pick-up point
- Buses will not be able to get through
- Children will block walkways
- Existing bus services will not cope as already serve 3 other schools in area

- Children will travel from far away as no catchment area therefore more likely to be by car, and no direct bus service from Portslade
- Parents will drive as bus service so slow
- Will increase car fumes and noise
- Should have access where current one is, and not have two accesses
- Road requires traffic calming
- Insufficient staff (incl non-teaching) parking proposed leading to overspill on streets and damage to cars
- Staggered opening times will not help as parents arrive early anyway
- Transport policy in plan is incoherent and not sensible. Travel plan is inadequate and pointless
- Site is a top of a hill therefore cycling rate will not increase as suggested
- Will result in loss of on street parking spaces
- Parking survey not robust as just a snapshot
- Concern about how bridleway will change and be used when school empty
- Introduction of a crossing will reduce parking spaces

4.3 Appearance:

- Size of religious cross symbol is excessive and does not represent the diversity of the area and school takes from non-Christian religious and will dominate the non-faith and multi-cultural primary school next door

4.4 Loss of sports facility:

- Loss of community youth football pitch (Hangleton Rangers)

4.5 Educational need:

- There is no need for more schools in the west of the city, given council figures. The primary school is already under subscribed, therefore may attract more people from out of the area

4.6 **Eight (8)** letters have been received supporting the scheme on the following grounds:

- There is a pressing need for secondary places in the city
- New school will benefit local children in the future
- Is an ideal solution to meet the needs of the local community and provide modern school facilities in an ideal location
- Will strengthen schools role in the community
- Current schools have aging buildings and temporary huts
- New school is a fantastic opportunity for children to benefit from modern fit for purpose facilities. It will help inspire children to achieve
- Will be more inclusive and allow pupils of all ages under one roof, including those with Autistic Spectrum Condition
- New buildings will be more efficient and help with running costs and help achieve financial sustainability

- Wider community would benefit from renting the sports hall, cookery room and meeting/workshop facilities
- The plans include satisfactory mitigation against increased traffic
- The main junior school entrance is busy and dangerous and causes parking problems for residents and new proposal with internal slip road will ease traffic congestion

4.7 **Three (3)** letters of have been received commenting:

- That a traffic survey be carried out to ensure consideration is given to the amount of traffic associated with new schools as buses already have trouble getting past vehicles
- That there are pros and cons, will increase traffic and may be noise disturbance between schools but children gain extra classrooms and new facilities which help with their education
- That there is potential for noise disturbance between the two schools

5. CONSULTATIONS

5.1 Internal:

Arboriculture: Comment

Summary:

Whilst the development will result in the loss of some 20 trees from the site there remains potential for considerable additional tree planting on site that would mitigate these removal. The Arboricultural Team recommends that consent is granted to this application subject to conditions to protect retained trees and secure suitable landscape planting.

5.2 Main Comment:

Much of this site is currently mown lawn and sports pitch areas with the bulk of the buildings, trees and hard surface areas to the East. The proposed development will reduce the grass open space areas and will require the loss of a substantial amount of the tree cover. Tree losses proposed are centred on the existing frontage and an attractive group of Sycamores within the middle of the existing group of buildings. A full and detailed Arboricultural report has been submitted with and the majority of its contents we are in agreement with although some of the tree categories allocated appear on the high side. A number of the trees shown as category A and B would perhaps be better scored as B's and C's but this does not impact on the report's recommendations.

5.3

The proposed two new school buildings have been largely situated away from the existing buildings on open field areas further back towards the Northern boundary. A narrow soft landscaping area divides the two new school which runs north to south and through the new car park. This dividing strip is quite narrow and part of it runs through the existing building and other hard surfaces. To secure effective tree planting within these areas it will be necessary to excavate larger tree pits especially where these new plantings run through the new car parking areas or other hard surfaces.

- 5.4 Adequate space for replacement plant appears to be available and a suitable mix of tree and shrub species have been indicated within the submitted design and access statement. However, it is recommended that a landscaping condition is attached to any consent issued as further details and specifications require detailing. In addition to this tree protection also needs conditioning so as to secure protection for trees retained on site.
- 5.5 **Children and Learning: Support**
Pupil numbers in Brighton & Hove started to rise significantly in 2003/4 with the impact being the increase in primary numbers in the Hove area of the city. Numbers continued to rise year on year, resulting in the need for additional primary pupil places in Hove. The impact of pupil numbers in the secondary age range started in approximately 2014. King's School opened in its temporary location in Portslade in September 2013.
- 5.6 Identification of a permanent site has been far from simple and has resulted in the school being located on its temporary site far longer than originally intended. The LA considered all the sites they owned at the time to see if there was anything suitable. The EFA commissioned a site search via DTZ in September 2012 (updated in April 2013) which identified a number of sites but the majority were unsuitable, being too small or in the wrong location. The EFA considered other options and made an offer on Kings House when it was originally put up for sale but were significantly outbid. There have been no other suitable sites available for consideration since then.
- 5.7 Securing a permanent site for King's School has been a top priority for the Council, the school and the Education and Skills Funding Agency since the school opened in 2013. The places provided by King's School are integral to the planning for secondary and sixth form places in the City; if this school did not exist the need for additional places would grow by 150 per year group at a time of already increasing pupil numbers.
- 5.8 The development now proposed will secure the future for King's School for the city as well as provide a new school for West Blatchington Primary and Nursery School. The majority of the pupils attending King's School reside in Brighton & Hove. The school does not have a catchment area in the same way as other schools in the city; it takes pupils from across the city and beyond. The school prioritises children who regularly attend church and then children who live closest to one of two location markers. One of these is the school's location; the other is a location in Hove, there are currently 393 pupils on roll with less than 10 living outside the administrative boundary of Brighton & Hove. The majority of pupils at the school live within Hove and Portslade, it can be seen therefore that this school is substantially a school for Brighton & Hove and not the wider area.
- 5.9 West Blatchington Primary and Nursery School was created in 2008 by merging the former West Blatchington Infant and Junior Schools. However at that time there was no funding available to create a unified school building. This development offers the opportunity to create a purpose built primary school offering the facilities that a modern school should have. At the present time there are a number of temporary buildings on the school site, some of which are

over 20 years old. The replacement school will provide permanent, purpose built accommodation for the Autistic Spectrum Condition unit and the nursery at the school both of which are currently accommodated in temporary buildings.

5.10 We fully support this planning application as it will secure much needed school places for the city.

5.11 **Economic Development: Support**

City Regeneration fully supports this application as the key aspects of the development are responding to the needs of the city's growing population. The demolition and rebuilding of the existing nursery and primary school will address the increasing pressure for places. This too applies to the addition of a new secondary school with modern, high spec facilities that that will hopefully prepare our young citizens for the world of work and / or higher education.

5.12 In the event this proposal or any amended proposal is approved, through a S106 agreement, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour, in addition to training opportunities through the main contractor or their subcontractors. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where applicable) and construction phase, is required. Also, following the Technical Guidance for Developer Contributions in respect of non-residential developments, a sum of £93,090 would be payable towards the Local Employment Scheme.

5.13 **Environmental Health: Approve subject to conditions**

The following have been considered: contaminated land issues (there are none); floodlighting and the need for a Construction Environment Management Plan (CEMP). Noise has been considered in relation to plant (as well as odour), deliveries, traffic noise and people using the playing fields. The noise environment within the classrooms has not been considered as this will be dealt with under the Building Regulation compliance. A BS4142 assessment has been included in the application and the list of plant and its position is listed separately and not assessed, this should be updated to take account of the actual plant and equipment planned. It should include the arrangements for ventilation, etc. where closed windows and other mitigation measures are to be relied upon to make the internal noise environment acceptable.

5.14 Conditions relating to the following are recommended: A further acoustic report, overall noise levels from plant, opening hours 7am – 11pm, loading hours 7am-7pm Mon-Fri and not Sun or Bank Hol, odour control, external lighting, no amplification and Construction Environmental Management Plan (CEMP).

5.15 **Planning Policy: Comment**

The provision of a permanent site for Kings School, an existing secondary with sixth form free school, with adequate modern provision to enable it to expand its pupils from 396 to up to 1050 pupils is welcomed. An improvement to the accommodation and facilities currently provided by West Blatchington primary school and nursery is also welcomed. Indeed proposals that facilitate the City

meet its school place requirements especially with high quality accommodation modern needs are promoted.

- 5.16 Five key policy issues are raised by this proposal: traffic including parking (pedestrian, cyclist, vehicular); design including impact on the National Park and sustainability; impact upon Toads Hole Valley development area; provision of new community facilities to meet the City's needs; and, principle of development/loss of designated open space.
- 5.17 The first three are subject to other consultee comments. The third is dependent upon the educational needs of the City, however, it is important the new school allocation is not undermined as it is a key component of establishing and integrating the new community within the area and for delivering a new playing field that will be accessible to all. The fourth is addressed in principle.
- 5.18 With regard to the last there is a concern over the principle of development in view that the designated open space, which will be subject to fragmentation and partial loss, is not surplus to the City's open space requirements (ie there is an existing 8.27 hectares deficit in open space in the ward). This is contrary to national policy and policies CP16 and CP17 in the recently adopted development plan, which seeks retention and enhancement of existing open space, unless an exception can be justified.
- 5.19 The unique circumstances of this proposal and the merits of the school accommodation improvements are however to be acknowledged. Key to the consideration of this proposal will be the material considerations in addition to the detailed matters especially quality of provision (educational and open space) and the s106/community use agreements alongside other matters addressed by other consultees. It is therefore for the case officer to assess all the policy requirements against all relevant material considerations and the consequent weight to be given to the merits of meeting the short term educational requirements versus the short to long term ability to meet open space requirements as set out in the adopted development plan (taking into account both quantity and quality of provision for both educational places and open space).
- 5.20 Percent for Art:
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.
- 5.21 To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. The value based on internal floor area is £24,000. 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.

5.22 Sports Facilities: Support

Initial Comments:

Summary:

The BHCC Sports Facilities Team strongly support the proposal as it improves the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for pupils and residents.

5.23 Main Comment:

The BHCC Sports Facilities Team is supportive of the proposal which involves the addition of a new sports hall at the new secondary school and improved sporting facilities across the whole site including a 3 court MUGA.

Although there is a loss of open space/playing pitch provision the proposed S106 financial contribution will enable improvements to existing playing field/pitches elsewhere in the locality. This will assist in replacing the loss and will help accommodate the increased community demand displaced from the school site.

5.24 The proposals will provide considerable benefits to the school in terms of improving and providing more sporting opportunities and facilities for pupils.

The availability of the facilities during evenings, weekends and school holidays will also help meet the demand and provide more sporting opportunities for the local community from good quality sports facilities and will be formalised via a community use agreement. The plans allow the rest of the school building to be locked off whilst retaining access to the sporting areas which will assist the management of the community use areas out of hours.

5.25 We would strongly encourage increased storage provision in the 'Kings school' large sports hall for community use. This would enable a wide range of uses including potentially gymnastics which would require significant storage space. Community and club groups would also potentially want to store their equipment securely on site.

5.26 In summary the proposal will result in considerable benefits to the city and the local community and will provide an improvement to the city's sport's facility provision.

5.27 Links to policy/strategy documents:

The proposal helps to meet a number of the council's key objectives, outcomes and recommendations from the following policy/strategy documents including: 1. Corporate Plan (2015-2019); 2. City Plan Part 1 - Policy CP17 (Sports Provision), Policy CP18 (Healthy City) and Policy CP16 (Open Spaces); 4. Sports Facilities Plan 2012-22 (which clearly identified weaknesses in the city's facility provision and has a number of specific proposals to make improvements - a key priority is to increase the access to school facilities particularly sports halls); 5. Sports & Physical Activity Strategy 2013-18 (the proposal would help to meet the six outcomes of this); 6. Playing Pitch Strategy (2017).

In summary, shortfalls were identified now and in the future across the city. 3G pitches were identified as a means to try and address the shortfall and alleviate the over use of grass pitches.

5.28 Summary of Additional Comments:

Further to the initial consultation comments provided and following comments provided by Sport England and the Football Association we have been reviewing the implications of the loss of open space/playing pitch provision and the associated S106 developer's contribution to mitigate that loss and provide additional opportunities. Clarity on the required increased storage provision in the main sports hall is also provided.

5.29 Main Additional Comments:

As commented previously the loss of open space/playing pitch provision at the proposed site is a concern. We are still in the process of reviewing and prioritising the recommendations of the Playing Pitch Strategy (PPS) 2017. In summary this strategy identified shortfalls in the city now and into the future. One of the opportunities to consider was the creation of additional 3G pitches as a means to try and address the shortfall and alleviate the over use of grass pitches. It was hoped this could be achieved by a sports hub approach and an application to the Parklife Football Hubs National Programme was submitted earlier this year but unfortunately it was not successful. A site analysis has therefore started to identify potential options and solutions but this is still in progress and the exact location of sites for development has not yet been determined or agreed.

5.30 Due to the loss and over play that would occur on the remaining pitch a suggested £120K S106 contribution was initially suggested. This sum was based on improving the level, drainage and quality of the existing pitch and was comparable to a recent extensive drainage project on another site. However it is apparent that the loss of playing field would restrict the rotation of the pitch and areas such as goal mouths will become worn through heavy and continued use. Therefore a proposed S106 financial contribution will need to be sought to enable improvements to existing playing field/pitches elsewhere in the city. This will assist in replacing the loss and will help accommodate the community demand displaced from the school site. Due to the complexities involved in allocating just one or two sites the following have been identified as the best sites to consider in spending the contribution. Further consultation will need to continue with Sport England (SE), The Football Association (FA), local clubs and community groups potentially affected prior to a final decision. There are pros and cons for all sites which would need to be explored further.

5.31 Greenleas Park – improvements could be made to the existing grass pitches and the potential for a 3G pitch could be considered.

5.32 Knoll Recreation Ground – Already used by Hangleton Rangers (the team that currently play and train at West Blatchington). There is already a small, floodlit, sand based pitch that could possibly be extended and upgraded to 3G. This would help with matches for the younger age groups.

- 5.33 Hove Park – Some S106 monies has already been allocated to make improvements to outdoor sports and conversion of an existing sand based area into small 3G pitch is being considered. Additional funding could assist in making this more viable.
- 5.34 Portslade Sports Centre – The existing sand based AGP (Artificial Grass Pitch) is poor quality. The PPS has suggested that 3G should be considered. Recent meetings with Sussex FA have suggested this would be a positive step and would meet a key requirement from the PPS and provide a full sized floodlit 3G in the west of the city. Hangleton Rangers also already use this site.
- 5.35 Waterhall – A longer term strategic option in terms of a potential site for an additional full sized 3G pitch. Looking at some of these options in more detail has highlighted that the original £120K to be used as an off site contribution to realise one of the above projects is too low. Initial budget estimate costings to convert the pitch at Portslade would be a minimum of £130K just for the surface without taking into account the strip out, prelims, any changes to the fencing or works to the shockpad. Therefore on reflection a figure of approximately £150K would seem to provide a more realistic contribution to mitigate the on site loss. The request for a 150k contribution is based on budget estimates from external suppliers/consultants received by the council for:
- 5.36 Portslade Sports Centre – Re-surface of all-weather pitch with 3G surface and repairs to 50% of the existing shock pad (budget estimate 152K +VAT).
- 5.37 Hove Park – Resurface of all-weather pitch with a 3G surface and shock pad (budget estimate £165k +VAT).
- 5.38 Sports Hall Storage:
Storage for the Sports hall in relation to community use is also an issue that has been raised. To clarify storage requirements the SE recommendation is 12.5% of the sports hall floor area therefore based on the size of the 3 court hall at 504m² this would equate to 63m². The amount of storage specifically allocated to community use could probably be less than this (as long as the main sports equipment is provided by the school). A store the size of 40m² should still accommodate and allow the required circulation space for large pieces of equipment such as bouncy castles, crash mats, play equipment that would also need to be easily accessible. The size isn't the only important aspect. The location and shape is also key, along with double doors for the manoeuvring of bulky sports equipment. The store will also need to be accessed from within the sports hall.
- 5.39 **Sustainability Team: Comment**
As a major planning application, this scheme is expected under City Plan Part One policy CP8 Sustainable Buildings, to achieve a BREEAM 'excellent' standard and to address sustainability policy as set out in Paragraph 2 (a) - (p).
- 5.40 A Thermal Study has been undertaken for Kings School (not submitted formally). This document looks at overheating and thermal comfort issues and uses computer simulation to predict the danger of overheating. The study finds

that all rooms meet thermal comfort requirements. However, it is noted that southern facades do not include solar shading which could further mitigate against overheating.

- 5.41 Major schemes are expected to undertake energy assessment in order to design appropriate solutions that meet local policy for energy efficiency, renewables, and carbon reduction as set out in policy at Paragraph 2 (a) to (c) of policy CP8. An energy assessment has been undertaken: a Compliance Report for ADL2A (Part L Building Regulations) relating to energy efficiency has been developed and states that the scheme as designed would achieve compliance without the addition of renewable energy technology. Two options for energy technologies are explored: Gas CHP 12kWe with an electrical output, and a solar photovoltaic array providing 64,000kWh/yr. Both would achieve (provisionally) 7 credits under the BREEAM category ENE1 (CO2 emissions). The PV array would result in lower carbon emissions (10.1 kgCO₂/m²/yr as opposed to 11kg for the gas CHP). This shows that for main services (heating, cooling, ventilation and lighting), the carbon footprint of the development would be 85.3 tonnesCO₂/yr for the scheme incorporating solar PV, and 92.9 tonnesCO₂/yr for the GAS CHP option.
- 5.42 Gas CHP is proposed for the school to provide hot water and space heating. The ADL2A Compliance study does not recommend a preferred option, and no details are given within it for the decision taken to adopt Gas CHP rather than PV. The study did not set out to explore how to achieve BREEAM 'excellent', only how to achieve Building Regulations compliance. If the study had set out to explore the minimum mandatory requirements for a BREEAM 'excellent' score, it may well have recommended the adoption of both Gas CHP and a photovoltaic array. This would clearly provide a boost in the heavily weighted ENE1 category of the BREEAM assessment.
- 5.43 A Sustainability Statement has been included in documents submitted with the application. The Statement sets out that the scheme is targeting a BREEAM 'very good' standard and 'excellent' in the energy section. A BREEAM pre-assessment document has been undertaken. This shows a current total indicative score of 66.3% (just below the 70% score expected for an 'excellent' score. It is welcomed that an 'excellent' score in the Energy Section is being targeted. However, there is no justification or explanation provided to explain why the scheme is not targeting an 'excellent' BREEAM standard overall; as such, proposals do not meet current city Plan policy.
- 5.44 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development (paragraph 4.88 p170).
- 5.45 The scheme could be improved by inclusion of renewable energy technologies. Renewable energy is expected as set out in paragraph 2 (b) and (c) of policy CP8. It is of concern that there are no renewable energy technologies proposed with the development, despite a roof that provides a suitable location for installation. The text referring to a feasibility study for low and zero carbon

technologies is hard to understand, and doesn't provide enough information to evaluate it's robustness or how it has arrived at the proposed strategy. The case officer indicated that the applicant suggested PVs on the school roof would have an unacceptable visual impact on the National Park. Any further information on this has not been found in documents. It is not clear why the following solutions could not be applied, or if any of these have already been considered. Solar panels are likely to be angled away from the Park, minimising glare, and there could be opportunities for building integrated solar photovoltaics, or siting in such a way to avoid visual impacts on the National Park. Furthermore, if viability is a barrier, then Community Energy funded solar PV could offer a solution through of providing installed renewables with no upfront cost.

5.46 The scheme could also be improved by the integration of areas for food growing within the landscaping, and integration of productive, edible planting as part of landscaping across the site. It is recommended that the applicant be asked to submit further information on why an 'Excellent' BREEAM standard cannot be achieved, and in particular why renewables cannot be incorporated into the scheme since they have been found to be technically advantageous in the Compliance report.

5.47 **Sustainable Transport:** Comment:

Original Comments prior to receipt of additional information in TA Addendum:

Summary:

The Highway Authority would not wish to object to the proposed development in principle. In the event that planning consent is granted, a S106 sustainable transport contribution of £270,000 (to be allocated to safer routes to school measures serving the site), S106 Travel Plans agreement including measures to facilitate and promote sustainable travel, a S278 highway works agreement and a number of conditions would be recommended. Full details of these are provided in the comments below although conditions would include staggering the opening hours of the two schools.

5.48 Main Comment:

Trip generation:

The King's School Transport Assessment considers trip generation for pupils but not staff. Based on 1,050 pupils and 102 staff, the school could generate up to 2,304 person trips per day. Additional trips by parents collecting and dropping of children are also likely as well as leisure and community users of the site outside school hours.

5.49 It is noted that the current roll of the primary school is below capacity at 340 pupils meaning that an increase in size has the potential to have a greater impact in practice. Trips associated with this number could occur within the current planning consent which is acknowledged in assessing the application; however, it is necessary to consider the cumulative impact of the application were both schools to operate at the proposed capacities.

5.50 Trip Type and Distribution:

As the King's School is a faith-based free school it is not subject to defined catchment areas. Current pupil data submitted by the applicant indicate that

home addresses are distributed across the city and beyond into East and West Sussex. Although the applicant has stated that a distance-based element will be introduced to selection criteria were the school to become oversubscribed, the likelihood is that there will continue to be a high distribution of pupil home addresses and the location of some pupils means that opportunities for travel by sustainable modes will be reduced.

- 5.51 The Transport Assessment argues that the school's existing site in Portslade provides a reasonable basis from which to estimate mode share as pupils are not particularly concentrated around that site. This principle is considered appropriate; however, the data is from April 2016 and includes a minibus service (5.5% mode share) which has since ceased whilst it is also not possible to distinguish between rail and bus users (37% combined share). The share for rail would be expected to be lower as the current site. The current site also has pupils living within all directions of it whereas pupils for the proposed site will come from the south, reducing the potential walking catchment. Therefore, there is a risk that the current 29% car mode share would be higher at the proposed site.
- 5.52 The applicant's Transport Consultant has discounted the number of vehicle trips calculated to account for siblings sharing cars based on Census data for the number of dependent children per household (1.63). Therefore, at full occupancy, 305 vehicles (29% mode share) has been discounted to 186 vehicles. There is a possibility that this underestimates the number of vehicle trips as it assumes that all children will be within the secondary school age range when this will not be the case. Trips associated with the primary school have been based on the most recent survey from 2014-15, which indicates that car use has increased from 30% in 2009-10 to 45% more recently.
- 5.53 Impact:
The impact of the additional vehicle trips is primarily expected to be on car parking demand in the vicinity of the school at drop-off and collection times and the localised congestion this would generate. The impact of the development on the public highway could however expected to be exacerbated by the proposed opening hours, and staggered hours (30 mins) are requested.
- 5.54 The Transport Assessment considers the impact on bus capacity, suggesting that the high frequency of existing services and location of the school requiring travel in the opposite direction to peak demand would mean that future increases in demand from the school can be accommodated. However, the council's Public Transport team have raised concern that the publicly funded school bus routes 16 and 66 would not be able to accommodate the forecast increase in demand as the route is currently operated using a single deck vehicle with total capacity of under 40 passengers. Based on forecasts from the applicant's Transport Consultant, this would be exceeded as early as 2019 when demand from 51 pupils would be expected.
- 5.55 Mitigation:
In the event that planning consent is granted, in order to mitigate the impact of the proposed development and ensure that safe access to each school by

sustainable modes is provided, a number of highway works are requested to be funded by the applicant through a S106 agreement. Full details can be seen in the S106 Heads Of Terms section at the beginning of this report. A Travel Plan is also requested for each school in order to encourage sustainable modes of travel, mitigate the impact of the development and comply with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.

- 5.56 The Travel Plans should include a range of measures which respond to the constraints of the location and the wide catchment area of the King's School. The Transport Assessment states that recommencement of a minibus service previously operating for the King's School's Portslade site will be pursued with the increased pupil numbers expected to improve its viability. A commitment is also made to working with the neighbouring primary school where appropriate. Such measures are considered necessary given the distribution of pupils attending the King's School and in order to provide sustainable alternatives to car use and minimise the impact of the development on streets within the vicinity of and beyond the site. In addition, the applicant would be expected to put in place a public transport strategy in order to address the shortfall in capacity on publicly-funded routes that the development is forecast to generate. It is expected that this would need to include a commitment to introducing a minibus service for the King's School. West Blatchington Primary School currently has a travel plan which includes a number of measures including park and stride and a minibus service which collects pupils living furthest from the school site. The inclusion of these measures is positive and it will be necessary for them to continue and be expanded as the capacity of the primary school increases.
- 5.57 Vehicle Access:
Access Locations:
Each school will be served by a single vehicle access from Hangleton Way. The proposed entrance for West Blatchington School utilises the existing access point. However, this currently serves a small parking area and would require upgrading as the applicant has indicated on the submitted site plan. The new access serving the secondary school would not result in a significant loss of parking as this typically occurs on the southern side of Hangleton Way adjacent to the school with much of the northern side restricted by school keep clear markings. No objections are raised in relation to the proposed access locations in principle.
- 5.58 Drop-off Provision:
In accordance with SPD14, the Highway Authority's preference is that no drop off areas should be provided with the exception of taxis and for those with special education needs (SEN). The reason for this is that on-site drop off points would be expected to provide more attractive facilities that encourage travel by car. The risk is that this would have a greater adverse impact at the school access points, with the potential for conflict with large numbers of young pedestrians crossing, and on roads beyond the site.
- 5.59 The primary school proposal includes a drop-off bay, which the Planning Statement indicates will be for the "younger year and ASC [Autism Spectrum

Condition] pupils". The secondary school proposal includes a servicing and drop-off bay which the Transport Assessment states will be for use by taxis and pupils with special needs only. The Highway Authority would have no objection to this; however, full details of how the drop-off bays will be used should be provided in both school travel plans.

5.60 Bus Access:

Swept paths have been submitted to indicate that minibuses are able to access and circulate within the site. Clarification is required regarding what the strategy would be were any buses required to serve the site in response to the comments above or on occasion when coaches serve each school.

5.61 Deliveries and Servicing:

The Transport Assessments for both schools indicate that they can be serviced off the public highway. Swept paths submitted demonstrate that vehicles that could be reasonably expected to access the site such as refuse vehicles are able to circulate allowing them to both enter and exit in forward gear.

5.62 Pedestrian Access:

Pedestrian access is currently provided via one access on Poynings Drive and two on Hangleton Way. New dedicated pedestrian accesses will be provided for each school on Hangleton Way. The pedestrian access on Poynings Drive appears to be retained to provide access to the playing fields.

5.63 Access has also been included to each school from the off-road cycle route running alongside the northern site boundary. This was at the request of the Highway Authority during the pre-application stage with a view to offering an alternative access for pedestrians and cyclists to the front of the school which would be expected to be more heavily congested at peak times.

5.64 Footways within the site are generally at least 2m. The western access for the primary school is less at approximately 1.5m; however, it is recommended that this be addressed as part of the response to the drop-off comments above.

5.65 Beyond the site, a number of measures have been identified by the applicant's Transport Consultant and Highway Authority as necessary to improve pedestrian facilities to the proposed schools and cater for the increase in school pupils. Therefore, so that the proposed development complies with Brighton & Hove Local Plan policies TR7 and TR11, the applicant will be required to fund measures to provide safe routes to school. Full details are provided in the S106 comments.

5.66 Car Parking:

On-site Provision:

SPD14 allows a maximum of one space per teaching staff member for both primary and secondary schools in an 'outer area' location.

5.67 For the secondary school, the Transport Assessment indicates that there will be 65 teaching staff meaning that a maximum of 65 spaces would be permitted for this site. 50 spaces are proposed in addition to three disabled bays and two

mini-bus bays. A lower provision than the maximum permitted is acceptable where it can be demonstrated that there would not be an adverse impact on surrounding streets- see discussion below. For the primary school, 31 teaching staff will be employed at the site. 31 spaces, including two disabled bays, are provided which is therefore compliant with SPD14 and considered satisfactory.

5.68 Car Park Layout:

The car park layout is generally considered acceptable. Although dedicated pedestrian accesses are provided, there would be benefit in providing marked areas for pedestrians within the car park area. Further minor amendments would also be necessary in order to address the comments on disabled parking and motorcycle parking provided below and it is recommended that these be secured through a car park layout condition.

5.69 On-Street Parking Survey:

The Transport Assessment includes a parking survey on roads surrounding the site to coincide with school peak periods on Tuesday 22nd November 2016 at 15 minute intervals. The survey indicates that there is a total of 227 unrestricted spaces in the survey area which included Hangleton Way, Hardwick Road (west), Amberley Drive (north), Downland Drive (north) and Poynings Drive (north). A peak of 120 (53% occupancy) parked vehicles were recorded at 8:30am and 115 (51% occupancy) at 3:00pm.

5.70 The occupancy calculations include all vehicles, including those parked inconsiderately such as fully on the footway. However, the capacity calculations include both sides of each road which would not be considered to be a true reflection of parking capacity. The actual parking stress is therefore expected to be substantially greater than indicated in the Transport Statement.

5.71 Expected Additional Demand and Impact:

Considered in isolation, the rebuilding of the primary school, is not expected to result in a substantial increase in pupil vehicle trips and therefore associated parking demand. However, the submitted Transport Statement for the primary school and cumulative impact assessment within the secondary school Transport Assessment does not consider the parking demand from the existing primary school were it to be at capacity.

5.72 Given the cumulative impact of the development, there will become a greater need for West Blatchington School to implement and expand its current Travel Plan in order to encourage sustainable travel. Appropriate strategies, including 'park and stride' will also need to be in place to manage the impact of those vehicle trips which do occur.

5.73 Meanwhile, the relocation of the King's School will generate new parking demand from staff, parents transporting pupils, visitors and, in later years potentially sixth form students. Based on staff mode share for the existing King's School site in Portslade, the applicant's transport consultant has calculated that parking demand for a total of 102 staff (teaching and non-teaching) would be up to 78 vehicles. Excluding the minibus bays, this would indicate that an overspill of 25 vehicles could be possible. This is likely to be a worst case as not all 102

staff would be expected to be on-site at any one time. The Transport Assessment has concluded that the parking survey indicates that this level of parking demand could be accommodated on surrounding streets at the same time as on-street parking arising from the existing primary school. However, the Highway Authority would not consider that the parking survey demonstrates that this would be the case without having a negative impact on pedestrian routes, with current obstructions caused by parking highlighted within the pedestrian facility audit submitted by the applicant. Clarification on staff numbers is required.

- 5.74 In summary, although total additional on-street parking demand at the beginning and end of the school day will be spread around the peaks, this would exceed on-street capacity in the vicinity of the site. Parking demand from users of the site outside school hours could potentially result in on-street parking at times demand from residents is typically highest. However, taking into account the size of the car parks of the two sites, this is considered unlikely on a regular basis were this to be appropriately managed.
- 5.75 **Recommended Mitigation:**
In order to mitigate the impacts of additional on-street parking demand, including by staff and at school drop-off times, it is requested that Travel Plans for each school be secured as part of the S106 agreement.
- 5.76 **Disabled Parking:**
SPD14 requires a minimum of two bays or 5% of capacity, whichever is greater. Therefore, two spaces would be required for the primary school and three for the secondary school. This level of provision is provided and the layout is in accordance with the Department for Transport's Traffic Advisory Leaflet 5/95 as required by Brighton & Hove Local Plan policy TR18.
- 5.77 **Motorcycle Parking:**
For both schools, 5% of provision for motorcycles is required, equivalent to two spaces for the primary school and five for the secondary school. The secondary school Transport Assessment indicates that this will be provided; however, no further details appear to be included on the submitted plans and none is referenced in the Primary School Transport Statement. It is therefore recommended that further details be secured as part of the recommended car park layout condition.
- 5.78 **Cycle Parking**
SPD14 requires the following minimum cycle parking provision:
Primary school: 54; Secondary school: 243
- 5.79 For the primary school, 43 spaces are proposed and for the secondary school, the applicant is proposing 137. This is less than the standard; however, the applicant has stated that this would provide for 10% of pupils which is greater than the 2.5% mode share of pupils surveyed at the existing King's School site at Portslade and allows room for growth. Taking into account the nature of the school's catchment which will be wider than most schools, it is considered that a

reduced level of provision would be acceptable in this instance. Details of provision (and space for future growth) can be secured by condition.

5.80 S106 Contribution:

Based on the increase in trips directly associated with pupils, staff and parents, the school could be expected to generate at least 2,466 additional trips per day. This would not include further trips generated by the intention to use the site facilities for commercial and community purposes out of hours. Based on the council's standard contributions formula outlined in the Developer Contributions Technical guidance, the following sustainable transport contribution would be required:

Net increase in person trips (2,466) * contribution per trip (£200) – location based deduction (25%) = £369,900.

5.81 The Highway Authority has however taken account of the measures that would be necessary in order to make the development acceptable, are directly related to the development and reflective of its scale in accordance with the National Planning Policy Framework. On consideration of these, a contribution of £270,000 would be requested in the event that planning consent is granted.

5.82 The requested sustainable transport contribution will be allocated to public transport and safer routes to school measures in the vicinity of the site and on routes serving it. This in order to address the impact of the development on the surrounding highway, promote sustainable travel to the site and provide safe routes to school in accordance with policies CP9 and CP7 of the Brighton & Hove City Plan and TR7, TR11, TR12 and TR15 of the Local Plan and sections 203-204 of the National Planning Policy Framework.

5.83 Construction Environment Management Plan:

Given the scale of the development, proximity to the existing school and residential streets, a Construction Environment Management Plan (CEMP) would be requested. The Transport Assessment commits to this and it is recommended that the CEMP be secured by condition or as part of the S106 agreement. This should include details of construction routes and a commitment for the timing of construction vehicle movements not to coincide with school opening and closing hours.

5.84 It is understood that during construction there will be no staff parking available on-site meaning that staff are required to park on surrounding streets. The Transport Statement for the primary school concludes that there is sufficient capacity to comfortably accommodate demand during this period. However, owing to the capacity that is in practice available (see car parking comments above), the Highway Authority would expect Travel Plan measures to be introduced for school and construction staff during this period to incentivise travel by other modes and minimise the impact of parking which does occur on streets closer to the site. It is recommended that these details be included in the CEMP.

5.85 Comments made on Transport Assessment Addendum:

The TAA includes clarification on the number of staff that may be expected to be on-site for the King's School at any one time (80%). Based on current mode-share this would suggest that overspill parking from staff will be approximately eight vehicles (demand of 63 compared to 55 spaces provided on-site). Whilst the applicant would ideally have submitted data on how current King's School staff plan to travel to the new site, the TAA does include details of an historic travel survey undertaken in 2014 for staff of West Blatchington Primary, with car mode share of 75% this is similar to that for the King's School in Portslade and supports the use of existing mode share data for the Portslade site in the calculation of overspill parking for the proposed location. As nine additional staff are proposed for the primary school with six additional spaces, it is not forecast that there would be substantial additional overspill associated with this school compared to the existing situation.

5.86 Although the Highway Authority has reservations about the parking survey as stated in the original comments, it is not considered that overspill parking associated with staff would warrant refusal in this instance when taking account of the requested Travel Plan measures to mitigate the impacts of the development.

5.87 **Flood Risk Management Officer: No Objection**

In principle, the Lead Local Flood Authority (LLFA) would have no objections to this development as the inclusion of measures such as permeable paving, swales and soakaways as per the Flood Risk Assessment submitted in support of the application are noted. A condition should be imposed for submission of an associated management and maintenance plan of surface water drainage system as per the Flood Risk & Drainage Assessment and the Sustainable Drainage Statement for the site.

5.88 To discharge the condition above the LLFA the applicant will need to provide a comprehensive maintenance plan for the temporary and final drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development.

5.89 **External:**

5.90 **Brighton and Hove Archaeological Society: Comment**

The proposed development is close to the site of the Roman villa at West Blatchington. It is possible that archaeological deposits still remain. The Society would suggest that the County Archaeologist is contacted for his recommendations.

5.91 **County Archaeologist: Approve subject to condition**

Summary:

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined below.

5.92 **Main Comment:**

The proposed development is within an Archaeological Notification Area defining an area of prehistoric activity. This section of the South Downs is rich in prehistoric and Roman remains relating to settlement, farming and burial. The site has not been subject to any recorded archaeological investigation.

The application includes a comprehensive desk based assessment that concludes:

- No designated or non-designated Sites have previously been recorded on the Site on the East Sussex HER;
- Three historic landscape features have been identified within the Site area on historic maps and below-ground evidence may survive today;
- The Site has been assessed as having a generally moderate theoretical potential for prehistoric and Romano-British periods and low to moderate potential from the early medieval period onwards;
- The Site area has probably suffered most past impact from the landscaping and buildings associated with the creation of the schools in the third quarter of the 20th century, particularly in the south, with some lesser impact from past arable cultivation in the west;
- Where any archaeological remains are present they may be impacted on by the groundwork of the proposed development

5.93 The conclusion is concurred with and it is agreed that elements of the site are likely to have been heavily disturbed. Where areas of below ground archaeology do survive, the remains are likely to be of local archaeological interest rather than nationally significant; however it must be highlighted the site has not been subject to fieldwork investigation.

5.94 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

5.95 **County Ecologist: Comment**

Designated sites and Protected Species:

The site is adjacent to Toads Hole Valley Local Wildlife Site (LWS or Sites of Nature Conservation Importance) which abuts the eastern boundary. The LWS must be protected from any potential impacts including, but not limited to, impacts on root protection areas, increased dust, noise pollution and run-off. Any lighting scheme must also make sure the LWS remains unlit.

5.96 The site currently comprises amenity grassland, scrub, scattered trees, ornamental pond, buildings and hard standing. The wildlife area in the north east corner of the site, which includes a pond, should be retained and protected. The proposed development will lead to the loss of amenity grassland, scattered trees, areas of hard standing and buildings. The loss of habitat should be mitigated through the wildflower seeding/plugs and relaxed mowing around the boundaries and the inclusion of native trees within the landscaping trees.

5.97 Bats:

One of the buildings was initially identified as having a low potential to support bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. As such, a further survey was carried out in accordance with best practice and is considered sufficient to inform appropriate mitigation, compensation and enhancement. There was no evidence of roosting bats in building B6 and overall the bats are not considered to be using the site for roosting, foraging or commuting. There are some trees on site with bat roost potential. It is understood that these trees are to be retained. Therefore no further surveys are required. The recommendations made in the report should be implemented, i.e. the incorporation of bat roost features within the new building or the provision of two bat boxes within site boundaries, and a sensitive lighting scheme.

5.98 Breeding birds:

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.99 Reptiles:

The site has low potential to support reptiles. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. A precautionary approach should be taken to site clearance as described in the Preliminary Ecological Appraisal report.

5.100 Other species:

The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist as to how to proceed.

5.101 Mitigation Measures/Enhancement Opportunities:

In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of green (biodiverse) roofs, the provision of bird boxes (8 minimum), a sustainable urban drainage scheme and the use of species of known value to wildlife in the landscape scheme. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Any green

roofs should be chalk grassland to help meet Biosphere targets. Bird boxes should target species of conservation concern e.g. swift and house sparrow.

5.102 Additional Comments: It is disappointing that a green roof will not be provided given the multiple benefits they provide including biodiversity benefits, decreased run-off, temperature regulation etc, and the fact that they are now relatively low cost and low maintenance. An ecological design strategy should be secured by condition to enhance the nature conservation interest of the site, over and above the mitigation required for impacts on habitats and species. If a green roof is not to be provided, then alternative opportunities should be sought, e.g. the creation and sympathetic management of wildlife meadow habitat, as well as the provision of bird boxes and log piles.

5.103 **County Landscape Architect: Comment**

Landscape Policy Context:

The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109).

5.104 As the site is bounded to the north and east by the South Downs National Park (SDNP) consideration should be given to potential impacts on landscape and visual amenity of the National Park. In this context the NPPF states that great weight should be given to conserving 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 landscape and scenic beauty. (para115).

5.105 Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and add to the quality of an area. Developments are required to respect local character and materials in both built form and open space detailing.

5.106 If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes.

5.107 Site Context:

5.108 Visual:

The Landscape and Visual Assessment, (LVA, HED December 16), provides an accurate baseline landscape and visual description of the site.

5.109 The existing buildings on the site are a maximum of one to two storeys in height and are set back from the northern site boundaries so that they only glimpses of the higher parts of the buildings are visible from key viewpoints in surrounding areas within the South Downs National Park (SDNP). Views in to the school site from the neighbouring residential area of Hangleton are largely obscured by a

tall and dense hedge. This and the trees within the site are important features which positively contribute to the local townscape.

5.110 Potential Impacts and Mitigation Measures:

5.111 Visual Impacts:

The wireframe visualisations provided with the application provide a comprehensive analysis of the potential visual impacts of the proposed development from the selected key viewpoints in the SDNP. These were taken in winter when the trees are not in leaf and therefore represent the worst case visual impacts. The top floor of the proposed building will be evident in these views as it would extend above the existing tree line, particularly for the middle distance views along Dyke Road. As stated in the LVA the long term visual effects need to be considered in the context of the existing surrounding built up area of Hangleton. Carefully chosen colours for the building façade would help to mitigate the mass of the building in these views – it is considered that blended brick colours would address this.

5.112 As the building would be set back on the school site and the existing hedge is to be retained the visual impacts on the residential area of Hangleton Way would be minimal.

5.113 There would be a visual impact on the bridleway which runs along the northern section of the site and this has not been illustrated in the LVA. This would affect a relatively short section and the visual surveillance from the new school building would make this bridleway feel safer for users than it currently does. The Design and Access Statement photomontage illustration indicates new tree planting between the new school and the bridleway. As there is limited space available here there could be a future conflict with new trees causing reduction of light to the classrooms. This requires further consideration in the development of the landscape masterplan for the site as the proposed trees are also stated to help reduce the visual impact of the building in views from the SDNP – the council's Arboriculturalist should be consulted.

5.114 Impact on Landscape Character:

The evolution of the site design has addressed site constraints and opportunities. Landscape features such as the majority of the trees, the boundary hedge and school wildlife area are to be retained. The proposed landscape masterplan will provide an opportunity to enhance the schoolsite and the setting of the new buildings within the local townscape. The proposed development would not have a long term adverse effect on the character of the SDNP.

