

<u>No:</u>	BH2017/01665	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Whitehawk Clinic Whitehawk Road Brighton		
<u>Proposal:</u>	Demolition of Clinic building (D1) and erection of a 5 storey building over basement containing 38no dwellings (C3), 18no parking spaces, cycle parking and associated landscaping.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	16/05/2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27/09/2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Landivar Architects Limited The Work Shop Unit 3 29-42 Windsor Street Brighton		
<u>Applicant:</u>	Martin Homes C/O Landivar Architects Limited		

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 Conditions and Informatives as set out below:

S106 Heads of Terms

- **40% affordable housing** (8 units for affordable rent and 7 properties for shared ownership sale, comprising 5x one-bedroom units, 7x two bedroom units and 3x three-bedroom units.)
- A contribution of **£25,668** towards secondary educational provision
- A contribution of **£12,200** towards the Council's Local Employment Scheme,
- A **Construction Training and Employment Strategy** including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of **£28,500** towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A **scheme of Travel Plan measures** which should include:
 - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
 - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
 - Provide local public transport, walking and cycling maps.
- A contribution of **£91,393** towards open space and indoor sport provision.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Floorplan	D.01		31/05/2017
Proposed Floorplan	D.02	Rev. A	13/09/2017
Proposed Floorplan	D.03	Rev. A	13/09/2017
Proposed Floorplan	D.04	Rev. A	13/09/2017
Proposed Floorplan	D.05	Rev. A	13/09/2017
Proposed Roof Plan	D.11	Rev. A	13/09/2017
Proposed Elevations	D.07	Rev. A	13/09/2017
Proposed Elevations	D.08	Rev. A	13/09/2017
Proposed Elevations	D.09	Rev. A	13/09/2017
Proposed Landscaping Plan	D.10		16/05/2017

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. Other than the balcony areas hereby approved, access to the flat roofs of the development 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 policy QD27 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 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 external wall finishes (brick and zinc cladding);
- b) Full details of all hard surfacing materials;
- c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);

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

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

5. 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 including the vehicular and pedestrian gates to the front access of the site;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

6. 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 City Plan Part One.

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has 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 and thereafter retained, other than any planting which 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. Any 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 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.

8. All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

9. 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.

10. 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 and Hove City Plan Part One.

11. 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 and Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the proposed solar array to the roof of the building, and the proposed heating system for the building, have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details and the solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

13. Prior to first occupation of the development hereby permitted, details of:

- a) secure cycle parking facilities for the occupants of, and visitors to, the development;
- b) motorcycle parking area for the occupants of, and visitors to, the development;
- c) disabled car parking provision for the occupants of, and visitors to, the development;
- d) electric vehicle charging points within the car park hereby approved;

- e) details of the doors/gates/entry treatment and system for the car park hereby approved;

shall be 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 are provided and to comply with policies TR1, TR7, TR19 and QD3 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.

14. The new vehicular crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

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 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. No development shall take place (including demolition) until a full asbestos survey of the existing building, undertaken by a suitably qualified specialist, has been submitted to and agreed in writing by the Local Planning Authority.

The report shall set out all findings of asbestos and a proposed methodology for the safe removal of such materials. Development shall be carried out in accordance with the approved report and the development shall not be occupied until a report containing evidence to show that all asbestos containing materials have been removed from the premises in a safe manner and taken to a suitably licensed waste deposit site has been submitted to and approved in writing by the Local Planning Authority.

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

17. Prior to first occupation of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

18. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

19. 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 Sustainable Drainage Report and Flood Risk Assessment, June 2017 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.

20. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;

- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

- 21. No development shall commence until details of the arboricultural consultant to be employed during construction works, in accordance with the arboricultural method statement submitted with the application, have been submitted to, and approved in writing by, the Local Planning Authority,. Such details shall include the name, employer, contact details and monitoring programme for the consultant. The development shall be implemented in accordance with the approved details. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.

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.

- 22. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 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. 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
- 3. 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

4. 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 by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.

2. SITE LOCATION & DESCRIPTION

- 2.1 The application site is 1044m² and is currently occupied by part single-storey part two-storey building which formerly housed a NHS clinic facility. The building is currently vacant. The building's immediate surroundings comprise grassed areas, hedging and trees. The site sits amongst mid-rise residential buildings (flats) of three to five storeys in height. There is a bus stop immediately in front of the site on Whitehawk Road. The residential buildings directly opposite the site are part two part three-storey.