5.115 Conclusion and Summary Recommendations:

It is recommended that the application can be supported, subject to consideration of the finished colours and textures of the building facades and the implementation of an approved landscape masterplan and detailed planting scheme.

5.116 **Sport England Objection**

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

5.117 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

5.118 Assessment against Sport England Policy/NPPF:

Paragraph 74 of the NPPF states that open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

5.119 This application relates to the loss of existing playing fields and/or the potential provision of replacement playing fields. It therefore needs to be considered against exception E4 of the Sport England Playing Field policy, which states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

5.120 The existing playing field contains a football pitch (to the west) and space for a running track (to the east), both of which can be seen on past aerial photography. The PPS for this area, which was adopted in December 2016, states that the football pitch is 'A standard quality youth 9v9 pitch that is overplayed by 0.5 match equivalent sessions'. The applicant suggests that this pitch would remain, but be relocated to the west of the site. Pitch improvements are suggested which would appear to comprise of levelling the site. While the PPS suggests pitch improvements in order to alleviate overplay, it is unlikely that levelling the pitch alone would achieve this. Furthermore, the loss of playing field proposed here would mean that rotating the pitch in order to avoid wear on heavily used areas (such as the goal mouths) would no longer be possible. While it is noted that a new mini-pitch is proposed to the east of the school, this would not overcome this issue with what is already an overplayed field. A new MUGA is proposed, also on existing playing field, as well as an indoor sports hall.

5.121 It remains that a large quantum of playing field would be lost to school buildings. E4 requires that the loss is replaced by equivalent or better provision in terms of quality and quantity. The applicant has suggested that this remaining loss will be mitigated by a financial contribution, potentially for an AGP and names a

number of potential sites that could benefit. Without further information as to the exact location of the site and exactly what is proposed, Sport England is unable to determine that this application meets E4.

5.122 Sport England would also note that the replacement of a grass playing field elsewhere with an AGP would not be considered an adequate replacement, as this would also involve the loss of an existing grass playing field, and therefore no additional pitch space would be provided. Should an adequate solution be arrived at, Sport England would expect a community use agreement to be formalised by way of condition for the playing field and sports hall/MUGAs.

5.123 Conclusion:

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

5.124 **Southern Water: Comment**

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development, provided the discharge point on the existing foul sewer is at manhole reference TQ27075502 or manhole reference TQ27074501. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An appropriate Informative is recommended in this regard.

5.125 The results of an initial desk top study for surface water disposal indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

5.126 Should the Local Planning Authority be minded to approve the application, Southern Water would like a condition to be attached to any permission requiring a drainage strategy detailing the proposed means of surface water and an implementation timetable.

5.127 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). 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. Under current legislation and guidance SUDS rely upon facilities which are not

adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority 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.

5.128 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.129 The Council's Building Control officers or technical staff and the Environment Agency should be asked to comment on the applicability and adequacy of soakaways to dispose of surface water from the proposed development. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a) Adequate soakaway or infiltration system
- b) Water course
- c) Where neither of the above is practicable sewer

5.130 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. We request that should this application receive planning approval, a condition is attached to the consent to secure details of the proposed means of foul and surface water sewerage disposal.

5.131 Following initial investigations, there is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the development. Section 41 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to supply a specific site. We request that should this application receive planning approval, an appropriate Informative is attached to the consent.

5.132 **Sussex Police: Comment**

The security measures within the Design and Access Statement such as the cycle shelters have been found to be very acceptable. In depth information on

gates, perimeter and security fencing can be found within the Secure By Design document.

5.133 Scotland Gas Networks: Comment.

On the mains record the low/medium/intermediate pressure gas main near the site can be seen. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Where required the developer should confirm the position using hand dug trial holes. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

5.134 UK Power Networks: No objection.

5.135 South Downs National Park: No response

5.136 Environment Agency: No response

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) and Waste and Minerals Sites Plan (adopted February 2017);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP5 Culture and tourism

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood risk

CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
SA5 The setting of the South Downs National Park
SA6 Sustainable neighbourhoods
DA7 Toad's Hole Valley

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

TR4 Travel plans
TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping the independent movement of children
TR14 Cycle access and parking
TR15 Cycle network
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
SU11 Polluted land and buildings
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD26 Floodlighting
QD27 Protection of amenity
HO19 New community facilities
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
Draft SPD Toads Hole Valley (expected to be adopted autumn 2017)
Developer Contributions Technical Guidance

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to:

- Principle of developing the site
- The educational need for the proposal
- The impact to open space and sporting facilities
- The demand for travel created by the development

- The design and appearance of the development and the impact to the character and appearance of the locality including the wider setting of the South Downs National Park
- Impact to existing trees and landscaping and biodiversity
- Impact to amenity
- Sustainable design measures
- The impact to water resources
- The infrastructure demands created by the development including support for economic development
- The impact to archaeology

8.2 **Planning Policy Context:**

In its Vision and Strategy, the Brighton and Hove City Plan Part One sets out how the council will respond to local priorities, how it will meet the social, economic and environmental challenges that face the city and how it provides for the needs of a growing population. The Plan sets out that appropriate provision will be made for education needs, and Strategic Objective SO21 states the Plan will:

- 8.3 *Provide additional primary and secondary school places in response to growing demand and future increases in population by working with partners, including not for profit organisations, to build new schools and by expanding successful schools (where possible, with the consent of the school). Assist in the long term planning of higher and further education establishments, and ensure that they play a full part in the city's economic, social and environmental development.*
- 8.4 The key policies in the City Plan that are relevant to the type of development proposed are identified below.
- 8.5 CP Policy SA6 Sustainable Neighbourhoods is relevant as it seeks to create and maintain sustainable neighbourhoods and reduce inequalities between neighbourhoods by working with all sectors of the community, businesses and partners. It states that within areas with a shortfall of community facilities it should be ensured that new or enlarged community facilities (e.g. education and schools, youth facilities, community buildings) are provided by working with partners to identify appropriate sites. New development should also contribute to community priorities through developer contributions and encourage shared use of existing and new community facilities.
- 8.6 Shortfalls in the quantity and quality of open space, recreation and sports facilities in the city have been identified in the Open Space, Sport and Recreation Study, a background study to the City Plan Part One. Policy CP16 Open Space therefore states that the council will work collaboratively to safeguard, improve, expand and promote access to Brighton & Hove's open spaces (public and private) and the diverse range of experiences offered by these spaces. It states that planning permission will not normally be granted for development that results in the loss of open space and permission will only be granted in certain exceptional circumstances, and not for sites that form part of playing fields.

- 8.7 City Plan policy QD17 Sports Provision states that to facilitate the council's aspiration to increase participation in sports and physical activity, the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces. It states the council will work with partners to secure investment in poor quality, under-used sports services, facilities and spaces particularly in disadvantaged areas (see SA6) to bring about enhancements in quality and public use. It requires new development to contribute (by S106 if required) to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates in accordance with local standards. New sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. The policy states the council will seek the opening up for community use of private and school sports facilities and spaces.
- 8.8 Whilst not a planning document, the council's Playing Pitch Strategy and Action Plan 2016 is of relevance, although only limited weight can be attached to it from a planning point of view. The Strategy identifies that there are no playing pitches deemed surplus to requirements across the city due to shortfalls identified both now and in the future. The Strategy therefore recommends that all playing pitches are protected unless mitigation is provided or until all demand is being met. With regard to football, it identifies there is a shortfall of 3G pitches in the City.
- 8.9 CP policy CP18 states that planning will support programmes and strategies which aim to reduce health inequalities and promote healthier lifestyles.
- 8.10 CP policy DA7 Toads Hole Valley – a large strategic mixed use allocation - is relevant as it is located close to the application site and requires space to be reserved for a secondary school, to meet a strategic need for additional secondary school places in the city.
- 8.11 The key policy with regard to educational development in the Brighton and Hove Local Plan is HO19 – New Community Facilities. This states that planning permission will be granted for community facilities (including schools and community halls) where it can be demonstrated that:
- a) The design and use of the facility will ensure its accessibility to all members of the community and include:
 - i) i demonstrable benefits to people from socially excluded groups;
and
 - ii) ii the provision of suitable childcare and toilet facilities;
 - a) There is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
 - b) The location is readily accessible by walking, cycling and public transport;
and
 - c) Adequate car and cycle parking, including provision for people with disabilities, is provided.

- 8.12 The National Planning Policy Framework (NPPF) is a key material consideration. The NPPF advises the purpose of the planning system is to help achieve sustainable development. The following are key paragraphs relating the type of development proposed.
- 8.13 Paragraphs 7 and 8 of the NPPF identify three dimensions to sustainable development: economic, social and environmental, and state these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.14 Section 8 of the NPPF advises how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 72 in Section 8 states:
- 8.15 *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *Give great weight to the need to create, expand or alter schools; and*
 - *Work with schools promoters to identify and resolve key planning issues before applications are submitted.*
- 8.16 Paragraph 73 in Section 8 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 8.17 Paragraph 74 states:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 8.18 **Principle of development, including educational need and impact to open space and sports facilities**
 In view of the planning policy context above, it can be seen there is a strong presumption against building on playing fields other than in very exceptional

circumstances. It can also be seen that great weight and importance should be afforded to the need to create, expand or alter schools, and the significant public benefit that this brings. There is also a need to consider whether the proposal would undermine the Toads Hole Valley allocation for a secondary school.

- 8.19 In terms of educational need, it is considered that the applicant has provided substantial supporting information based on recognised statistics to demonstrate the educational need for the development. Weight is also given to the support for the proposal given by the council's Families, Children and Learning Team. It has been satisfactorily demonstrated that there is a clear and identified need for additional secondary school places in the city, and in particular in the west of it. Figures illustrate pupil numbers in Brighton & Hove started to rise significantly in 2003/4 with the impact being the increase in primary numbers in the Hove area of the city. Numbers continued to rise year on year, and the impact of pupil numbers in the secondary age range started in approximately 2014. Figures show that there will be a pressure at secondary school level in the Hove Park / Blatchington Mill area from 2019 onwards unless something is done quickly to address this issue.
- 8.20 It is not feasible for Kings School to grow to its intended size at its temporary site, and the council's Families, Children and Learning Team have confirmed that securing a permanent site for the King's School has been a top priority for the Council, the school and the Education Funding Agency since the school opened in 2013. The places provided by King's School are integral to the planning for secondary and sixth form places in the City; if this school did not exist the need for additional places would grow by 150 per year group at a time of already increasing pupil numbers.
- 8.21 The Kings School does not have a catchment area in the same way as other schools in the city; it takes pupils from across the city and beyond. The school prioritises children who regularly attend church and then children who live closest to one of two location markers. One of these is the school's location; the other is a location in Hove, there are currently 393 pupils on roll with less than 10 living outside the administrative boundary of Brighton & Hove. The majority of pupils at the school live within Hove and Portslade, it can be seen therefore that this school is substantially a school for Brighton & Hove and not the wider area.
- 8.22 It is recognised that potential sites for provision of a secondary school are very limited in the city, and the applicant has provided evidence of some of the other sites that were considered and discounted. The sites identified were all discounted because they were either in the wrong location, too small, protected uses in planning terms or a combination of these. Should Kings School relocate to the proposed site, the existing former PACA 6th form building would be surplus to requirements as the main PACA site has undergone a significant extension and refurbishment to accommodate a 6th form.
- 8.23 With regard to Toads Hole Valley, delivery of a secondary school here is a medium to long term aspiration, and as can be seen above there is an acute need for additional school places now. It should also be noted that the Toads Hole Valley development will generate a significant number of primary age

children (upwards of 100) who will be able to access West Blatchington School, as well as creating similar demand for additional secondary school places. The secondary school site identified within the Toads Hole Valley development brief is to meet the additional need going forwards. The proposal to locate the King's School onto the West Blatchington site is being driven by the need to meet the demand for pupil places in this part of the city now and the desire that this school remains viable for the future. King's School is an existing school not a new school therefore the places that it offers are not additional places, rather they are existing places that are needed now and which will continue to be needed in the future. More usually when a new school is proposed and provided it will fill up from the bottom, taking just year 7 pupils in its first year, so any school at Toads Hole Valley will meet limited need for an initial period.

- 8.24 Clearly, provision of modern, purpose built facilities will be a significant public benefit. In the case of West Blatchington, it will represent a significant improvement given the numerous temporary mobile classrooms currently used. It will also bring all pupils under one roof rather than being fragmented across the site, which is considered particularly important for ASC pupils.
- 8.25 As can be seen above, there is clearly a need for the development, but this needs to be weighed against the impact to open space and sport's facilities, and needs to be considered in the light of the objection made by Sport England.
- 8.26 As been stated, there are clearly very limited opportunities in the city to provide space for a new secondary school. The site at West Blatchington was chosen following a thorough site search, and it is regrettable that the development will result in the loss of part of an existing playing field. It is also regrettable that the remaining space for outside and sports areas for both schools will be somewhat limited, and will be significantly smaller in the case of West Blatchington. The remaining space provided will however be used effectively and efficiently. It should be noted that there is only government guidance with regard to minimum open space standards for schools, and no statutory formulas.
- 8.27 In terms of scale and quality of current outdoor space/sports provision, the existing site at West Blatchington currently benefits from a large grassed playing field and other outside areas which exceed modern expectations for schools. Also the playing field is sloping and has a degree of undulation across its expanse. There are also peripheral areas that are in limited use within the site (particularly at the western end). It is however noted that the football pitch will no longer be able to be rotated, lessening its playing capacity and it is likely to mean that community groups will not be able to use, or have very limited use of, the pitch in addition to school use. Also the current running track and rounders pitch would be lost as a result of the proposal.
- 8.28 The proposal, by way of mitigation, includes a number of enhancements of sports facilities within the site (a relocated and levelled full-size football pitch, a mini-soccer pitch, a training grid, a 6 pitch cricket square-using main field, 8-lane 100m athletics track, a 3 court sports hall and a 3 court MUGA for Kings School, and a mini-soccer pitch, an 8-lane 60m athletics track and retention of existing MUGA for West Blatchington), and commits to sharing the sports hall

and other facilities with the wider community. A financial contribution towards enhancement of off-site sports facilities is also secured which could go towards locally accessible sites, or strategic sites slightly further afield. The council's Sports Facilities Team are working closely with Hangleton Rangers FC who currently use this site, alongside other sites, to secure suitable alternative provision in the city.

8.29 Sport England have confirmed that notwithstanding this mitigation, it is not considered sufficient to outweigh their concern regarding the scale of the loss of playing field. Only the provision of a new playing field would overcome this.

8.30 It is considered that the amount and variation of sports facilities proposed within the scheme are significant and are welcomed. The development is considered to accord with policy SA6 as community access to the new sports halls and playing pitches outside of school hours would be secured. In addition, the proposed enhancement of nearby off-site pitches to meet priorities identified as set out in the Council's emerging sport strategy (which is supported by Sport England) is considered appropriate. Given the very limited opportunities to bring forward new open space/sports facilities in the city, the proposals are considered an acceptable compromise.

8.31 On balance, it is considered that the mitigation proposed goes a significant way towards outweighing the concerns expressed, and it will enable an enhanced sports offer for the city. Weight is also given to the comments made by the council's Sports Facilities Team and their strong support for the proposal. They consider the scheme improves the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for pupils and residents.

8.32 The loss of playing field must also be weighed against the strong policy emphasis on supporting new school development. On balance, therefore, it is considered the provision of significant sports facilities on site, shared community use and the enhancement of off-site provision, together with the significant public benefit of meeting an identified educational need, outweigh the partial loss in existing playing fields in this exceptional case.

8.33 Given the outstanding objection from Sport England, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the recommendation is 'minded to grant', as the LPA must formally notify the Secretary Of State of their intention to grant permission, and the SoS has 21 days in which to decide whether to call in the application for determination.

8.34 Sustainable Transport:

National and local planning policies seek to promote sustainable modes of transport, and seek to ensure highway safety. CP Policy CP9 is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (safe Development), TR11, Safe routes to school), TR12 (Helping the independent movement of children), TR14 (cycle access and parking), TR15 (cycle network- as Regional Route 82 runs to the north and east of the site), TR18 (Parking for people with a mobility related disability).

- 8.35 As can be seen in the report, the impact of the proposal in terms of increased traffic and highway safety are cited as the main reason of objection by local residents. There is no doubt that introduction of a new secondary school (plus 6th form) on this previously undeveloped part of the site will intensify activity in the locality. The scheme will result in an increase in transport demand (approx. 2,450 daily trips for both schools when the Kings School is at capacity in 5 years' time, compared to 1,150 trips generated by the current West Blatchington School and 1,500 if it were full to current capacity). The key consideration is whether this impact would be harmful.
- 8.36 The application contains a detailed Transport Assessment (plus Addendum), which relies on recognised methodology and up to date surveys of both schools and parking in the locality, which the Highway Authority consider robust. The Assessment concludes that, provided appropriate mitigation measures are put in place, the transport and traffic impacts of the proposal would be satisfactory.
- 8.37 The Local Highway Authority confirms that they raise no objection in principle to the development and suggest a wide ranging package of mitigation measures that are considered necessary. These primarily focus on enhancements to the sustainable transport network and improvements to pedestrian safety in the immediate vicinity of the school. Provision of new crossing(s) are requested, and a full list of measures can be seen in the Heads of Terms section at the beginning of this report. Opening times of both schools will be staggered, which lessens the traffic impact of the proposals. A condition is recommended to discuss the precise details of the staggered hours further, as 30 minutes between schools would be preferable to the 15 minutes currently proposed.
- 8.38 The Highways Authority consider that the location and design of the two proposed accesses and revised car parking layouts (and associated number of spaces) is acceptable and safe. The accesses will not result in a significant loss of on street parking. The actual overspill parking stress on surrounding streets is considered to be greater than indicated in the Transport Assessment (see full Highways comments in consultee section above), however, mitigation should satisfactorily address this. The key mitigation measure is the Travel Plan (TP), which the Highways Authority consider is necessary to ensure sustainable modes of transport are facilitated and promoted, and it can ensure the car park and accesses are satisfactorily monitored and managed. Bus services would be at capacity in the future from 2019 and therefore the TP will need to commit to the operation of a mini-bus service that previously operated for the current Kings School site, particularly given the wide catchment area for Kings School. It will also need to include a commitment to the current 'park and stride' measures at Kings.
- 8.39 The Highways Authority consider that appropriate levels and types of cycle parking can be secured by condition. This would be less than the standard stated in SPD14, however, it is acknowledged that the location of the site at the top of a hill will mean that levels of cycling to school will be limited, and the catchment area is wider than usual. Provision of motorcycle spaces can be secured by condition.

- 8.40 A Construction Environmental Management Plan (CEMP) is considered necessary given the scale of the proposal, proximity to the existing school and residential streets. It will ensure the transport impacts arising from construction are satisfactorily dealt with. This would include details of construction routes and a commitment for the timing of construction vehicle movements not to coincide with school opening and closing hours. It would also ensure staff are incentivised to use sustainable modes of transport via the Travel Plan as no staff parking will be available on-site at this time.
- 8.41 In view of the above the proposal is considered to comply with relevant policies and it is considered that a refusal of permission on transport grounds cannot be justified.
- 8.42 **Design, Appearance and Landscaping:**
City Plan policy CP12 seeks to ensure development is of a high quality design, appropriate for its setting. CP policy SA5 seeks to ensure that development within the setting of the South Downs National Park (SDNP) protects and enhances the natural beauty, and has regard to the impact on the National Park and the purposes of the National Park and its ability to deliver its duty. Policy CP13 seeks to improve the quality, legibility and accessibility of the city's public realm in a comprehensive manner, and the incorporation of an integral public art element, in conjunction with other partners, through new development schemes, transport schemes and regeneration schemes. Such improvements seek to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users. CP5 seeks to maintain and enhance the cultural role of the city and supports the role of the arts.
- 8.43 Local plan policy QD15 seeks to ensure all developments adequately consider landscape design and LP policy QD16 states that existing trees, shrubs and hedgerows should be accurately identified and it seeks to retain existing trees and hedgerow and wherever feasible include new tree and hedge planting.
- 8.44 The proposed development is situated in an elevated location on the edge of the city, just south of the South Downs National Park and therefore it has been designed having regard to this sensitive landscape context. The current buildings are set back in the site, behind a tree screen on the northern boundary and are only one and two storeys in height, so have minimal visual impact. Views in to the school site from the neighbouring residential area of Hangleton are largely obscured by a tall and dense hedge. This and the trees within the site are important features which positively contribute to the local townscape.
- 8.45 The application contains a Landscape Visual Impact Assessment (LVA), and the County Landscape Architect considers that the wireframe visualisations provide a comprehensive analysis of the potential visual impacts of the proposed development from the selected key viewpoints in the SDNP. These were taken in winter when the trees are not in leaf and therefore represent the worst case visual impacts. The proposed height of the development has been kept to a minimum at 1-3 storeys high and the top floor of the proposed building will be evident in these views as it would extend above the existing tree line,

particularly for the middle distance views along Dyke Road. As stated in the LVA, however, the long term visual effects need to be considered in the context of the existing surrounding built up area of Hangleton and the city beyond. The County Landscape Architect considers that the proposed blended brick colours for the building façade would help to mitigate the mass of the building in these views.

- 8.46 Landscape features such as the majority of the trees, the boundary hedge and school wildlife area are to be retained. Whilst the loss of up to 20 trees (out of 55 on site) is regrettable, a large number are being retained and it is considered that this can be sufficiently mitigated against through the provision of a substantial replacement planting scheme secured by condition. No existing trees are covered by a Tree Preservation Order. The council's Arboriculturalist raises no objection on this basis. The proposed landscape masterplan will provide an opportunity to enhance the school site and the setting of the new buildings within the local townscape. Over time the visual impact of the buildings will lessen as trees mature.
- 8.47 There would be a visual impact on the bridleway which runs along the northern section of the site, however this would affect a relatively short section and the visual surveillance from the new school building would make this bridleway feel safer for users than it currently does. The council's Arboriculturalist confirms that new tree planting between the new school and the bridleway can be successfully achieved, and this will help soften the appearance of the scheme in this location. As there is limited space available here there could be a future conflict with new trees causing reduction of light to the classrooms, and the species and spacing of trees will be carefully considered in detail as part of the landscape masterplan for the site. These trees will be at the raised level of the site, above the existing trees on the other side of the bridleway, and will also help reduce the visual impact of the building in views from the SDNP.
- 8.48 No floodlighting is proposed and this is considered appropriate given its sensitive location edge of city location adjacent to the SDNP.
- 8.49 The County Landscape Architect confirms that they consider the proposed development would not have a long term adverse effect on the character of the SDNP.
- 8.50 As the building would be set back on the school site and the existing hedge is to be retained the visual impacts on the residential area of Hangleton Way would be minimal. Whilst the prevailing urban grain of the area is buildings located closer to the road frontage, given this is a corner site and the buildings are currently set back, there is no objection to the location of the car park to the front, with the building behind. In addition there are logistical reasons why total redevelopment in one phase is not possible, as West Blatchington school needs to remain operational whilst the development takes place.
- 8.51 With regard to the detailed design of the buildings, each respective school would have a clear identity and this is reflected within the palette of materials as well as the way the materials have been put to use within the buildings. The

overall architectural style is a simple contemporary design, which is appropriate and is considered to contain sufficient visual interest and articulation to the elevations. The introduction of coloured elements and blended bricks visually enhance the scheme. The flat roofs minimise the overall height of the development. The buildings are set back in the site but will be visible from Hangleton Way and whilst contemporary, the design and brick materials would not appear out of character. The size of the religious symbol is considered appropriate and in proportion and will not be overly dominant.

- 8.52 In view of the above, it is considered that the proposed development would not have any adverse impact on the purposes or duty for which the National Park was designated or the visual amenity of the wider locality, in accordance with relevant planning policies.
- 8.53 In accordance with policies CP5, CP7 and CP13, incorporation of an element of public art has been requested. This is considered particularly important in this case of a school and a public building, and an artistic 'influence' equivalent to £24,000 is requested via S106 towards provision of public art within the built form of the scheme. This could, for example, go towards an upgrade of the hard landscaping or the schools logo or the design of the gates.
- 8.54 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policies QD25 and QD26 relate to external lighting and floodlighting and seek to ensure developments do not cause light pollution to the wider environment or to nearby residents.
- 8.55 Providing two schools here will undoubtedly result in more intense use of the site, however, this is not in principle considered an inappropriate in use in this residential location. The proposed buildings are set back in the site and are considered to be located sufficient distance away from nearby residential properties so as not to result in any loss of outlook, privacy or light. No floodlighting is proposed, which is considered necessary to protect residential amenity (as well as visual amenity) and conditions will ensure other external lighting is kept to a minimum. There should be no issue of noise from any plant and this will be conditioned. The council's Environmental Health Team raise no objection provided appropriate conditions are imposed.
- 8.56 The Environmental Team's comments with regard to proposed opening hours are noted, however, further discussion is required regarding this matter and therefore some flexibility is required. Their comments regarding restrictions on servicing hours are also noted, however, it is considered reasonable to allow slightly longer hours given that servicing is likely to be infrequent and will likely take place within the site and car park areas.
- 8.57 The concerns of the Kings School with regard to potential for noise disturbance between their 6th form and the ASC pupils at WB School is noted, and the

applicant has since introduced an acoustic fence along the mutual boundary. The council's Environmental Health Team have confirmed that the technical details and acoustic properties of the fence are acceptable and would ensure satisfactory noise prevention.

- 8.58 A demountable mesh ball-stop fence along the western boundary of the new playing pitch has been included within the scheme since first submitted. This is considered necessary to stop balls landing in neighbours gardens and whilst it would be quite tall (6m) and set higher than surrounding properties outside the site, it is not directly on directly on residents boundaries or on the main site boundary, and on balance is considered acceptable.
- 8.59 It is anticipated the development would meet Secure By Design standards with regard to crime prevention.
- 8.60 **Sustainability and biodiversity:**
City Plan policy CP8 seeks that all new development incorporate sustainable design features, and for a major development (of over 1000sqm floor area) a BREEAM standard of 'excellent' is required, unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable.
- 8.61 The development incorporates a number sustainable features and has been designed to meet a BREEAM rating of 'very good', with an 'excellent' rating for water and energy. Whilst achievement of 'excellent' in these important categories is welcomed and also the score close to 'excellent' overall, it is considered that an exceptional case for not meeting BREEAM 'excellent' overall has not yet been sufficiently made (see comments of the Sustainability Officer in consultees section above). The applicant has provided additional supporting information since the application was originally submitted, however, they have not been able at the time of writing to fully justify why an 'excellent' standard cannot be achieved.
- 8.62 In particular it has not been fully justified why renewables cannot be incorporated into the scheme since they have been found to be technically advantageous in the Compliance report submitted. It is considered that the developers concerns about the visual impact of rooftop photovoltaic panels are somewhat unfounded. The scheme could also be improved by the integration of areas for food growing within the landscaping, and integration of productive, edible planting as part of landscaping across the site, and the applicant has not showed that this has been explored. The applicant has not provided any financial viability information to justify a lower BREEAM standard.
- 8.63 The applicant has therefore been asked to provide additional supporting information to justify their case, and in the meantime a condition is recommended to ensure the development meets a BREEAM 'excellent' standard. The council will work with the application to explore all possibilities to improve the sustainability rating of the scheme. The condition is worded flexibly to allow a lower standard of 'very good' if it can be robustly justified.

- 8.64 CP policy CP10 Biodiversity seeks to ensure development proposals conserve, restore and enhance biodiversity. Local Plan policy QD18 seeks to ensure development includes measures to avoid any harmful impact of a proposed development to protected species and their habitats.
- 8.65 A number of ecological reports and surveys have been submitted as part of the application, which conclude that there will be no adverse impact to protected species. The proposal will however have some impact to non-protected species and ecological habitats and a number of mitigation measures are therefore proposed.
- 8.66 The results of these reports is not disputed by the County Ecologist and they raise no objection provided a condition is imposed to secure appropriate mitigation and enhancement measures. It is disappointing that a green roof will not be provided given the multiple benefits they provide however on balance it is considered that satisfactory compensatory measures can be included via a condition which requires a comprehensive Ecological Design Strategy. This can, for example, secure the creation and sympathetic management of wildlife meadow habitat, as well as the provision of bat and bird boxes and log piles. On this basis the proposal is considered to comply with relevant planning policies.
- 8.67 **Other Considerations:**
- 8.68 Archaeology:
National and Local planning policies (LP policy HE12 and CP Policy CP15) seek to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.
- 8.69 The site is located within an Archaeological Notification Area, and a desk based assessment has been submitted. The report concludes that the site is has a moderate potential to contain unknown heritage assets of Pre-historic, Romano-British periods, and low-to-moderate potential from the Early Medieval period onwards, and that any assets which are present are likely to be of a local to perhaps regional significance. The County Archaeologist confirms that that there is a risk that archaeological remains could be damaged, however, they consider that it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions. This will ensure the scheme satisfactorily complies with policy.
- 8.70 Flood risk and drainage:
National and local planning policies (Local Plan polices SU3, SU5 and SU11 and City Plan policy CP11) seek to protect water resources and prevent pollution, and ensure developments manage and reduce their flood risk.
- 8.71 The site lies entirely within Flood Zone 1, as defined by the Environment Agency flood maps which is classed as land where the probability of flooding from fluvial and/or tidal sources is low. It also lies within a Source Protection Zone around one of Southern Water's public water supply sources.
- 8.72 A drainage strategy has been submitted which concludes that the development incorporates measures to adequately address surface and foul water drainage.

In terms of the final permanent completed phase, surface water flows from West Blatchington School roof will be diverted into a new soakaway located in the car park. This additional soakaway ensures that the soakaway to the south west of the King's School will have sufficient capacity to take the volume of the peak 1 in 100 year + 30% storm from the Kings School roof. Additionally, porous paving in the car park bays are shown for SUDS to reduce pollutants entering the soakaways, along with catchpits to alleviate silt build up.

8.73 On the basis the measures included within the application are implemented and maintained (by condition) the council's Flood Risk Management Officer has no objections in principle. The use of SUDs is a welcome sustainability measure. Southern Water raise no objection provided appropriate conditions and informatives are imposed. The council's Environmental Health Team raise no objection and confirm that potential for risk of land contamination is not an issue. The scheme would comply with policy subject to appropriate conditions.

8.74 Economic Development:

The council's Economic Development Team have requested a financial contribution via S106 towards the Local Employment scheme and seek to secure 20% local labour on site. This is considered necessary to make the development acceptable in planning terms as securing on site local employment provision is a priority area for the council, to secure social infrastructure to meet planning policy objectives where this is directly related to development. The provision is established since incorporation into the Developer Contributions Technical Guidance adopted by the council in 2011, a key material consideration. In addition, the contributions are secured in accordance with adopted policy CP7 (see section below) to meet overall objectives in the adopted City Plan Part One.

8.75 The level sought is considered reasonable and is in line with the Developer Guidance document. For all Local Employment contributions these will be spent supporting the local employment provision on each development site as specified within each Employment & Training Strategy required under the s106 Agreement. The developer has agreed to meet the request in full and this is welcomed.

8.76 **Section 106:**

CP policy CP7 Infrastructure and Developer Contributions states that to meet the needs of Brighton & Hove and the wider sub-region the council will work with partners to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve development. To make development acceptable and enable the granting of planning permission, inadequacies in infrastructure arising from proposed development will be required to be mitigated through s.106 Planning Obligations via a legal agreement. The Developer Contributions Technical Guidance (March 2017) provides a policy overview and funding formulas for certain types of development.

8.77 It is considered necessary to secure the level of financial sums requested by consultees as outlined in the Heads of Terms at the beginning of this report, to

meet policy requirements and to mitigate against the impacts of the development. These are sought in accordance with the Developer Guidance, and are met in full. In addition it is considered necessary to secure obligations (for community use of school sports facilities and to secure 20% local labour during construction), for reasons set out elsewhere in this report.

9. EQUALITIES

- 9.1 The buildings would be accessible and a lift is proposed. A vehicular drop-off zone is provided in the site for ease of access.

ITEM E

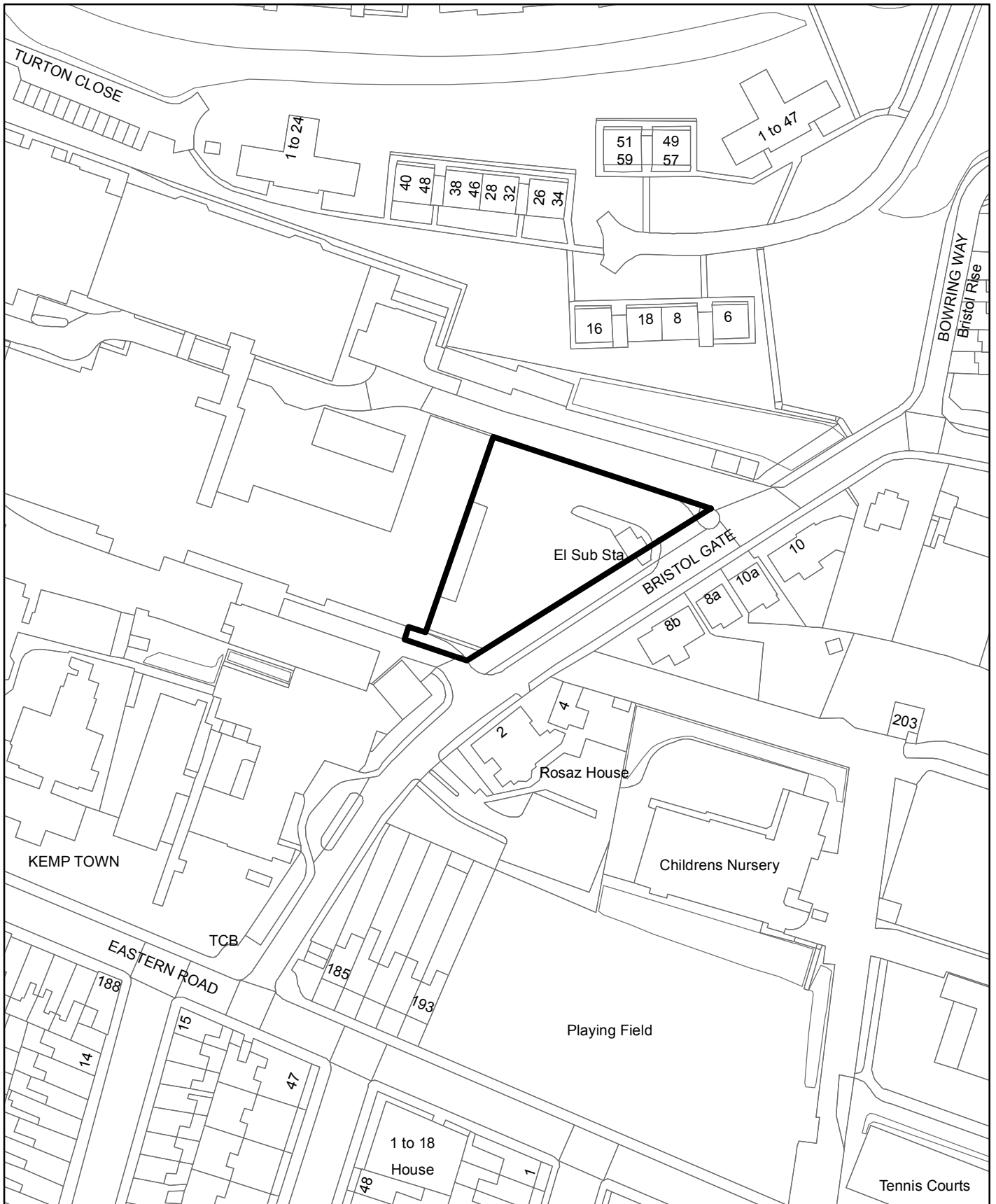
**Royal Sussex County Hospital, Eastern
Road, Brighton**

BH2017/02256

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/02256 Royal Sussex County Hospital, Eastern Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02256	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Sussex County Hospital Eastern Road Brighton BN2 5BE		
<u>Proposal:</u>	Erection of a 4no storey extension to existing Emergency Department building with associated alterations.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	07.07.2017
<u>Con Area:</u>	Within setting of East Cliff and Kemp Town	<u>Expiry Date:</u>	06.10.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Savills (UK) Ltd Exchange House Petworth GU28 0BF		
<u>Applicant:</u>	Brighton & Sussex University Hospitals NHS Trust C/O Agent		

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 to secure the following Heads of Terms and the following Conditions and Informatives:

S106 Heads of Terms

- A financial contribution of £36,450 towards the Local Employment Scheme;
- A Training and Employment Strategy to secure 20% local labour during construction;
- An artistic influence within external areas/landscaping/boundary treatment/building facades of the hospital site to a minimum value of £16,400.

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
Site Location Plan	00002	P5	3/7/17
Proposed site plan	01100	P2	3/7/17
Proposed ground (level 5) floor plan	01105	P4	3/7/17
Proposed first (level 6) floor plan	01106	P4	3/7/17
Proposed second (level 7) floor plan	01107	P4	3/7/17
Proposed third (level 8) floor plan	01108	P3	3/7/17
Proposed roof plan (level 9)	01109	P4	3/7/17

Proposed street scene elevation (east)	02021	P3	3/7/17
Proposed east site elevation	02030	P3	3/7/17
Proposed south site elevation	02031	P3	3/7/17
Proposed west site elevation	02032	P3	3/7/17
Proposed north site elevation	02033	P3	3/7/17
Proposed east elevation	02200	P2	3/7/17
Proposed south elevation	02201	P2	3/7/17
Proposed west elevation	02202	P3	3/7/17
Proposed north elevation	02203	P2	3/7/17
Proposed elevation details 01	02250	P3	3/7/17
Proposed elevation details 02	02251		3/7/17
Proposed section A-A	03300	P3	3/7/17
Proposed section B-B	03301	P3	3/7/17
Proposed section C-C	03302	P3	3/7/17
Proposed section D-D	03303	P2	3/7/17
Proposed section E-E	03304	P2	3/7/17

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 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

- viii) An audit of all waste generated during construction works, to include:
- ix) The anticipated nature and volumes of waste that the development will generate,
- x) Where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development
- xi) The steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities
- xii) Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.
- xiii) 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 particularly given the current, long term construction works associated with the 3T's development at the main hospital taking place, 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 take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: As this matter is fundamental to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies HE12 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

5. No development approved by this planning permission shall take place until a Remediation Strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- a) All previous uses
- b) Potential contaminants associated with those uses
- c) A conceptual model of the site indicating sources, pathways and receptor
- d) Potentially unacceptable risks arising from contamination at the site.

- 2). A Site Investigation Scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3). The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution, and to comply with policy SU11 of the Brighton and Hove Local Plan.

6. No occupation of any part of the permitted development shall take place until a Verification Report demonstrating completion of works set out in the approved Remediation Strategy (as referred to in the condition above) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed to comply with policy SU11 of the Brighton and Hove Local Plan.
7. 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, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The remediation strategy approved shall be implemented.
Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed, to comply with policy SU11 of the Brighton and Hove Local Plan.
8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water drainage from the proposed development does not result in a deterioration of groundwater quality, to comply with policies SU3, SU5 and SU11 of the Brighton and Hove Local Plan.

9. No development shall take place until a Drainage Strategy detailing the proposed means of foul and surface water sewerage disposal, an implementation timetable and detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Drainage Strategy Report (July 2017 , Ref 386359 | 02 | A), has been submitted to, and approved in writing by, the Local planning Authority in consultation with the sewerage undertaker. The approved drainage system shall be implemented in accordance with the approved detailed design and timetable prior to the building commencing and shall be maintained as approved thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to protect water resources and prevent flood risk to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 and CP11 of the Brighton and Hove City Plan Part One.

10. Within 6 months of commencement of the development hereby permitted samples and details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- i) Samples of all brick, render, tiling (including details of the colour of render/paintwork to be used)
- ii) Samples of all cladding, curtain walling, wire and metal mesh to be used, including details of their treatment to protect against weathering
- iii) Samples of all hard surfacing materials
- iv) Samples of the proposed window and door treatments, and details of depth of cill reveal and details/samples of brise soleil
- v) Samples of all other materials to be used externally.

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

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

11. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present. Reason: To protect amenity of the locality and that of occupiers of nearby properties to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

12. No development above first floor level of the extension hereby permitted (hospital level 6) shall commence until details of the type and location of a

minimum of 8 swift nesting boxes to be incorporated within the development have been submitted to and approved in writing by the Local Planning Authority. The approved nest boxes shall be implemented within the development before the new extension is first occupied.

Reason: To enhance biodiversity, to comply with policy CP10 of the Brighton and Hove City Plan Part One.

13. No development above first floor level of the extension hereby permitted shall commence until details of a scheme for visual enhancement of the existing retaining wall below the development adjacent to Bristol Gate have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the new extension is first occupied.
Reason: the existing wall is in a poor state of decoration and visual enhancement is considered necessary in the interest of visual amenity, to comply with policies CP12, CP13 and DA5 of the Brighton and Hove City Plan Part One.
14. Within 4 months of first occupation of the development hereby permitted, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good' 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 and Hove City Plan Part One.
15. The development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area, including the main hospital site. Evidence should demonstrate the following:
 - a) Energy centre size and location with facility for expansion for connection to a future district heat network: this should include physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
 - b) A route onto and through the application site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals should demonstrate a route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
 - c) Metering: shall be installed to record flow volumes and energy delivered on the primary circuit.

The approved measures shall be implemented within the development before first occupation and retained thereafter.

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 and Hove City Plan Part One.

16. Within 6 months of commencement of development an Energy Feasibility Study shall be submitted to the Local Planning Authority for written approval which investigates use of renewables and targets the highest possible BREEAM standard and which demonstrates whether use of air source heat pump technology is possible. Any agreed measures shall be implemented within the development before it is first occupied and shall be retained thereafter.
Reason: In the interests of sustainability, to comply with policy CP8 of the Brighton and Hove City Plan Part One.
17. 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 this simple contemporary building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
18. Prior to first occupation of the development hereby permitted, details of any proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

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. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
3. On the gas mains record there is the pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. It will be necessary to where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to the applicant. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution

(2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

5. It is suggested that any original Isle of Wight bricks recovered during demolition on this site should be saved and stored if possible for use for repairs in other parts of the city as they are difficult to source.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site comprises the current Accident and Emergency department of the Royal Sussex County Hospital, which is to the north-east of the main site and is accessed off Bristol Gate. Currently the forecourt comprises an ambulance turning and parking area and parking spaces for police cars.
- 2.2 The site is set substantially higher than the road above a retaining wall. On the other side of Bristol Gate to the east there are a number of residential properties, and further to the north in the Bristol estate. The MacMillan Horizon Centre is located to the south-east of the site.
- 2.3 The site is located within the setting of the East Cliff Conservation Area which is located to the south, and can also be viewed from the Kemp Town Conservation Area.
- 2.4 The application proposes a 4 storey extension to the existing emergency department (ED) to improve clinical provision, and includes the following:
 - Remodelled forecourt with extension over sailing the existing ambulance parking and turning area;
 - A short stay ward comprising of a 70 bed facility over two floors and associated administration areas;
 - Refurbishment of the existing ED including upgrading of existing facilities, services and new lift facilities; and
 - Roof top plant space with screening and acoustic treatment to serve to the ED and wider hospital.
- 2.5 The development will be phased and there will be no break in A&E service as a result of the development. The application is separate to the 3Ts development at the hospital (see below), but will complement it.
- 2.6 The proposed architectural style would be contemporary and the materials would be predominantly metal and wire mesh cladding. The building would have brise soleil.

3. RELEVANT HISTORY

- 3.1 **Background to proposal:**

The current ED building is outdated and has insufficient patient capacity and has failed to meet Accident and Emergency and other performance standards over a number of years. The applicant states that BSUH has identified a number of issues related to the functioning of the current ED building:

- The existing layout and physical environment of the ED is not fit for purpose and is not meeting national guidelines;
- BSUH is failing to meet key national performance targets for emergency care on an ongoing basis due to the inadequate facilities;
- The quality of the service provided has been heavily criticised in three major reports in the last 2 years, resulting in the ED being rated as inadequate by the Care Quality Commission (CQC); and
- Functional content modelling has indicated a considerable capacity shortfall in the current ED. It currently has 78 beds/bays/trolley spaces compared to 187 in the models.

3.2 **Relevant planning applications:**

BH2017/00819 Installation of gas meter housing and electricity substation units on highway land adj to Bristol Gate. Approved

BH2016/06508 Alterations to Urgent Care Centre incorporating erection of single storey extension to create new entrance and creation of external store to rear. Approved 24/4/17 and currently under construction.

BH2015/01434 Demolition of existing single storey double stacked modular units (C2) and single storey brick store and construction of a 3no storey building (C2) situated at the junction of North (Service) Road and Bristol Gate to provide clinical offices, workshops, storage and plant with associated works (amended drawings & additional information). Approved 10/12/15

3.3 **3T's:**

BH2011/02886 Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. Approved 28/3/12 and currently under construction.

3.4 **Pre-application advice:**

The application was subject to a short period of officer pre-application discussion, close to submission. Timescales were limited given the pressing need to secure permission and deliver the scheme next year. The applicant was advised that officers were supportive of the scheme in principle. Officers (including the Heritage Team) requested that the design be revised to take some reference from the 3T's architectural approach and introduce more

articulation to prevent a monolithic appearance and set the plant level back – which has been done (within site constraints). The applicant was advised that a standard of BREEAM ‘excellent’ would be required, unless justified otherwise. Officers also advised that a financial contributions in line with policy and approved Technical Guidance towards the Employment Scheme was likely to be required. Officers advised that further information regarding the impact to residential properties and archaeology would be required, and this has been submitted.

4. REPRESENTATIONS

4.1 **One (1)** letter has been received objecting to the proposed development on the grounds:

- Concern regarding disruption during construction, after already enduring months of it and impact this has to physical and mental health
- Obscuration of sea view

4.2 **CAG: Objection**

The Group recommend refusal on design grounds, as there are concerns about the style and the materials proposed. Although the Group appreciated the need for the building to be have its own identify they would prefer it to be styled to be more in keeping with the rest of the development.

4.3 It further recommended that any original Isle of Wight bricks recovered during demolition on this site should be saved and used for repairs in other parts of the city as they are now so difficult to source.

5. CONSULTATIONS

5.1 **Internal:**

Heritage: Comment

Statement of Significance:

This site is on raised ground to the north of the East Cliff Conservation Area, visible from Eastern Road, a busy thoroughfare. From Eastern Road it can be seen above the listed flint walls of the former St Mary’s School site, and from greater distance it is visible above the listed terraces of the Kempton Conservation Area.

5.2 The backdrop to the site from these viewpoints is mostly provided by the existing hospital buildings, and the future development of the 3Ts proposal will produce buildings of substantial scale within the immediate context of this proposal.

5.3 **Relevant Design and Conservation Policies and Documents:**

Planning (LBCA) Act 1990, NPPF, Planning Practice Guidance, Historic England Good Practice Advice Notes, HE3 HE6, CP12, CP 15.

5.4 **The Proposal and Potential Impacts:**

The proposed development will provide additional floors above the existing

Emergency Department entrance and vehicular access, of a height similar to the adjacent pathology building. The increase in scale from the existing open site and low level ED entrance will have a substantial impact on the streetscape, particularly at close proximity in Bristol Gate, however the impact on heritage assets is longer range and will not be significant in the context of the rest of the forthcoming hospital development.

5.5 This application follows pre-application consultations through which positive outcomes have been achieved regarding the articulation of the proposed building and the reduction in the impact of the top (plant) level, however the significant site constraints limit the degree of flexibility that is possible.

5.6 Whilst it is understood that due to its function this building should have a distinct identity, it is considered important that in order to sit comfortably within the context of the other hospital buildings, the proposed mesh cladding should not create a monolithic appearance, and the opportunity to punctuate the façade with changes in plane and variations in materials was discussed at pre-application stage, the definition of the window openings plays a particularly important role in the enlivening of the facade. Proposed elevation detail 02 illustrates a clearly defined window with visible glass and 3 dimensional interest from the vertical brise-soleil, with the perforated mesh cladding covering only the panel façade system and providing textural interest to the solid areas, and this is considered a successful result. It has been clarified that the perforated mesh cladding positioned in front of all building elements on the first and second floors would be just to cover the areas of solid panels, which is considered acceptable.

5.7 Mitigations and Conditions:

The existing retaining wall along the Bristol Gate boundary has a neglected appearance and it is considered that improvements should be included in the scheme. This could include management and augmentation of the plant growth that is naturally occurring in order to conceal the failing paintwork and create a green wall.

5.8 **Environmental Health:** Approve with conditions:

5.9 Noise:

This new building will require new roof mounted plant and as such an acoustic report has been submitted as part of the application. This report is by Red Twin Ltd; Consultants in Acoustics (ref: REF: L0931.1 V2), and is dated the 30th June 2017.

5.10 The report has been assessed, and while it does not specify what plant is going in, it has stated the combined noise level that plant installed must achieve in order to meet background levels at the nearest residents. While the report is considered robust, the councils standard condition relating to plant, which is recommend for attachment to this application, requires that plant achieve a rating level of 5dB below background at the nearest receptor. The applicant should therefore be aware that the combined plant noise rating level will need to be 5dB below that recommended by the report.

5.11 Contaminated Land:

A desktop study contaminated land report by Mott MacDonald Limited (ref: 386359/GEO2/C), dated 30 June 2017 has been submitted with application. The report has been assessed and is considered robust.

- 5.12 The report has found that risk to end users is considered very low, due to design of the end build. The report outlines how the site will be covered in hard standing, breaking direct contact and dust inhalation pathways. Further the building is also elevated over the current ambulance bays, which will provide ventilation to break pathways from ingress of any ground gases or vapours. The risks to future site users are therefore considered to be very low. However the report outlines that there is potential risk to aquifers and that further testing is therefore recommend. Protection of aquifers is dealt with by Environment Agency and they will likely recommend a phased contaminated condition as well as condition around certain types of piling in order to prevent pathways for contamination.
- 5.13 Notwithstanding the above, a discovery strategy condition should be attached in order to ensure that any contaminated discovered in the process of demolition or construction, which has not be identified within the desktop study, is dealt with suitably.
- 5.14 Construction Noise:
Construction sites by their nature produce noise and dust, certain levels of which will be unavoidable as part of the construction process. However practical means can be put in place to limit the impact.
- 5.15 The Construction Environmental Management Plan (CEMP) by BSUH, dated June 2017 has been assessed and it is considered that methods outlined represent good practise with regards to minimising the impact of construction work on nearby sensitive receptors.
- 5.16 **Sustainable Transport: No objection**
The patient and staff access to the hospital will not change as a result of the development proposals. Access to A&E will be via the under croft ambulance bays in A&E, drop off bays or the main hospital entrance. The existing pedestrian crossing in the A&E drop off area will be retained. This is considered acceptable by the Highway Authority.
- 5.17 The proposals are not to facilitate an increase in the number of staff or patients. The reason for the development is to enhance the service offer to that currently in place. The development itself does not contribute to an increase in trips to and from the site from either patients or staff. Therefore there is not considered to be an increase in the transport impact above existing levels as a result of the development.
- 5.18 Given that there is no increase in staff and the wider redevelopment of the hospital provides cycle parking facilities this is considered acceptable to cater for the forecast demand. The proposals do result in the loss of 2 drop off bays but this is not considered to cause a significant transport issue.

- 5.19 The applicant has submitted a draft Construction Environmental Management Plan (CEMP) and the Highway Authority would look to secure further details of a CEMP via condition.
- 5.20 **Sustainability Team: Comment:**
Under CP8 standards major non-residential development is expected to achieve BREEAM 'excellent'.
- 5.21 City Plan Part One Policy DA5 Eastern Road and Edward Street states under local priority 10 that the developer will be expected to explore a site-wide heat network and or connect new development where a heat network exists:
- 5.22 Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability.
- 5.23 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development (paragraph 4.88 p170).
- 5.24 A BREEAM pre-assessment estimator report has been submitted with the application. This shows that a 'very good' score has been targeted. This scores 61.30%, within the 60-69% range of 'very good'. This falls below the expected standard of BREEAM 'excellent'.
- 5.25 Reasons have been provided in support of this lower standard for justifying a lower BREEAM standard. These refer to 'inherent constraints of projects' that impact the BREEAM credits. In this case, a mandatory credit Ene 01 (Reduction of energy use and carbon) was assessed as being not practicable due to existing, non-compliant plant being used to supply the new extension. The loss of this mandatory credit indicates BREEAM Very Good would be the highest BREEAM level achievable for Brighton Emergency Department.
- 5.26 The Design & Access Statement (Section 9) states that 'it is intended that where possible the new facility plant will tap into the existing services and/or the 3T's energy centre'. The proposed 3T's Energy centre in application BH2011/02886 proposed a 3MW gas CHP energy centre. If when the new 3 T's Energy centre is built, this scheme will be connected to it, this will provide efficiently produced, low carbon heat. It is recommended that assurance be sought that this will be the case. If possible this should be conditioned.
- 5.27 City Plan Policy CP8 seeks (at Para 2, c.) that all development facilitates on-site low or zero carbon technologies, in particular renewable energy technologies. No renewable energy technologies appear to be proposed with this scheme. There is also reference to the development of an energy feasibility study and possible use of air source heat pump technology. It would be helpful to have some clarity over this. It is recommended that any feasibility study be undertaken early, and that this be submitted to the Planning Authority either during consideration of planning application or under a planning condition, and

that the applicant continues to investigate use of renewables and targets the highest possible BREEAM standard for the scheme.

- 5.28 There are many positive measures in this scheme regarding energy performance, these include approaches such as: passive building design features - airtight, and well-insulated building envelope, improved U-values with efficient smart metered services; solar shading system will to controlling glare and overheating; efficient service provision and sophisticated control systems linked to a Building Management System (BMS); investigations into building use patterns using occupancy analytics to calibrate the building services; minimisation of construction waste through modular construction. It is a reasonable argument that if the scheme is waiting to connect to a more efficient power plant (the 3 T's energy centre) this precludes an 'excellent' score. However, this should not be a reason to relinquish the BREEAM 'excellent' target in other ways. Currently the scheme is indicated to achieve a low 'very good' standard (61.3%). The applicant should be asked to achieve sufficient score to achieve an 'excellent; standard' in all other ways by achieving a score that, if a higher ENE1 score were added, would qualify for BREEAM 'excellent'.
- 5.29 Suggest a condition is imposed to secure a BREEAM standard (once agreed) and to ensure evidence is submitted to demonstrate that the energy/plant room has capacity to connect to the district heat network in the future.
- 5.30 **Economic Development: Comment**
City Regeneration fully supports this application. The extension to the existing Emergency Department will increase the capacity for service delivery for a growing city generating increasing demand for the crucial services.
- 5.31 Whilst existing staff will benefit from the expanded facility, it is assumed that there will also be capacity for additional employment opportunities.
- 5.32 In the event this proposal or any amended proposal is approved, an Employment and Training Strategy to be submitted for approval in advance of site commencement. The strategy should include the developer's commitment to using an agreed percentage of local labour on the development. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate due to the specialist nature of the works) and construction phase is required.
- 5.33 In addition, a developer contribution for the sum of £36,450 is also requested in accordance with the council's Developer Contributions Technical Guidance. The formula for calculating the contribution is as follows:
- 5.34 A sum of £10 per sq mtr is payable in respect of all non-residential developments with the exception of facilities for storage or distribution/general industrial, which is £5 per sq mtr. The development will create net additional gross internal floor space of 3645 sq mtrs. Therefore the developer contribution is £36,450.
- 5.35 **Planning Policy – Public Art: Comment**

- 5.36 Policy context:
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.
- 5.37 Type of contribution:
To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.38 Level of contribution:
This is arrived at after the internal gross area of the development (in this instance approximately 3,645 sq. m) 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. It is suggested that the Artistic Component element for this application is to the value of £16,400. 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. 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.
- 5.39 **Flood Risk Management:** No Objection subject to detailed design of drainage secured by condition.
- 5.40 **External:**
- 5.41 **County Ecologist:** Comment
Summary:
The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.42 The proposed development is on an area of previously developed land within the urban environment and is of low ecological value. No important habitats will be lost. The site is unlikely to support any protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.43 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of a green (biodiverse) roof, provision of a green wall, the provision of bird boxes and the use of species of known value to wildlife in the landscape scheme. Advice on appropriate species can be found in the Council's

SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. A minimum of 8 bird boxes should target species of conservation concern e.g. swift.

5.44 County Archaeologist: Comment

The proposed development is of archaeological interest due to its location in an area of Iron Age and Roman activity. Finds relating to a probable settlement were found in the early 20th century to the east of the proposed development at St Mary's. The application includes a comprehensive desk based assessment that concludes:

5.45 *There are no known heritage assets on the Site. There is low-moderate potential for as yet unknown non-designated heritage assets (archaeological remains) of Late Iron Age – Roman date to be present, but a low potential for all other periods. The Site is terraced into and over the natural slope, and is likely to have experienced truncation in some areas and preservation through fill in others. The main impact is likely to derive from the excavation of a geocellular soakaway tank. This impact can be mitigated by carrying out an archaeological watching brief during the excavations for the tank.*

5.46 The conclusion is concurred with. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works to be secured by condition.

5.47 Sussex Police: Comment:

It will important to provide clear routes of access throughout the hospital whilst ensuring that access is controlled for appropriate areas. External doors, ground floor and any easily accessible windows are to conform to LPS 1175 SR2 with laminated glazing conforming to BS EN 356 P1A. Lighting around the entrances, car parking and communal areas is to conform to the recommendations within BS 5489:2013.

5.48 The Police are confident that the design and layout will follow and implement the same level of satisfactory security measures that have been demonstrated in previous phases of construction at the above development. There is no objection to the reduction in parking bays, and it is pleasing to note parking is still available.

5.49 Environment Agency: No Objection subject to conditions

The site lies above Tarrant Chalk Member which is designated a Principal Aquifer. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site.

5.50 We have had extensive consultations with the Principal Infrastructure Engineer at WSP/Parsons Brinckerhoff for the T3 development and this area was one of the last to be addressed in terms of the separator/pollution control aspects. For the helipad and adjacent building and access road we have agreed the drainage

scheme which involved quite a lot of pollution control measures. These were interceptors with shut valves to prevent fire water getting in to soakaway.

5.51 This area is unlikely to have significant pollution associated with its use though we would recommend some form of interceptor and as the size of the area is relatively small you could size the interceptor accordingly or another device that can treat hydrocarbons. Discharging surface water into deep infiltration systems is generally only acceptable in certain cases. The use of SUD's is supported in principle but they must be suitably designed and maintained.

5.52 **UK Power Networks:** No Objection.

5.53 **Scotland Gas Networks:** Comment:

On the mains record there is the pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. It will be necessary to where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to the applicant. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas pipes.

5.54 **Southern Water:** Comment

The results of an initial desk top study indicates that SW currently cannot accommodate the foul drainage needs of this application at preferred manhole ref TQ32038801 without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Appropriate conditions are needed to ensure satisfactory provision for foul and surface water disposal.

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) and Waste and Minerals Sites Plan (adopted February 2017);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP2 Sustainable economic development
 CP5 Culture and tourism
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP13 Public streets and spaces
 CP15 Heritage
 CP18 Healthy city
 DA5 Eastern Road and Edward Street Area
 SA6 Sustainable neighbourhoods

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

TR4 Travel plans
 TR7 Safe Development
 TR14 Cycle access and parking
 SU3 Water Resources and their quality
 SU5 Surface water and foul sewage disposal infrastructure
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 SU11 Polluted land and buildings
 QD5 Design - street frontages
 QD14 Extensions and alterations
 QD15 Landscape design
 QD25 External lighting
 QD27 Protection of amenity
 HO19 New community facilities
 HE6 Development within or affecting the setting of conservation areas
 HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD11 Nature Conservation & Development
 SPD14 Parking standards
 SPGBH15 Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to:

- The principle of health-related development in this location and the need for the development
- The impact to the visual amenities of the locality including the setting of nearby conservation areas
- The impact to amenity of occupiers of nearby properties
- Crime prevention
- The impact in terms of demand for transport
- The impact in terms of sustainability
- The impact in terms of biodiversity
- The impact to archaeology
- The impact to water resources
- The infrastructure demands created by the development including support for economic development

8.2 Planning Policy Context and Principle of Development:

The key policy in the Brighton and Hove City Plan Part One which is applicable to this site is DA5 Eastern Road and Edward Street, which identifies the location as a 'development area'.

8.3 The strategy for the development area is to secure significant improvements to the public realm and townscape to make the area more attractive, accessible and safer for residents, employees and visitors and to deliver the amounts of development as set out in the policy. The policy identifies a number of local priorities to achieve the strategy including adoption of design guidance, ensuring sustainable transport infrastructure is in place and improving air quality.

8.4 Part C.1. of DA5 strategically allocates the Royal Sussex County Hospital for:

Comprehensive redevelopment and enlargement of the hospital to provide 74,000sqm additional hospital (C2 use) floorspace, including the floorspace granted planning permission in 2012, which will be considered in the context of citywide policies and the following criteria:

- a) Sustainable transport infrastructure improvements will be required including bus, walking and cycling improvements, and a comprehensive transport strategy will be required, including a feasibility study to support the enlargement of the hospital taking into account its wider sub regional role;
- b) There will be a comprehensive and integrated approach to the redevelopment of the site that will be of a high standard of design and which will be sympathetic to the surrounding historic built environment; and
- c) The developer will enter into a training place agreement to secure training for local people.

- 8.5 City Plan policy SA6 seeks to create and maintain sustainable neighbourhoods and reduce inequalities between neighbourhoods by working with public, private and community and voluntary sector partners, businesses and local communities. One of the city-wide priorities identified in this policy is improvement of the quality of public services through joint working between public, private and community and voluntary sector partners. Another priority of SA6 is to secure good quality employment and training opportunities for residents in areas with high levels of long term unemployment, for example, through planning obligations on major development schemes. There is also a priority to support partners, programmes and strategies that aim to reduce health and learning inequalities between neighbourhoods and promote healthier lifestyles and wellbeing.
- 8.6 City Plan policy CP18 seeks to support programmes and strategies which aim to reduce health inequalities and promote healthier lifestyles through various measures including joint working with health providers to help deliver and protect a sub-regional network of critical care hospitals and a citywide integrated network of health facilities that is within reasonable walking distance of public transport (criteria 6).
- 8.7 Local Plan policy HO19 states that permission will be granted for community facilities including health provision provided certain criteria are met. The supporting text states it is important to ensure the range and quality of community facilities in Brighton & Hove is supported and improved.
- 8.8 In the context of the above, the principle of additional and improved health care provision in this location is acceptable and is welcomed. The site of the whole hospital has been strategically allocated for substantial additional development. Whilst the 3Ts development is reflected in policy DA5 (in terms of the 74,000sqm floorspace cited) this amount of development is stated to be a minimum only, and there is no objection in principle to further development of the site, which will contribute to the wider aims of policy DA5. The Emergency Department (ED) is well located in terms of the main hospital and sustainable transport links.
- 8.9 There is a clear identified public need for the proposal, particularly given that current emergency provision has failed to meet performance standards over a number of years. It is understood the existing layout and physical environment of the ED is not fit for purpose and is not meeting national guidelines. BSUH NHS Trust is failing to meet key national performance targets for emergency care and the quality of the service provided has been heavily criticised in three major reports in the last 2 years, resulting in the ED being rated as 'inadequate' by the Care Quality Commission (CQC). There is a clear need for a substantial development given that a considerable capacity shortfall in the current ED has been identified, as it currently has only 78 beds/bays/trolley spaces compared to the 187 ideally needed. Access to the A&E will be possible at all times during construction, which is welcomed.
- 8.10 The new ED building will provide a much needed fit for purpose facility and result in patients being admitted to the short stay wards quickly, rather than

waiting for scarce inpatient beds in the main hospital, greatly improving clinical care. The proposal is considered to provide significant public benefit and therefore great weight is attached to this.

8.11 Design and Appearance:

The council has a statutory duty (under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Local Plan policies QD5 and HE6 and City Plan policies CP12, CP13 and CP15 seek to ensure that development is of a high architectural quality and is sympathetic to the character and appearance of the locality, including the setting of nearby conservation areas. Policy CP13 seeks to improve the quality, legibility and accessibility of the city's public realm in a comprehensive manner including the incorporation of an integral public art element. CP5 seeks to maintain and enhance the cultural role of the city and supports the role of the arts.

8.12 The site is predominant and is set on rising ground and will have a presence on Bristol Gate. It is not located within a conservation area although it can be readily viewed from within the East Cliff Conservation Area (from Eastern Road) and in longer views from the Kemp Town CA. The development is just below the 18m/6-storey definition of a 'tall building' in SPGBH15 (being 17.2m) when taken from the ground level at the top of the retaining wall however it will appear taller as it is on rising ground, set above Bristol Gate. Given the scale of the proposal, supporting information including a Visual Impact Assessment containing key views from outside the site, including from nearby Conservation Areas, has been submitted. It is considered that this, together with other information submitted, satisfactorily demonstrates that the proposal would not have a harmful impact.

8.13 The character of the immediate area surrounding the site is mixed, with many different architectural styles, materials and height of development. The scale and height of the proposal is considered acceptable, given the backdrop of substantial development behind, and buildings on rising ground in the Bristol Estate. Eastern Road is identified in SPGBH15 as a 'corridor' suitable in principle for tall buildings. The proposal has been tested in key views from within the East Cliff and Kemp Town Conservation Areas and the council's Heritage Team confirm that no harm will be caused give the hospital backdrop and distances involved. To reduce visual dominance of the proposal on Bristol Gate above the already high retaining wall, a set back at roof level was incorporated. Site constraints and construction methods have meant this level cannot be set back further but on balance this is considered acceptable. The building would partly angle away from Bristol Gate, lessening its impact here.

8.14 The character of the locality is mixed, and the hospital site comprises numerous eclectic styles and the 3T's development introduces a further architectural approach. In this context, there is no objection in principle to the introduction of a contemporary building. The building has been designed to ensure it has a

distinctive identity, and given its function this is considered a reasonable approach. At the pre-application stage it was, however, felt important to take some references from the 3T's development given it will comprise a large part of the hospital site, to ensure the development is viewed as part of the overall identity of the hospital. It was also felt important to reduce any potential for the building to appear monolithic or unrelieved. Punched windows to provide a more vertical emphasis and brise soleil on the more prominent south and east elevations, and roof plant enclosures referencing the 3Ts enclosures, were therefore incorporated.

- 8.15 The concern from CAG regarding the style and materials proposed and desire to match the 3T's development is noted, however, for reasons set out in this section are considered to be unfounded. The council's Heritage Team raise no objection to the design or materials proposed. It should be noted that CAG do not explicitly comment that the proposal would cause harm to the setting of nearby conservation areas. There are no other examples of mesh metal clad buildings, however, this simple, very contemporary approach is considered sympathetic and it will not compete/clash unduly with other buildings in the hospital site. The development represents a significant improvement upon the existing building. Precise details of materials can be secured by condition.
- 8.16 The existing retaining wall along the Bristol Gate boundary has a neglected appearance and it is considered that improvements should be included in the scheme to match the quality of development above, and this can be secured by condition.
- 8.17 Public art:
In accordance with policies CP5, CP7 and CP13, incorporation of an element of public art via S106 has been requested, and the level sought is considered reasonable and necessary. Such provision can produce attractive and adaptable public spaces that enrich people's quality of life and provide for the needs of all users, which is particularly important in this case of a hospital and a public building. The hospital already has a public art strategy and an artistic element could 'influence' the landscaping, enclosures or the facades of the building for example.
- 8.18 **Amenity and Crime Prevention:**
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. Policy QD25 relates to external lighting and floodlighting and seek to ensure developments do not cause light pollution to the wider environment or to nearby residents. The NPPF and policy CP12 state crime prevention is a consideration.
- 8.19 Whilst a substantial extension is proposed, it is not envisaged that there will be an increase in users of the facility or staff as a result of the development (other than general population increases each year) and therefore there should be no undue intensification of use that could lead to additional noise or nuisance to

occupiers of neighbouring properties. A significant amount of new plant is proposed at roof level, however, the council's Environmental Health team consider that any potential for noise from this can be satisfactorily dealt with by condition. A CEMP can be secured by condition to limit impacts during construction.

- 8.20 There are a number of residential properties opposite the site and the applicant has provided a Sunlight/Daylight Assessment which tests the impact of the scheme on those properties that are nearest (8 and 8a Bristol Gate and 2 Chadborn Close). It concludes that in terms of daylighting and Vertical Sky Component (VSC) all windows in 2 out of the 3 properties fully pass the BRE guidelines with negligible impact, and the third property (8 Bristol gate) only has 5 out of 11 windows where the impact is identified as 'minor adverse'. In terms of the No Sky Assessment all windows in all properties meet BRE guidelines. In terms of sunlight, all windows pass the BRE guidelines. The methodology using BRE recognised guidelines is considered robust and the conclusions are concurred with. Therefore the proposal is considered to have a minimal impact in terms of daylight and sunlight and is considered acceptable in this regard.
- 8.21 With regard to potential for loss of outlook and privacy, the building would be partly set back, is set higher, and would angle away from Bristol Gate, limiting its impact. The windows would have brise soleil which would limit views. The relationship between the development and properties opposite is not uncharacteristic of this high density central location. Potential loss of a sea view is not a material planning consideration. The proposal will restrict outlook from windows within existing hospital facing outwards towards Bristol Gate, however, it is difficult to avoid this and satisfactorily provide the much needed extension, and relationship is considered acceptable given a courtyard/lightwell will be provided between the two buildings.
- 8.22 No details of external lighting are proposed, and this can be satisfactorily conditioned, to prevent harm to visual and other amenity.
- 8.23 Given the above, the proposal is considered to have an acceptable impact in terms of amenity, in accordance with relevant policies.
- 8.24 Crime prevention:
The police confirm they are satisfied with the development from a crime prevention and operational point of view, despite the reduction of two emergency car parking spaces, and the scheme is considered to comply with relevant policies in this regard.
- 8.25 **Sustainable Transport:**
National and local planning policies seek to promote sustainable modes of transport, and seek to ensure highway safety. CP Policy CP9 (Sustainable Transport) is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (safe Development) and TR14 (cycle access and parking).
- 8.26 The site is well located to take advantage of sustainable transport modes. Given that the development itself does not contribute to an increase in trips to and

from the site from either patients or staff, the Highway Authority consider there would not be an increase in the transport impact above existing levels as a result of the development. Cycle parking will be provided as part of the wider redevelopment of the hospital, which can satisfactorily meet any demand from the Emergency Department.

8.27 The patient and staff access to the hospital will not change as a result of the development proposals. The proposals do result in the loss of 2 drop off (emergency) bays but this is not considered to cause a significant transport issue, and the police raise no objection to this. A CEMP can satisfactorily deal with any transport impacts during construction.

8.28 On this basis the transport impact of the proposal is considered to be very limited and is acceptable, in accordance with policy

8.29 **Sustainability and Ecology:**

City Plan policy CP8 requires all developments to incorporate sustainable design features, and major developments (over 1000sqm floor area) are expected to reach a BREEAM standard of 'excellent'. The supporting text to CP8 states the council will consider site constraints, technical restrictions; financial viability and the delivery of additional benefits to the city where requirements of the policy cannot be met. One of the local priorities in the DA5 policy area is to ensure development incorporates infrastructure to support low and zero carbon decentralised energy and in particular heat networks, subject to viability. City Plan policy CP10 seeks that all development proposals conserve, restore and enhance biodiversity.

8.30 In accordance with policy CP8, the development incorporates a number of positive sustainable measures (see Sustainability Officer in consultee comments section), which is welcomed. A BREEAM standard of 'very good' is targeted as opposed to 'excellent', however, this is contrary to policy. The applicant states that this is because the mandatory energy credit needed to reach a higher standard cannot be achieved given that existing non-compliant plant will be used. This is considered reasonable justification. A new energy centre (boiler room and CHP plant) is proposed as part of the current 3Ts development to serve the hospital, and the applicant states it is their intention to link into it in the long term. This would bring the proposal nearer to achieving 'excellent', which is welcomed, however, timescales are such that the ED extension needs to be delivered in advance of that scheme. A condition can ensure the scheme is satisfactorily future proofed to enable future connection. This would accord with the aims of policy DA5 and SA6.

8.31 The scheme is however targeting the lower end of 'very good' at present and could potentially score higher in other BREEAM categories, and a condition is recommended to secure submission of a feasibility study to explore further sustainability improvements. On this basis it is considered that the sustainability aspects of the proposal would be acceptable.

8.32 With regard to biodiversity, the County Ecologist confirms the current ecological value of the site is very low (being an intensively developed site) and they raise

no objection to the proposals subject to appropriate mitigation and enhancement measures. On balance it is considered that the provision of 8 swift nesting boxes is sufficient ecological provision, given the low level of biodiversity that exists. Formalisation of the existing green wall growing up the retaining wall on Bristol Gate was requested to enhance biodiversity (as well as for visual enhancement), however, the developer did not wish to pursue this for financial and maintenance reasons and it was considered a refusal of permission on the grounds on non-provision could not be justified, provided other measures were secured.

8.33 Water Resources:

National and local planning policies (Local Plan policies SU3, SU5 and SU11 and City Plan policy CP11) seek to protect water resources and prevent pollution, and ensure developments manage and reduce their flood risk.

8.34 The site is located above a Principal Aquifer and in this regard an initial desk top land contamination assessment has been submitted, as well as a drainage strategy. Whilst it has been identified that this area is unlikely to have significant pollution associated with its use and that drainage can be satisfactorily dealt with, it is recommended that conditions are imposed to ensure details are submitted to secure this. No objections have been raised by Southern Water, the Environment Agency or the council's Flood Risk Manager, provided that appropriate conditions are imposed. It is therefore considered that water resources would be satisfactorily protected, in accordance with policy. The development incorporates sustainable drainage measures, which is welcomed to prevent flooding in accordance with policy.

8.35 Archaeology:

National and Local planning policies (LP policy HE12 and CP Policy CP15) seek to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.

8.36 The north-east part of the site lies adjacent to an Archaeological Notification Area, and the County Archaeologist confirms that the proposed development is of archaeological interest due to its location in an area of Iron Age and Roman activity. The application includes a comprehensive desk based assessment that concludes that there is a low-moderate potential for archaeological remains and that the site is likely to have been disturbed by past development. It goes on to recommend an archaeological watching brief by way of mitigation. The County Archaeologist concurs with these conclusions and approach, and this will ensure the scheme satisfactorily complies with policy.

8.37 Economic Development:

The council's Economic Development Team have requested a financial contribution via S106 towards the Local Employment scheme and seek to secure 20% local labour on site. This is considered necessary to make the development acceptable in planning terms as securing on site local employment provision is a priority area for the council, to secure social infrastructure to meet planning policy objectives where this is directly related to development. City Plan policy DA5 specifically identifies that developers at the hospital site should

enter into a training place agreement to secure training for local people, and the provision is established since incorporation into the Developer Contributions Technical Guidance adopted by the council in 2011, a key material consideration. CP policy SA6 also seeks such provision in economically deprived areas. In addition, the contributions are secured in accordance with adopted policy CP7 (see section below) to meet overall objectives in the adopted City Plan Part One.

8.38 The level sought is considered reasonable and is in line with the Developer Guidance document. For all Local Employment contributions these will be spent supporting the local employment provision on each development site as specified within each Employment & Training Strategy required under the s106 Agreement. The developer has agreed to meet the request in full and this is welcomed. The applicants have provided supporting information to demonstrate their commitment to working with the community as part of the project and to employment training and local labour during construction, which is considered comprehensive and welcome and can form a sound basis for work associated with the Local Employment Scheme.

8.39 **Section 106:**

City Plan policy CP7 Infrastructure and Developer Contributions states that to meet the needs of Brighton & Hove and the wider sub-region the council will work with partners to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve development. To make development acceptable and enable the granting of planning permission, inadequacies in infrastructure arising from proposed development will be required to be mitigated through s.106 Planning Obligations via a legal agreement. The Developer Contributions Technical Guidance (March 2017) provides a policy overview and funding formulas for certain types of development.

8.40 It is considered necessary to secure the level of financial sums requested by consultees as outlined in the Heads of Terms at the beginning of this report, to meet policy requirements and to mitigate against the impacts of the development. These are sought in accordance with the Developer Guidance, and are met in full. In addition it is considered necessary to secure an obligation to secure 20% local labour during construction, as set out elsewhere in this report.

9. EQUALITIES

9.1 The building would be accessible and a lift is proposed.

ITEM F

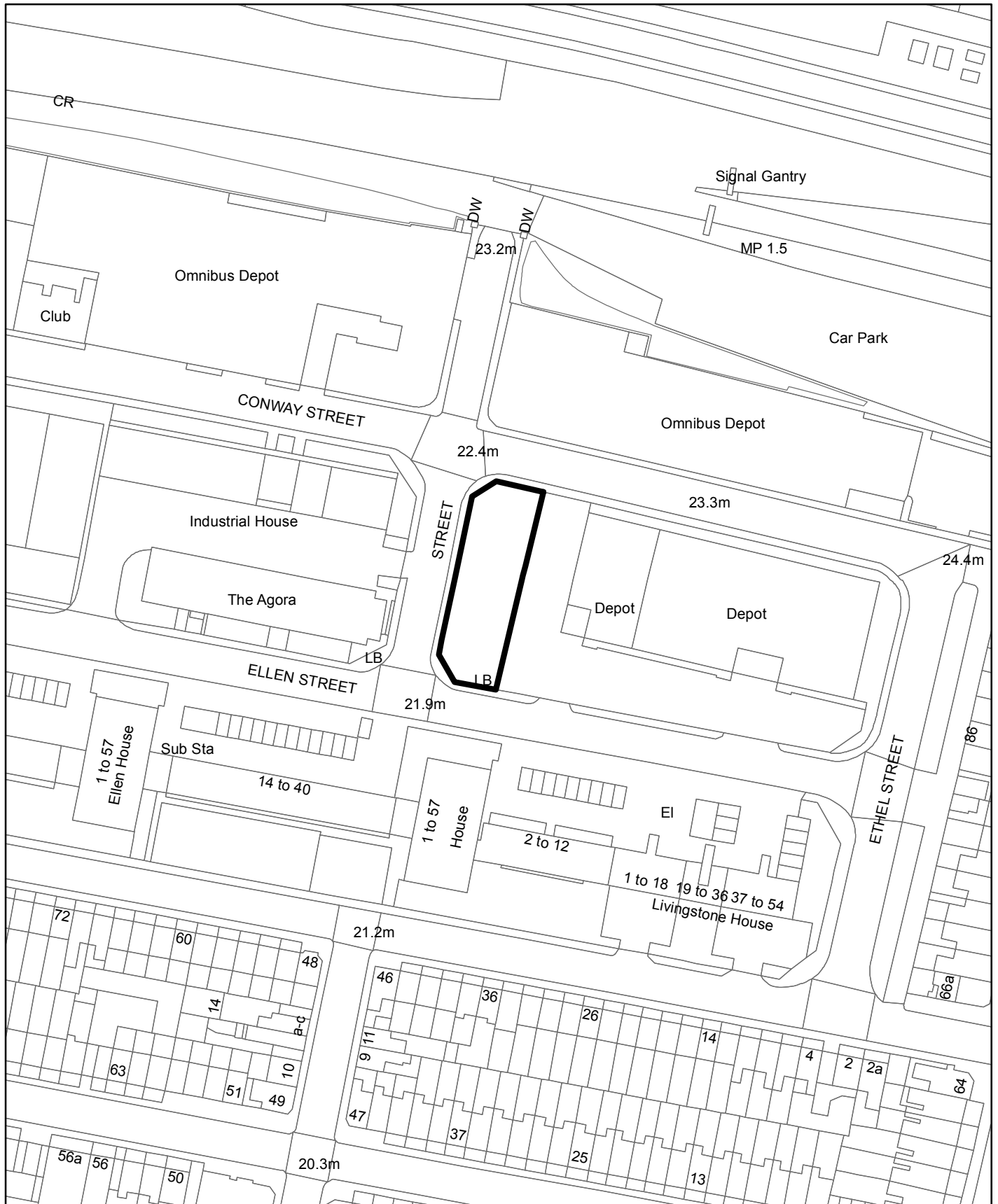
Land At Goldstone St, Hove

BH2017/01176

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/01176 Land at Goldstone Street Hove



Scale: 1:1,250

<u>No:</u>	BH2017/01176	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land At Goldstone Street Hove BN3 3LT		
<u>Proposal:</u>	Erection of a 3 storey office building (B1) with 2no disabled parking spaces, bin storage and roof terrace.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	09.05.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.08.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Gerald Eve 72 Welbeck Street London W1G OJB		
<u>Applicant:</u>	The Go-Ahead Group C/O Gerald Eve 72 Welbeck Street London W1G OJB		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

The applicant has agreed to provide the following, should the application be approved:

- Local Employment Scheme Contribution of £14,168,
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution of £48,887 towards; footway, cycle and public realm improvements on routes between the site and local facilities including, but not limited to, Hove Station.

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	15016/000	01	20 April 2017
Floor Plans Proposed	15016/001	04	11 May 2017
Floor Plans Proposed	15016/002	02	11 May 2017
Roof Plan Proposed	15016/003	02	11 May 2017
Sections Proposed	15016/400	02	11 May 2017
Sections Proposed	15016/401	03	11 May 2017

Elevations Proposed	15016/300	03	11 May 2017
Elevations Proposed	15016/301	02	11 May 2017
Elevations Proposed	15016/302	02	11 May 2017

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 level of any part of the development hereby permitted shall take place until samples / 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) Samples of all brick,
- b) Details of all hard surfacing materials
- c) Details of the proposed window, door and balcony treatments (including colour and finish), cladding, external staircase and spandrels, roof treatments.

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. 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.

5. Access to areas of flat roof marked as plant enclosure on drawing 15016/003 Rev 2 received on 11 May 2017 shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

7. Notwithstanding the submitted details prior to first occupation of the development hereby permitted a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of all hard and soft surfacing;
 - b) Details of all boundary treatments;
 - c) Details of all proposed planting to all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

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

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

8. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
9. Prior to first occupation of the development the disabled parking spaces shall be fully implemented and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
10. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

11. Prior to the first occupation of the development hereby permitted, the applicant shall reinstate the redundant vehicle crossovers adjacent to the site on Fonthill Road and Ellen Street back to a footway by raising the existing kerb and footway.

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

12. 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 New Construction rating of 'Excellent' 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 CP8 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following information has been submitted to, and approved in writing by, the Local Planning Authority.

- a) A calculation of baseline energy demand and carbon dioxide emissions; proposals for the reduction of energy demand and carbon dioxide emissions from heating, cooling and electrical power to meet a BREEAM 'excellent' standard; proposals for meeting residual energy demands through sustainable energy measures; and calculation of the remaining energy demand and carbon dioxide emissions.
- b) If centralised heating system is proposed, this system should have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;

A route onto and through site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre.

Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

Metering shall be installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA6 and CP8 of the Brighton & Hove City Plan Part One.

14. The premises shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B 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 and to comply with policy QD27 of the Brighton & Hove Local Plan.

15. No development 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 complaints from 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
 - viii) An audit of all waste generated during construction works

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.

16. 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, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. 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.

17. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

19. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

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

20. The use hereby permitted shall not be operational except between the hours of 07:00 and 23:00 on Mondays to 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.

21. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 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. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. 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).
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 290729). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - iii) Increase awareness of and improve road safety and personal security;
 - iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - v) Identify targets focussed on reductions in the level of business and commuter car use;
 - vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
6. 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.

7. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to an existing car park used by the Brighton & Hove Bus Company located to the eastern side of Goldstone Street close to the junctions with Ellen Street and Conway Street. The adjoining site to the east is currently occupied by single storey brick and metal clad industrial sheds with associated car parking. The Brighton & Hove Bus Company is located in the buildings/land to the north of the site. Three and four storey office buildings exist to the west with mixed commercial buildings beyond. To the south of the site there are ten storey residential blocks which form part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking.
- 2.2 The site is located within the Conway Street Industrial Area Strategic Allocation, which is located within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- 2.3 The proposal is for a three storey office building with roof terrace accessed from a set-back element at fourth storey level to the northern end of the building. There would be a feature external escape stair to the southern end of the building. Two disabled parking spaces are provided to the north of the site.
- 2.4 The building would provide 1417sqm of B1(a) office floorspace with a proposed occupancy of 80 FTE jobs.
- 2.5 Materials proposed include;
 - Grey brick with charcoal mortar to the main elevations,
 - Metal cladding to the roof top element,
 - Aluminium windows,
 - Black / charcoal perforated metal for escape stair,
 - Grey spandrel or back painted glass to within window openings at second floor level.

3. RELEVANT HISTORY

- 3.1 No relevant history on the application site.

1-3 Ellen Street

BH2016/05841 - Extension of existing building to create an additional unit and change of use from B2 to B1. Currently under consideration.

BH2016/02663 - Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level. Refused on 7 July 2017 for the following reason;

- *The applicant has failed to provide sufficient affordable housing. The applicant has offered 18.8% affordable housing provision which is significantly below the 25% affordable housing provision that has been independently assessed as being viable by the District Valuer Service. The proposal is therefore contrary to policy CP20 of the Brighton & Hove City Plan Part One.*

- 3.2 Pre-Application Consultation:

Officer pre-application advice was given on a similar scheme for a three storey office building on the existing car park site and two further options for six storeys on the site, one solely office, one a mixed use with office and residential. Whilst the redevelopment of the site was welcomed in principle it was questioned whether the three storey option under-utilised the site considering the aims of policy DA6 and the Conway Street Strategic Allocation and that the taller options were a more effective use of the site. Whilst the three storey proposal was supported in principle the preferred approach would be for a comprehensive outline scheme to be submitted for the wider strategic allocation area.

4. REPRESENTATIONS

- 4.1 No representations have been received.

5. CONSULTATIONS

- 5.1 **Economic Development:** Support

This application responds to the key areas of the City Plan Part 1, specifically in respect of much needed quality commercial employment floor space to encourage inward investment to the city and compensate for the loss of office employment space. The proposed application will create 1,416.80sqm of B1 Office floorspace.

- 5.2 The indicated 80 FTE opportunities created by this scheme are also welcomed and will contribute to the economic wellbeing of the city (i.e. the creation of an additional 20 new FTE jobs).

- 5.3 Should the application be approved, an Employment and Training Strategy will be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of

20% local employment is expected for the demolition (where appropriate) and construction phases of the development.

5.4 In respect of the training commitment, industry guidelines (CITB) for KPIs based on the value of the development should be referenced. Early contact with the council's Local Employment Scheme Co-ordinator is recommended in order to gain guidance regarding the content of the Employment and Training Strategy and to avoid any delays in the planned commencement of the development.

5.5 Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £14,168 towards the council's Local Employment Scheme.

5.6 **Sustainable Transport: No objection**

Pedestrian Access

Pedestrian access for the office building including public / reception area is proposed at the Conway Street side of the building with links provided from the footways on Conway Street and Fonthill Road.

5.7 Beyond the site, pedestrian facilities are in need of improvement in places, for example providing dropped kerbs and reducing junction radii at crossing points. The introduction of an office employment use would increase trips to this site and in order to provide better connections to nearby public transport services it is recommended that the applicant be required to fund improvements to provide for the needs of those accessing the proposed development on foot.

5.8 In order to comply with the requirements of Brighton & Hove City Plan Part One policies CP9 and DA6, public realm improvements including to Conway Street, Ellen Street and routes towards Hove Station are also requested.

5.9 **Vehicle Access**

The applicant has stated that existing dropped kerbs serving the car park will be retained off Conway Street to serve two disabled parking bays. The Transport Statement indicates that the second vehicular access point via Ellen Street would be closed with a small section of dropped kerb retained for servicing. This does not appear to be shown on the submitted plans; however, a dropped kerb would not necessarily be provided for this purpose. There are not currently dropped kerbs at the junction of Fonthill Road and Ellen Street and it is intended that the recommended contribution will include an allocation to improvements at this junction.

5.10 It is also noted that there is an existing redundant vehicle crossover on Fonthill Road which the applicant has committed to reinstating to footway. It is recommended that these works be secured by condition.

5.11 **Car Parking**

SPD14 maximum parking standards allow 1 space per 100m² for B1 uses, equivalent to a total of 15 spaces in this instance. However, it should be noted that these are maximums and lower levels of parking are permitted. The proposed development does not include any on-site parking other than disabled

parking bays and the Highway Authority therefore has no objection in this location.

- 5.12 The proposal will result in the loss of the existing car park. This will have the benefit of helping to encourage sustainable travel by employees; however, there is a possibility that displaced parking will occur beyond the site. Streets immediately surrounding the site are within a Controlled Parking Zone (CPZ) meaning that any additional demand for on-street parking will be managed. However, roads approximately 180m to the northwest of the site are not within a CPZ. For commercial developments, the widely applied Lambeth parking survey methodology recommends that surveys cover streets within 500m. The applicant has submitted surveys repeated at various intervals on Friday 31st March 2017. This indicates that overall there is capacity within the surrounding area to accommodate between 55 and 48 vehicles, although capacity on Newtown Road (partially uncontrolled) was between 0 and 2 vehicles between 07:00 and 18:00. It is also noted that parking surveys would preferably be undertaken on Tuesday, Wednesday or Thursday which are typically considered more neutral.
- 5.13 It is however considered that the impact of overspill parking beyond the site would be limited were the applicant to implement appropriate mitigation as they are proposing to do so in the form of a Travel Plan. This would be expected to contain a range of measures which encourage employees to switch to travel by sustainable modes which may include public transport taster tickets and cycle equipment vouchers. It is recommended that this be secured by condition or as part of the S106 agreement. This is considered necessary in order to mitigate the impacts of the development and encourage travel by sustainable modes in accordance with Brighton & Hove City Plan Part One policy CP9 and Brighton & Hove Local Plan policy TR4.
- 5.14 It is noted that an on-site parking area to be used by buses at night was proposed at the pre-application stage; however, this has been removed following concerns raised.
- 5.15 Disabled Parking
SPD14 states that disabled parking bays should be provided for each disabled employee (where known) plus 2 bays or 5% of total capacity, whichever is greater. For this development, 2 bays have been proposed which meets minimum standards. The proposed layout includes a 1.2m access zone on both sides of each bay which is therefore considered acceptable. It is recommended that the implementation and retention of the disabled parking be secured by condition.
- 5.16 Cycle Parking
A development of this nature would require 1 space per 100m² for staff, and additional 1 space per 500m² for visitors. The proposed office will therefore require 16 bays for staff and 4 spaces for visitors, a total of 20 spaces. 20 cycle parking spaces together with shower and changing facilities have been proposed as part of the application which are welcomed and comply with SPD14 minimum requirements.

- 5.17 The applicant is proposing to use covered Sheffield stands which is an acceptable means of providing secure storage as required by Brighton & Hove Local Plan policy TR14. However, the spacing is constrained with approximately 2.4m between the building and car parking bays meaning cycle parking is likely to be difficult to access. It is recommended that a minimum aisle width of 1.1m be provided with 1.8m allowed for an occupied stand. In order to improve access, the stands shown could be relocated closer to the building and angled to allow more convenient access. It is recommended that further details be agreed by condition.
- 5.18 Trip Generation
The proposal comprises 1,417 sqm of additional B1(a) office floorspace. Although it is noted that in this instance the Bus Company will be moving staff from their existing offices, the overall office space is increased and the development therefore has the potential to generate additional trips. The applicant has undertaken a trip generation exercise using the TRICS national trip rate database, estimating that up to 11 vehicle trips could be expected in the morning peak and 7 in the PM peak. Given that parking will be reduced at the site and has not been included in the applicant's analysis, this is considered reasonable and the Highway Authority would agree with the applicant's assessment that the impact from additional vehicle trips is not expected to be significant.
- 5.19 Whilst the site is in close proximity to Hove railway station and frequent bus routes, pedestrian routes in the vicinity of the site would benefit from improvements in order to serve the needs of those travelling between these facilities and the development site on foot.
- 5.20 A sustainable transport contribution is therefore requested that would be allocated towards footway, cycle and public realm improvements on the route between the site and local facilities including, but not limited to, Hove Station. This is to provide for the needs of those accessing the development on foot, bicycle and by public transport in accordance with Brighton & Hove City Plan policies CP7, CP9 and DA6.
- 5.21 In addition, a Travel Plan is requested in order to facilitate and promote sustainable modes of travel in accordance with Brighton & Hove City Plan Part One policy CP9 and Local Plan policy TR4. It is recommended that this be secured either by condition or as part of the S106 agreement.
- 5.22 Construction Management
Given the nature of the proposals and location in close proximity to residential areas, it is recommended that a Construction Environment Management Plan be secured by condition.
- 5.23 **Planning Policy Comment**
The site lies within the Hove Station Development Area (DA6) and the Conway Street Industrial Area Strategic Allocation as set out in policy DA6.

- 5.24 The proposal for B1 office development is supported by policy DA6 in principle. DA6 makes clear “The strategy for the development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments.” It also seeks:
- Public realm, Green Infrastructure, biodiversity, permeability and public safety improvements particularly in the Conway Street area;
 - To ensure proposals take account of the areas infrastructure needs and other related matters (open space, water, sewage, groundwater source protection, surface water flooding risks etc)
 - Regard to maintaining and strengthening the creative industries business cluster;
 - More efficient use of under-used sites whilst retaining employment floorspace; and,
 - To encourage the use of low and zero carbon decentralised energy or compatibility with future connection to a network.
- 5.25 The aim for the Conway Street Strategic Allocation, as set out in Policy DA6, is for a “comprehensive mixed use redevelopment to deliver more effective use of the underused land and buildings, requiring the retention/replacement of 12,000sqm employment floorspace with a shift into high quality flexible office/business (B1) floorspace, the provision of 200 residential units and enhancements to the streetscape.” Proposals are to meet a number of criteria which seek: to ensure minimal loss of employment floorspace alongside the delivery of the allocated employment and residential targets; provision of a range of office and flexible workspaces including larger floor plate offices and affordable business floorspace suitable for small business and digital media/creative industries; measures to improve pedestrian and cyclist access within the area; regard to facilitating social inclusion/integration and crime reduction measures; and, a training place agreement to secure training for local people.
- 5.26 The proposed development would provide 3 storeys of B1 office space for the local bus company which could make a significant contribution towards the requirement for the Allocation as a whole and increase staff numbers from 60 to 80 full-time equivalents. The proposal seeks to form a new main office, replacing the out of date office accommodation at 43 Conway Street, and increase the efficiency of the local public transport bus provider. It is not clear what will become of the office floorspace 43 Conway Street and this should be clarified. The development of new office floorspace is supported by City Plan policy DA6 and also policies CP2 and CP3. The proposed introduction of planting and native species is also welcomed (policies DA6, CP10, CP12, CP13) regard to the provision of rain gardens (SuD) should be given. It is assumed the operational car and bus parking requirements can continue to be satisfied albeit with the proposed loss of 18 ‘car’ parking spaces (although the aerial photograph in the Design and Access Statement indicates over 30 cars can

currently be parked instead of the stated 20). However, the site lies in an area where a number of buildings on nearby sites are taller than this proposal. Whilst the site lies adjacent to a single storey industrial/warehouse building these premises are subject to an application (BH2016/02663) for mixed use redevelopment ranging between 4 to 17 storeys.

- 5.27 Due to the site's location within the wider strategic allocation for Conway Street Industrial Area, a comprehensive planned approach to the areas redevelopment would normally be sought. Whilst DA6 does not explicitly preclude redevelopment of an individual site it does make clear it must not prejudice comprehensive redevelopment or the delivery of the priorities of the policy. There are concerns that the proposed stand-alone scheme could lead to a failure to deliver a number of important priorities and improvements sought by policy DA6 and other citywide policies in City Plan Part One and the Local Plan. These include making efficient use of land (taking into account development heights in the area and the site's potential); an improved public realm, public open space and essential community services; and environmental, biodiversity, pedestrian and public safety improvements. Given the proposal relates to the bus depot which also has potential to deliver additional development on adjacent sites it is important the future aspirations for the bus depot are considered all together, preferably with the submission of a bus depot masterplan.
- 5.28 In view of the current adjacent 'Hove Gardens' proposal, the applicants should be encouraged to consider the production of a combined masterplan which would enable an agreed joint approach to the effective delivery of the policy objectives.
- 5.29 This would enable consideration of an effective mechanism for sharing the integrated delivery of appropriate public realm enhancements, accessible green space, low/zero carbon decentralised energy and heat network and measures to address health impacts; which may not be effectively delivered piecemeal. Should this proposal proceed contributions towards the Brighton & Hove Local Employment Scheme should be sought (Policies CP2, CP7, SA6 and DA6)
- 5.30 **Sustainability Team: Comment**
As a major non-residential development this scheme is expected under City Plan Part One policy CP8 to achieve a BREEAM 'excellent standard, and to submit an assessment of energy demand, with levels of energy efficiency and low and zero carbon technologies proposed, detailing how CO2 has been reduced.
- 5.31 A Short Sustainability chapter is included in the Design & access Statement, and an online sustainability checklist has been submitted with the application. The Sustainability Checklist states the proposed standard for the scheme is BREEAM 'very good'; and no low or zero carbon technologies are proposed. No energy assessment has been submitted with application documents

- 5.32 This makes reference to the intention to achieve credits through reduction of CO2 emissions; sub-metering; low and zero carbon technologies; and energy efficiency.
- 5.33 There appears to be no justification made for a lower BREEAM standard on this site, therefore it is recommended that in order to make the proposals acceptable in policy terms, the scheme is conditioned to achieve an 'excellent' BREEAM standard.
- 5.34 The site is within City Plan Development Area 6 Hove Station. In this area, a Local priority 10, development within this area will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network.
- 5.35 Since no energy assessment has been submitted; and conflicting information has been provided about whether low and zero carbon technologies will be provided; and the energy strategy is not clear at this stage, it is recommended that an Energy Assessment and Statement be submitted prior to commencement of development. This should address those aspects referred to in paragraph 4.85 of City Plan Policy CP8, and should give details on whether energy plant will be provided, and if a centralised heating system is proposed, that this should have capacity to connect to any future heat network in this area.
- 5.36 **Environmental Health: Comment**
This proposal involves the conversion of a car park to a 3-storey office block with roof terrace.
- 5.37 Due to noise from building works a construction environment management plan (including a s61 permit to cause construction noise) will be needed as there are residential and business occupiers nearby. A BS4142 assessment will be required to take account noise from lift and air handling plant, etc. A provisional report has been provided showing background levels and considering the internal noise environment. Once the plant planned is known, a full assessment must be provided. Before the condition can be discharged verification that the standards are met is needed.
- 5.38 It is requested that a restriction to hours of use, particularly in relation to roof terrace and the night parking of buses. Time restrictions will; also be needed on rubbish collections and deliveries.
- 5.39 To avoid light nuisance external lighting must be carefully designed so that glare is not a problem for neighbours. A discovery strategy should be employed for any potential land contamination issues, due to the use as a car park.
- 5.40 **Sussex Police: No Objection**
- 5.41 **UK Power Networks: No Objection**

5.42 **Southern Water: No Objection**
No objection subject to measures to protect the existing infrastructure.

5.43 **Arboriculture: No Objection**

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);*

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
DA6 Hove Station Area
SA6 Sustainable Neighbourhoods
CP2 Sustainable economic development
CP3 Employment land
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

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking

TR15 Cycle network
TR18 Parking for people with a mobility related disability
SU3 Water resources and their quality
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU11 Polluted land and buildings
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity

Supplementary Planning Documents:

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

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, policy compliance, design and appearance, impacts on amenity, sustainable transport and sustainability.

8.2 Principle of development

Policy compliance:

The 0.4 hectare site falls within the Conway Street Industrial Area Strategic Allocation (DA6 C.1), which covers an area of 3.44 hectares, in policy DA6 Hove Station Area of the City Plan Part One. The Strategic Allocation is then set within the wider DA6 Hove Station Area allocation which extends in each direction around the strategic allocation/site and north of the railway line where it is centred on Newtown Road and includes Sackville Trading Estate and the existing Coal Yard. DA6 is one of eight development areas allocated in City Plan Part One adopted in March 2016. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.

8.3 Policy DA6 seeks to secure the long term regeneration opportunities around the station and promotes the area's development as an attractive and sustainable mixed-use area focussed on employment (employment with residential mix sought). Due to the nature of the area and the findings of the Employment Land Study 2012 the main focus of redevelopment is the provision of 'B' use class employment space.

8.4 Policy DA6 A. sets out a list of 10 local priorities for the wider allocation which includes;

- Preparation of design guidance to support positive redevelopment of the allocation,

- Improvements to public realm - particularly along Conway Street,
 - Provision of open space and essential community services along with improving pedestrian and cyclist safety which is linked to enhancing the sustainable transport interchange at Hove Station,
 - New green infrastructure and consideration of low and zero carbon decentralised energy and in particular heat networks which are compatible with future connection to a network.
- 8.5 In addition to the above, policy DA6 C.1 relates specifically to the Conway Street Industrial Area Strategic Allocation and seeks to secure the long term regeneration opportunities around the station and promotes the area's development as an attractive and sustainable mixed-use area which is employment led/focused.
- 8.6 DA6 C.1 Strategic Allocation is seeking -
- Retention replacement of 12,000sqm employment floorspace - shift to high quality flexible office/business (B1),
 - 200 residential units,
 - Along with setting out the need to meet 5 criterion including:
 - Demonstrate development on smaller sites will not prejudice the objectives of the allocation,
 - Improve pedestrian and cycle access to Hove Station and across the railway.
- 8.7 The proposed development would provide 3 storeys of B1(a) office space for the local bus company which would make a contribution towards the requirement for the Allocation as a whole and increase staff numbers from 60 to 80 full-time equivalents. The proposal seeks to form a new main office which would consolidate the bus company's support operations currently in Hove and also in Horsham. The proposal would replace the existing office which the application submission sets out is not fit for purpose as a modern commercial building.
- 8.8 The general principle of an office development is supported by policy DA6 with the high quality employment floorspace proposed a significant improvement on the existing bus company offices opposite the site. The Economic Development Team supports the proposal.
- 8.9 Whilst the new employment floorspace is welcomed, as noted by the Planning Policy Team, key to the regeneration sought by policy DA6 is securing comprehensive redevelopment that not only delivers employment / residential development but also a number of other specified requirements including public realm enhancements, public open space, essential community services and the most effective way to achieve the positive redevelopment of the area is through holistic redevelopment.
- 8.10 Piecemeal development within the allocation is acceptable in principle where it meets the policy objectives set out above. However, where this is not the case and a piecemeal scheme does not fully meet these policy aims (as with the

current application) it is necessary for the applicant to demonstrate that the development will not undermine the overall policy objectives for the Strategic Allocation.

- 8.11 In this instance the proposal would bring significant benefits, creating 1417sqm of office floor space on a site which is currently underutilised as a car park. Whilst it is acknowledged that there is scope for a taller and more comprehensive development on the site, considering the existing use of the site the proposal would still make a welcome contribution to the strategic allocation objectives. Furthermore, the site is relatively modest in scale and located on a corner plot and this in conjunction with the quantum and design of the development proposed is not considered to prejudice more comprehensive redevelopment plans within the DA6 area in the future. It is noted that a recent application for a mixed use scheme on the adjoining site, 1-3 Ellen Street (BH2016/02663) was considered to be acceptable in principle despite being refused on affordable housing grounds. This scheme did take into consideration that the application site was likely to be developed and similarly the current proposal would not preclude a similar development at the adjoining site coming forward in the future. As such the piecemeal nature of the scheme and the lack of worked up master plan is considered acceptable and the scheme is supported in this regard.
- 8.12 In addition the proposal would improve the streetscape and public realm with the addition of a well-designed building with landscaping on the street frontages replacing the existing car park.
- 8.13 Overall, whilst it is disappointing that the proposal is not part of a more comprehensive redevelopment plan for the strategic allocation area there are clear benefits to the scheme in providing purpose built office floorspace and streetscene and public realm improvements and as such the proposal is considered to be in accordance with the general strategy set out in City Plan policy DA6 and is supported.
- 8.14 **Design and Appearance:**
The three storey proposal extends out to the site boundary on the western boundary at first and second floor level with the ground floor level set back from the footway. The northern and southern elevations are set back from the footway to allow space for some planting and two disabled parking spaces to the north. A roof terrace would be provided, accessed via a protruding element on the north eastern corner of the flat roof.
- 8.15 In the context of the overall quantum of development required within the strategic allocation area and the heights and scale of the residential buildings to the south it is questioned whether the design approach at three storeys in height under-utilises the site. The relatively modest scale and height of the proposal is likely to appear somewhat at odds in comparison to potential future development on adjoining sites which is expected to be significantly taller. As set above, it is noted that whilst application BH2016/02663 for a mixed use scheme extending to 17 stories on the adjoining site to the east was recently

refused it may be that a scheme of a similar height and scale could come forward in the future.

- 8.16 Notwithstanding the above, it is noted that the development site is located on a corner plot which would allow future developments to integrate more easily than if the site shared boundaries with a number of potential development sites.
- 8.17 The overall contemporary design approach is considered appropriate and the proposal would have an acceptable relationship with the existing built form in the locality. The curved north western corner, the double height glazing and the overhanging western elevation all provide visual interest whilst the proposed materials are considered to be of high quality. It is acknowledged that whilst the eastern elevation appears as a blank façade without fenestration this would ensure the adjoining site is not blighted in the future.
- 8.18 Landscaping is proposed on the street frontages and it is considered that the proposal would bring about significant improvements to what is currently an unsightly car parking area.
- 8.19 Overall, the proposal is considered acceptable in regards to design and appearance in accordance with policy CP12.
- 8.20 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.21 Commercial properties are sited to the north, west and east whilst there are residential blocks to the south. There is sufficient separation between these residential properties to the south and the proposal and there is not considered to be any significant detrimental impact to amenity by way of loss of light, privacy or outlook or an overbearing impact to these occupiers.
- 8.22 It is acknowledged that whilst residential development may come forward in the future on the adjoining site to the east the relatively minor scale and height of the proposal is such that occupiers of any future development would not likely be significantly prejudiced. The proposed roof top terraced area would be screened from views to the east by the protruding lift structure and thus preventing any significant overlooking to the east.
- 8.23 Whilst the proposal would result in the intensification of the use of the site, it is not considered that any increased noise and disturbance would be of a magnitude that would justify the refusal of the planning application. Carefully worded conditions are proposed to control the hours of operation and deliveries and noise from the associated plant.

- 8.24 It is noted that there is the potential for light pollution from the proposed office and as such it is recommended that details of an acceptable lighting scheme are also secured by condition.
- 8.25 Overall the proposal is not considered to result in any significant detrimental impact to the amenity of surrounding occupiers in accordance with policy QD27.
- 8.26 **Sustainability:**
Limited information has been submitted relating to sustainability and no energy assessment has been submitted with the application. The Sustainability Checklist states that the proposal will meet BREEAM 'very good'. To accord with the policy CP8 major commercial developments are expected to meet BREEAM 'excellent'.
- 8.27 No justification for a lower BREEAM rating has been submitted. Furthermore, there does not appear to be any site specific or design constraints which would preclude the development from meeting BREEAM 'excellent'. As such conditions are recommended to ensure the scheme achieves BREEAM 'excellent' and also that an Energy Assessment and Statement are submitted to ensure compliance with policy CP8.
- 8.28 **Sustainable Transport**
The development aims to meet travel demand via promotion of sustainable modes. The proposal is sited close to Hove station, is well served by local bus routes and would provide comprehensive cycle parking, on site showers and travel plan measures. The existing car park would be replaced by a development with two parking spaces which would be allocated for disabled users. This level of parking provision is considered to be acceptable in accordance with SPD14. Whilst the surrounding streets are within Controlled Parking Zones (CPZ) it is noted that the northwest boundary of the CPZ is located only approximately 180m away. The applicant has submitted a parking survey which indicates that there would not be any significant overspill parking to the north outside the CPZ. Whilst the Sustainable Transport Team have highlighted some deficiencies within the survey, subject to the conditioning of sufficient Travel Plan measures it is not considered that any overspill parking would be so significant as to warrant the refusal of the application.
- 8.29 A sustainable transport contribution is requested that would be allocated towards footway, cycle and public realm improvements on the route between the site and local facilities including, but not limited to, Hove Station. This is to provide for the needs of those accessing the development on foot, bicycle and by public transport in accordance with Brighton & Hove City Plan policies CP7, CP9 and DA6.
- 8.30 Further conditions are proposed relating to cycle parking, disabled parking and the reinstatement of redundant vehicular crossings.
- 8.31 Overall the proposal is considered to have an acceptable highways impact and is supported by the Sustainable Transport Team.

- 9. EQUALITIES**
9.1 None identified.

ITEM G

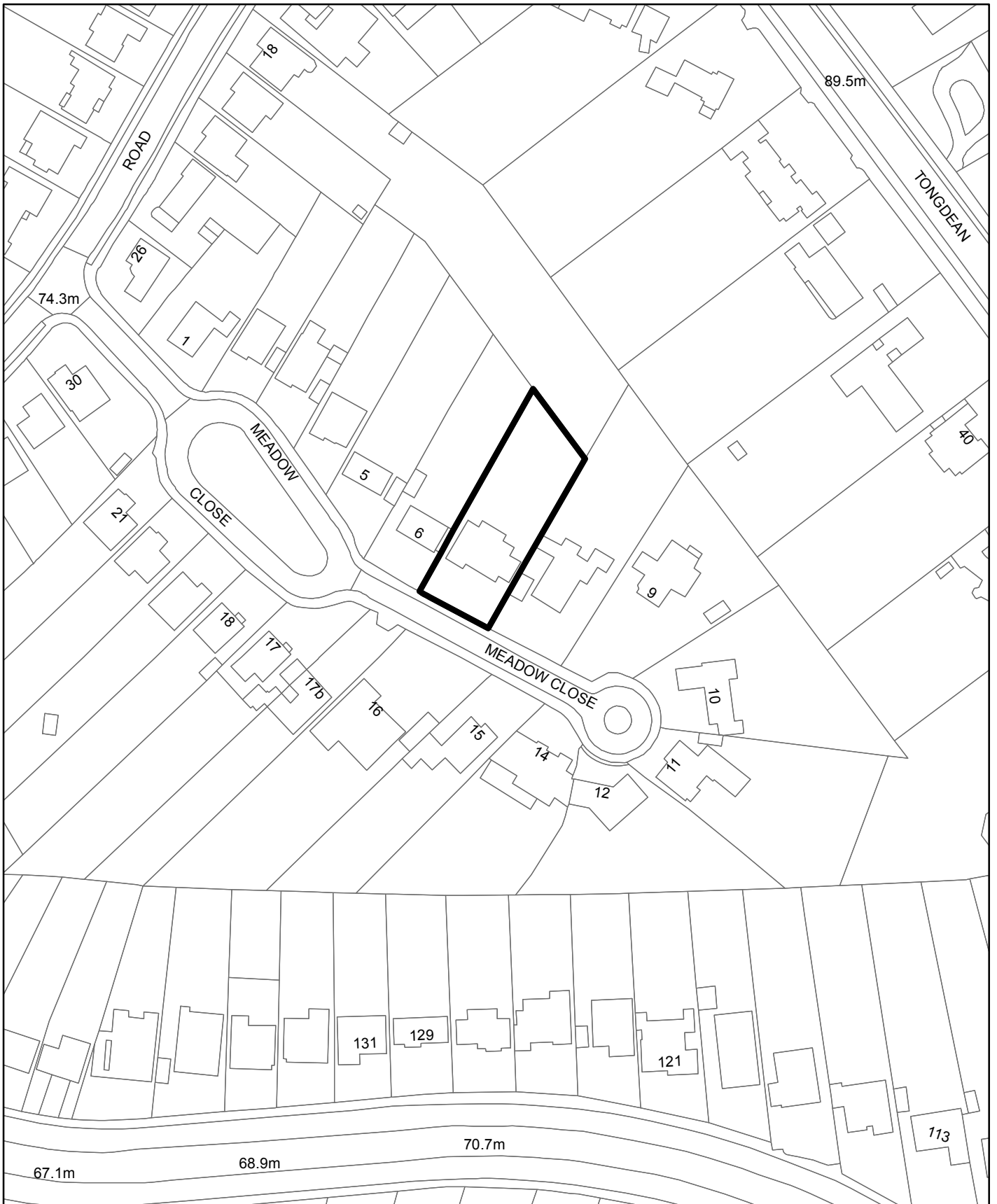
7 Meadow Close, Hove

BH2017/00767

Householder Planning Consent

DATE OF COMMITTEE: 13 September 2017

BH2017/00767 7 Meadow Close, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00767	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	7 Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Erection of additional storey with associated alterations and single storey rear extension.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	03.03.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28.04.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	RSP Architects Ltd	1 Westbourne Grove	Westbourne Gardens Hove BN3 5PJ
<u>Applicant:</u>	Mr Saaid Abdulkhani	7 Meadow Close	Hove BN3 6QQ

This application was deferred at the last Committee on 9th August 2017 for a site visit.

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	-	-	3 March 2017
Block Plan	-	-	3 March 2017
Elevations Proposed	03	B	5 June 2017
Floor plans/elevations/sect proposed	02	A	5 June 2017

- 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 of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) Samples of the proposed window, door and balustrade treatments
- c) Samples of all other materials to be used externally

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

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply 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 relates to a detached bungalow on the east side of Meadow Close.
- 2.2 Planning permission is sought for an additional storey to the bungalow and single storey side and rear extensions.

3. RELEVANT HISTORY

- 3.1 **BH2015/02792** Demolition of existing three bedroom chalet bungalow and erection of 1no five bedroom house. Refused 30/11/2015 for the following reasons:
 - 3.2. The proposed dwelling by virtue of its number of storeys, its height, width, depth, bulk, scale and form including roof form, would appear as an overly prominent and intrusive addition to the streetscene, relating poorly to the prevailing scale and character of properties in the locality. As such, the proposed development would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
 - 3.3 The proposed dwelling by virtue of its height, scale, bulk, rearward projection and proximity to the shared boundary with no. 6 Meadow Close would have an overbearing impact on this neighbouring property resulting in significantly harmful overshadowing, loss of outlook and increased sense of enclosure. Moreover, the proposed upper floor windows would result in harmful levels of

overlooking and loss of privacy to the rear gardens of nos. 6 and 8 Meadow Close and the proposed roof terrace would provide similarly harmful views towards a bedroom window at no. 8 Meadow Close. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

4.1 Thirty-three (33) representations have been received objecting to the proposed development for the following reasons:

- Overshadowing.
- Loss of light.
- Overlooking.
- Loss of outlook.
- Increased sense of enclosure.
- Overdevelopment of the site. The building would be inappropriate in terms of its height, width, depth, bulk, scale and form.
- The building would be higher than the adjacent houses.
- The building would appear unduly prominent.
- The proposals would be out of character and have a harmful impact on the streetscene.
- The house would appear too modern and out of character.
- The submission doesn't mention nearby trees and shrubs.
- The building would be higher than shown on the submitted plans.

4.2 A petition has been received from 8 Meadow Close and 16 other respondents objecting to the proposed development for the following reasons:

- The scale and height of the proposed development.
- The visual impact at street level.
- The precedent for future development within the Close.

5. CONSULTATIONS

5.1 None 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);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the recipient property and the wider streetscene, and the impact on the amenity of occupiers of neighbouring properties.

8.2 **Background:**

BH2015/02792 proposed the demolition of the property and the construction of a five bedroom house. The proposed house had three storeys over basement, with a flat roof and single storey elements to the side and rear. The multi-storey part of the house occupied the same footprint as the bungalow. The scheme was refused due to concerns relating to design and impact on neighbour amenity.

8.3 The current scheme proposes the remodelling of the bungalow to a two storey house with a pitched roof. A single storey extension is proposed to the rear to a depth of 4m, which is the depth to which an extension could be constructed under permitted development. The main differences between the refused and the current application are that; the proposal is now for a remodelling rather than a new build house, the proposal does not have a second storey or basement level, and there is a reduction in bulk and height towards the rear due to the use of a pitched rather than flat roof. The overall design and form is more in keeping with the character of two storey houses within the Close.

8.4 **Character and appearance:**

Meadow Close comprises a mix of detached bungalows and two storey houses with pitched roofs. As such, the proposal for the remodelling of the bungalow to a two storey house is acceptable in principle. The hipped roofs within the street create a sense of openness and space between dwellings at roof level and it is welcome that the additional storey would feature this roof form. The proposed dwelling would stand approximately 0.7m higher than adjacent properties, although it is noted that the site is at an elevated position to its neighbours, and as such the overall height is not considered excessive. Moreover, the overall height increase to the ridge would be limited to 1m due to the deeper slope of the bungalow's roof. It is acknowledged that the existing bungalow occupies a larger width and footprint than the two storey properties in the vicinity, including no. 6 Meadow Close adjacent. Notwithstanding this, it is considered that the overall bulk and scale of the resultant dwelling would not result in an unduly prominent building, to an extent which would significantly detract from the character and appearance of the streetscene.

- 8.5 The proposal involves a large coverage of glazing to the front elevation, and would lend the property a contemporary appearance. This approach is considered acceptable, and would not significantly detract from the character of the locality. The development would utilise brick and render elevations, and a slate roof. These materials would be compatible with the character of the locality. The frame material for the proposed windows has been specified as metal or UPVC. Neither of these would be unacceptable in principle although further detail would be required. Samples of the external materials shall be secured by condition to ensure a satisfactory appearance to the development.
- 8.6 The proposed side extension would enlarge the attached side garage by extending it further rearwards. To the rear, a full width single storey extension is proposed to a depth of 4.0m. Both of these extensions are appropriately subservient and sympathetic additions in terms of their scale and form.
- 8.7 The proposed development is considered to address the design concerns raised for BH2015/02792. The removal of the basement and third floor levels and the use of a traditional pitched roof means that the scale, form and bulk would be more in keeping with the character of the Close.
- 8.8 **Impact on Amenity:**
The properties most affected by the proposed development would be the adjacent properties at nos. 6 and 8 Meadow Close.
- 8.9 The proposed development would be at a single storey adjacent the shared boundary with no. 8 Meadow Close to the south. There are ground floor windows to the rear part of this building although these are set sufficiently away from the additional height and bulk of the development to avoid harmful overshadowing, loss of outlook or increased sense of enclosure. At roof level, no. 8 Meadow Close features a window serving a bedroom to the gable end. This window is secondary to the dormer window to the front elevation, and any overshadowing would not represent significant harm.

- 8.10 No. 6 Meadow Close has previously been extended with a two storey rear extension which means that the rear elevation of this neighbouring property sits marginally further back in the site than the bungalow at no. 7. The impact of the remodelling, therefore, is limited to the side elevation windows of this neighbouring property which serves a bathroom (obscure glazed) and windows with a secondary function to windows/doors to the rear elevation. The impact on these windows in terms of overshadowing is considered acceptable given their nature. The proposed single storey extension would protrude 4m beyond the rear elevation. To the rear elevation of no. 6 Meadow Close are the primary fenestration serving the ground floor living space. It is noted that the ground floor level of no. 6 is lower than that of the application site although there is high planting on the shared boundary. It is also noted that both properties are set away from the boundary. For these reasons the proposed development would not cause significantly harmful overshadowing, loss of outlook or increased sense of enclosure beyond the existing arrangement.
- 8.11 Overall, the reduction in the bulk and height of the proposal to that deemed unacceptable under BH2015/02792 is considered to address the concerns regarding the impact on occupiers of no. 6 Meadow Close in terms of overshadowing and increased sense of enclosure. The removal of the third floor level and roof terraces as previously proposed addresses concerns which related to overlooking of neighbouring properties and gardens.

9. EQUALITIES

- 9.1 No issues identified.

ITEM H

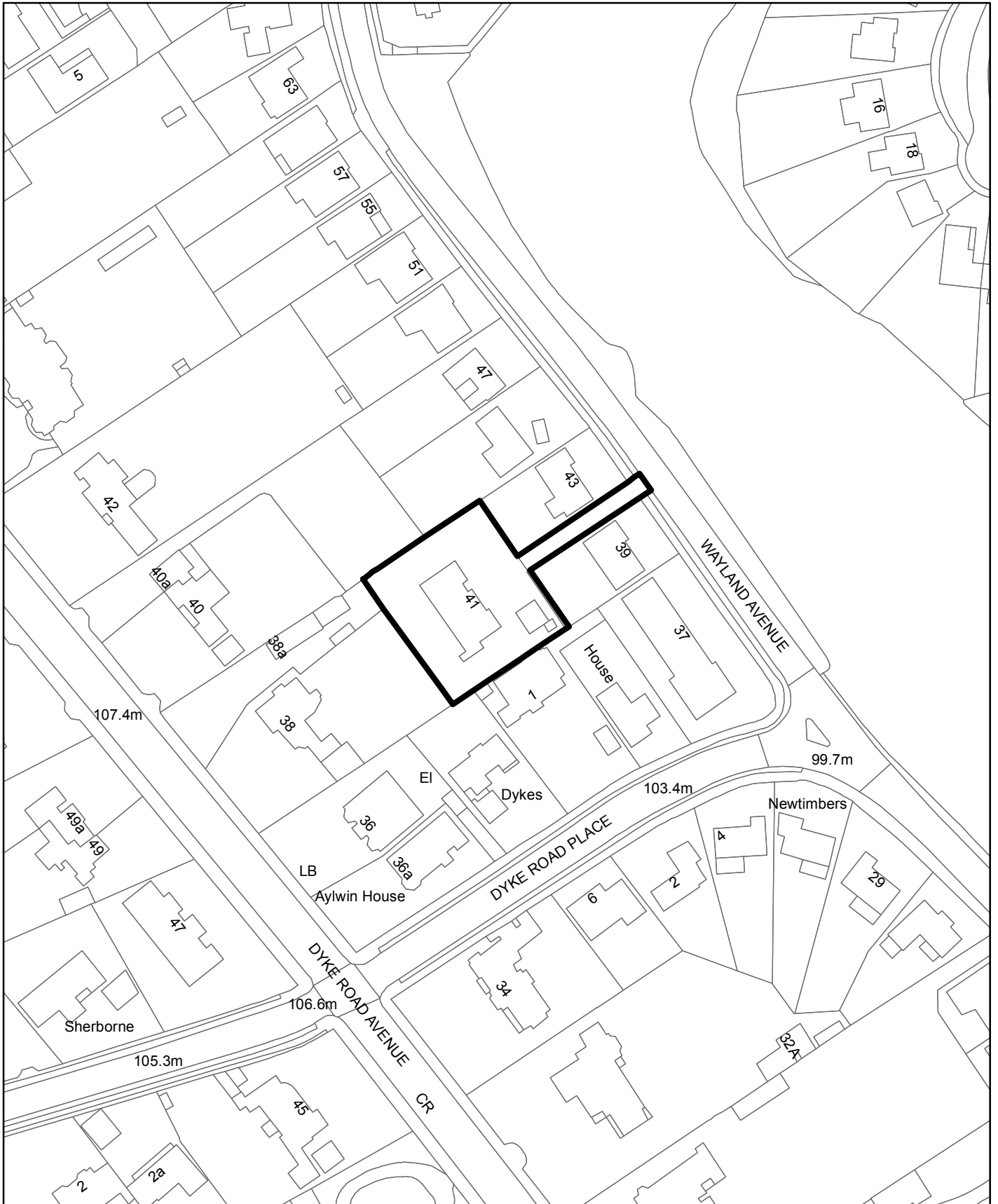
**Wayland Paddock, 41 Wayland Ave,
Brighton**

BH2017/00284

Householder Planning Consent

DATE OF COMMITTEE: 13 September 2017

BH2017/00284 Wayland Paddock, 41 Wayland Avenue, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00284	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Wayland Paddock 41 Wayland Avenue Brighton		
<u>Proposal:</u>	Remodelling and extensions to dwelling including associated works.		
<u>Officer:</u>	Colm McKee, tel: 292549	<u>Valid Date:</u>	26.01.2017
<u>Con Area:</u>	Adjoining Tongdean	<u>Expiry Date:</u>	23.03.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Andy Parsons Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Mr Christian Pursur Wayland Paddock 41 Wayland Avenue Brighton BN1 5JL		

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	YO-214/0001	-	26 January 2017
Elevations Proposed	YO-214/2001 (EAST AND WEST)	-	26 January 2017
Elevations Proposed	YO-214/2002 (NORTH AND SOUTH)	-	26 January 2017
Sections Proposed	YO-214/2000 (AA AND BB)	-	26 January 2017
Roof Plan Proposed	YO-214/1201	B - AMENDED	24 August 2017
Floor Plans Proposed	YO-214/1200	B - AMENDED	24 August 2017

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 level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window, door and balcony treatments
 - e) Samples of all other materials to be used externally

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

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

4. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, a scheme for landscaping and compensatory planting shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all hard and soft surfacing;
 - b) Details of all boundary treatments;
 - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

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

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton and 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 site is 'Wayland Paddock', 41 Wayland Avenue. The site is accessed off Wayland Avenue, via a laneway between nos 39 and 43, to the east. There is an existing bungalow on the site.
- 2.2 The site is surrounded to all sides by residential units. To the south is 1 Dyke Road Place, to the south west is Cross Dykes. To the west is 38 and 38a Dyke Road Avenue. To the north east is 45 Wayland Avenue, and to the northwest is 40 Dyke Road Avenue.
- 2.3 The site is on the periphery off, but not within the Tongdean Conservation Area. The conservation area boundary is directly along the west of the application site.
- 2.4 The application is for the remodelling and extensions to the existing dwelling including associated works. The dwelling is proposed to be remodelled to include a flat roof, alterations to the fenestration and detached double garage. The property would also be extended to the rear (north west corner) and the side (south) face.
- 2.5 It is noted there is an extant permission for external alterations including the installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works.
- 2.6 The extant approved design is largely similar to the current proposal with the main difference being that the approved scheme does not contain the side and rear extensions, which are proposed in the current scheme.
- 2.7 The proposed extensions are detailed as follows:
- 2.8 **Single storey side extension**
The proposed additional single-storey side extension would set to the south elevation and would create extra habitable space. The submitted floor plan details that the area would be used as two bedrooms (the master bedroom includes an ensuite and dressing room) and an office space.