3. RELEVANT HISTORY

None.

4. THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a five storey building, with set back top floor, and basement car park below. The building would contain 38 residential units comprising:
 - 25x 1-bedroom flats (66%)
 - 9x 2-bedroom flats (24%)
 - 4x 3-bedroom flats (10%)
- 4.2 15 of the proposed flats would be affordable units (8 affordable rent and 7 shared ownership) comprising:
 - 5x 1-bedroom flats (33%)
 - 7x 2-bedroom flats (47%)
 - 3x 3-bedroom flats (20%)
- 4.3 The main form of the building would be finished in facing stock brick, with the inset top floor being zinc clad. The proposed projecting balconies would have brick piers and white concrete plinths, with frameless glass balustrades. A basement car park is

proposed with a ramped vehicular access from the southern side of the building. It is proposed that the existing mature trees to the side/rear of the site would be retained. Some smaller trees to the front of the site would be removed. Landscaping is proposed in the form of a communal garden area to the rear of the site which would be bordered by new tree planting, garden areas to the southern side of the building, and tree planting along the front of the building facing on to Whitehawk Road.

5 PUBLICITY & CONSULTATIONS

5.1 External

5.2 Neighbours:

Eight (8) letters of representation have been received objecting to the application for the following reasons:

5.3 Design

- The proposed building would be an ugly unsightly blot on the area.
- The proposed building would be out of keeping with surrounding buildings.
- The proposed building / development is too large / too tall.

5.4 Neighbouring amenity

- Neighbouring flats would be overlooked and overshadowed by the proposed building.
- The proposed building / solar panels could reflect sunlight into neighbouring windows.
- The proposed development / its occupants could increase anti-social behaviour.
- The proposed development would cause noise / disturbance and impact upon the health of neighbouring residents.

5.5 Transport / Parking

- The proposed number of parking spaces is insufficient; where will additional cars park? On street parking is in high demand and parking on the main road can block buses passing.
- The proposed development would result in additional traffic on surrounding streets.

5.6 Building works

- Demolition of the existing building could disturb asbestos which would be a health risk for surrounding residents.
- The proposed building works would generate noise and dust; neighbouring windows would have to be kept closed.

5.7 Local Infrastructure

- The local infrastructure (schools, GP surgeries) would not be able to cope with the additional demand which the development would create, in conjunction with other developments being built in the area.

5.8 Trees

- Trees may be harmed.

5.9 **Other**

- Some neighbours did not receive consultation letters.
- [N.B. 'Hurstwood residents were consulted through a public notice which is standard procedure where a building contains 15 or more units.]

5.10 **One (1)** letter has been received supporting the application but requesting that the issues relating to the Whitehawk Community Hub be addressed.

5.11 **Consultees**

5.12 **External**

5.13 **County Archaeologist: Comment**

Based on the information supplied, does not believe that any significant below ground archaeological remains are likely to be affected by these proposals.

5.14 **Southern Water: Comment**

Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.15 Initial investigations indicate that there are no dedicated public surface water sewers in the vicinity of the development site. Alternative means of draining surface water from this development are required.

5.16 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. The planning 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. 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.

5.17 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.

5.18 Conditions and informatives are recommended.

5.18 **Sussex Police:** Comment

Advice on security measures is provided including-

- Access control will be a very contributing factor to creating a safe and secure environment for the development and its residents. To that effect controlled access will be required for all communal external entrances which includes; underground vehicle car park shutter / gates, pedestrian communal entrance points, pedestrian access to stairs and lifts from basement.
- The proposed use of chain link fence as a boundary fence should be re-considered as it is not a secure / robust type of boundary treatment.
- Lighting in and around the communal areas would be a very important addition and if implemented, should conform to the recommendations within BS 5489:1 -2013.

5.19 **Scotia Gas Networks:** Comment

A map of gas mains routes and standard advice is provided and the developer is reminded of their responsibilities.

5.20 **Internal**

5.21 **Planning Policy:** Comment

The principle of the loss of the former Health Clinic is supported as an exception to Policy HO20 has been broadly met. The principle of wholly residential redevelopment of the site is also supported in principle. The provision of 38 dwelling units incorporating 15 units of affordable housing (40%) would make a valuable contribution to the city's housing requirements and is to be welcomed; however, further discussion and clarity over the housing mix in terms of type, size, occupancy levels, and tenure is required, ensuring appropriate space and access standards are secured, in conjunction with an appropriate financial contribution to offset the demand for open space generated by any forthcoming development.