2.9 **Single storey rear extension**

This extension essentially seeks to extend the living/dining room area of the existing dwellinghouse. The submitted plans indicate the single-storey rear extension would be finished with rotating doors, which would provide access to a pool/decking area.

2.10 Initially, the application proposed to remove all of the trees from the site, and additional landscaping / planting was proposed.

2.11 During the processing of the application and following an objection from Arboriculture, the agent submitted an amended plan proposing to retain some of the existing trees on the site.

3. **RELEVANT HISTORY**

BH2016/02765: External alterations including removal of existing roof and installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works. Approved (23.09.2016).

BH2014/04068: Application to vary condition 2 of application **BH2012/00935** (Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with detached garages) to substitute new drawings for those previously approved in order to provide details of the proposed heights and ground levels of the development in relation to the neighbouring properties, and to remove condition 14 (approval of existing and proposed levels). Approved (07.04.2015).

BH2014/03036: Application for Approval of Details Reserved by Condition 14 of application **BH2012/00935**. Refused (26.11.2014).

BH2012/00935: Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with detached garages. Approved (03.07.2012).

BH2011/01738: Demolition of existing bungalow and erection of 2no 5 bed detached dwelling houses with detached garages. Refused (17.08.2011) Appeal Dismissed (18.01.2012).

BH2010/03115: Demolition of existing bungalow and erection of 2no 5 bed detached dwelling houses with detached garages. Refused (24.02.2011).

BH2008/02908: Outline application for demolition of existing house and proposed development for 3 no. three bedroom houses. Refused (26.01.2009).

BH2006/01047: Outline application for 4 No. new houses on site of existing bungalow. Refused (16.06.2006).

4. **REPRESENTATIONS**

- 4.1 A total of 5 letters have been received objecting to the proposed development on the following grounds:
- Loss of light.
 - Amenity impact
 - Design grounds
 - The lack of retention of landscaping in the current proposal would result in a more visually prominent development and related privacy impacts
- 4.2 One (1) letter has been received supporting the proposed development. The reason stated for supporting the application is summarised as follows:
- 4.3 The proposal is less intrusive as compared to applications previously approved on the site.
- 4.4 Councillors Nick Taylor, Ken Norman and Ann Norman object to the application, copies of the letters are attached.

5. CONSULTATIONS

- 5.1 **Arboriculture:** Initial Comment - Refuse:
Due to the substantial increase in the building footprint and the loss of trees and shrubs to the plot the Arboriculture Team recommend that consent is refused to this application.
- 5.2 Further Comment - Support:
Following the submission of the amended plans, Arboriculture have confirmed they are content with conditions in relation to additional planting and tree protection.

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
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
HO5 Provision of private amenity space in residential development
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider streetscene (including conservation area) and the amenities of adjacent occupiers. In addition the impact on the trees must be given due consideration.
- 8.2 It is noted this current application follows on from a previous approval for: 'External alterations including removal of existing roof and installation of new flat roof, alterations to fenestration, demolition of existing garage and erection of detached double garage and associated works' (BH2016/02765), granted in September 2016.
- 8.3 **Amenity**
The difference in the extant permission and the current proposal must be given due consideration. As noted previously the current proposal has two distinct additions as compared to the extant permission. These are:
- **Single storey side extension**
 - **Single storey rear extension**
- 8.4 As the current application would result in a building with a larger footprint, closer to the neighbouring properties, due consideration must be given to any potential resultant detrimental amenity impacts on the neighbouring properties, as compared with the existing permission.

- 8.5 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.
- 8.6 The two additional extensions are considered individually as follows:
- 8.7 **Single-Storey Side Extension:**
The most notable difference between the extant permission and the current proposal is the addition of the side extension and as such due consideration must be given to any resultant impacts on the amenity of adjoining properties.
- 8.8 The proposed extension would extend approximately 6.2m towards the southern boundary, shared with 1 Dyke Road Place. Whilst this would see the footprint of the building move closer towards the shared boundary, it is noted a 2.40m distance would still be maintained between the proposed side extension and the shared boundary, with a total building to building distance being 3.68m.
- 8.9 The letters of objection highlight the concern regarding this extension in relation to the boundary and the potential resultant impacts on daylighting and privacy - specifically the windows facing the site on no.1 Dyke Road Place.
- 8.10 The windows that would be in proximity to the proposed extended end of the dwelling are 2no ground floor kitchen windows, a landing window and bathroom window.
- 8.11 There are no concerns regarding the landing and bathroom window as these are not habitable rooms. Further, the bathroom window has obscure glazing and is screened by the boundary treatment.
- 8.12 Turning to the kitchen windows, at present the kitchen windows on this side of the dwelling face onto a boundary wall. The wall has a split height – one section is 1.9m and the other 1.65m (approximate). The 1.65m section has some trellising of height approximately 0.35m. There is also some planting on the 1.9m section of the wall.
- 8.13 When viewed internally from the kitchen of (no.1 Dyke Road Place), the outlook is largely restricted by the boundary screening of the wall, trellising and planting. It is acknowledged that undoubtedly the proposal would be visible from the kitchen, and to that extent could be considered to have negative impact on the outlook, however, the impact would not be significant enough to warrant a refusal of the application. It is also noted there is an additional southern aspect kitchen window that would not be impacted by the development.
- 8.14 In order to demonstrate there would not be a significant impact on the neighbouring property, the agent has provided a survey drawing applying the '25 degree rule'. This is a standard test applied where there is a window

opposite the development or extension. The centre of the lowest habitable room window should be used as the reference point for the test. If the whole of the proposed development falls beneath a line drawn at 25 degree from the horizontal, then there is unlikely to be a substantial effect on daylight and sunlight. If the proposed development goes above the 25 degree line, it does not automatically follow that daylight and sunlight levels will be below standard. However, it does mean that further checks on daylight and sunlight will normally be required.

- 8.15 In this instance, the proposed development falls beneath the 25 degree line and as such it is unlikely that there will be an effect on daylight or sunlight to the kitchen.
- 8.16 It is noted that the roofline on the section adjacent to the neighbouring windows has been indented, which would limit the potential impact on the neighbouring property and as such this design feature is welcomed.
- 8.17 Due to the screening and ground levels, there are not any privacy concerns. There would not be any direct window to window views between the properties and the garden of the application site would be well screened by the boundary treatments.
- 8.18 Regarding overshadowing and direct sunlight, due to the orientation of the sun, there would not be any impacts caused by the proposed remodelling. Furthermore, the proposed single-storey side extension would have a maximum height of approximately 3.7m, which is therefore considered acceptable in scale and relationship to the shared boundary.
- 8.19 **Single-Storey Rear Extension :**
Due to its location within the plot, this extension would not result in any amenity impacts on the neighbouring dwellings.
- 8.20 On balance, and accepting there may be a modest impact on the outlook from the kitchen of the adjacent property to the south, this is not significant enough to warrant a refusal. Considering the existing situation (boundary treatments) and the additional 25 degree assessment, there are no objections to these elements of the proposal.
- 8.21 **Design and Appearance:**
The style of the current scheme matches that of the extant permission. The contemporary style has previously been accepted and continues to be supported.
- 8.22 In terms of design, the overall scheme is considered suitable and it would not harm the building or that of the wider area, in accordance with policy QD14 and SPD12 Guidance.
- 8.23 **Impact on the setting of the Conservation Area:**
As noted previously, the site is adjacent the Tongdean Conservation Area. The site is screened from the public domain and the proposal would not have

a negative impact on the setting of the Conservation Area. Further, although contemporary, the design is considered appropriate and is considered an improvement to the existing dwelling which is lacking in architectural merit.

8.24 Arboriculture:

Initially, Arboriculture objected to the proposal due to the substantial increase in the building footprint and the loss of trees and shrubs on the plot. Following the submission of an amended landscaping scheme, the objection has been removed subject to conditions in relation to additional planting and protection of trees within and adjacent the site.

9. EQUALITIES

9.1 None identified.

COUNCILLOR REPRESENTATION

Dear Ms Gillam,

Re. Application number: BH2017/00284, Wayland Paddock, 41, Wayland Avenue, Brighton

We are writing on behalf of Withdean residents who live adjacent to the application site to oppose the Planning Application as detailed above. We have visited the application site as well as neighbouring properties and do not consider that this application complies with various aspects of the Brighton and Hove Local Plan 2005 as listed below.

QD1: Design – Quality of development and design statements

a) Scale and height of development

QD2: Design – key principles for neighbourhoods

a) Height, scale, bulk and design of existing buildings

QD27: Protection of amenity

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 or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

We note the very close proximity of the south eastern end of the proposed development to the neighbouring property 1 Dyke Road Place and that the height and width of the development will have a severe impact on the amenity and light on all lower level windows on the rear elevation of 1 Dyke Road Place. We do not believe that the portion of the roof line being brought back in line with the wall will make any significant effect on the available light that will be available to the kitchen/living space of 1 Dyke Road Place. Also, the whole length of that end of the proposed development will be almost as high as the current ridge line of 41 Wayland Avenue therefore reducing even more the available light to 1 Dyke Road Place. We also have serious reservations regarding the external finish which is to be grey which will further reduce available light to the neighbouring property.

We request that a copy of this letter be included on the agenda for the appropriate meeting of the Planning Committee and should you be minded to recommend approval we ask that the decision be taken by members of the full Planning Committee.

Yours sincerely

Councillor Ken Norman

Councillor Ann Norman

17th February 2017

Dear Ms Hobden,

RE: BH2017/00284 Wayland Paddock, 41 Wayland Avenue

I wish to object to the above planning application in Withdean ward.

Having studied the plans carefully I am very concerned about the impact this development would have on neighbouring properties particularly for 1 Dyke Road Place. The proposed South Elevation comes to within three feet of the boundary with the existing property of 1 Dyke Road Place no more than a few feet to the boundary wall. The proximity of this I believe will cause a significant loss of amenity under QD27 of the Local Plan.

I would also like to point out that the window in the plans will also cause significantly overlooking onto this property. It is not clear to me whether this will be glazed to obscure overlooking which again would cause loss of amenity.

The proposed depth of the extension will also extend for the length of windows with the boundary with 1 Dyke Road Place causing a very likely loss of daylight which I believe will be considerable and unbearable.

I also feel that the building materials does not match the characteristics of the neighbourhood which I believe conflicts with QD 14 of the Local Plan.

Lastly I would also ask the if the officer recommendation is to grant or minded to grant that this matter be referred to full planning committee for consideration.

Yours sincerely,



Cllr. Nick Taylor
Conservative Councillor for Withdean

ITEM I

1 Denmark Road, Portslade

BH2017/01818

Full Planning

DATE OF COMMITTEE: 13 September 2017

<u>No:</u>	BH2017/01818	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Denmark Road Portslade BN41 1GJ		
<u>Proposal:</u>	Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking.		
<u>Officer:</u>	Charlotte Bush,	tel:	<u>Valid Date:</u> 26.05.2017
	292193		
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Liam Russell Architects Ltd 24 Windlesham Road Brighton BN1 3AG		
<u>Applicant:</u>	Mr & Mrs Colin and Marilyn Redshaw C/O Liam Russell Architects Ltd 24 Windlesham Road Brighton BN1 3AG		

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	001	A	26 May 2017
Floor Plans Proposed	010	B	25 July 2017
Floor Plans Proposed	011	B	25 July 2017
Floor Plans Proposed	012	C	25 July 2017
Elevations Proposed	020	B	25 July 2017
Elevations and sections proposed	021	B	25 July 2017
Elevations Proposed	030	B	25 July 2017

- 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 level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to

and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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

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

4 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 desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011 +A 1 :2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
- b) And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
- c) 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 +A 1 :2013;
- d) 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,
- e) 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.

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.

5 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 (4)c that any remediation scheme required and approved under the provisions of condition (4)c 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

- 6 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, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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.

- 7 The residential unit hereby approved shall not 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.

- 8 The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

- 9 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.

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

- a) Details of all hard surfacing;
- b) Details of all boundary treatments;
- c) Details of any proposed trees, including number and species and planting method of any trees
- d) Details of the green roof

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.

- 11 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 and CP11 of the Brighton & Hove City Plan Part One.

- 12 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse 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 further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply 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. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. 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.
The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located within a predominantly residential area and is adjacent to an existing two storey end of terraced house known as 1 Denmark Road. The plot originally had a garage but this was demolished some years ago and this area is

now overgrown. The rear garden of 1 Denmark Road is separated from this land with a low level fence.

- 2.2 To the front of this plot is one off street parking space and dropped kerb, a remnant from the original garage. This parking area is separated from the rear portion of the plot by a 1.8 metre high fence.
- 2.3 On the north boundary of the site are two garages serving 40 Vale Road and have a frontage onto Denmark Road. To their rear are the rear gardens of 36 and 38 Vale Road. To the east of the site are the rear gardens of 9, 11 and 13 Norway Street. To the west on the opposite side of the road, are 2 and 3 storey flats with garden area to the front.

3. RELEVANT HISTORY

BH2016/06290 - Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking. Refused 31 March 2017.

Reason for refusal:

1. The proposal by virtue of its materials and form would appear as an incongruous feature on the streetscene and as viewed from many surrounding properties, particularly 38 and 40 Vale Road. The flat-roofed first and second storey projections would be dominant features to the rear and cause harm to the largely unaltered character and appearance of the terrace and surrounding area. Due to the large footprint of the proposal and siting within the irregularly shaped site the current openness would be lost and a cramped form of development would result. The proposal is therefore contrary to policy CP12 of City Plan Part One.

BH2010/01114 - Construction of two storey dwelling. Appeal Dismissed 6 May 2011. The proposed dwelling was considered to form an inappropriate addition at the end of the row of terraced properties due to its stepped appearance and the limited size of the site. The scheme was also considered to be overdevelopment of the site.

BH2008/00583 - Two storey side extension and conversion to form 2 no. 2 bedroom flats. Refused 28 April 2008

4. REPRESENTATIONS

- 4.1 **Five (5)** letters have been received, objecting to the proposed development for the following reasons:

- The 2 storey house with room in the loft will overpower the neighbouring property and garden, and is inches away from the boarder.
- The extension would have a severe detrimental effect on daylight and sun into the garden and windows of the neighbouring properties, and will increased overlooking and loss of outlook.
- The proposed development is an out of character dwelling for the area and would have a negative effect on 8 neighbouring properties.

- The plans might have been slightly altered but that does not change the fact that this plot/area is the most unsuitable small space to build on.
- In the area around Norway Street every available piece of land is being built on making it very densely populated.
- There is great difficulty parking and although this house will have one parking space there will be visitors, and most people seem to have 2 cars to a household these days, which will add to the lack of parking.

4.2 **Councillor Alan Robins** objects to the application, a copy of the letter is attached.

4.3 **Four (4)** additional letters of objection have been received in response to re-consultation of revised plans received on the 25/07/2017.

- The proposed development is too close to other nearby properties.
- Reduced light, outlook, privacy and increased overlooking and overshadowing.
- The plot is too small
- Existing parking problems will be exacerbated
- Similar applications have already been refused. Resubmission is leading to anxiety for near-by residents.
- Residents already suffer from additional noise disturbance from the recent development on Norway Street. Noise tends to travel between the gardens, which is very bothersome. An increased population would further increase noise.

5. CONSULTATIONS

5.1 **Environmental Health:** No objection

The potential former uses in the locality may have had the potential to cause localised contamination. A closed landfill exists at approximately 23metres to the West. This had waste deposited between 1940 and 1960, some of which was known to be putrescible waste, and the site does not have any active gas control mechanism.

5.2 We note consistent laundry uses to the South East boundary which are apparent in contemporary trade directories from 1902 through to 1974. As such, we are satisfied our concerns may be overcome through the application of a phased condition to address potential land contamination. This must include an assessment for landfill gases.

5.3 **Sustainable Transport:** No objection

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

5.4 Two cycle parking spaces in their supporting evidence. However there is a lack of detail therefore cycle parking is requested by condition.

5.5 The applicant is not proposing any changes to the existing vehicle access arrangements onto the adopted (public) highway which is deemed acceptable.

However the proposed hardstanding material must be altered from concrete to a permeable and/or porous material and levels leading surface water away from the frontage or positive surface water drainage along the frontage to minimise run-off onto the adopted (public) highway.

- 5.6 The applicant is proposing 1 car parking space which is deemed acceptable. However, the intention to retain motorcycle parking may make the hardstanding cramped. The site is outside of a controlled parking zone so there is free on-street parking available.

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);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP19 Housing mix

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

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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impacts of the proposed development upon the visual amenities of the Denmark Road streetscene and the wider area, the living conditions for future occupiers, and the impact upon the amenities of the neighbouring properties.
- 8.2 **Principle of Development:**
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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Given the policy context and the fact that the site is within an established residential area, the principle of a dwelling in this location is acceptable.
- 8.4 **Design and Appearance:**
Brighton & Hove City Plan Policy CP12 and Local Plan policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies CP12, CP14 and QD5 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.5 The proposal is for a two storey house which would be attached to the existing terrace forming 1-6 Denmark Road. This current application is a revision of planning application BH2016/06290 which was refused on the 31st March 2017, primarily due to a first floor rear projection and rear metal-clad dormer which were considered inappropriate in this setting.
- 8.6 The plans for the current application initially retained the first floor projection and rear dormer, but these have been removed during the lifetime of this application.

- 8.7 The overall plot measures 137m² and is narrower at the front, measuring 4.2m increasing to 10m at the rear.. The constraints of the site are such that the proposed dwelling would be set back from the existing building line 1-6 Denmark Road. However, this would have the benefit of allowing off street parking for one car at the front of the proposed dwelling. The house would increase in width as it extends back into the plot, but the front elevation would be of a similar width as other houses in the terrace when viewed from the street.
- 8.8 The front elevation of the proposed development would be finished in grey brick, painted render, and clay roof tiles to match the adjoining property, and will feature an overhang to allow undercroft parking as well as a single front facing roof light. There is no objection in principle to the appearance of the proposed front elevation.
- 8.9 The rear elevation would feature a single storey flat roofed rear projection measuring 2.8m high with an eaves height of 2.6m and extending 3.7m from the proposed main rear building line. The projection would feature patio doors to the garden as well as a fixed-glazed corner window and other rear fenestration providing views into the garden.
- 8.10 The first floor rear building line would correspond with the rear building line of the adjoining property. Two roof lights would be provided at second floor level. The rear elevation would be finished in grey brick, painted render and roof tiles to match the adjoining property. A brick built cycle storage will be built to the side of the proposed development and would be accessed via a side path leading to a rear raised terrace and garden area. The side elevation would predominantly be finished in render with some brick detail at ground floor level; there are no first floor side windows proposed.
- 8.11 The overall appearance of the proposed dwelling is considered acceptable. The dimensions are appropriate in terms of the size of the plot and the near-by properties. The overall design is broadly similar to the adjoining properties, but the use of a grey colour palette provides a complementary contrast to the existing buildings and highlights it as a new building on the streetscene.
- 8.12 It is therefore considered that the previous concerns raised in applications **BH2016/06290** and **BH2010/01114** have been overcome.
- 8.13 **Standard of Accommodation**
The internal layout would comprise an entrance hallway, study/bedroom, W.C, and open plan kitchen/dining room/lounge. The first floor layout would comprise one double bedroom measuring 11m² and a single bedroom measuring 7.5m², storage, a family bathroom and staircase leading up to a bedroom in the attic space. The attic room would likely have restricted head room. The floor space with headroom above 1.5m has not been illustrated on the plans, but has been calculated using sectional drawing as approximately 10m².
- 8.14 Although the master bedroom is marginally smaller than the preferred 11.5m², it is considered that the overall space provided by the proposed development is good and the layout makes the best of the limited space. It is therefore

considered that the slightly smaller than ideal master bedroom would not warrant the refusal of this application.

- 8.15 Policy HO5 requires suitable external amenity space to be provided for new residential development. The private amenity space is located at the rear of the property and measures approximately 55m². There would also be separate space for cycle storage facilities. This level of private amenity space is considered acceptable for a house this size.
- 8.16 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17 It is noted that the rear projections on the Norway Street properties that face the application site are blank walls without any windows, so the only outlook that would be affected is from windows on the main rear elevation, which are situated over 28 metres away from the first floor windows of the proposed development. Additionally, there are trees/hedges within the gardens of Norway Street which further limit outlook from these properties into the application site. It is therefore considered that there would be no impact on the outlook and privacy at ground floor and extremely minimal impact at first floor of 7-11 Norway Street. Given the position/orientation of the proposed dwelling, there would be no restriction on sunlight into habitable rooms within these properties.
- 8.18 The properties to the north, on Vale Road, will view the side elevation of the proposal. There are no proposed windows to the first floor side elevation of the new dwelling. Consequently, there will be no views into the rear garden or rear rooms of No 40, and only oblique views of the rear garden of 38 Vale Road. It would be possible to view the rear garden of No 36. However, the garden is already overlooked and the additional impact is therefore not considered significant. The rear windows of No.36 are situated over 16m away, and there is inevitably a degree of mutual overlooking from window openings at upper floor levels in this suburban area. As such the proposal would not result unacceptable views of neighbouring properties given their separation distance to the properties on Vale Road and Norway Street.
- 8.19 The proposed scheme would not result in a loss of outlook for 36 - 40 Vale Road as these properties already look over the flank wall of 1 Denmark Road. The side elevation of the new dwelling is closer to these properties on Vale Road but any increase in overshadowing would predominantly affect the garages to the rear of No.40, and to a lesser extent part of the rear garden of No 38. It is therefore considered that the limited increase in overshadowing does not warrant the refusal of this application.
- 8.20 The flats on the other side of the road are too distant to for the proposal to have any impact on their outlook or privacy or restriction on sunlight.

- 8.21 The occupants of 1 Denmark Road would overlook a 3m deep single storey rear projection, which is a form of development common to these situations, and isn't considered to have an adverse impact on these neighbours.
- 8.22 **Sustainable Transport:**
One off street parking space would be provided with the proposed scheme which is considered acceptable. The applicant is not proposing any changes to the existing vehicle access arrangements onto the adopted (public) highway which is again acceptable. The proposed hardstanding material will be altered from concrete to a permeable and/or porous material and levels must lead surface water away from the frontage. This will be secured by condition.
- 8.23 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal so the application is deemed acceptable. However it is likely that the additional dwelling will result in an increase in pedestrian and mobility and visually impaired trip generation.
- 8.24 **Sustainability:**
Policy CP8 of the Brighton & Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.
- 8.25 **Landscaping and biodiversity:**
The proposed development would be unlikely to have any significant impacts on biodiversity and there are no sites designated for their nature conservation interest that would likely be impacted by the proposed development.
- 8.26 However, the proposed landscaping and green roofs offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

9. EQUALITIES

- 9.1 None identified.

COUNCILLOR REPRESENTATION

Sent: 03 July 2017 13:12
To: Planning Comments
Subject: Planning Application BH2017/01818 - comment 1063912

Planning Application - BH2017/01818

Comment reference number: 1063912

I object to the Planning Application

Sender's details

Councillor Alan Robins

Comment

I would like this application to come to Committee, as I'm still worried it will overshadow properties in Vale Road and Norway Street

ITEM J

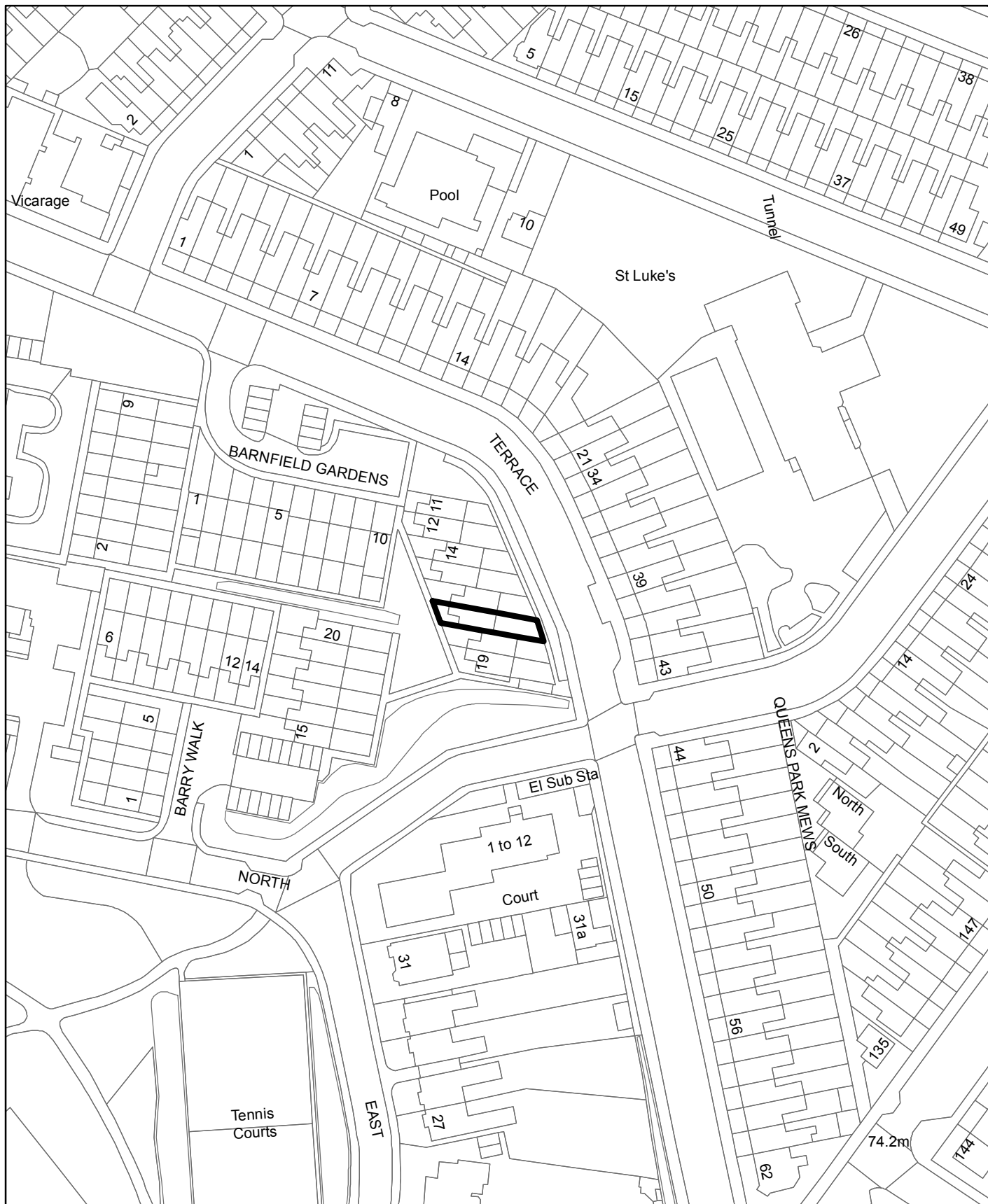
17 Barnfield Gardens, Brighton

BH2017/00128

Householder Planning Consent

DATE OF COMMITTEE: 13 September 2017

BH2017/00128 17 Barnfield Gardens, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00128	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	17 Barnfield Gardens Brighton BN2 0HQ		
<u>Proposal:</u>	Erection of part single part two storey rear extension with associated alterations		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	23.01.2017
<u>Con Area:</u>	(Adjacent to Queens Park)	<u>Expiry Date:</u>	20.03.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.09.2017
<u>Agent:</u>			
<u>Applicant:</u>	Mr & Mrs Albert Ginart 17 Barnfield Gardens Brighton BN2 0HQ		

Councillor Barford has requested this application is determined by the Planning Committee.

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			19 January 2017
Block Plan			19 January 2017
Other	DRAWING NO. 3096/1		19 January 2017

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of The Town and Country Planning Act 1990 as amended by Section 51 of The Planning and Compulsory Purchase Act 2004.
- 3 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the 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 The applicant's attention is drawn to particulars of the Party Wall Act 1996.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site lies on the west side of Queens Park Terrace and southeast of Barnfield Gardens communal car parking. The host building is a two-storey semi-detached/ linked dwellinghouse with brick walls and tile roof. To the north and south of the site are nos. 16 (the attached dwelling) and 18 (the linked dwelling) Barnfield Gardens; to the east of the site is an access footway and then a high retaining wall. There is shallow landscaped forecourt and an amenity garden to the rear. The site lies to the west of (though not within the boundary of) the Queens Park conservation area and the proposed extension would face towards this area.
- 2.2 Planning permission is being sought for a part single/part two storey rear extension. The single-storey section will have a flat roof, whilst the two-storey section has a pitched, tiled roof matching the style and materials of the host dwelling. The extension has a proposed depth of approximately 3 metres from the rear wall of the original dwellinghouse.

3. RELEVANT HISTORY

- 3.1 None

4. REPRESENTATION

- 4.1 Three letters have been received (from one address) objecting to the scheme on the following grounds:
- Loss of light to rear of property and subsequent effect on physical health
 - Anti-social behaviour and loss of the ability to monitor this
 - Out-of-character design
 - Damage to existing flint wall on boundary with Queens Park Road
 - Damage to existing foliage and green space
 - Site traffic causing congestion and loss of parking
 - Lack of space on site for building materials and tools

- 4.2 Councillor Karen Barford objects to the application, a copy of the letter is attached to the report.

5. CONSULTATIONS

5.1 Arboriculture: Support

The existing garden is quite small and currently supports a number of mixed shrubs plus a Torbay Palm and a very young Eucalyptus tree. These plants are of very limited amenity and their retention or otherwise should not be considered to be a material consideration when determining this application. Nothing of any public amenity value from an Arboricultural perspective will be lost to facilitate the development and therefore the Arboricultural Section has no objection to these proposals.

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);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to:

- Design and Appearance
- Impact on Amenity

8.2 Design and Appearance:

The proposed single storey element of the proposal would have a flat roof and is utilitarian in appearance. Although a pitch roof would better complement the host building, the current proposal is at the rear and is not highly visible from the streetscene given the sunken site topography in relation to Queens Park Terrace, as well as a 2m flint boundary wall. The only public highway from which the proposal will be visible is a public footpath running along the southern boundary of no.19 from Queens Park Terrace.

8.3 The proposed two storey element would have double-pitched roof, mimicking the main roof of the existing dwelling; the ridge height of the two storey element would be 0.3m lower than the ridge of the host building and the proposal would therefore be subservient to the existing dwelling.

8.4 The proposed extension would be: (i) attached to east/ rear wall and right against side boundary with no. 18 Barnfield Gardens (at both ground and first floors); (ii) right against side boundary with no. 16 Barnfield Gardens (at ground floor) and set-in from that side boundary with no. 16 by 1.8m (at first floor).

8.5 The proposal is considered to disrupt the uniformity of the rear of the terrace but considering the low visibility of the site from any public highway due to the historic flint wall on Queens Park Terrace as well as the staggered nature of the properties, it would not adversely impact on the adjacent conservation area and is considered acceptable on balance.

8.6 Impact on Amenity:

The only property likely to suffer an impact on amenity would be number 16. At ground floor, the proposal projects rearward by 3m along the common side boundary; and at first floor the proposal is set-in from the common side boundary by 1.8m and set against a higher and deeper flank wall of number 18.

8.7 It is considered that the proposal is modest in scale and would be unlikely to seriously affect residential amenities of no. 16 Barnfield Gardens in terms of loss of light, loss of outlook or loss of privacy, especially given the existing rear conservatory at number 16 extends to a similar depth as the proposal, and the two-storey addition would be seen in the context of a larger flank elevation behind.

8.8 The scale of the proposal would still leave remaining, a modest but usable amenity space to the rear of the subject curtilage.

9. EQUALITIES

9.1 None identified.

COUNCILLOR REPRESENTATION

From: Karen Barford
Sent: 08 February 2017 14:40
To: Planning Applications
Cc: Daniel Chapman

Subject: BH2017/00128 17 Barnfield Gardens Brighton BN2 0HQ
Planning Application: BH2017/00128 (17 Barnfield Gardens Brighton BN2 0HQ)

Dear Planning Application Team,

Should planning officers be minded to approve the above mentioned application, please can it be referred to planning committee for decision primarily due to overshadowing and loss of light to the attached property at no.16.

Many thanks

Karen

Councillor Karen Barford, Queen's Park Ward
Lead member for Adult Social Care
Brighton and Hove City Council

ITEM K

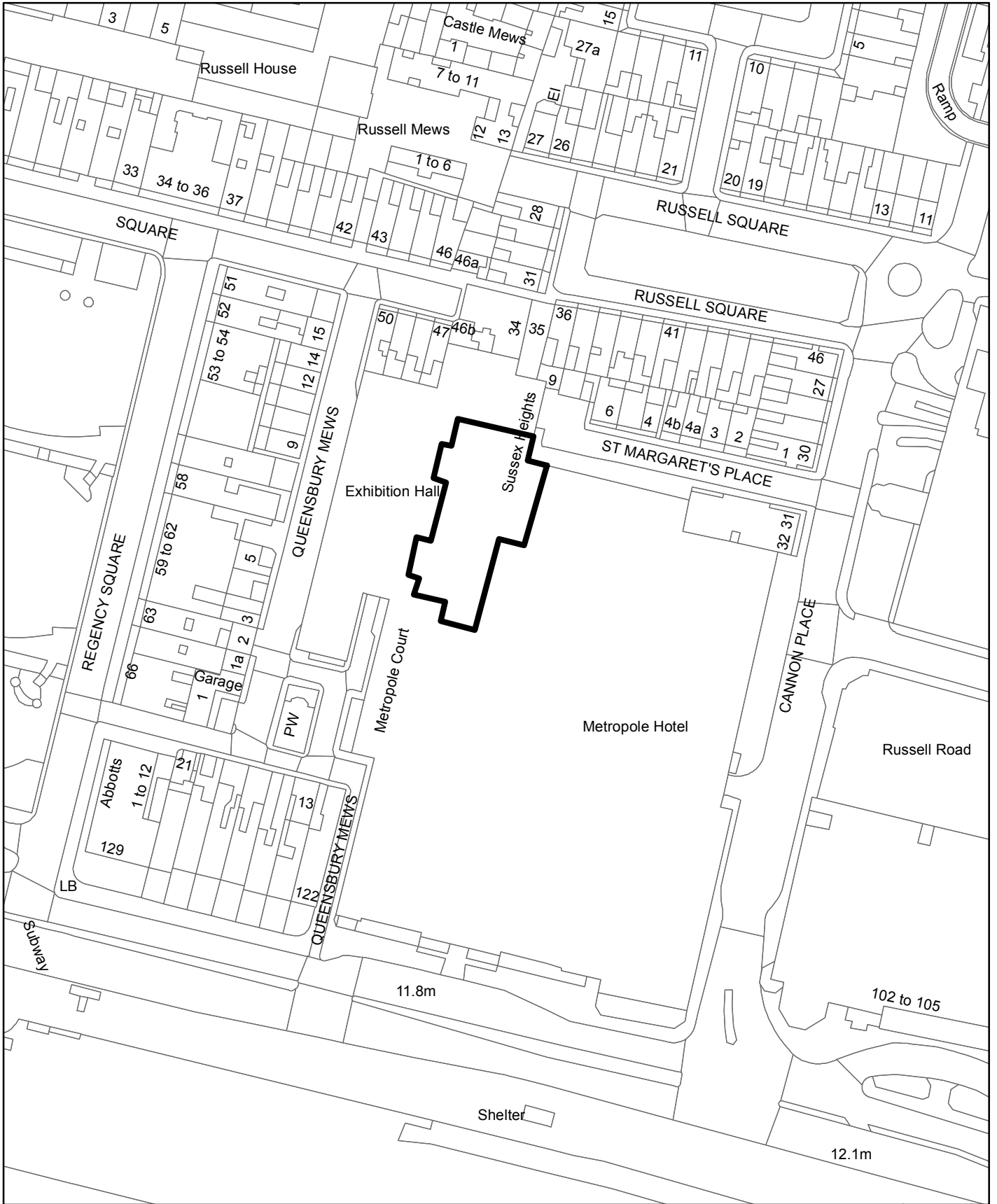
**Sussex Heights, 14 St Margaret's Place,
Brighton**

BH2017/00636

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/00636 Sussex Heights, 14 St Margarets Place, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00636	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sussex Heights 14 St Margarets Place Brighton BN1 2FQ		
<u>Proposal:</u>	Installation of render to all elevations, and associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	27.02.2017
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	24.04.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ABIR Architects Ltd Mr M Richardson Unit 1 Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Sussex Heights (Brighton) Limited Sussex Heights St Margarets Place Brighton BN1 2FQ		

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
Sections Proposed	0435.DD.004		23 February 2017
Detail	0435.DD.012		23 February 2017
Sections Proposed	0435.DD.003		23 February 2017
Sections Proposed	0435.DD.002		23 February 2017
Detail	0435.DD.011		23 February 2017
Location Plan	0435.DD.001		23 February 2017
Elevations Proposed	0435.DD.005		23 February 2017
Elevations Proposed	0435.DD.006		23 February 2017
Detail	0435.DD.010		23 February 2017

- 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 works shall take place until full details of the proposed window/render interface for each window type (including 1:20 scale elevations and sections) have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

- 4 No works shall take place until full details of a maintenance scheme, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

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

- 5 No development shall take place until a method statement for the protection of breeding peregrines has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

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

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

Reason: To safeguard these protected species from the impact of the in accordance with policy QD18 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and 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 Sussex Heights which is a 24 storey residential tower block built c1966-68. The building is located within the Regency Square Conservation Area and is situated adjacent listed buildings.
- 2.2 Sussex Heights is an extremely prominent modernist landmark building visible from various places in the surrounding area. The original design by Richard

Seifert has been partly compromised by the enclosure of some of the balconies and many of the original steel windows have regrettably been replaced in uPVC.

- 2.3 Planning permission is sought for the installation of render to all elevations, and associated works.
- 2.4 Since submission of the application, further detail of the background of the feasibility study has been submitted, as well as sample of the render.

3. RELEVANT HISTORY

BH2015/00888 Installation of insulated render to all elevations and replacement of metal window cills with UPVC cills and associated alterations - Refused 05/06/2015

(The application was refused as there was insufficient information relating to the choice of render, absence of large scale details, and concerns of the potential for discolouring and deterioration. Furthermore, the proposed window cills were deemed inappropriate in terms of their design.)

There have also been numerous approved planning applications for individual flats to replace existing crittal windows with aluminium or uPVC, and to create balcony enclosures.

4. REPRESENTATIONS

- 4.1 Councillor Tom Druitt has objected to the application, a copy of the letter is attached.
- 4.2 Nine (9) letters have been received objecting to the proposed development for the following reasons:
 - Application will continue to diminish the appearance of the building;
 - Render will become unsightly after a short time by attracting dirt;
 - The cleaning will be difficult and will use biocides which cause red streaks;
 - No accurate visual representation of the proposal;
 - Lack of detail on the davit arms;
 - Will cause condensation problems;
 - Application identical to the one rejected last year;
 - Noise and disturbance from construction works.
- 4.3 Sixteen (16) letters have been received supporting the proposed development for the following reasons:
 - Enhance the appearance of the building ;
 - Most effective way without changing the appearance of the block;
 - Existing façade is dirty and has rainwater ingress;
 - Most practical, effective and affordable solution ;
 - Leaseholder voted in support of the Board's recommendation.

4.4 One (2) letters have been received commenting on the application as follows:

- Deterioration to this building will have a severe impact on the skyline
- Conditions should be attached to restrict the hours of construction, provide an acoustic management plan to minimise noise, and a traffic management plan to minimise delivery disruption.

5. CONSULTATIONS

5.1 **Heritage:** Initial comment

The prominent application building is situated within a conservation area and within the setting of listed buildings; therefore the proposed installation of render to the building should seek to preserve, enhance and/or better reveal the character and appearance of the conservation area and preserve the setting of the listed buildings.

5.2 It is set out at paragraph 128 of the Framework that an applicant should "describe the significance of any heritage assets affected, including any contribution made by their setting (and) ...the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

5.3 Unfortunately, and contrary to the Framework, the application does not include an appropriate level of supporting information which would allow one to have an informed understanding regarding the potential impact of the proposed render system on the aforementioned heritage assets.

5.4 For the above reason, additional drawings and information setting out the detailed design and finish (including joint/junction details, type, texture, finish and colour) of the proposed render is required.

5.5 There are also concerns regarding the long term performance of the proposed STO render system. Due to the exposed nature of the building in the marine environment, the proposed finish will be vulnerable to heavy weathering and the application does not confirm that the product has been tested in such an environment. Thus, there are concerns with regards to the performance of the product in the proposed location and the required long term maintenance.

5.6 In addition to the above, the proposed use of uPVC cills to replace the existing metal cill detail is resisted. Metal cills and windows were part of the original building design and the appearance and finish of uPVC would conflict with the character and appearance of the building. Details have not been provided to show how the render would be detailed around metal windows, only uPVC windows.

5.7 By virtue of the lack of detailed information regarding the proposed rendering system, it is considered that the current proposal would not serve to preserve, enhance or better reveal the character and appearance of the conservation area, or preserve the setting of the surrounding listed buildings.

5.8 Further comments following submission of further information:

- Proposed render system (StoSilco) has been used in locations classed as 'very severe exposure'.
- It is noted that the sample is quite textured and there is some concern regarding the accumulation of dirt on such a textured surface. However, a finer texture product is not provided by Sto. Therefore, if possible a maintenance program for regular cleaning should ideally be included in the consent.
- It is acknowledged that the window framing material used throughout the building varies, however a detail for UPVC cills has only been supplied. A condition of consent should be to provide appropriately scaled details of the window/render interface for each window type on the building.
- The installation of the Davit arms to the roof will allow regular maintenance. A recommended maintenance and repair method statement has been provided for the Sto system. However, a regular program should be implemented to ensure the building does not deteriorate into a similar condition as existing.
- Internal handrails and fixtures present as considerable issues to the application of the render to the private side of the open terraces/balconies.
- Proposed render joints will be maximum 25m joints and likelihood of dirt accumulation intervals and be approximately 10mm wide. The Agent has also confirmed the joints will mirror the existing joints where possible.
- A self-cleaning system would not be appropriate in a marine environment as salt is likely to accumulate on the surface and affect the render finish.
- The works are weather dependent and a timeframe cannot be provided for the completion of the works. The works will also need to be mindful of the nesting Peregrine Falcons living on the roof.
- The building survey provides evidence as to the current poor state of the building and adequately justifies the need for a new render application.
- The application of the render will be undertaken using the Davit suspended cradle system instead of scaffolding. This will reduce the visual impacts of the installation process. Once the render has been applied, the visual differences will be negligible to the current building. However, with an appropriate cyclical maintenance program, the building will hopefully not become dull and dirty as is the present state of the render.

5.9 **Conservation Advisory Group:** No objection

The original building was clad in small mosaic tiles. Over time these started to fail and the building was then painted with roncrete joltec.

5.10 There has now been a thorough review and the application is for a particular white cladding material to be used to reinstate the appearance of the original building. Temporary steels will be put in at roof level for cradles to go up and down to do the work.

5.11 Members expressed some doubts as to how long the render would last but agreed that all finishes in a marine environment require regular maintenance. Members were reassured that the falcons will not be affected by the work.

- 5.12 The Group has no objection on conservation grounds.
- 5.13 **Ecology:** No objection
The peregrine is protected under Schedule 1 of the Wildlife and Countryside Act 1981, as amended. It is an offence to intentionally take, injure or kill a peregrine or to take, damage or destroy its nest, eggs or young, or to intentionally or recklessly disturb the birds close to their nest during the breeding season.
- 5.14 The approach summarised in the Design and Access Statement is broadly acceptable. Phases of work should be carefully timed to avoid disturbance during the breeding season. Young birds were known to still be present at the nest in mid July and were expected to remain for at least two more weeks.
- 5.15 It is therefore recommended that the season should be taken to run from March to early August.
- 5.16 It is recommended that a method statement for the protection of peregrines should be required by condition. Given their involvement in the instalment and maintenance of the nest box, it is recommended that the Sussex Ornithological Society are consulted on the method statement. In line with BS42020:2013 Biodiversity - code of practice for planning and development, a condition is recommended.

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable buildings

CP10 Biodiversity
CP12 Urban design
CP15 Heritage

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

SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD18 Species protection
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD09 Architectural Features
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact that the proposed development would have on the character and appearance of the host building, the wider Regency Square Conservation Area, and the setting of the nearby listed buildings.
- 8.2 **Design and Appearance:**
Sussex Heights is a 24 storey, residential block which is highly visible within the surrounding townscape and within the Regency Square Conservation Area. The surrounding area is a mix of modern commercial developments such as Churchill Square shopping centre to the east and historic squares such as Russell Square to the north.
- 8.3 Policy QD14 relates to extensions and alterations and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 8.4 The proposal is for the installation of render to all elevations of the building and with associated alterations including the replacement of the metal window cills with uPVC cills, and new metal coping to balcony walls. Given the significant elevated position of the proposed works, the visual impact of the Regency Square Conservation Area, the longer views from adjacent conservation areas, and the context of the seafront are all important factors in the determination of the application.

- 8.5 Since its construction, the building has been subject to alterations to fenestration which has led to a mix of materials, and many of the balconies have been infilled. The building has a reinforced concrete structure which is clad with a mosaic tiled finish, which has then been covered in a liquid applied carbonation coating (Ronocrete Joltec).
- 8.6 The applicant has carried out a comprehensive survey of the condition of the building, including corrosion, the perished sealant to window frames, and numerous examples where the layered membrane shows surface cracking, perforation, and discolouration. The detail of the survey sets out the significant deterioration of the external fabric of the building, and that the tiles and layers of membrane no longer protect the building from its environment. This is especially the case on the south-west of the building, where the building suffers most from the impact of the sea air. It is considered that the submitted building survey provides sufficient evidence as to the current poor state of the building, which adequately justifies that works are required.
- 8.7 To accompany this, the applicant has carried out a feasibility study and options appraisal. In the study, it makes clear that the manufacturers warranties for a further waterproofing application are limited and in this instance provide zero years guarantee.
- 8.8 Accessibility is restricted as traditional means of scaffolding would not be recommended in this instance due to imposed roof loadings which would have the potential for damage to the roof structure. The programming of works would also have to consider the impact on the nesting season of the peregrine falcons that reside on the roof of the building.
- 8.9 In terms of considering the most appropriate finish, given that the manufacturers could not give a guarantee for the existing system, the further application of the existing membrane was not considered an option. Following consultation based on health and safety, the option of removing the existing render and replacing with new render was also discounted as an option. The submitted options appraisal therefore identified potential options for over-cladding systems. The options of Rainscreen cladding, textured rendered panels, and insulated render system were not preferred as they would significantly alter the external appearance of the building that would be detrimental from a heritage perspective. These systems would have required a significant increase in the thickness of the exterior cladding which would compromise the detail and character of the building.
- 8.10 The study concludes that the uninsulated 'StoSilco' render system was the most appropriate system in this instance, given that it would be visually closest to the original appearance of the building. The submission states that the render system has previously been used in locations of very severe weather exposure.
- 8.11 A full time-scale of the completion of works and the ongoing maintenance has not been provided. The works are dependent on weather and also the nesting period of the Peregrine Falcons that could be on the roof.

- 8.12 The works would be constructed using a cantilevered cradle system. A rail and rope access system would be installed which would include a stainless steel rail and davit arms which can be dismantled when not in use and stored on site for future maintenance purposes. It has been suggested that cleaning would be required to be carried out periodically to address the building becoming dirty and/or streaked. It is indicated that a self-cleaning system would not be appropriate in a marine environment as salt is likely to accumulate on the surface and affect the render finish.
- 8.13 The applicant has submitted a sample of the white render (Silco K1.5). The sample is quite textured and so there would be concern about the accumulation of dirt. It has been stated that a finer textured render (K1.0) would show more of the imperfections of the base coat underneath it and would have more imperfections when it is applied, and so the more textured K1.5 would be more capable to cover these imperfections. It is considered that the texture would not be significantly noticeable. A maintenance programme would therefore be required by condition to ensure regular cleaning takes place.
- 8.14 Details of the proposed uPVC window cills and metal copings have been submitted. The windows framing material used throughout the building varies and so there are limited details of the non-uPVC window cills. Further details of the window/render interface for each window type on the building would be required by condition.
- 8.15 Overall, subject to further details and the ongoing maintenance programme, it is considered that this would be the most appropriate solution to the current poor state of the building, and that once the render has been applied, the visual differences to the existing exterior of the building would not be significantly visible from longer distant views.
- 8.16 It is therefore considered that the development would not detract from the character and appearance of the building or the Regency Square Conservation Area, and would preserve the setting of the nearby listed buildings. For the reasons outlined the proposal would comply with Local Plan policies QD14, HE3 and HE6.
- 8.17 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.18 The nature of the proposed development would not result in a harmful loss of light, outlook or privacy for occupants of adjoining properties.
- 8.19 **Sustainability:**
The thermal upgrading of the building would be considered as part of the Building Regulations.

8.20 Ecology:

The site is understood to have Peregrine Falcons nesting on the roof, and the applicant has stated that works would be co-ordinated around the breeding season (March-July). A condition is recommended by the County Ecologist for a method statement to ensure the protection of breeding peregrines during the development.

9. EQUALITIES

9.1 None identified.



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 13th September 2017

COUNCILLOR REPRESENTATION

Subject: Fwd: Application Number: BH2017/00636 - Sussex Heights

Dear Nicola

I refer to the application above and having read the residents' concerns and spoken with residents on the phone about this application I agree with them that it is unsuitable and would like to make representations against it at committee on the grounds that the application lacks detail, residents have been refused answers to their questions by the applicant and the render seemingly proposed is unsuitable and is likely to go green and dirty in a very short time as has happened with a lot of other buildings in the city recently (One Brighton being a good example).

Best wishes

Cllr Tom Drutt

ITEM L

2 & 2A Stafford Rd, Brighton

BH2017/00042

Full Planning

DATE OF COMMITTEE: 13 September 2017

BH2017/00042 2 & 2A Stafford Rd Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00042	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 And 2A Stafford Road Brighton BN1 5PF		
<u>Proposal:</u>	Demolition of garages and erection of 1no one bedroom dwelling, alterations to existing flats including alterations to fenestration, installation of front rooflights and rear dormers and associated works.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	09.01.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.03.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	John Whiting Architect	John Whiting	14 Bates Road Brighton BN1 6PG
<u>Applicant:</u>	Mr Jon Wright	6 South Avenue Brighton	BN2 0BP

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	1609/P/001		6 January 2017
Floor Plans Proposed	1609/P/101		6 January 2017
Floor Plans Proposed	1609/P/102		6 January 2017
Floor Plans Proposed	1609/P/103	A	18 August 2017
Roof Plan Proposed	1609/P/104	A	18 August 2017
Sections Proposed	1609/P/201		6 January 2017
Sections Proposed	1609/P/202		6 January 2017
Elevations Proposed	1609/P/203		6 January 2017
Elevations Proposed	1609/P/204		6 January 2017
Elevations Proposed	1609/P/205		6 January 2017
Elevations Proposed	1609/P/206	A	18 August 2017

- 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 level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window, door and balcony treatments
 - e) Samples of all other materials to be used externally

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

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

- 4 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - D 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 further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 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.

- 6 Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD27 of

the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 7 The landscaping scheme detailed on drawing no. 1609/P/101 received on 6 January 2017 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 8 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 9 Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Buxton Road shall be reinstated to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 10 The dwelling 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.
- 11 The residential unit hereby approved shall not be occupied until the 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.

- 12 The residential unit hereby approved shall not be occupied until the residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 293366) at their earliest convenience to avoid delay.
3. 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.
4. The water efficiency standard required under condition 12 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a two-storey end of terrace property on Stafford Road, on the junction with Buxton Road. The property at present is subdivided into two flats. The property is situated at the end of a uniform row of terraced houses, characterised by their double fronted, two-storey bay windows and render finish. The Buxton Road street scene, to which the rear of the property faces, is also characterised as a row of Victorian terraced houses with symmetrical gable end features with a brick finish.
- 2.2 The property at present features a small single storey rear extension, acting as a porch to serve the entrance to one of the flats, and a single storey garage extension to the side both of which are later additions to the property.

- 2.3 The application relates to the corner plot of the site currently serving the garage extension. The proposal seeks alterations to the existing property including the construction of two rear dormer windows, and the erection of a two-storey dwelling on the side of the existing property.

3. RELEVANT HISTORY

BH2001/01880/FP: Creation of vehicular access in Buxton road. Approved 19/10/2001.

4. REPRESENTATIONS

- 4.1 **Fifty-eight (58)** letters of objection have been received raising the following points:

- The design of the new dwelling is out of character with the wider street scene and would be an eyesore
- The scale and mass of the dwelling is inappropriate for the site
- The modern design would detract from the prevailing character of the area
- The proposed rear dormers are contrary to policy and would be incongruous in the street scene, setting a precedent for other properties
- The patio area could cause noise nuisance
- The new windows and second floor turret would be obtrusive and would cause overlooking to neighbouring properties
- The new dwelling would cause overshadowing
- The works are contrary to the NPPF and the Council's SPD12 guidance
- Road safety would be compromised due to restricted vision at the junction
- The removal of the porch could allow for overlooking into the garden and reduces security for 4 Stafford Road
- The demolition of the garage will exacerbate existing problems with parking
- The large area of blank fenestration to the rear could be prone to graffiti
- Concern around thermal efficiency
- The neighbourhood should be a conservation area

- 4.2 **Three (3)** letters of support has been received raising the following points:

- The existing garage structure is not in keeping with the surrounding architecture and the proposed contemporary building is welcomed.
- A new dwelling should be encouraged during the acute housing crisis in Brighton
- A number of properties in Buxton Road have unsightly dormer windows and the proposal will replicate the original rounded turrets on houses along the south-east side of Buxton Road

- 4.3 **One (1)** letter has been received commenting on the application as follows:

- The façade of the house looks to be in keeping with the area
- The front dormer at the top of the building is unusual but not strongly opposed as unusual additions can enhance the character of an area

4.4 **Councillor Kevin Allen** objects to the application, a copy of the letter is attached.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection.

5.2 **Cycle parking:**

The applicant has offered to install 4 cycle parking spaces, however there is a lack of detail therefore cycle parking is requested by condition.

5.3 **Disabled Parking:**

The site is outside of a controlled parking zone so there is free on-street parking available. In this instance the Highway Authority considers the proposal acceptable in this regard.

5.4 **Vehicular Access:**

The applicant is proposing to extinguish the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. The Reinstatement of Redundant Vehicle Crossing condition and informative should be attached to any permission granted.

5.5 **Car Parking:**

The proposed level of car parking (zero space) is in line with the maximum standards and is therefore deemed acceptable in this case.

5.6 **Trip Generation - Vehicles and Highway Impact**

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable.

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);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density

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

- TR4 Travel plans
- TR14 Cycle access and parking
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings

Supplementary Planning Guidance:

- SPD14 Parking Standards

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene and the amenities of adjacent occupiers and future occupants.

8.2 Principle of development:

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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.3 In the context of the prevailing policy background and given that the site is within an established residential area, the erection of a one bedroom dwelling is acceptable in principle.

8.4 Design and appearance:

The application site as existing is formed of a two-storey double fronted end of terrace property on Stafford Road on the junction with Buxton Road. The property is subdivided into two flats, with a single storey rear extension acting as a porch entrance to one of the flats, and a single storey side garage. Both of these structures are later additions to the property and are unsympathetic to the traditional form of the houses along the terrace. Their removal is welcomed. The Stafford Road street scene is characterised by a predominantly uniform row of Victorian double fronted white render properties. The Buxton Road street scene is characterised as a similarly uniform row of Victorian properties with symmetrical gable end features with a brick finish. The houses on the south-east side of Buxton Road have second floor bay window features protruding from front roofslopes.

- 8.5 The proposed three-storey dwelling would be situated in the triangular shaped corner plot, replacing the existing garage. The footprint of the building would be triangular in shape to reflect the shape of the plot. The elevation fronting Stafford Road would have a two-storey canted bay, and the south elevation forming the intersection would be curved with a turret feature at roof (second floor) level. The east elevation would be flat to sit flush with the existing rear elevation at 2 Stafford Road.
- 8.6 The proposed two-storey canted bay element on the western elevation would relate well to the wider Stafford Road street scene and is considered acceptable.
- 8.7 The proposed northeast elevation would feature large areas of blank wall. This is considered acceptable given that this elevation should appear as the rear elevation of the property, thus respecting the existing layout and urban grain of the area.
- 8.8 The proposed turret on the roof of the curved element of the new building would be highly prominent in the street scene and would introduce a contemporary feature to the street scene. This is not unacceptable in itself, particularly given the prevalence of large second floor bay window features protruding from the front roofslopes on the southeast side of Buxton Road. On balance, whilst not explicitly matching the form of other roof features along the street, the turret does represent a contemporary design interpretation of the existing features along the street.
- 8.9 The new dwelling would feature large windows at ground and first floor level on the south and southwest elevations of the new dwelling. Whilst large, the fenestration layout would reflect the intentional contemporary design and appearance of the new dwelling. As referenced above, the layout does not explicitly mirror the form and detailing of other houses in the area but does reflect the overall style and form, thus paying respect to the prevailing character.
- 8.10 The palette of materials is based around white render which is a common and characteristic tone within the Stafford Road street scene. It is noted that the use of zinc and grey aluminium are non-traditional materials in this area but their

tone relates well to the white render, presenting a modern appearance whilst preserving the surrounding character.

- 8.11 The proposed dormers on the rear roofslope have been amended during the course of the application. The revised structures have been reduced to be no larger than the windows below, set well off the ridgeline, sides and eaves of the main roof. The dormers represent subservient additions to the roof and are considered to be in accordance with Policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance. Whilst it is acknowledged that the dormers would be readily visible from street level, the northeast elevation is clearly recognisable as the rear elevation of the property and as such, two suitably sized and positioned dormers are appropriate and would not disrupt the uniformity of the front roofslopes on surrounding properties.
- 8.12 For the reasons stated above, the application is considered to be in accordance with Policy CP12 of the Brighton & Hove City Plan and Policy QD14 of the Brighton & Hove Local Plan.
- 8.13 **Standard of accommodation:**
The proposal seeks to reconfigure the layout of the existing flats, including an extra bedroom to the upper floor flat. The revised layout would ensure that each flat has spacious communal rooms and bedrooms with sufficiently sized bathrooms and utility rooms.
- 8.14 The proposed one bedroom dwelling would be split over three levels, with a kitchen/dining area at ground floor level, bedroom with en-suite at first floor level and a sitting room at second floor level. The overall floorspace for the dwelling would be 66m² and the layout complies with the national described space standards. Each floor would receive good levels of natural light and would offer good outlook from the windows.
- 8.15 There would be a small patio area (5.5m²) to the side of the new dwelling. Whilst small, the amenity space is considered to be acceptable for a one bedroom house.
- 8.16 The host property has no garden as existing; therefore no amenity space is lost or proposed in this application for the two flats.
- 8.17 **Impact on neighbouring amenity:**
The proposed dwelling would infill the intersection between Stafford Road and Buxton Road. Given the location of the structure on a corner plot and the separation distance to adjacent properties, the proposal is unlikely to cause any significant overshadowing or sense of enclosure to neighbouring properties.
- 8.18 The proposed dwelling would feature full-length windows on the west and south elevations at ground and first floor level, and a large area of glazing on the turret at second floor level. Given the residential density of the area and the existing arrangement of dwellings, overlooking from houses on either side of Stafford Road and Buxton Road already occurs. Whilst the introduction of another dwelling on the corner plot of Stafford Road would introduce further overlooking

to some degree, this would not be any worse than what exists at present from other properties in the immediate vicinity. The level of overlooking is mitigated by the fact that there is a highway between the application site and the nearest adjacent property, and when considering the benefit of the application by providing a net gain of one new dwelling the potential harm caused by overlooking is not of a magnitude to warrant recommending refusal of the application.

- 8.19 On balance, the potential harm identified is outweighed by the benefit of a net gain of one new dwelling and the application is recommended for approval.

9. EQUALITIES

- 9.1 None identified.

Subject: BH2017/00042: 2 and 2a Stafford Road

Dear Nicola,

I wish to record my objection to this application on the grounds that the corner extension and the two dormers (facing properties in Buxton Road) would inappropriately dominate the streetscape.

In the event that this application is recommended for approval I shall wish to speak at Planning Committee.

Best wishes

Kevin

Cllr Kevin Allen

ITEM M

Land Rear Of 43 Brunswick Place, Hove

BH2016/05598

Full Planning And Demolition In CA

DATE OF COMMITTEE: 13 September 2017

BH2016/05598 Land Rear Of 43 Brunswick Place, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/05598	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Land Rear Of 43 Brunswick Place Hove		
<u>Proposal:</u>	Demolition of 2no existing garages and erection of 1no two bedroom dwelling (C3).		
<u>Officer:</u>	Colm McKee, tel: 292549	<u>Valid Date:</u>	12.10.2016
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	07.12.2016
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Nick Stickland 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr Paul O'Shea C/O ZST Architects 3 Dorset Place Brighton BN1 6LU		

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	16023-P-010		7 October 2016
Other	16023-0-110		7 October 2016
Other	16023-P-111		7 October 2016
Other	16023-P-101		7 October 2016

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

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

- 3 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class [A - D] 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 further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE3 and QD27 of the Brighton & Hove Local Plan.

- 4 The dwelling 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.
- 5 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 City Plan Part One.
- 6 The residential unit hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 7 No development above ground floor slab level shall take place until full details of all new windows and their reveals and cills and doors 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.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 8 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme has been submitted to and approved in writing detailing pedestrian crossing improvements (dropped kerbs and tactile paving) at the junction of and across Lansdowne Road (east) with Lansdowne Place. The scheme to be implemented and completed prior to the occupation of the development and thereafter retained.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.
- 9 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme has been submitted to and

approved in writing detailing the reinstatement of the redundant vehicle crossover (rear of 43 Brunswick Place in Farm Road) back to a footway by raising the existing kerb and footway. The scheme to implemented and completed prior to the occupation of the development and thereafter retained.

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

- 10 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority 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.

Reason: This pre-commencement 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 & QD27 of the Brighton & Hove Local Plan and CP9 of the 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 The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 8.
- 3 The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
- 4 The applicant is advised that the scheme required to be submitted by Condition 10 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car free.
- 5 In respect of condition 3 the applicants attention is drawn to the Heritage Comment's comments regarding the painting of the front door as opposed to stain.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located on Farm Road, to the rear of 43 Brunswick Place and is within the Brunswick Town Conservation Area. The properties located to the east of the site, including the adjoining property no. 43 Brunswick Place, are listed buildings.
- 2.2 The application proposes the demolition of the 2 existing adjoined garages and the erection of 1no two bedroom dwelling.
- 2.3 Until recent years the eastern side of Farm Road comprised mainly garages and the rear boundary walls of properties fronting Brunswick Place. However many of these plots have been developed piecemeal by way of small two storey houses fronting straight onto the road and as such the character of this side of the street is being defined by this form of development. The western side of Farm Road is different in character to the west, which comprises mostly three storey Victorian terraced houses.
- 2.4 On the site is a double garage, with brick face and metal 'up and over' doors. The site is bound to three sides by adjoining properties. To the north there is a passageway from Farm Road serving 45 Brunswick Place, beyond which is a double garage. To the south there is a double single storey garage.
- 2.5 To the East is the rear garden of 43 Brunswick Place (flats) which has an outrigger. The garage is built hard against the west boundary with no.43. The rear outrigger of no.43 is approximately 8.6m from the rear boundary of the application site, with the rear main face being approximately 14m.
- 2.6 To the front of the garages there is an area of hard standing, beyond which is Farm Road, which runs parallel with the front of the site.
- 2.7 The application proposes a single 2 bedroom dwelling that would front the roadside and take up the width of the plot. The bulk of the rear face of the dwelling would be built to approximately 1.4m to the rear boundary with the exception of a projecting single storey 'lean-to' section which would be built against the rear boundary.
- 2.8 The dwelling would have a low pitched roof. The principal elevation would front the roadside (Farm Road) with a height of approximately 6m to the eaves. External materials would be smooth render with slate roof and timber windows.

3. RELEVANT HISTORY

- 3.1 There is no history specifically related to this site however there are two applications in the locality which are relevant to this proposal - one refusal immediately adjacent the site to the north, (BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling) in addition to an approval at 54 and 55 Farm Road (BH2014/02267 Land to Rear of 31 & 33 Brunswick Place).

BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling (C3). Refused 15/03/2016 for the following reasons;

1. The development, by reason of its height, bulk and siting on the rear Boundary would have an overbearing and enclosing impact, whilst resulting in a harmful loss of light and outlook to No. 45 Brunswick Place. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
2. The proposed layout of the dwelling and the positioning of habitable rooms, in particular the ground floor living room would not provide satisfactory accommodation for future occupiers due to insufficient levels of natural light and outlook available to these rooms, leading to a harmful sense of enclosure. As such the proposal is contrary to policy QD27 of the Brighton and Hove Local Plan.
3. The proposed lightwell and Juliet Balcony, to the south eastern corner of the proposed dwelling, would form unsympathetic and non-traditional features that would be readily visible in the streetscene and would dominate views from the south. The proposed dwelling would therefore appear out of keeping with the character and appearance of the streetscene and the surrounding Conservation Area. As such the proposal is therefore contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan.

The decision was appealed. The appeal was dismissed - the reasons were as follows:

Whilst the proposal would not harm the living conditions of the occupiers of the ground floor and basement flats at 45 Brunswick Place, with regard to sunlight and daylight, the harm that it would cause to their living conditions, with regard to outlook, is a compelling objection to the scheme. For the reasons given above and having regard to all other matters raised, the appeal fails.

BH2014/02267_Land to Rear of 31 & 33 Brunswick Place Demolition of existing garages and erection of 2no two storey houses. Approved 17/10/2014.

In addition, there is the following planning history in the locality -

BH2013/03019_Garage South of 30 Farm Road Hove Erection of one bedroom house to replace existing garage. Approved 27/11/2013.

BH2007/02505 Rear of 41 Brunswick Place Demolition of two single storey garages & erection of a two storey two bed roomed dwelling house. Non-determination appeal dismissed 18/09/2008. The Inspector concluded 'The proposal would fail to preserve or enhance the appearance or character of the CA and, although it would not result in noise disturbance or loss of privacy to occupants of nearby properties, it would cause a significant erosion of other aspect of their living conditions'.

BH2004/01142/FP_Land to Rear of 25 Brunswick Place Demolition of existing garage and erection of 1 No. 2 bedroom 2 storey dwelling house. Approved 08/09/2004.

BH2002/00307/FP 50 Farm Road and garages to the South Conversion of fish depot and garages to 1 No. 3 bed house & 2 No. 1 bed houses. Approved 16/07/2002.

4. REPRESENTATIONS

4.1 Six letters have been received objecting to the proposed development for the following material reasons:

- Privacy
- Impact of sunlight and daylight
- Ownership issues / title deeds

4.2 It is noted some of the representation raised private issues (ownership / title deeds) which are not material to the application and as such do not form part of the assessment of the application.

4.3 Councillor Ollie Sykes commented on the application, a copy of the letter is attached.

5. CONSULTATIONS

5.1 **Environmental Health:** No response received

5.2 **Heritage:** There are no objections subject to conditions in relation to large scale joinery details for the proposed windows and doors, the sections through the windows should include the masonry and the door should be painted and not stained.

5.3 **Sustainable Transport:** No objection subject to standard conditions and informatives in relation to the dropped kerb, reinstatement of vehicle crossing and car free housing

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);

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP15 Heritage
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; the standard of accommodation; impact on amenity; the design and appearance / impact on Conservation Area and sustainable transport considerations.

8.2 **Principle of Development :**

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. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a

5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.3 Due to the location of the building in an area which is primarily residential, the basic principle of the residential dwellings is considered acceptable and would go a small way in contributing to the City's housing targets. The residential use would not conflict with the established residential character of the area.
- 8.4 **Design and Appearance / Impact on Conservation Area and Listed Buildings:**
The design has taken influence from the existing buildings and recent approvals in terms of scale and form. Overall it is considered that building would sit comfortably in the locality and would not have a negative impact on the Conservation Area. Suitable conditions would be attached to ensure a suitable render and windows, thus protecting the Conservation Area. There would not be a negative impact on any Listed Buildings in the immediate area.
- 8.5 The replacement of the garage would have a positive impact on the visual amenity of the area and would relate to the emerging character of the east side of the street.
- 8.6 **Standard of Accommodation:**
The Council does not at present have adopted space standards and does not seek to enforce the Government's Nationally Described Space Standards. Nevertheless, the Government's specified standards provide a useful point of reference.
- 8.7 For a 2 bedroom unit, (3 persons, 2 storey) a dwelling, the standards indicate a 70m sq gross floor area. It is assumed this will indicate an acceptable standard for new build development. One double bedroom (11.5 m sq) and one single bedroom (7.5 m sq) are also required by the standards.
- 8.8 In this instance the unit fall shorts short of 70m sq gross floor area by 2.5 m sq. This is not a significant shortfall however the internal layout must be given further consideration in order to ensure adequate amenity is provided for the future occupiers.
- 8.9 The layout of the unit would be practical and benefits from full ceiling heights on the first floor. There is a reasonable level of amenity provision through kitchen and living room on the ground floor. There would also be reasonable levels of outlook and daylight.
- 8.10 A single bedroom minimum standard is 7.5m sq, with a double being 11.5m sq. In this instance the bedrooms are 9.25m sq and 10.3m sq - therefore both could be considered 'large singles' / small doubles'. Normally for a 2 bed unit one double room is required - the internal layout could easily be arrange to provide one double and one single as per the 7.5m sq and 11.5m sq standard if necessary however in this instance this is not being insisted upon.

- 8.11 Policy HO5 requires the provision of private outdoor amenity space for residential development. The policy states that planning authority will require the provision of private useable amenity space in new residential development where 'appropriate to the scale and character of the development'.
- 8.12 There would be a limited courtyard area to the rear. Considering the scale and character of the proposal, and considering numerous other examples in the locality with no or limited amenity space, in this instance the lack of amenity space is accepted.
- 8.13 In conclusion the standard of accommodation is acceptable and therefore the proposal complies with QD27 of the Brighton & Hove Local Plan.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 Prominence / Overbearing / Sense of enclosure
The building has been designed to pull the bulk away from the rear boundary, with a small rear courtyard to minimise the sense of enclosure. The garden behind the proposal is in a slightly elevated position relative to the existing garage and therefore cutting in would further diminish the height of the rear elevation.
- 8.16 It is accepted there may be a modest increased sense of enclosure to the adjacent rear garden at number 43 however on balance, this is not significant enough to justify a refusal of the application.
- 8.17 In order to demonstrate there would not be a significant impact on the neighbouring property, the agent has provided a survey drawing applying the '25 degree rule'. This is a standard test applied where there is a window opposite the development or extension. The centre of the lowest habitable room window should be used as the reference point for the test. If the whole of the proposed development falls beneath a line drawn at 25 degree from the horizontal, then there is unlikely to be a substantial effect on daylight and sunlight. If the proposed development goes above the 25 degree line, it does not automatically follow that daylight and sunlight levels will be below standard. However, it does mean that further checks on daylight and sunlight will normally be required.
- 8.18 The agent has provided a survey drawing showing the 25 degree line in relation to the rear property directly behind the site (No.43). In this instance, the proposed development falls beneath the 25 degree line and as such it is unlikely that there will be a detrimental impact on daylight or sunlight to the rear room of No.43.
- 8.19 The flats at number 43 would be most directly impacted by the development. On the basis the impact would not be substantial, it is not likely there would be

notable impact on any of the adjacent properties to the north or south – or the upper floors of no.43.

- 8.20 It is noted there would be a reasonable distance of 8.5m and 14m from the boundary to the rear walls of number 43. Similar distances have previously been accepted in the locality (BH2014/02267 Land to Rear of 31 & 33 Brunswick Place). A separation distance of 5m was not accepted on the site to the north BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling due to its overbearing impact - this was upheld at appeal. The current application however is more comparable to BH2014/02267.
- 8.21 One objection letter raises the issue of impact on direct sunlight. Due to the existing development on the west side of the street, it is not likely this development would notably exacerbate the existing situation, and that the evening sun would likely be obscured by the building on the west of the street as opposed to the proposed development.
- 8.22 Privacy
Due to the location and type of windows there would not be any overlooking issues. The agent has offered to install obscured glazing however due to the limited concerns, this is not considered to be required.
- 8.23 **Sustainable Transport:**
There are no objections subject to conditions and informatives in relation to the dropped kerb, reinstatement of vehicle crossing and car free housing
- 8.24 **Sustainability:**
Policy CP8 of the City Plan Part One requires new-build residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. Conditions are applied to ensure the property meets the above standards.
- 8.25 **Other issues:**
Non material issues were raised over land ownership title deeds. For clarification these are not material to the application.

9. EQUALITIES

- 9.1 None identified.

Planning Application - BH2016/05598

Comment reference number: 1060450

I want to provide the Authority with comments on the Planning Application

Sender's details

Cllr Ollie Sykes

Comment

As an observer to this application in my ward and without expressing an opinion either way, I am of the opinion that it should be allowed consideration by Members at committee. Strong arguments have been made both in favour and against the development. Some of these matters are of a technical nature and resolution will benefit from appropriate detailed questioning by Members in public session.

ITEM N

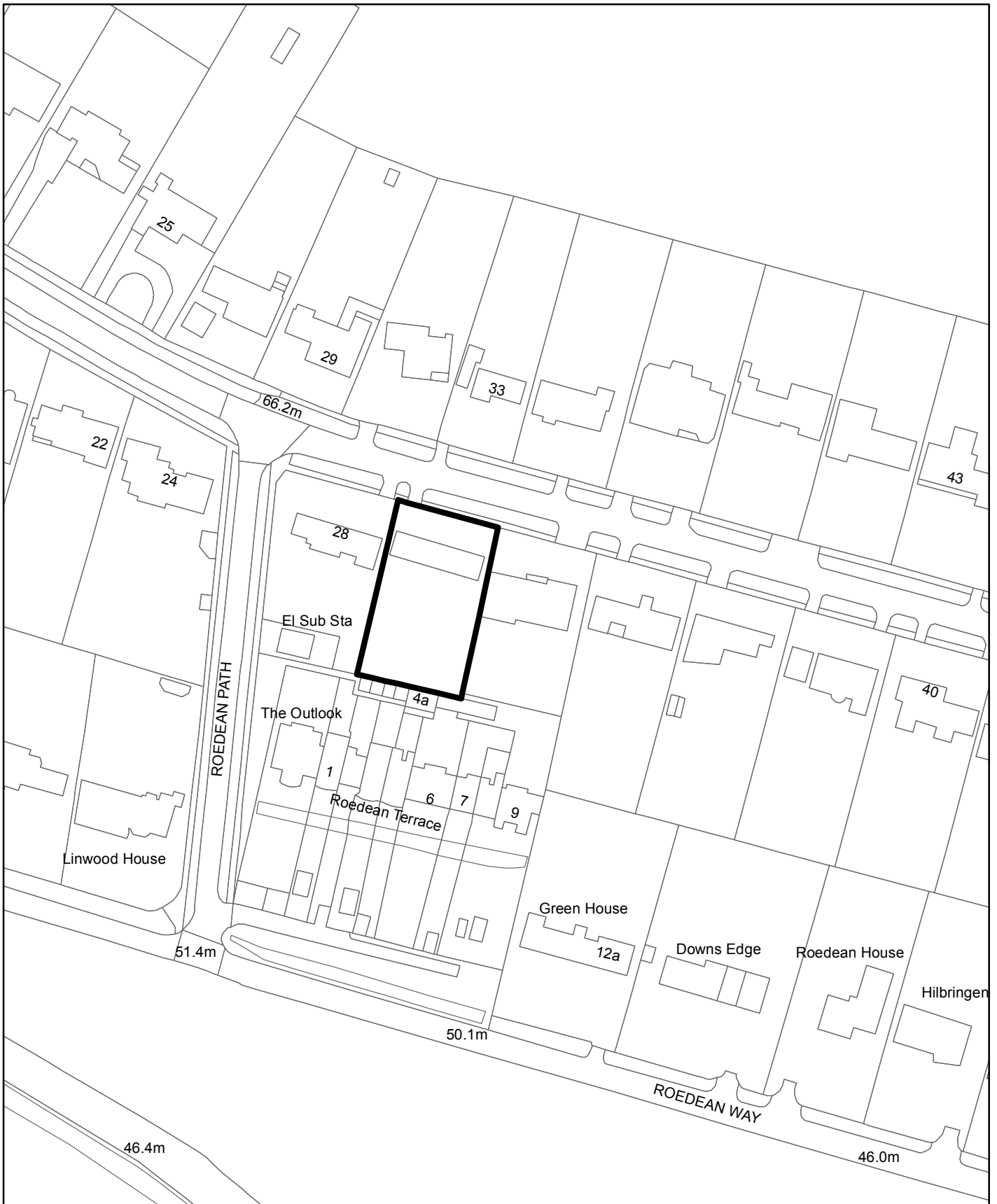
30 Roedean Crescent, Brighton

BH2017/01742

Householder Planning Consent

DATE OF COMMITTEE: 13 September 2017

BH2017/01742 30 Roedean Crescent Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01742	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	30 Roedean Crescent Brighton BN2 5RH		
<u>Proposal:</u>	Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates.		
<u>Officer:</u>	Charlotte Bush,	tel:	<u>Valid Date:</u> 31.05.2017
	292193		
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Felce And Guy Partnership LLP Unit 5 English Business Park English Close Hove BN3 7ET		
<u>Applicant:</u>	Mr Wilkie 30 Roedean Crescent Brighton BN2 5RH		

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	2719/01		22 May 2017
Elevations Proposed	2719/08	G	22 May 2017
Elevations Proposed	2719/09	G	22 May 2017
Elevations Proposed	2719/10	G	22 May 2017
Elevations Proposed	2719/11	G	22 May 2017
Sections Proposed	2719/12	G	22 May 2017
Sections Proposed	2719/13		31 May 2017
Floor Plans Proposed	2719/04	H	31 May 2017
Floor Plans Proposed	2719/05	H	31 May 2017
Floor Plans Proposed	2719/06	G	22 May 2017
Floor Plans Proposed	2719/07	G	22 May 2017

- 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 shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policy HE12 of the Brighton & Hove Local Plan.
- 4 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window, door and balcony treatments
 - e) Samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 5 The first window in the western 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 policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6 No development above ground floor slab level of any part of the development hereby permitted shall take place until 1:20 scale elevational drawings and sections of the proposed vehicle gates along with any mechanical operating specifications have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 7 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class [es 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 further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 8 The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

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' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located along the south side of Roedean Crescent to the east of the junction with Roedean Path. The property has two storeys and is of a contemporary design with rendered elevations and a tiled pitched roof. The area is characterised by substantial detached houses in large plots of varying design.

3. RELEVANT HISTORY

BH2011/01153 - Erection of extension creating second floor level, alterations to rear forming balcony providing access to existing roof terrace. Refused 10/06/2011.

Appeal APP/Q1445/D/11/2158160 Allowed 21/09/2011

BH2008/03897 - Additional terrace in rear garden (Retrospective). Approved 2/02/2009.

BH2008/03754 - Replacement of existing garden fence panels with two walls (Retrospective). Approved 19/01/2009

BH2008/03724 - Alterations to balustrade of existing roof terrace (Retrospective). Approved 28/01/2009.

BH2008/03146 - Retrospective amendment to approved application BH2007/01725. Change of balustrade treatment to roof terrace, extended terraced areas plus swimming pool & walls within the garden. Withdrawn 29/10/2008.

BH2007/01725 - Front extension; side and rear extension (re-submission of refused application BH2007/00531). Approved 26/06/2007.

BH2007/00531 - "Turret" extension to front elevation; extension over garage and extension at rear. Refused 05/04/2007.

BH2005/01961/FP - First floor side extension over existing garage. Approved 17/08/2005.

4. REPRESENTATIONS

4.1 Nine (9) letters have been received objecting to the proposed development on the following grounds:

- No. 30 Roedean Crescent already looks directly into the rear gardens and rear rooms of Roedean Terrace. The proposed scheme with additional floors, balconies and windows will reduce privacy further, and increase noise and light disturbance.
- The design is top heavy, boxy and of unattractive design. It will be lower than NO.32, but that's because it was built too high.
- The proposed scale, bulk, height and raised siting would result in an overbearing and dominant impact to our Terrace properties and gardens on the south boundary, contrary to policy QD27 of the Brighton and Hove Local Plan.
- The context and scale of the proposal as per Brighton and Hove Local Plan policy QD14 does not take into account our 6 adjoining Roedean Terrace properties. The proposed extension will sit above the skyline when viewed from the public highway A259 and be a blight on the landscape.
- The prevailing topography of the area, sloping southwards, means that Roedean Terrace has to cope with a lot of surface runoff from the properties

to the North which has resulted in flooding of our properties. From weather predictions, this will only increase in future years and is exacerbated by high levels of hard standing.

- This property in question has already had an adverse effect on our Terrace properties causing major damp/flooding issues with our boundary wall/windows due to excavation soil piled up under them from the last retrospective planning application (albeit previous owners).
- The "Local Precedent" houses stated in the planning statement are all on large blocks of land so do not encumber each other as there is a road or very large garden area which separates them. Our historic Roedean Terrace Cottages are dwarfed in comparison.
- Plans for 30 Roedean Crescent show no screening by trees or foliage to protect privacy of neighbouring properties. If tree screening is to be established its location needs to be carefully considered so as not to cause any loss of daylight and sunlight to 4A Roedean Terrace and the workshops that back on the border of 30 Roedean Crescent and rely on daylight from their north facing windows.
- Considering whether the materials used are sympathetic to the parent building (Q014 d), this is a complete makeover with new zinc cladding, flat box roof, glass balconies, 8 new patio doors and new windows throughout. These materials bear little resemblance to the parent building and existing style.

4.2 One (1) letter has been received supporting the proposed development on the following grounds:

- The proposal is very similar to the design which was previously approved and so no different in terms of impact to the street scene. The choice to widen the driveway for two cars will also help in what is becoming a pinch point in the street for parking.

5. CONSULTATIONS

5.1 County Archaeology - Comments received on the 25/07/2017 in response to an archaeological study provided by the applicant

5.2 It is noted the application documentation has not met the requirements of Policy 128 of the NPPF. Nonetheless it is acceptable that the risk of damage to archaeology can be mitigated by the application of suitably worded planning conditions.

5.3 The proposed development is within an Archaeological Notification Area defining an area of prehistoric and Roman activity, including a significant number of human burials, one of which was found in the rear garden of this property. It is highly likely this burial and the others found in close proximity relate to a larger cemetery.

5.4 The applicant's heritage statement / assessment states: The Neolithic-Early Bronze Age burials found in the Study Area are particularly relevant to the Site, given that one was found within the boundary of the Site. The number of burials

suggests there may have been a burial ground in the area during this period, and there is a possibility of encountering more burials at the Site." With which we concur, unfortunately the assessment was not able to clarify the level of modern disturbance on the site by assessing recent building works or carrying out a site visit to assess topography / levels. It therefore must be assumed that archaeological remains survive and will be destroyed by the proposed works.

- 5.5 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):
- 5.6 In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.
- 5.7 The written scheme of investigation, referred to in the recommended condition, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).
- 5.8 **County Archaeology - Original comments received on the 16/06/2017**
The HER records a prehistoric human burial was found in the back garden of this property in 1937 (prior to or during its construction) there is thus a risk that further burials exist.
- 5.9 The application is within an Archaeological Notification Area and therefore the applicant should have submitted heritage impact assessment in line with Policy 128 of the NPPF. This would provide us with the required information to provide the Local Planning Authority with an informed planning recommendation.
- 5.10 Also clarify the risk to the applicants, who we assume are unaware of this risk, which could (if planning was granted) incur them a significant cost in relation to archaeological mitigation.
- 5.11 The impact assessment should be drawn up by an archaeological consultant / contractor.
- 5.12 **Brighton and Hove Archaeological Society: Comment**
The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

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);
- 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 One

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable Design

CP11 Managing Flood risk

CP12 Urban Design

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are whether the proposal is acceptable in terms of its design and appearance in relation to the existing building and surrounding area, and whether the proposal is appropriate in terms of its impact on the amenity of neighbouring properties.
- 8.2 The proposed scheme is a revision of application BH2011/01153 which was allowed under appeal APP/Q1445/D/11/2158160 on the 21/09/2011.
- 8.3 The existing dwelling is a two storey detached property located on the southern side of Roedean Crescent close to the junction with Roedean Path. The property has been subject to a number of planning applications which have resulted in a number of alterations to the property including a modern frontage with a central turret feature and terracing to the rear.

- 8.4 The Roedean Crescent area is characterised by substantial detached houses of varying designs set within large plots. Many have traditional designs with pitched roofs but, over recent years, there have been a number of approvals for modern redevelopments and extensions. The site slopes down steeply from north to south, and the garden to the site abuts a row of single storey workshops and then the rear gardens of Roedean Terrace.
- 8.5 **Design and appearance**
At the front of the property, the proposal includes widening the existing driveway to allow more off street parking, and the introduction of a 1.3m high bi-folding gate at the entrance to the drive, although the vehicular crossover would remain the same.
- 8.6 The pedestrian access would be moved to the centre leading to a stepped path to the main entrance.
- 8.7 The increased width of the driveway to allow 2 cars to be parked off street is considered acceptable and in-line with SPD14 guidance which allows for one parking space per property in the outer areas plus one for visitor parking.
- 8.8 The proposed alterations to the pedestrian access and vehicle gate are acceptable in principle. Further details of the gate design, materials and specifications would be secured by condition.
- 8.9 The most significant difference from the streetscene would be the removal of the existing roof and the creation of an additional level with a staggered roofline which at its maximum height would be 0.9m higher than the existing roofline. The prominent central 'turret' on the ground and first floors would be replicated on the additional level; and the additional storey would be stepped in from the side, front and rear elevations in order to reduce bulk and add visual interest.
- 8.10 The new roof extension would be finished in a dark grey zinc cladding. The existing timber cladding would also be removed and replaced with zinc cladding.
- 8.11 Eight additional windows are proposed on the front elevation, and the proposed and existing windows would be finished in grey uPVC.
- 8.12 To the rear, the area below the existing ground floor raised terrace would be excavated to create a den. The den will have a window facing out from under the terrace which will remain at the same height.
- 8.13 A single storey extension is proposed at the rear to adjoin an existing projection and would run across the remaining width of the rear elevation. The proposed addition would initially project 4.5m from the original rear building line (to be in-line with the existing projection), before curving back to 2.6m deep. The curved element of the extension would be finished in zinc cladding, and the remained in painted render to match the existing. The extension would have a maximum height of 3.4m high, with a balcony/ roof terrace above which would be access internally from 5 full height glass doors. External access to the first floor balcony is via a spiral staircase.

- 8.14 A first floor extension on the western side of the rear elevation above the existing kitchen is also proposed and would replace a section of the existing first floor roof terrace. The proposed extension will project 4.6m from the existing rear elevation to be in-line with the rear building line of the ground floor, and would feature full height glazed doors with Juliet balcony overlooking the garden, and a second set of doors to the roof terrace.
- 8.15 The proposed second storey addition would be stepped-in 1.3 meters from each side elevation; and 1.3m from the main rear building line, narrowing to 0.5m to allow for a projection with balconies either side. The proposed second storey is finished in zinc cladding and will feature areas of fenestration to take advantage of the views. The proposed balconies extend 4m from the side of the projection so that they are stepped-in 4.5m from the side elevations and will feature obscure glazed privacy screens to the side.
- 8.16 The scale and overall appearance of the proposed development from the streetscene is largely similar to the previous scheme which was approved under appeal APP/Q1445/D/11/2158160, although the proposed materials have been altered.
- 8.17 The proposed development would result in house of a similar scale to No. 32 Roedean Crescent, as well of several others on the street which is predominantly comprised of substantial 2 and three storey houses.
- 8.18 The proposed design and use of materials is considered to complement the contemporary appearance of the existing building.
- 8.19 The proposed development is considered to be in-keeping with the overall scale, character and appearance of the host property, neighbouring properties and the wider streetscene, and is therefore recommended for approval.
- 8.20 **Impact on amenity:**
The alterations to the front elevation are not considered to result in any additional overlooking, loss of privacy or reduced light to any of the neighbouring properties which are situated across the road and feature long front gardens which reduces the impact of any additional overlooking.
- 8.21 The proposed rear extensions and alterations are not considered to result in a significant loss of light or outlook; and there would be sufficient distance between the proposed additional storey and the two adjoining properties to ensure no significant overshadowing or loss of light towards, or loss of outlook from the adjoining properties.
- 8.22 The increased fenestration and proposed balcony at first and second floor level would provide clear views into the rear gardens of the two adjoining properties. However, it was evident on the site inspection that the gardens of the adjoining properties are already overlooked from the existing first floor rear windows and roof terrace, and the additional overlooking due to the proposed scheme is not considered to be of a level to warrant the refusal of this application.

8.23 The rear garden of the application site measures 23m and the rear wall abuts a row of workshops which lead onto the rear gardens of Roedean Terrace. The nearest windows to this row of properties are situated 37m away. It is therefore concluded that the gardens and windows to these properties are of a sufficient distance to not be adversely affected by the proposed development.

8.24 The proposed scheme is therefore not considered to result in any significant harm to neighbouring amenity, and is consequently recommended for approval.

8.25 **Landscaping**

External alterations include relocating the pool plant, extending the pool and reconfiguring the hard and soft landscaping. The proposed relocation of the pool plant and extending the pool are considered acceptable. Further details of the proposed hard surfacing would be secured by condition and an informative attached advising that any hard surfacing must be made of porous materials and retained thereafter.

9. EQUALITIES

9.1 None identified.

Information on Pre-application Presentations and Requests 2017

Date	Address	Ward	Proposal	Update
TBC	King's House, Grand Avenue, Hove	Central Hove	Part demolition, conversion and construction of new buildings to provide 180 residential units.	
20th June 2017	Land Off Overdown Rise And Mile Oak Road, Portslade	North Portslade	Outline development with all matters reserved other than access for the erection of 125 dwellings along with associated access, open space, landscaping and parking.	Application BH2017/02410 submitted 14/07/2017.
20th June 2017	St Aubyns School, 76 High Street, Rottingdean	Rottingdean Coastal	Re-development of school campus and part of school playing field.	Awaiting submission of application.
11 th April 2017	Former Lectern PH, 2-6 Pelham Terrace, Brighton	Moulsecoomb & Bevendean	Redevelopment to provide student housing scheme comprising circa 228 studio rooms together with ancillary support accommodation at ground floor and 2 commercial units (café and retail) fronting Lewes Road.	Application BH2017/02156 submitted 07/07/2017.
7th February 2017	189 Kingsway, Hove (former Sackville Hotel)	Westbourne	Construction of 8 storey residential block.	Application BH2017/01108 submitted 31/03/2017.
7 th February 2017	60-62 & 65 Gladstone Place, Brighton	Hanover & Elm Grove	Redevelopment to provide mixed, student and residential scheme.	Awaiting submission of application.

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

10 th January 2017	West Blatchington Primary School, Hangleton Way, Hove	Hangleton & Knoll	Redevelopment to provide new secondary school and junior school.	Application BH2017/01891 submitted 14/06/2017.
13 th December 2016	Preston Barracks/Mithras House/Watts Car Park, Lewes Road, Brighton	Hollingdean & Stanmer and Moulsecoomb & Bevendean	Mixed use development comprising research laboratory, student accommodation, University teaching facilities, residential, retail and parking.	Application BH2017/00492 submitted 24/02/2017.

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

NEW APPEALS RECEIVED**WARD****GOLDSMID****APPEALAPPNUMBER**

BH2016/02917

ADDRESS

33A Cromwell Road Hove BN3 3EB

DEVELOPMENT DESCRIPTION

Conversion of existing vaults to form habitable living space with associated alterations

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

20/07/2017

APPLICATION DECISION LEVEL

Delegated

WARD**GOLDSMID****APPEALAPPNUMBER**

BH2017/00486

ADDRESS

78 Goldstone Villas Hove BN3 3RU

DEVELOPMENT DESCRIPTION

Conversion of existing office (B1) into 2no one bedroom flats (C3) at first and second floors with erection of single storey rear extension at ground floor. Conversion of roofspace, including creation of rear dormer and installation of 3no front rooflights to form 1no studio flat (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

27/07/2017

APPLICATION DECISION LEVEL

Delegated

WARD**HOVE PARK****APPEALAPPNUMBER**

BH2016/05434

ADDRESS

28 Elrington Road Hove BN3 6LG

DEVELOPMENT DESCRIPTION

Erection of two-storey side extension and first floor rear extension and single storey rear extension.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

26/07/2017

APPLICATION DECISION LEVEL

Delegated

WARD**HOVE PARK****APPEALAPPNUMBER**

BH2016/06497

ADDRESS

37 Shirley Drive Hove BN3 6UA

DEVELOPMENT DESCRIPTION

Erection of front boundary wall with vehicle access (Retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

01/08/2017

APPLICATION DECISION LEVEL

Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2016/05417
<u>ADDRESS</u>	52 Barcombe Road Brighton BN1 9JR
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use as a small house in multiple occupation (C4).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/08/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/00434
<u>ADDRESS</u>	34 Hillside Brighton BN2 4TA
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 3.0m.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	01/08/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2017/00254
<u>ADDRESS</u>	148A Preston Drove Brighton BN1 6FJ
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage buildings and erection of 1no three bedroom dwelling (C3) with associated landscaping.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	SOUTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2016/05579
<u>ADDRESS</u>	79 Trafalgar Road Portslade BN41 1GU
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	17/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2016/02619

39 Green Ridge Brighton BN1 5LT

Variation of condition 2 of application BH2015/02149 (Erection of single storey rear and side extensions. Extensions and alterations to the roof including dormers to front, rear and side.) to allow amendments to the approved drawings.

APPEAL IN PROGRESS

19/07/2017

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2016/05930

10-18 Warren Road Brighton BN2 6BB

Application for variation of condition 10 of application BH2002/1916/FP (Demolition of existing service station sales building and provision of new 146 sq metre sales building) to permit fuel deliveries between 0630 and 1800 hours Mondays to Saturdays and 0800 and 1800 hours Sundays and Bank Holidays.

APPEAL IN PROGRESS

19/07/2017

Delegated

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application no:	BH2016/01961
Description:	Demolition of existing Buildings and erection of a 3 Storey building containing 44 assisted living apartments for older persons with associated communal facilities, parking and landscaping.
Decision:	Awaiting decision from PINS
Type of Appeal	Public Inquiry against Non-Determination
Date:	13 th to 16 th June 2017, Brighton Town Hall
Site Location:	46-54 Old London Road, Brighton

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APPEAL DISMISSED (Committee decision)

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NORTH LAINE**

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APPEAL DISMISSED (delegated decision)

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PATCHAM**

Application BH2016/01961– Appeal against a refusal to grant planning permission for 'erection of 44 Assisted Living apartments for older persons (C2 use) with associated communal facilities, parking and landscaping following the demolition of the existing buildings.'
APPEAL DISMISSED (Committee decision)



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 20/07/2017

Appeal ref: APP/Q1445/C/17/3170116
Land at 19 Riley Road, Brighton, BN2 4AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Michael Gayler against an enforcement notice issued by Brighton and Hove City Council.
- The notice was issued on 3 January 2017.
- The breach of planning control as alleged in the notice is "Without planning permission the material change of use from a single dwellinghouse (use class C3) to House in Multiple Occupation (use class C4)".
- The requirements of the notice are "Cease the use of the property as a House in Multiple Occupation (HMO)"
- The period for compliance with the requirements of the notice is "**3 months** from the date this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's case is that it is vital he and his fellow students can continue occupation of the property until their exams have ended on 30 June 2017. He also contends that it is essential he has accommodation close to the university due to a medical condition. The tenancy agreement expires on 31 July 2017 and the appellant states that he and his colleagues will be moving out.
2. It is noted that some 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended and the students' exams will therefore now be finished. Therefore, as the compliance period will begin again from the date of this decision, the compliance period will extend well beyond the expiry of the tenancy agreement. That being the case, there would appear to be no longer a need to extend the period for compliance any further.
3. Therefore, I am not satisfied there is good reason to extend the compliance period further and I consider the 3 months given is sufficient to meet the requirements of the notice. The ground (g) appeal fails accordingly.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee



Appeal Decision

Site visit made on 26 June 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st July 2017

Appeal Ref: APP/Q1445/W/17/3171883

Land at Roedean Path, Roedean, Brighton BN2 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stephen and Jacky Rowllins against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01981, dated 27 May 2016, was refused by notice dated 21 September 2016.
 - The development proposed is erection of a single new detached house with associated private garden and on-site parking space.
-

Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Mr and Mrs Rowllins against Brighton & Hove City Council. This application is the subject of a separate decision.

Preliminary Matter

3. Since this application was determined an alternative scheme for a dwelling on the appeal site has been submitted to the Council and approved, subject to conditions, Ref: BH2016/06251. I have had regard to this extant permission in my determination of the appeal.

Main Issues

4. The main issues are the effects of the proposed dwelling on the:
 - a) character and appearance of the area;
 - b) living conditions of occupants of No 2 Roedean Path in relation to outlook and sense of enclosure.

Reasons

Character and appearance

5. Roedean Path is a short straight street with footpaths and grass verges on both sides. The street is mostly enclosed by the walls of the side gardens of the substantial properties in Roedean Way and Roedean Crescent. These features give the street a largely undeveloped character that contributes to the sense of spaciousness that characterises the surrounding residential development.

6. The appeal site is a small parcel of land on the eastern side of the street and is currently enclosed by a low fence. Immediately to the north is a brick building with a hipped-barn roof that houses an electricity sub-station. It is enclosed by a solid fence and locked gates and sufficiently set back so that it does not dominate views in either direction along the street. There are currently no dwellings that have frontage onto Roedean Path. The extant scheme would significantly alter this situation by introducing a contemporary style of building immediately adjacent to the footpath. However, it would have a low profile which would restrict its visibility and prominence in the wider street scene.
7. The appeal proposal is also for a contemporary style of dwelling with accommodation on four floors, two of which would be set below the existing ground level. The uppermost floor would occupy a small footprint, but would be a circular turret feature with a flat roof. The intention of this 'lookout tower' would be to link an innovative design with the historic feature located on the adjoining coastguard cottages. Its windows would look out in a south-westerly direction, providing extensive views towards the sea. The top of the building would be above the eaves of the sub-station building to the rear.
8. The addition of this extra floor within the building means that the proposal would be considerably taller than the dwelling which has been approved under Ref: BH2016/06251. The additional height would be closer to the footpath than the sub-station making the building as a whole significantly more prominent within the surrounding street scene. This would be harmful to the spacious and largely undeveloped character of Roedean Path. The enlarged dwelling would also be wider and more bulky than the extant scheme, so that it would appear out-of-proportion within this highly constrained, small plot. Notwithstanding the existing permission, in my view, the proposal is simply too tall, large and bulky to be accommodated satisfactorily on the site.
9. I conclude that the proposed dwelling would be harmful to the character and appearance of the area. It would fail to comply with Policy CP12 of the Brighton & Hove City Plan Part One which, amongst other things, requires new development to respect the diverse character and urban grain of the city's neighbourhoods.

Living conditions

10. No 2 Roedean Path is sub-divided into two flats. This substantial property is sited on lower ground than the appeal proposal. With the addition of the circular turret feature, the blank side elevation of the enlarged dwelling would dominate the rear garden of No 2. Its elevated position, combined with its height and proximity to the rear of No 2 and its garden, would give rise to an unacceptable sense of enclosure and an overbearing appearance from the rear of both flats. I consider these effects would be significantly greater than with the extant scheme.
11. The northern end of No 2's garden may already be somewhat enclosed by the sub-station. However, the enlargement of the proposed dwelling would introduce an additional sense of enclosure on its western side. Although the turret would be set away from the boundary, this separation distance would be insufficient to reduce its visibility from both flats and the garden. The height and bulk of the added storey would therefore be an un-neighbourly form of development that would make the flats and rear garden of No 2 less pleasant places to be.

12. I accept that the primary habitable rooms of No 2 look out towards the sea and over a generously proportioned front garden. However, that does not diminish the harm that I have identified at the rear of the property.
13. The windows within No 2 that would be closest to the proposed dwelling do not appear to serve habitable rooms and the windows in the turret have been positioned to prevent harmful overlooking of the adjacent property. Views towards the other windows of No 2 would be at oblique angles and partially screened by the existing boundary treatments. The proposal would therefore not give rise to any harmful loss of privacy for the occupants of the adjoining flats.
14. Nevertheless, for the reasons set out above, I conclude that the proposal would be harmful to the living conditions of the occupants of No 2, arising from loss of outlook and an increased sense of enclosure. It would therefore be contrary to saved Policy QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

Other Matter

15. I note the appellants' concerns about the way in which officers assessed the application. However, the Council's procedures are not matters for me to address in the context of a Section 78 appeal, which is confined to a consideration of the planning merits of the proposal in the light of current policy.

Conclusions

16. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 18 July 2017

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th July 2017

Appeal Ref: APP/Q1445/D/17/3173607

26 Newlands Road, Rottingdean, Brighton BN2 7GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Harding against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00340, dated 1 February 2017, was refused by notice dated 7 April 2017.
 - The development proposed is proposed minor amendments to BH2016/03024, including alterations to northern gable, driveway and fenestration.
-

Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the proposals on the character and appearance of the Newlands Road area of Rottingdean.

Reasons

Preliminary

3. The description of development set out in the bullet point above is that provided by the appellant. Permission was granted on 21 October 2016 for alterations and extensions to the existing dwelling including removal of existing detached store room and conservatory, erection of two storey front extension, erection of part single, part two storey rear extension and insertion of 8no rooflights and raising the roof, and that is the permission reference BH2016/03024 listed above.
4. The Council states that this permission resulted from pre-application advice to remove certain aspects of the then proposal, and they further state that it is the re-introduction of some of these items that, together with the approved development, forms the basis of the current proposal. The Council describe the proposal as '*Alterations and extensions to existing dwelling including removal of existing detached store room and conservatory, erection of two storey front extension, erection of part single, part two storey rear and side extension, raising of roof ridge height and alterations to northern gable, creation of 1no front balcony, 2no Juliet balconies and insertion of 8no rooflights, widening of existing driveway and associated landscaping with revised fenestration and other associated works*'. Nothing turns on the difference in description

employed as the difference in the proposed development is clear from the submitted drawings.

Policy

5. Policy CP12 of the Brighton and Hove City Plan Part One on urban design sets out criteria that all new developments are to follow. Policy QD14 of the Brighton and Hove Local Plan requires extensions and alterations to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; to not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties; to take account of the existing space around buildings and the character of the area and ensure that an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and to use materials sympathetic to the parent building.
6. Paragraph 56 of the National Planning Policy Framework states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Character and Appearance

7. Newlands Road is mainly developed as a line of dwellings along the east side, facing open land and across the valley in which the older parts of Rottingdean are situated, to the rising ground and the downs towards Brighton. There is considerable variety along the road and that continues on the coast road to the south and with the older dwellings on Steyning Road to the north. With the exception of the large care home on the corner with the latter road, dwellings are on reasonably regular plot sizes and occupy much of the plot width, but the variety in roof slopes and front wall lines prevents any terracing effect or feeling of over-development.
8. Planning approval BH2016/03024 provided for a significant increase in the size of the 'original' house, evident by comparison of drawings 06B and 07A of the pre-existing house with the submitted drawing 15H as being the approved front and south-side elevations, and the red dotted line on proposed plans 10M and 11K. That line shows the approval as being for a north projection set in from that approved to the south and the approved front elevation contains a south gable while the set-back north projection would have a flat roof.
9. That arrangement would give a pleasant articulation of the front elevation when seen from oblique angles along the road from either direction and would relate well to the arrangement at number 28 where the building line at the ground floor front steps back at the side of a first floor balcony with the roof line further to the rear.
10. The appeal proposal would bring the front north projection forward to the line of the approved south one and add a gable end and window identical to that on

the south projection. The recessed area between would have a flat roof and balustrade accessible from the 'loft' rooms either side, replacing the approved double-height void and flat roof only at a more recessed location. This accessible balcony does not in itself cause harm with regards to privacy, due to the open land in front, but without the north projecting gable, would risk appearing intrusive on the roofline with the possibility of domestic paraphernalia being left there.

11. The second gable at the same front line as the approved one would introduce a symmetrical arrangement about the entrance door, a feature that does not appear to a great extent along the road and one that would emphasise the bulk of the proposed building. There are two gables adjoining each other at number 24 to the south, but here there is also the 'catslide' roof to take away the symmetry and to introduce an attractive articulation of planes and heights. Similar devices to break up the bulk of built form have been employed elsewhere. The north gable would not relate well to the neighbouring dwelling at number 28, appearing to dominate its south-west corner in views along the road from the south, particularly above the flank wall to the balcony of that adjoining dwelling, which steps back.
12. To conclude, the arrangement along the front as presently permitted would retain the articulation and variety of the 'original' house shown on drawing 07A and would address similar variety along the road in a successful way, whilst allowing a significant increase in the accommodation provided. The further projection, floor level, pitched gable roof and balcony would provide additional accommodation but this does not justify the harm that would be caused to the character and appearance of the Newlands Road area of Rottingdean.
13. The proposed further works would be contrary to the requirements of Policy QD14 in relation to the property to be extended, adjoining properties and the surrounding area, and would not result in urban design of the standard sought in Policy CP12 or the Framework. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 10 July 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 July 2017

Appeal Ref: APP/Q1445/W/17/3170068

6 Trafalgar Court, Brighton, West Sussex BN1 4FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Ariel against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02764, dated 20 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is change of use from residential dwelling (C3) to a four bedroom small house in multiple occupation.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential dwelling (C3) to a four bedroom small house in multiple occupation at 6 Trafalgar Court, Brighton, West Sussex BN1 4FB in accordance with the terms of the application, Ref BH2016/02764, dated 20 July 2016 subject to the following conditions: -
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with approved drawing 'Proposed Floor Plans' and drawing number 2016/18/02.
 - 3) The development hereby permitted shall be occupied by no more than four (4) persons at any time.

Preliminary Matters

2. The description of proposed development provided on the planning application form has been replaced by a different description on the Council's decision letter. The appellant has used the Council's description on its appeal form. For consistency I have used the Council's description of proposed development here.
3. It appeared at my visit that much of the proposed development had taken place but I have no substantive evidence before me that would confirm that it has been completed in accordance with the plans that are the subject of this appeal. I have therefore considered the proposed development as a stand-alone development.

4. The appellant has put forward an additional plan, drawing number 2016/18/02. The plan shows the same proposed layout as those plans submitted in support of the planning application, however this subsequent plan hosts additional bedroom furniture annotations for single person occupancy bedrooms which form part of the appellant's case. This information does not change the proposal and, as such, the plan would not, in my view, prejudice the interests of third parties. For this reason I have had regard to this plan.

Main Issue

5. The main issue is whether the development provides acceptable living conditions for its occupants.

Reasons

6. No 6 Trafalgar Court is a three-storey terraced property located on the eastern side of Trafalgar Court, a short and narrow non-through road with double yellow line parking restriction in place. A total of four bedrooms would be created which would allow an occupancy of up to four individuals. The conversion has seen the living room on the ground floor made into a bedroom and the living room has been relocated to the first floor. The reconfiguration of the internal layout of the building has created an entrance corridor and bedroom at ground level, a new WC/shower room at first floor and the existing bathroom at second floor has been removed to form a larger bedroom.
7. An Article 4 Direction is in place that prevents the change of use of this property from a dwelling to a small HMO. The property is subject to a draft HMO licence, under the separate provisions of the Housing Act 2004, as an HMO for up to four occupants. The local planning authority has not adopted space standards for HMOs for planning purposes but the appellant indicates that all bedrooms and the kitchen exceed the Council's licencing standards set for HMO accommodation.
8. Whilst the Council contend that the local planning authority seeks to secure a higher standard of accommodation than the bare minimum fit for human habitation, the proposed accommodation appears to be consistent with the single person occupancy space requirements of the Council's licencing scheme for shared houses in respect of the bedrooms. The appellant's additional plan illustrate that the single occupation bedrooms can accommodate furniture and circulation space. I am satisfied that the bedrooms would achieve an acceptable standard of accommodation for the occupiers.
9. Although the kitchen is likely to be usable by one person at a time it meets the licencing size requirement for kitchens without dining facilities within shared houses. I saw during my site visit that the ground floor kitchen comprises a range of cupboards and appliances, but it is small and would not be capable of incorporating a dining area. I note that there is no specific dining room size standard set by the licencing standards for HMOs of up to four person occupancy.
10. I observed the first floor living room, whilst it hosted a sofa and comfortable chairs, included a dining area with a small table and three dining chairs. The space within this room was not so constrained as to be cramped with these combined facilities within it. The room is light and provides a reasonably pleasant and functional communal space. I acknowledge that the use of this

dining area would involve taking food and crockery/cutlery up and down a flight of stairs and may not be a conventional or a convenient place in which to eat meals. However, I do not consider that this arrangement in this particular case to be so unconventional as to be unacceptable.

11. The Council refer me to an appeal decision at 139 Lewes Road, Brighton¹. The shared living room and dining space in that proposal has some similarity to the proposal before me in that those facilities were on a different floor level to that of the kitchen. However, in that case the shared living room and dining space were proposed at a lower ground floor level. The Inspector, although considering that to be an inconvenient place in which to eat meals, also considered it was not an attractive place to eat meals. That proposal also related to a larger HMO with other constraints to the proposed accommodation. I therefore consider the proposal before me to be different and, therefore, it can and should be considered on its own merit.
12. The layout of the small HMO would result in the occupiers frequently passing along the entrance corridor and the stairwell/corridor to access the living/dining room and bathroom facilities. Whilst such movements adjacent the ground and first floor rear bedrooms would create some degree of noise within these corridors, I do not consider this would be of a level and/or frequency that would cause harmful noise and disturbance to the occupiers of these bedrooms.
13. The Council is also concerned that the occupier of the ground floor bedroom would experience noise and lack of privacy as the window fronts directly onto a road in a city centre location. I accept that Trafalgar Street is a busy commercial street but Trafalgar Court that leads off Trafalgar Street is not a through road and has parking restrictions in place. There would not be a high number of passers-by. I do not, therefore, consider the occupiers of this ground floor bedroom would experience unacceptable noise disturbance or harm to their privacy.
14. Accordingly, I consider that No 6 Trafalgar Court provides an acceptable standard of accommodation for its use as a small HMO.
15. For these reasons, I conclude that the development would provide acceptable living conditions for its occupants. I find no conflict with Policy QD27 of the Brighton and Hove Local Plan, which seeks to ensure that a change of use will not cause nuisance or loss of amenity to existing or proposed occupiers, amongst other matters. Furthermore, I find that the proposed development would not conflict with bullet point four of the core planning principles (paragraph 17) of the National Planning Policy Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

16. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

¹ Appeal reference APP/Q1445/W/17/3168211

17. I consider a condition limiting the maximum number of occupants to four to be appropriate to ensure the standard of accommodation is and remains acceptable for the occupiers of the property.
18. The Council considers that the removal of Class A to E of Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 permitted development rights would be appropriate. It is not entirely clear what harm might occur to the living conditions of adjoining occupiers or to the character and appearance of the area if such permitted development rights were implemented at the property. I refer to the advice in the Planning Practice Guidance which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider there to be exceptional circumstances here.

Conclusions

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 10 July 2017

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 July 2017

Appeal Ref: APP/Q1445/W/17/3169671

45 Glen Rise, Brighton BN1 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Robin Lloyd against Brighton & Hove City Council.
 - The application Ref BH2016/03032, is dated 23 July 2015.
 - The development proposed is the conversion of single storey bungalow into a two storey house.
-

Decision

1. The appeal is dismissed and planning permission for the conversion of single storey bungalow into two storey house is refused.

Preliminary Matters

2. I have taken the description of the proposed development from the planning application form but I note that the appellant has replaced this with a fuller version on the appeal form. The revised description describes the proposed development as the remodelling of the existing bungalow incorporating roof extension and raised ridge height to enable creation of first floor level, erection of single storey rear and side extensions and associated works. These are reflected on the submitted plans. I have therefore considered the appeal on this basis.

Main Issue

3. This appeal has been lodged following the Council's failure to determine the application. The Council in its appeal statement indicate that the proposed development fails to respond to the character and appearance of the adjacent properties and surrounding streetscene and considers the proposal to be contrary to Policy QD14 of the Brighton and Hove Local Plan (the Local Plan) and Policy CP12 of the City Plan Part One.
4. I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is located at the junction of Glen Rise and Millcroft and has a splayed position to the junction. The existing development in the locality comprises hipped or gabled roofed detached bungalows, although there are two-storey dwellings to the opposite side of Glen Rise and in the wider area.

Whilst many of the bungalows have converted their roof space to living accommodation by creating dormers or roof extensions, the dwellings are low rise with low eaves and ridge heights and retain their pitched roofs. The dwellings maintain the characteristics of modestly sized bungalows and this forms the prevailing character of the existing development in the area and the appearance of the streetscene in which the appeal property is located.

6. The proposed extension would add a full first storey raising the height of the eaves and ridge substantially above that of the dwellings either side and those in the street. The increased depth of the dwelling would add considerable bulk to the building at first floor and to the roof. In addition, the flat roof design of part of the proposed roof would not reflect the roofscapes in this area.
7. Despite the property's non-linear positioning in relation to neighbouring properties, the extension to this dwelling would be markedly out of keeping within this streetscene and, as a result, would be harmful to the visual appearance of the area. It would also create an overdeveloped appearance due to the substantial increase in size of the building compared to that of the bungalows in the area. The increased height and mass of the extended dwelling would be extremely prevalent in views from the surrounding public highways and to adjoining neighbouring occupiers. Furthermore, given the substantial increase in height and size of the dwelling to the rear, this harm would be notable in the outlook from the adjoining neighbours' properties and their back gardens. Although existing landscaping within the appeal site would lessen the visual impact to some adjoining occupiers, the development would be particularly noticeable to the occupiers directly to the rear of the site.
8. The Council is also concerned that the multiple extensions at ground floor set independently of one another would result in a disconnected overdeveloped appearance. However, the proposed garage would be a modest addition to the side and the property and the existing side extension and proposed single storey rear extension would be set within the existing boundaries of the site. These would not be appreciably apparent in public views or in the outlook of adjoining occupiers. However, given my concerns set out in the preceding paragraph I consider the proposal remains unacceptable.
9. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be in conflict with Policy QD14 of the Local Plan and Policy CP12 of the City Plan Part One, which seek extensions and alterations to existing buildings to be well designed in relation to the property to be extended and to take into account the character of the area, amongst other matters.
10. A number of nearby residents raise a series of other concerns about the proposal but in view of my conclusions on the main issue there is no need for me to address these in the current decision.

Conclusions

11. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 13 July 2017

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/Q1445/D/17/3175717

94 Rugby Road, Brighton, BN1 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Mason against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00075, dated 10 January 2017, was refused by notice dated 7 March 2017.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 94 Rugby Road, Brighton, BN1 6ED in accordance with the terms of the application, Ref BH2017/00075, dated 10 January 2017, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: MASONLP x 4 – Location Plan; Block Plan; Existing floor plans & elevations; and Proposed floor plans, elevations / section.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the host property and the locality and ii) living conditions for neighbours.

Reasons

Character and appearance

3. The appeal property is an end of terrace dwelling with a flat roofed rear outrigger. It is in an established residential locality which is characterised by broadly similar properties, albeit with a range of rear elevational treatments, and the dwellings with their tightly knit frontages and traditional narrow rear gardens come together to create an area of pleasing appearance and aesthetic quality.
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4. The site lies within the Preston Park Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Saved Policy HE6 of the Brighton and Hove Local Plan (LP) which also includes a range of relevant design criteria for proposals within Conservation Areas.
5. The proposal is as described above and would primarily create a new first floor bedroom in a flat roofed form which would extend about 2.3 metres rearwards beyond the existing first floor outrigger element and this would come about 0.8 m short of the existing ground floor flat roofed element. The Council is concerned that by virtue of its depth at first floor level the extension would give the property an overextended appearance and compound the tiered formation of the rear elevation as well as appearing incongruous when viewed in the context of the rear elevations of neighbouring properties.
6. However a local characteristic of the local terraced properties is that the rear two storey outriggers are relatively large compared to the frontage part of the dwellings. The proposed projection, width and height of the composite whole of the two storey element including the appeal scheme would not be at all out of sync with the bulk, massing and relative siting of others adjacent and nearby. Furthermore whilst some six properties' outriggers to the west do have semi-detached pitched roofs, which in turn add to their bulk, there are multiple others found locally which are of flat roofed form. I understand that it might often be considered an anathema to permit flat roofs at first floor level but the fact remains that it is traditional on some older properties and it certainly is a phenomenon found locally. In this context, and particularly given that there will be stepping in the from the rear elevation to add some subtlety and to balance with the projections to the west, I would not class this scheme as harmful to the original dwelling or the visual qualities of its surrounds.
7. The LP includes saved Policy QD14 which, amongst other matters, seeks well designed extensions and alterations that should protect local distinctiveness, complement the host property and its locality, have regard to spacing and siting, and not detract from the local character. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document cannot be expected to cover every eventuality. Given the nature of the scheme I conclude that the proposal would not conflict with this relevant development plan policy or the pertinent aims of the SPD. It would also not run contrary to the aims of S72(1) of the Act or with LP Saved Policy HE6.

Living conditions

8. The Council expresses the concern that the proposed extension projecting to the rear at first floor level close to neighbouring windows would result in an increased sense of enclosure and overshadowing to the ground floor windows of 92 and 96 Rugby Road to the detriment of residential amenity.
9. However the rear of these properties face south which is a positive attribute. Acknowledging that the Appellant's dwelling does sit slightly higher, the ground floor arrangement within the 'set-in' element of No 92 is very similar to many found locally including the appeal property, which is in turn is alongside a two storey outrigger. This relationship and proximity of set-in ground floor

windows relatively close to neighbouring two storey elements is a characteristic and the local test of amenity is reasonably made on that basis. To my mind, whilst there would be some modest increased sense of enclosure and loss of some sunlight at certain times of the year for the first part of the day, the relationship to No 92 of the new upper level built element would not be unduly harmful or unreasonable given local circumstances.

10. In terms of No 96 the window in question is a south facing sizeable patio door with a short but tall walling 'blinker' presently alongside. The proposed works would be a suitable distance away from this glazing, the '45 degree' test often applied is not breached, and privacy to the applicable patio would be enhanced. Any overshadowing would be minimal and only towards the latter part of the day at certain times of the year and outlook to the south across the main garden area would continue to prevail for the occupiers of this ground floor flat.
11. LP Saved Policy QD27 specifically seeks to protect the amenities of neighbours and this is also an element of previously cited Saved Policy QD14. Given the foregoing I would conclude that the appeal scheme would not run contrary to these policies.

Conditions

12. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality or on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR



Appeal Decision

Site visit made on 13 July 2017

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/Q1445/D/17/3175721

31 Twyford Road, Coldean, Brighton, BN1 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Castagnetti against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00117, dated 13 January 2017, was refused by notice dated 24 April 2017.
 - The development proposed is a two storey side extension with gable end roof and creation of front entrance and porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

3. The appeal property is an end of terrace dwelling forming a gable fronted feature to the row of 3 homes. It is in an established residential locality which is characterised by semi-detached and terraced houses of a similar period which, along with relatively generous gardens and varied ground levels, come together to create an area of pleasing appearance. The proposal is as described above. It would primarily create new living accommodation and two double bedrooms below a pitched roof with its ridge running parallel to the road and a side gable to the driveway alongside leading to communal garage blocks.
 4. The Council is concerned that the side extension, given its scale and appearance, would not be subservient to the existing dwelling and would thus cause significant harm to the character and appearance of the property and the street scene. The Council argues in the relevant report that the site is a corner one and this leads to the need for greater spaciousness to remain than might otherwise be the case.
 5. For my part whilst the property lies alongside a driveway to garages I would not class this plot as a corner site, the return is not on widespread public view as such, and the street in practical and visual terms leads up to the 'true' corner with Ingham Drive to the north west. I would also say that the concept
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of subservience has to be treated with some flexibility at times, for example on measurement of comparable additional width. This is especially so when one is dealing with an unusually generous side garden and a far from normal existing terrace which is not symmetrical because of the one gable fronted house. The appeal property is consequently in principle suited to a, road-parallel, ridge solution as an extension. Attention also has to be paid to reasonable scope for forward porch projections on existing or new build elements, particularly when varied building lines and styles and scales of porches are found very nearby.

6. However, having said all of this, in my opinion the proposed extension is regrettably overly-large and would step into the category of being excessive and thus aesthetically harmful. There is little evidence locally of large two storey massing coming so close to a side boundary as planned here and spacing and areas of openness are attractive characteristics of the neighbourhood. The scheme would spread just too far across the plot and too greatly reduce the sense of the space and the practical scope for landscape. Similarly the first floor element would be over dominant relative to the original property and not sufficiently set back to offer appropriate subservience. This would be greatly compounded by the use of an excessive roof form which would simply have a ridge which is too high, it being on a plane with the original property, and excessive bulkiness. Taken as a whole the extension would lack suitable subtlety and would not represent good design. At this scale it would be jarring on the eye and harmful to the streetscene.
7. The Brighton and Hove Local Plan includes Saved Policy QD14 which, amongst other matters, seeks well designed extensions and alterations that should protect local distinctiveness, complement the host property and its locality, have regard to spacing and siting, and not detract from the local character. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document is *guidance* and cannot be expected to cover every eventuality. Given the nature of the scheme I conclude that the proposal would conflict with the relevant development plan policy and the pertinent aims of the SPD.

Other matters

8. I sympathise with the wish of the Appellant to increase internal space. I can see that there would be no harm to the residential amenity of neighbours and that no objections have arisen. I note that the Appellant has offered to reduce the ridge height if this was the critical determining factor but I have other concerns with the scheme and I have to consider the plans that are before me. A planning condition on the one matter of the roof would not be appropriate and would not resolve matters in any event. I can see the disappointment over the determination of the case and the delay to the Appellant was regrettable. I recognise that there are other examples of side extensions cited by the Appellant. I would conclude that some work successfully in visual terms, others less so. However for reasons of position, scale or form none are directly comparable to the appeal scheme which, in any event I must assess on its own merits.
9. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

10. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR



Appeal Decision

Site visit made on 13 July 2017

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/Q1445/D/17/3175813
167 Waldegrave Road, Brighton, BN1 6GJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Perry Anderson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06531, dated 18 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is the erection of single storey rear infill extension with associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant uses this description on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

4. The appeal property is an attractive mid terraced two storey dwelling with a semi-detached single and two storey outrigger projecting rearwards across about two thirds of the width of the home. It lies in an established residential area characterised by dwellings of a similar nature leading to a locality of pleasing appearance. The proposal is for a single storey extension with a mono-pitched glazed roof between the side of the outrigger and across to the shared boundary with the dwelling to the south (No 165). The scheme embodies a wall on the shared boundary of about 7 metres in length and around 2.4m in height. There is presently a mid-height party wall which does not offer full privacy between the pertinent parts of these two properties.
 5. The Council argues that the scheme would be over-bearing and is concerned with loss of light and outlook and an increased sense of enclosure. On the question of light I would agree with Appellant's dismissal of this point, not least because of the properties' relative orientations. I can also see that loss of outlook might be marginal given existing structures and window dispositions albeit I would caution against using the 45 degree test over-zealously in every
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situation. However I consider that there would be an uncomfortable scale and nature of 'corridor' effect created which would be most unsettling in terms a feeling of enclosure created and the over-bearing sense of unduly proximate built form one would experience both from within the neighbouring property at its relevant fenestration and from its open area alongside. The reason for this, to my mind, is simply that at this height the new side wall, by running all the way along to the end of the existing single storey element of the outrigger, rather than a point further back, would be too long. The new vertical edifice would be too extensive to be a suitably neighbourly proposition.

6. The Brighton and Hove Local Plan includes Saved Policies QD14 and QD27 which, amongst other matters, seek to ensure that development would not unduly impact upon residential amenity. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document is *guidance* and cannot be expected to cover every eventuality. Given the nature of the scheme I conclude that the proposal would conflict with the relevant development plan policies and the pertinent aims of the SPD.

Other matters

7. I understand the wish of the Appellant to increase internal space and I can see that other single side extensions exist locally albeit I do not know their full planning pedigree. I can see that there would be no harm to character and appearance of the area and I have had due regard to the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 given the site lies within the Preston Park Conservation Area. It is appreciated that the neighbours have not raised objections although I have to consider the residential amenity inherent in neighbouring properties for the long term. I recognise that given the existing party wall height and arrangement of windows there would be some gains in mutual privacy. I note the arguments put that the proposal should be defined as sustainable development and certainly there are some benefits to be weighed accordingly. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR

Appeal Decision

Site visit made on 13 July 2017

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/Q1445/D/17/3175525

11 Bates Road, Brighton, BN1 6PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Bond against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06521, dated 19 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is a ground floor rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is a mid terraced two storey dwelling with roof accommodation and with a semi-detached two storey outrigger projecting rearwards across about two thirds of the width of the home. It lies in an established residential area characterised by dwellings of a similar nature leading to a locality of pleasing appearance.
 4. The proposal is for a single storey extension with a mono-pitched glazed roof between the side of the outrigger and across to the shared boundary with the dwelling to the east (No 13) and continuing beyond the two storey outrigger to 'turn the corner' and run across its rear providing a projecting single storey element and removing a deeper narrower conservatory. The scheme embodies a wall on the shared boundary of about 6 metres in length and around 2.4m in height. There presently is a mid-height party garden wall along the relevant part of the shared rear side boundary; this is over-represented height-wise in the submitted drawings.
 5. The Council argues that the scheme would be over-bearing and is concerned with loss of light and outlook and increased overshadowing and sense of enclosure. I would, however, say that because of mutual positioning, existing structures and orientation, direct loss of light and overshadowing would not arise to an undue degree. I would also assess that loss of outlook, certainly upper-wards would be likely to be marginal given existing structures and window dispositions. There would be some gains in privacy. However I
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consider that there would be an uncomfortable scale and nature of 'corridor' effect created which would be most unsettling in terms a feeling of enclosure created and the over-bearing sense of unduly proximate built form one would experience both from within the neighbouring property at its relevant fenestration and from its open area alongside. The reason for this, to my mind, is simply that at this height the new side wall, by running all of some 6 metres rather than stopping at a point further back would be too long. The new vertical edifice would be too extensive to be a suitably neighbourly proposition.

6. The Brighton and Hove Local Plan includes Saved Policies QD14 and QD27 which, amongst other matters, seek to ensure that development would not unduly impact upon residential amenity. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document is *guidance* and cannot be expected to cover every eventuality. Given the nature of the scheme I conclude that the proposal would conflict with the relevant development plan policies and the pertinent aims of the SPD.

Other matters

7. I sympathise with the wishes of the Appellants to increase internal space. I can see that there would be no harm to character and appearance of the area including the nearby Preston Park Conservation Area.
8. I appreciate that a key part of the argument put for allowing the appeal scheme is the 'precedent' of a relatively recent extant approval (Ref BH2016/02793) for a virtually identical scheme at the other side of the semi-detached outrigger on the adjoining property (No 9) to the west. The Council permitted that having deemed it would not unduly harm residential amenity. The Council's explanation which has been given to the Appellants of why the two extensions were handled differently is not coherent in my opinion. Nevertheless I have to determine the scheme before me on its own merits and in my assessment it would not be right to use the permitted scheme as a benchmark for this development given my conclusions on the residential amenity issue. I regret that this may seem harsh to the Appellants but in my assessment it would be improper for me to allow the appeal scheme against my better judgement only because the Council, for whatever reason, has permitted development at No 9.
9. In terms of other examples of extensions drawn to my attention I find that none are directly comparable in context, scale or design and are not precedents when I am solely determining this proposal. I appreciate that there might be a degree of 'fall back' through permitted development but I have little evidence of likely implementation of this and, again, I have to determine the plans before and the amenity impact associated therewith.
10. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR



Appeal Decisions

Site visit made on 18 July 2017

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th August 2017

Appeal A: APP/Q1445/W/17/3171388 **101 Roundhill Crescent, Brighton BN2 3GP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Wendy Jamieson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00752, dated 1 March 2016, was refused by notice dated 22 November 2016.
 - The development proposed is erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.
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Appeal B: APP/Q1445/Y/17/3171393 **101 Roundhill Crescent, Brighton BN2 3GP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Wendy Jamieson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00753, dated 1 March 2016, was refused by notice dated 22 November 2016.
 - The works proposed are erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.
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Decisions

1. I dismiss both appeals.

Main Issues

2. In both Appeal A and Appeal B the main issue is;
 - The effect of the proposal on the significance of designated heritage assets. and in Appeal A only;
 - The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to outlook and sunlight.

Reasons

Policy

3. Policy HE1 of the Brighton & Hove Local Plan states that alterations to listed buildings will only be permitted if the proposal would not have any adverse

effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting and the proposal respects the scale, design, materials and finishes of the existing buildings, and preserves its historic fabric. Policy HE6 seeks to preserve or enhance the character and appearance of the conservation area. Policy QD27 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. Policies CP12 and CP15 of the Brighton and Hove City Plan Part One concern urban design and the protection of heritage.

4. Paragraph 56 of the National Planning Policy Framework states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Designated Heritage Assets

6. These are the Round Hill Conservation Area, 101 – 113 Roundhill Crescent listed Grade II, and the 'bungaroosh' wall that should be regarded as being listed through association with the listed 101 Roundhill Crescent.
7. The Officer's Report refers to views and vistas identified in the Round Hill Conservation Area Statement, but that across the site is not one of the two identified 'vistas'. The statement also refers generally to views of the sea or the downs. However, the view through the present gap between 101 Roundhill Crescent and 4 D'aubigny Road is clearly not a planned vista, and has been severely curtailed by the development of a supermarket on the Lewes Road Junction. Views may be had of green space, stated to be a cemetery, tiers of buildings rising up the opposite valley side, and a part of the open downs beyond on the horizon. The view is cut-off by other closer buildings in other than almost directly facing the gap. Whilst pleasant and clearly appreciated, neither the gap nor the view through it can be said to be a significant aspect of the conservation area's character and appearance.
8. The proposed building would not occupy the whole of the gap through which the view is available, and would be placed on the side that is most adversely affected by the blank walls and roofs of the supermarket. Sufficient view of distant greenery and downland would remain in order to allow a link between the urban area and the countryside, and the proposed addition of one house would not cause substantial harm to that view either within or looking out of the conservation area.

9. The wall is described as 'bungaroosh', a construction method peculiar to Brighton and a limited neighbouring area. It is of historic interest, but is not unduly rare and the works proposed to parts only of its length would not cause substantial harm to the significance of it or the principle listed building. It forms a townscape feature in the conservation area, but its true nature is not immediately noticeable from the street, being more obviously to the rear face. The effect on the setting of the listed terrace would be limited, as the area to the rear does not contribute greatly to the architectural or historic significance of the building and its setting.
10. The works proposed to the listed wall, the effect on the character and appearance of the conservation area and on the setting of the listed buildings would nevertheless cause limited harm. The level of harm is at the lower end of 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
11. The proposal would provide an additional family house in an urban area close to services and transport, and would assist in the Government's stated aim at paragraph 47 of the Framework to boost significantly the supply of housing. The proposal would also bring about improvements to the listed building, although this is not promoted as 'enabling development', and local residents have said that it would reward neglect. However, the improvements would be a public benefit and weight attaches to them, being secured by a condition.
12. It is concluded that the nature of the view is not of sufficient significance as to preclude the development, and that the works to the boundary wall do not affect the significance of the listed building, its setting or the conservation area other than would be outweighed by public benefits.

Living Conditions

13. There is a planning history of a previous proposal and the Officer's Report and the appellant's Statement provide information on the changes that have been incorporated in the present proposal to seek to overcome the previous objections. Two limbs remain in the present reasons for refusal, that concerning sunlight was stated in the terms *'the applicant has failed to demonstrate that the proposal would not result in a loss of sunlight for the occupiers of 103 Roundhill Crescent and 4 D'aubigny Road'*, and the alleged overbearing and oppressive effect.
14. On the first, the appellant has provided further information dated 20 February 2017 which shows that due to the orientation of the proposed building relative to sensitive receptors, the proposal would accord with Building Research Establishment guidance criteria. Observations at 12 noon indicated that the proposed building would be unlikely to any effect until late on in the day. Clearly, as a Councillor is quoted as saying, there would be times when the sun would be obscured by the proposed building. But, Policy QD27 does not seek to protect the absolute amount of sunlight at any point, rather it seeks to avoid material nuisance and loss of amenity to existing or adjacent users, residents and occupiers. There would be change with regard to the sunlight reaching neighbouring properties, but not so as to be contrary to Policy QD27 in this urban area.

15. Turning to the matter of the alleged overbearing and oppressive effect, the rear garden to 4 D'aubigny Road extends a short way behind the house and appears to be at a higher level than the adjoining land. The proposed building would be narrower at the rear than at the front and the relationship here would be similar to that of a neighbouring house in a terrace. Whilst it is the case that no such house exists at present, the relationship would not be harmful in planning terms and the outlook from the rear of number 4 would remain that of the view referred to in the first main issue. Sufficient open aspect would remain so that no undue harm would occur to the occupiers of number 4 in the terms of Policy QD27.
16. The rear gardens to the flats at 103 Roundhill Crescent are however in a different relationship, and it is noted that drawing P/121 states that the levels to the adjoining property have not been surveyed. The land registry plan submitted by the occupier of the second floor flat at 103 Roundhill Crescent shows their garden to be substantially below the level of both the patio of 4 D'aubigny Road and the rear wall of the proposed house, notwithstanding the new house being proposed to be a step down from number 4. It is the case that the building now proposed would be nearer the common boundary than previously.
17. In addition, the garden to the upper flat forms only a part of the full depth of the open space behind number 103; the part to the far north end. As a result the entire garden that the occupiers have for their use would be immediately adjacent to and to the east of the proposed rear wall, and at a lower level. The proposed dwelling would appear overbearing and oppressive in their outlook, seriously eroding the enjoyment of the garden at this lower level. The immediate proximity of the proposed two storey rear wall would be too close and too high in comparison to the amount of garden available to the neighbouring occupiers.
18. The reason for refusal makes no reference to privacy. The Officers' report refers at paragraph 8.16 to the rear, east facing windows, but considers the relationship with the habitable space at Roundhill Crescent oblique, and that the flats themselves would not be overlooked. This does not appear to take account of the levels or the matter of which parts of the neighbouring garden are available to which occupiers. It is unclear what the Councillors were directed to at their site visit. Nevertheless, proposed condition 12) would require that *'the lower panes of the first floor east elevation window shall be obscure glazed and thereafter retained as such'* presumably to protect the occupiers of the garden to 103. No mention is made of the ground floor kitchen/diner window which would have a more direct line of sight over the garden allocated to that upper flat and is placed on or near the mutual boundary. To seek obscure glazing here in addition would risk being unreasonable in adversely affecting the living conditions of future occupiers, protected as they are under Policy QD27.
19. Whilst not a reason for refusal, the relationship does appear harmful and contrary to Policy QD27, that view being tempered only by the fact that the patio of 4 D'aubigny Road already looks over this part of the adjoining garden. Traditionally it could be that the area of garden immediately outside the rear of a dwelling would be regarded as the most sensitive to overlooking, but here the only area of garden available to the occupiers of the upper flat would be seriously compromised.

20. To conclude on this main issue, the proximity of the rear wall, now closer than previously, would adversely affect the outlook from the garden to the upper flat at 103 Roundhill Crescent and would appear overbearing and intrusive. The privacy of that garden would be severely compromised. The proposal fails to reach the standard sought in Policy QD27 and paragraph 56 of the Framework.

Conclusions

21. Whilst the significance of designated heritage assets would be harmed, the level of this harm would be at the lower end of the long 'less than substantial' scale and the public benefits would outweigh that harm as provided for in the Framework.
22. However, the now nearer proximity of the rear wall to the only part of the garden available to the occupiers of the second floor flat at 103 Roundhill Crescent would cause harm to the outlook from the garden and the wall at a higher level would appear intrusive and overbearing. Whilst not identified by the Council, the risk of privacy being compromised adds to the conclusion that the rear of the proposed dwelling would be harmful in the terms set out in Policy QD27 and would not be of the standard sought in the Framework. For the reasons given above it is concluded that Appeal A for planning permission should be dismissed.
23. In the absence of the benefits that had been weighed in the balance with regard to the harm to the listed 'bungaroosh' wall, the proposed work would fail to accord with Policies HE1 and HE6 or the stated sections of the 1990 Act and the work that is the subject of the listed building appeal should not be permitted. For the reasons given above it is further concluded that Appeal B for listed building consent should fail.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 18 July 2017

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2017

Appeal Ref: **APP/Q1445/W/17/3173693**

16 Upper Lewes Road, Brighton BN2 3FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mukherjee of M&G Properties (Sussex) Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05542, dated 4 October 2016, was refused by notice dated 28 February 2017.
 - The development proposed is extensions to the rear and refurbishment of existing outbuilding to create additional student accommodation units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposal on the character and appearance of the property,
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to those at Nos 15 and 17 Upper Lewes Road, and
 - whether the proposal would support a mixed and balanced community.

Reasons

Character and appearance

3. The appeal site hosts a three storey property on Upper Lewes Road, and is currently used as a nine bedroom House in Multiple Occupation (HMO). The surrounding area presents a mix of residential properties, some being used for residential (C3) use, and others being occupied as HMOs. The properties generally front directly onto the road, with a small space to the front elevation.
4. The rear gardens of the houses on Lewes Road are modest in size, and due to the topography of the area the gardens slope steeply upwards away from the properties towards Wakefield Road. The rear garden of the appeal site has been landscaped to create a raised area which slopes upwards, accessed via steps from the ground floor. At the very back of the garden is an ancillary outbuilding which extends the width of the garden of the appeal site and the neighbouring property at No 17. At present there is a relatively low wall along

- the boundary with No 15, the garden of which also slopes upwards away from the property.
5. The extension to link the main building with the outbuilding would be in excess of two metres in height and would result in a structure of significant height and scale protruding from the property, running along the side boundary with No 15, and linking to the structure running the length of the rear boundary. The ground floor element of the proposal would infill the plot further, reducing the outdoor space and contributing to the overall excessive mass and bulk of the property. These extensions, particularly the glazed corridor and conversion of the outbuilding, would significantly increase the footprint of the building, sprawling along the boundaries of the site, and resulting in an incongruous form of development which would not relate in a coherent way to the main building.
 6. The appellant has referred me to the Lodge, at 18/19 Upper Lewes Road to demonstrate that the built form varies. I accept that the design of the properties is varied in places along Upper Lewes Road. However, that does not mean that any form of extension is acceptable, each proposal must be considered on its own merits.
 7. Accordingly, I find that the height, scale, mass, positioning and footprint and protruding nature of the proposal would harm the character and appearance of the property. It would therefore conflict with Policy QD14 of the Brighton and Hove Local Plan (BHLP) with regards to its design and situation. It would also conflict with SPD12: Design guide for extensions and alterations insofar as the SPD seeks to ensure high quality design.

Living conditions

8. The outbuilding can currently be used for ancillary uses and in my view such ancillary domestic uses rarely cause harm to the living conditions of neighbours. In contrast the proposal would introduce a residential use which would increase comings and goings to these parts of the site. I do not agree with the appellant's assertion that the use of these rooms would have less impact than use of the existing rooms within the property. The windows of the two rooms in the converted outbuilding would look towards the rear of Nos 15 and 17.
9. The rear gardens are modest in size and there are no substantial distances between the properties and the proposed extensions. The increased use of these parts of the site following the construction of the extensions through the daily comings and goings, the lighting of these additional rooms and glazed corridor, and the occupation and associated residential noise would result in a harmful level of disturbance to those residing in Nos 15 and 17.
10. I noted on my site visit that at present the boundary wall between Nos 15 and 16 is of a height that allows views into either garden when standing adjacent to it. The garden of No 15 slopes up towards the rear at a similar gradient to the appeal site. I saw nothing to suggest that No 15 is sited significantly higher than No 16, as depicted in the application plans and appellant's evidence. Therefore, as a result of the proposal the occupiers of No 15 would have a flank wall, which at parts would be in excess of two metres, extending the full length of the boundary.

11. I accept that due to the topography of the site the height of the corridor element would not be in excess of two metres for the full length of the boundary. However, in my view the overall depth, bulk and scale of the proposal, and the positioning of the corridor on the boundary, would result in an overbearing and dominating form of development which would have a detrimental impact on the living conditions of the occupiers of No 15.
12. Consequently, I find that the proposal would result in harmful levels of noise and disturbance to the occupiers of Nos 15 and 17 Upper Lewes Road. The proposal would result in a development that would have an overbearing effect on the occupiers of No 15 Lewes Road. As such it conflicts with Policies QD14 and QD27 of the BHLP with regards to its impact on the living conditions of neighbouring occupiers. It conflicts with SPD12: Design guide for extensions and alterations insofar as the SPD seeks to protect the living conditions of neighbouring occupiers.

Supporting a mixed and balanced community

13. It is not in dispute that the property has a lawful use as a Sui generis HMO. The Council is concerned that the incremental intensification of the use of the appeal site adds to the cumulative harm of HMO over-concentration in this part of the City. The Council has carried out a mapping exercise which indicates that 29 of the 83 residential properties within a 50m radius of the appeal site are identified as being in HMO use, and that the proposal conflicts with Policy CP21 which seeks to secure a balanced community.
14. The Appellant has referred me to two appeal decisionsⁱ in support of their appeal. I accept that there are similarities between the appeals, and I agree with the appellant that as the appeal site is already used as an HMO, the proposal would not affect the range of housing types in the area, nor the number of HMOs.
15. However neither appeal that I have been referred to related to additional extensions to the properties as part of the proposal being determined by the Inspector. The extensions at 18 Colbourne Avenue had been previously approved, and No 9 The Crescent was a change of use of the existing property. Therefore the circumstances are materially different to the appeal before me, for which the intensification in use requires the building to be substantially extended. In any case, I have determined this appeal on its own merits.
16. Therefore, with regards to the application of Policy QD27 I accept that the property is already being used as an HMO and an increase in occupants would be unlikely to have an effect on the amenity of those living in the area in general terms. However, Policy QD27 specifically restricts development where it would result in a loss of amenity to proposed, existing and/or adjacent users, residents or occupiers. I have found that the proposed extensions that would facilitate the increased occupation would have a significantly detrimental impact on the amenity of the neighbouring occupiers.
17. Accordingly, I find that due to the current use of the property the proposal would not conflict with Policy 21 (ii) of the Brighton and Hove City Plan Part One 2016. However I find that the proposal would cause significant harm to the living conditions of nearby occupiers and would therefore conflict with Policy QD27 of the BHLP insofar as it seeks to protect residential amenity.

Other Matters

18. The appellant has asserted that the proposal represents sustainable development. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the National Planning Policy Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given, I conclude that the harm identified to the living conditions of the occupiers of the neighbouring properties conflicts with the social role of sustainable development. Therefore notwithstanding the benefits of the proposal in respect of its location and transport links, it does not constitute sustainable development taken as a whole.

Conclusion

19. I have found that the proposal would not have a detrimental impact in respect of providing a balanced and mixed community. However, this is significantly outweighed by the harm that I have identified in regards to the effect of the proposal on the character and appearance of the property, and the harm that the proposal would cause to the living conditions of neighbouring occupiers. For the reasons above and taking account of all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR

ⁱ APP/Q1445/W/16/3162725 and APP/Q1445/W/15/3140528

Appeal Decision

Inquiry held on 13 - 15 June 2017

Site visit made on 15 June 2017

by K H Child BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2017

Appeal Ref: APP/Q1445/W/16/3163517

46 - 54 Old London Road, Patcham, Brighton BN1 8XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Yourlife Management Services Ltd. against Brighton & Hove City Council.
 - The application Ref BH2016/01961, is dated 27 May 2016.
 - The development proposed is described as 'erection of 44 Assisted Living apartments for older persons (C2 use) with associated communal facilities, parking and landscaping following the demolition of the existing buildings.'
-

Decision

1. The appeal is dismissed and planning permission is refused for the erection of 44 Assisted Living apartments for older persons (C2 use) with associated communal facilities, parking and landscaping following the demolition of the existing buildings at 46 - 54 Old London Road, Patcham, Brighton BN1 8XQ.

Procedural Matters

2. The appeal is against the non-determination of the application within the prescribed period. However, the Council's Planning Committee resolved on 11 January 2017 that, had jurisdiction been retained, they would have refused the application on four grounds, which, in summary, broadly relate to the following matters:
 - i. The effect of the scheme in terms of flood risk, and the provision of an appropriate sustainable drainage system
 - ii. The effect of the proposal on the character and appearance of the street scene and the locality
 - iii. Absence of information to demonstrate that future occupiers of the scheme would be sufficiently protected from noise disturbance
 - iv. Lack of developer contributions towards affordable housing, open space and indoor sport, sustainable transport, an artistic component and the Council's local employment scheme.
3. Prior to the inquiry the Council agreed that its objection in relation to reason iii could be overcome by condition. It was also agreed that the proposal could be

categorised as C2 Use Class (residential institutions), and that consequently planning obligations were not necessary in relation to affordable housing and open space and indoor sport. An executed planning obligation was submitted at the inquiry by the main parties, covering the other types of obligation referenced in reason iv, and the Council has confirmed the withdrawal of its objection under reason iv in light of this document. The executed planning obligation is dealt with below.

4. At the inquiry the appellant tabled three amended plans relating to alterations to the landscaping scheme (SE_2230_03_AC_010 Rev. J, SE_2230_03_AC_011 Rev L and 8944/03 Rev A). These do not alter the form of the proposals, and landscaping details can be dealt with via condition. As such I consider that no prejudice would be caused to any party by the acceptance of these plans. I have therefore considered them as part of the appeal proposals. On this basis Council has confirmed that, although their objection under reason ii is maintained, the landscaping element of their concerns relating to the loss of trees and shrubs and replacement planting, no longer applies.
5. At the inquiry the appellant put forward a number of other revised plans which indicate an amended roof form (SE_2230_03_AC_012 Rev H, SE_2230_03_AC_014 Rev G and SE_2230_03_AC_015 Rev H). However, the plans show a reasonable degree of difference compared to those submitted as part of the application, and the form and appearance of the proposed building is a key issue which local residents have commented on. Overall I am therefore not satisfied that third parties would not be prejudiced by the amended plans. Accordingly I have not taken these revised plans, or the altered roofline as shown on the appellant's amended verified visual montage, into account in my determination of this appeal.
6. The appellant's proof of evidence relating to planning matters was submitted by Ian Hann from The Planning Bureau. Mr. Hann was unable to attend the inquiry and his evidence was given by Alex Child who confirmed that he endorsed the proof of evidence.
7. The inquiry sat for three days, and I held an accompanied site visit on 15 June 2017.

Main Issues

8. Accordingly, I consider the main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal would be acceptable in terms of flood risk and drainage.

Reasons

9. The appeal site is situated in Patcham village on the northern edge of Brighton. The site is currently occupied by five detached dwellings, and is bounded by other residential development to the sides and rear. As such the immediate area is predominantly residential, albeit there is a school and community hall opposite the appeal site, and a range of shops and services in the village centre situated a short distance away along Old London Road.

10. The proposal would involve the demolition of the current dwellings on the site, and the construction of a building providing 44 apartments for older persons. The apartments would be managed as part of an assisted living facility (C2 Use Class) for persons in need of care and assistance, and generally restricted to those age 70 years or more¹.

Character and appearance

11. Old London Road is an attractive sylvan road which leads from the village centre south towards the main A23 and Brighton. Buildings are mainly detached and set back from the road, and the extensively landscaped and treed front gardens provide the street with a green and suburban appearance. There are also views of trees and vegetation to the rear of the properties, as seen above and between dwellings, which add to the verdant nature of the setting.
12. The dwellings on the appeal site, along with those to the south and east, are predominantly two storey houses and bungalows set in spacious plots with long rear gardens. This form of development is highlighted in the Council's Urban Characterisation Study (2009) which identifies land on the east side of Old London Road as part of a distinct 'Patcham Suburb' character area. There is no physical barrier between the appeal site and the adjoining residential properties to the south, and when travelling along Old London Road the appeal site is seen as part of a contiguous row of detached dwellings on the east side of the road. As such, and notwithstanding some variety in building styles and the presence of nearby community buildings, I consider the appeal site forms part of a residential area to the south of the village centre which is characterised by low density suburban housing development. In this regard I disagree with the appellant's character assessment, as illustrated in Appendix B of Mr. Brown's proof of evidence, which categorises the appeal site as lying within the northern area of mixed character.
13. The proposed building would be mainly three floors in height, albeit with some rooms in the roofspace and elements of 'cut-out' areas in the roof profile which would be lower than the main ridgeline. The small southern section of the building would be two storeys in height. The building would span almost the whole width of the appeal site, and include a three storey wing at the back extending almost to the rear boundary. As such, and notwithstanding the varied roof profile, including a flat roof on rear sections, the building would be substantial in scale, height, massing and width.
14. I note that the current dwellings on the site take up a considerable width of their plots. However, the proposed building would occupy a significantly larger footprint, and have a substantially greater height, bulk and density than the existing dwellings and those to the south and east.
15. The nearby Park Court flats are three storeys in height, and there are substantial school buildings opposite the appeal site. Buildings on these sites also extend at depth from the road frontage. Nonetheless, the Park Court flats are screened by mature landscaping on the road frontage, whilst the main part of the school buildings are positioned further back from the main road. These factors significantly reduce the visibility and bulk of these buildings, as seen from Old London Road. Their width, density and height would also be less than

¹ With spouses whom are at least 55 years old where relevant, as cited in Mr Hann's proof of evidence.

- that of the proposed building, albeit only marginally so in terms of a height comparison with the Park Court flats.
16. I note that the proposed building would not extend any further forward on the site frontage, thereby relating to the building line of adjacent dwellings. Nonetheless, the proposed building would be clearly visible along Old London Road, and a dominant feature in the streetscape. The scale and bulk of the building, along with its continuous long frontage stretching along the main road, would introduce an urbanised appearance to the appeal site. It would also substantially reduce the views of trees that are currently available above and between the dwellings on the site, and detract from the openness of the street scene.
 17. The proposed roof profile incorporates a range of forms, heights and styles, including gable ends, pitched elements and 'cut-out' sections. To a degree this helps to break down the massing of the building. Nevertheless, although pitched roofs are a traditional roof form which are seen elsewhere in the locality, the height of the pitch and the extent of the front roof slope in the appeal scheme is substantial, in order to link the 2.5 storey front section to the three storey flat roof rear section of the building. Furthermore, the cut-out sections are not reflected in changes in the building's elevation or style, and as such appear contrived and would draw the eye. On my site visit I observed that the commercial/residential building at the junction of Old London Road and Ladies Mile Road has lower sections of roof. However, these are not 'cut-outs' in the profile of a pitched roof, as the lower sections have fewer floors and are flanked by hipped roof sections; and as such are not directly comparable.
 18. Overall, taking account of the character of the appeal site and its strong relationship to the low density residential area to the south, I consider that the proposed building would, by virtue of a combination of its scale, density, massing and width, be a dominant and over-bearing feature that would detract from the attractive suburban character of this part of Old London Road. The proposed frontage roof profile would be incongruous in appearance and fail to respect local character, and notwithstanding its varied profile, overall would contribute to the prominence of the building. If I had taken account of the amended roof plans submitted by the appellant I would have reached the same conclusion, as the proposed alterations only relate to one section of the building.
 19. For the reasons given above, I consider that the proposed development would cause significant harm to the character and appearance of the area. Accordingly the proposal would be contrary to Policy QD5 in the Council's Brighton and Hove Local Plan (2005) (the Local Plan) and Policies CP12, CP13 and CP14 in the Council's Brighton and Hove City Plan Part One (2016) (the City Plan Part One), insofar as they seek to secure development which is of high quality design, enhances local distinctiveness and respects the character and appearance of an area. It would also be contrary to the design section in the National Planning Policy Framework (NPPF).
 20. Landscaping is proposed as part of the scheme, and, as set out in the amended plans, incorporates extensive new planting and a number of soft landscaped areas to the front and rear of the site. In this regard I am satisfied that the scheme would accord with Policies QD15 and QD16 in the Local Plan 2005, insofar as they seek the provision of appropriate landscaping plans and

planting schemes. However, nonetheless, by virtue of the bulk and height of the building I consider that although a degree of softening would occur, it would be insufficient to adequately mitigate the harm identified above.

21. The submitted details show that the proposed scheme would incorporate elements of render and contain uPVC windows. On my site visit I observed other examples of render and uPVC in locality. As such I consider these materials would not be at odds with the local area, albeit the proposed pale colours of these features and their extensive use on the building would, to a degree, augment the building's prominence. The use of render would also contrast with the brick and provide visual interest. Nevertheless, I am satisfied that specific colours and details of materials, along with details relating to boundary treatments and the position/form of solar panels, could be dealt with through appropriate conditions, were I minded to allow the appeal.
22. There is some discrepancy between the roof materials as shown in the submitted plans and the materials schedule. Nevertheless, the grey colour proposed in both is present elsewhere in the local area, and I am satisfied that specific details of roof materials could be dealt with via an appropriate condition.
23. The appellant has drawn my attention to other design features of the scheme, including the provision of sufficient parking, retention of the verge, a reduction in vehicular crossovers, inclusion of a range of traditional and modern design features, and provision of an active frontage on Old London Road. Level changes have also been highlighted, whereby the rear wing of the building would appear as two storey from residential properties to the rear of the appeal site. I also note that the appellant has had regard to the questions in the Design Council CABE publication 'Design and Access Statements; how to write, read and use them' (2006). Nonetheless, I consider that these matters do not outweigh or negate the significant harm identified above.
24. A number of local residents raised concerns at the inquiry regarding the accuracy of the appellant's verified visual montages. However, a standard verification process appears to have taken place, and there is no substantive evidence before me that would lead me to determine that the montages are inaccurate or unfit for purpose.

Flood risk and drainage

25. The Environment Agency's (EA) flood map identifies that the appeal site is located in Flood Zone 1, and therefore at low risk of river or sea flooding. At the inquiry the Council confirmed that, accordingly, it was no longer seeking application of the sequential test, in line with the approach outlined in national guidance.
26. Evidence, however, indicates that the area around Old London Road has been subject to periodic groundwater, surface water and sewer flooding, and that the appeal site itself was affected by flood events in 2000/1 and 2013/2014 emanating from rising groundwater. The gardens and a garden cellar appear to have been flooded, and pumping devices used at certain times to discharge water on to Old London Road. At the inquiry I heard from many local residents, including one who previously lived on the appeal site, about the disruption, stress and costs arising from these events. I was also presented with a range of letters and other documents relating to the 2000/1 event.

27. The appeal site therefore has some risks associated with flooding. Nonetheless, overall, the bulk of the evidence before me suggests that the risks are relatively low. The EA's updated Flood Maps for Surface Water show part of the appeal site is at low to medium risk of flooding from this source, whilst the Council's Strategic Flood Risk Assessment (2012) shows the site within an area of low risk of groundwater flooding. Furthermore, the Council's historical flood map is not linked to a list of dated events, and therefore the occurrence and extent of any flooding on the appeal site over a longer period has not been clearly demonstrated. The appellant's Flood Risk Assessment (2016) includes a map which identifies the appeal site as being in an area at high risk of groundwater flooding. However, the document states it is an indicative screening tool only, and concludes overall that flood risk on the appeal site is low to negligible. The appellant's evidence also refers to the Council's Property Level Protection Review carried out after the 2000/1 event, which they state identifies 39 properties in Patcham at potential risk of flooding in the 1 in 1000 year event, but does not include the appeal site. Further, despite the 2000/1 event being the most significant flooding event recorded in Patcham², the evidence before me indicates that the actual dwellings on the appeal site were not flooded.
28. The Council's Surface Water Management Plan (2014) and Local Flood Risk Management Strategy (2015) identify Patcham as a flooding hotspot, but neither document identifies the appeal site specifically, albeit flooding on Old London Road in 2000/1 is referenced.
29. The Council is concerned that underground structures associated with the proposed scheme, including the building's foundations, underground surface water tanks and foul sewage tanks and connections, may cause the displacement of groundwater flows and increase flood risk to third parties. However, I note that the proposed building foundations would be piled. Furthermore, the tanks would occupy a modest proportion of the site and be mainly situated in the upper two metres of the ground. As such they would be within the less permeable head deposit rather than chalk. The borehole testing undertaken by the appellant showed no groundwater at a depth of 3 metres, albeit this represents a snapshot in time. The underground structures would also be negligible in size compared to the extent and depth of the aquifer.
30. Overall, having regard to the evidence before me, and notwithstanding that the head deposit has some water carrying capabilities, I consider that the scheme would have a negligible effect on overall groundwater levels, and that the effects on groundwater flows are unlikely to be significant. Accordingly, I consider it has not been shown that there would be an increase in groundwater flood risk to third parties arising from the scheme.
31. At the inquiry the Council confirmed that, aside from the issue of underground structures, they consider that the surface water drainage scheme and the foul drainage system proposed on the appeal site are appropriately designed and fit for purpose. There is no substantive evidence that would lead me to dispute this position. I also note that Southern Water has confirmed they have no outstanding objection to the scheme, subject to the imposition of appropriate conditions.

² As referenced in the Council's Flood Defence Assessment Report by Binnie Black and Veatch (2001).

32. The ground floor level of the proposed building would exceed the level of the highest recorded groundwater flooding event in 2000/1, and be above the 900 mm level that would arise in a 1 in 1000 year surface water flood event. At the inquiry the Council suggested that a more extreme event could occur in the future, involving a mix of groundwater and surface water. Nonetheless, the Council has not presented any supporting analysis or evidence relating to these increased risks, and furthermore I note that the appellant has sought to plan for flooding above the standard 1 in 100 year design event. On this basis I am satisfied that suitable mitigation has been proposed in respect of floor levels.
33. The appellant has also put forward a foul sewage system which would allow continued use of the foul drainage system in the event of flooding, through the use of an on-line buffer tank that would operate as a temporary cesspit. Tankers would be required to undertake emptying. Old London Road appears to have been closed to regular traffic at certain points during the 2000/1 flood event. Nevertheless, the evidence suggests that flooding on the road has been fairly shallow, with peak periods interspersed with lower levels. Overall there is no evidence before me that access for this essential service could not be managed at appropriate times.
34. The proposed development falls into the same 'more vulnerable' flood risk category in national planning guidance as other residential development. Notwithstanding this, I recognise that the proposed occupiers of the site would be elderly people with a range of care issues and requirements. However, an emergency flood and evacuation plan for the appeal site is proposed, secured via a condition. The plan would be prepared in consultation with the emergency services and agreed with the Council, and in this regard would seek to secure the safety and welfare of the profiled residents. The appeal site is also within an area covered by the EA's flood warning service, linked to monitoring of groundwater levels at the Ladies Mile borehole, and a Multi-Agency Flood Plan.
35. Furthermore, the proposed floor levels and foul sewage drainage could help to support residents remaining in the building during a flood event, albeit access to the building could be restricted along Old London Road and/or across the appeal site. The evidence suggests a lag period of 4-5 days between water levels in the Ladies Mile borehole and flooding being seen in Patcham, that would allow time for emergency plans, including evacuation if necessary, to be carefully managed and executed. Residents would also be supported by 24 hour on-site management presence, providing reassurance and allowing issues to be dealt with in a timely manner in conjunction with other agencies. Not all anxieties would be overcome, as flooding is a stressful event for most people. However, overall, having regard to the risks and proposed mitigation measures, I consider there is no substantive evidence to suggest that the site is inherently unsuitable for elderly people, nor that the proposed numbers would lead to safety or well-being issues.
36. In summary, I recognise that there have been recent flood events in the Patcham area and that this has caused extreme stress and anxiety for local people. The significant number of objections to the scheme on the grounds of flood risk attests to this, and also highlights the on-going concerns of local people regarding future flood risks in the area. Nonetheless, on the basis of the evidence before me I consider that the proposed scheme would not materially increase the risk of flooding on the appeal site or other properties

nearby. The scheme proposes a suitable surface water drainage scheme, and a range of design and operational mitigation measures that seek to deal with residual risks. Furthermore, although I note the age and potential vulnerability of the proposed occupiers, there is no substantive evidence that the site is inherently unsuitable for the profile and number of proposed occupants.

37. Overall, based on the evidence before me, I consider that the proposed development would be acceptable in terms of flood risk and drainage. Accordingly, the proposal is consistent with Policy CP11 in the City Plan Part One (2016), and Policy SU5 in the Local Plan (2005), insofar as they seek to secure development which takes account of flood risk, incorporates mitigation measures and makes appropriate provision for surface water and foul sewage drainage. The proposal is also consistent with Policy SS1 in the City Plan Part One (2016) insofar as it seeks to address flood and drainage matters and ensure sustainability in this regard. The scheme also accords with the flooding section in the NPPF.

Overview

38. To summarise, I determine that the proposal would be acceptable in terms of flood risk and drainage, but there would be material harm to the character and appearance of the area.

Other matters

39. An executed planning obligation has been submitted and includes provision for an artistic component, contributions for sustainable transport and the Council's Local Employment Scheme, and an Employment and Training Strategy. Having regard to the Council's Community Infrastructure Levy (CIL) Justification Statement, the Council's Developer Contributions Technical Guidance (2017) and Policies CP2, CP7, CP9 and CP13 in the City Plan Part One (2016) I am satisfied that this obligation is necessary, and is directly related to, and is fairly and reasonably related in scale and kind to, the development. Accordingly, this obligation meets the tests within CIL Regulation 122 and I have taken it into account in the decision.
40. The appellant indicates that the proposal represents a sustainable form of development, as established in paragraph 7 of the NPPF. I recognise that modest economic benefits would arise in terms of construction jobs, jobs provided through the care home, increased footfall and expenditure on local services arising from residents, and increased income to the Council arising from New Homes Bonus. The Employment and Training Strategy could also help to secure employment for local people and companies associated with both the construction and the operation of the care home, which could assist the local economy as well as helping to reduce travel.
41. The scheme would provide additional older person's accommodation in the city. The Council's Objectively Assessed Need for Housing Report (2015) identifies a shortage of older person's accommodation, and an urgent need for more provision in the context of an ageing population. The provision of extra care housing is highlighted as a particular priority issue in the City Plan Part One (2016), and reiterated in the appellant's Social Needs Report (2016). The Planning Practice Guidance also indicates that the need to provide housing for older people is critical in the context of projected increases in the number of households aged over 65 and over. As established in various reports submitted

- by the appellant, the development could also help to free-up under-occupied homes for other local people, thereby facilitating a chain of moves and helping to tackle identified housing needs and shortages in the city. Furthermore, the scheme would provide elderly people with a safe and secure living environment, and potentially facilitate health benefits. This in turn could help to reduce pressure on healthcare facilities in general, and on the use of hospital beds arising from people being unable to return to unsuitable accommodation. Overall I consider the scheme would provide significant social benefits.
42. The appeal site is in a sustainable location, close to shops and other services in the centre of Patcham, and served by public transport. There is also some evidence to suggest that older person housing schemes typically provide environmental benefits as residents travel less and have reduced energy consumption, whilst vacated family homes can be renovated and gain increased energy efficiency³. The proposal would also make more efficient use of previously developed land in line with objectives in the City Plan Part One (2016) and the Ministerial Housing White Paper (March 2017). The appellant has highlighted a range of other environmental benefits, including the use of solar panels, energy efficient design and the use of local materials, albeit the details of this and their provision would need to be secured via condition.
43. The appellant has highlighted that the appeal site is not within a Conservation Area or other designated area, or subject to a number of other constraints. However, I consider these to be mitigating factors rather than benefits, and accordingly have attached limited weight to them.
44. In summary, I recognise that there are number of benefits arising from the proposed scheme, and that these need to be weighed against any harm arising. As established above, although I am satisfied that the scheme would be acceptable in terms of flood risk and drainage, it would cause significant harm by virtue of its impact on the character and appearance of the area. Overall, having carefully considered all of the evidence before me, I consider that the aforementioned benefits of the scheme, taken as a whole, do not outweigh the significant harm that I have identified in this case.
45. The appellant has highlighted two appeal decisions in the London Borough of Bromley (APP/G5180/W/15/3140733 and APP/G5180/W/16/3155059). These also recognise economic and social benefits arising from older persons housing. Nonetheless, the extent of these benefits and the balance between benefits and any harm arising is an assessment which needs to be undertaken on a case by case basis, and I have taken this approach in my determination of this appeal.
46. Local residents have raised a number of other concerns, including parking, highway safety and the effect of the scheme on the living conditions of adjacent occupiers. Nonetheless, they have not led me to any different overall conclusion regarding the proposed development.
47. I note that the appellant has sought to amend the scheme to respond to representations and concerns raised by the Council. Nonetheless, I have assessed the appeal before me based on its merits, according to the accepted plans and proposals.

³ Housing Markets and independence in old age: expanding the opportunities – Professor Michael Ball (2011).

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appeal notification letter dated 9th June 2017 – submitted by the Council
- 2 Appeal notification circulation list – submitted by the Council
- 3 Revised landscape masterplan (8944/03 Rev A) – submitted by the appellant
- 4 Revised proposed site plan (SE_2230_03_AC_010 Rev. J) – submitted by the appellant
- 5 Revised proposed ground and first floor plan (SE_2230_03_AC_011 Rev L) – submitted by the appellant
- 6 Planning obligation dated 13th June 2017 – submitted by the main parties
- 7 Flood Defence Assessment Report by Binnie Black and Veatch (BBV) on behalf of BHCC (2001) – submitted by Councillor Geoffrey Theobald
- 8 Letters from KJ Maslin, 54 Old London Road, dated 5th March (to Southern Water), 28th March (to BHCC) and 22nd June 2001 (to BBV) – submitted by Councillor Geoffrey Theobald
- 9 Letter from B.B.Bartlett, 52 Old London Road dated 22nd March 2001 (to BHCC) – submitted by Councillor Geoffrey Theobald
- 10 Letter from Neighbourhood Services Manager BHCC dated 23rd November 2000 (to Councillor Geoffrey Theobald) – submitted by Councillor Geoffrey Theobald
- 11 Extract from The New Encyclopedia of Brighton – submitted by Councillor Geoffrey Theobald
- 12 Flooding Preparedness Update Report to BHCC Overview and Scrutiny Organisation Committee dated 10th March 2008 – submitted by Councillor Geoffrey Theobald
- 13 BHCC Report of the Scrutiny Panel on Flooding in Bevendean, Mile Oak, Patcham and Woodingdean - submitted by Councillor Geoffrey Theobald
- 14 Letter from the Environment Agency dated 20th February 2001 (to Councillor Geoffrey Theobald) – submitted by Councillor Geoffrey Theobald
- 15 Letter from Councillor Geoffrey Theobald to the Environment Agency dated 2nd January 2001, and EA response - submitted by Councillor Geoffrey Theobald
- 16 Level comparison table – submitted by appellant
- 17 Statement by Dorothy McDowell
- 18 Statement by Gary Waller
- 19 Photograph of Patcham bakery – submitted by Ann Taylor
- 20 Letter and statement from Hugh Woodhouse on behalf of Patcham Memorial Hall Committee to BHCC on planning application BH2016/09 – submitted by Hugh Woodhouse
- 21 Updated proposed planning condition relating to retention of parking area – submitted by the Council
- 22 Closing submissions by the Council
- 23 Closing submissions by the appellant