5.22 **Housing Strategy:** Comment

Comments 21/07/2017 on the applications as originally submitted:

The 15 units / 40% is welcomed but there are issues that need to be resolved to ensure the affordable housing provided best meets the council's evidenced housing needs, namely:

- Tenure split
- Size of affordable units
- Location of affordable units within the block
- Wheelchair unit provision

5.23 **Comments 17/10/2017 on the additional/amended information submitted:**

The applicant has now confirmed that the proposed affordable provision comprises:

15 units (8 affordable rent 7 shared ownership) comprising:

- 5x 1-bedroom flats (33%)
- 7x 2-bedroom flats (47%)
- 3x 3-bedroom flats (20%)

5.24 It has been confirmed that all of the affordable units would comply with the minimum sizes set out in the Council's Affordable Housing Brief.

5.25 On this basis the scheme is supported.

5.26 **Economic Development: Comment**

The loss of D1 floorspace is regrettable however it is understood that the NHS services previously delivered from the site have been relocated and the proposed residential development will contribute to the city's housing needs. An Employment Training Strategy including a commitment to 20% local labour during the demolition and construction phase of the development is required along with a £12,200 contribution to the Local Employment Scheme, calculated in accordance with current adopted Developer Contributions Technical Guidance.

5.27 **Environmental Health: Comment**

The proposal is in a built-up residential area and a Construction Environment Management Plan (CEMP) will be required. The building to be demolished may contain asbestos and a full ACM survey is needed. Additional attention to sound insulation in flats adjacent to lift motor, bin store and car park entrance. A time restriction on rubbish collections and deliveries should be secured by condition. External lighting should be designed so that glare is not a problem for neighbours; details of external lighting should be secured by condition.

5.28 **Education: Comment**

A contribution towards educational provision is required in accordance with the Council's adopted Developer Contributions Technical Guidance. The calculation of the developer contribution shows that we would usually be seeking a contribution of £44,042.40 towards the cost of primary and secondary provision if this development was to proceed. However in this instance the most local primary schools have some surplus capacity and this is anticipated to continue for the foreseeable future and therefore we will not be seeking a contributions towards primary provision for this development.

5.29 With regard to the secondary provision, the development is in the current catchment area for Longhill High School. At the present time there is surplus capacity but this is not expected to continue to be the case. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time. At the present time the council is expecting that a new secondary school for the city will open in either 2018 or 2019 and at that time it will be necessary to revisit the catchment areas in the city.

5.30 As a consequence we would be seeking a contribution in respect of secondary provision of £25,668.00 if this development was to proceed. The money would be spent at either Longhill High School or on the new secondary school.

5.31 **County Ecologist: Comment.**

5.32 **Designated sites and Protected Species**

The nearest site designated for its nature conservation interest is Whitehawk/Race Hill Local Nature Reserve (LNR) which lies c. 153m to the west. Given the nature, scale and location of the proposed development, it is considered unlikely that there will be any significant impacts on the LNR or any other sites designated for their nature conservation interest. It is noted that the large trees to the south are to be retained and incorporated into the landscaping; trees should be protected in accordance with BS5837:2012.

5.33 From the information available, the site currently comprises buildings, hard standing, amenity grassland, scattered trees, shrubs and hedgerows and is of relatively low ecological value. The biodiversity checklist submitted with the application was negative and as such, no biodiversity report is required under SPD 11.

5.34 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.

5.35 The site is unlikely to support any other protected species, therefore no specific mitigation is required. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

5.36 **Mitigation Measures/Enhancement Opportunities**

In addition to the aforementioned mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bat and bird boxes, use of species of known value to wildlife in the landscape scheme and green (biodiverse) roofs.

5.37 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. Bird boxes should target species of conservation concern, e.g. starling, swift, swallow and house martin.

5.38 **Summary**

In summary, provided the recommended mitigation measures are carried out, 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.

5.39 Sustainable Transport: Comment

No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.

5.40 Required conditions:

- Full details of appropriate cycle parking
- Construction of new vehicular crossover
- Full details of disabled parking provision
- Details of motorcycle parking spaces
- Details of gates / entry system to basement car park

5.41 S106 requirements:

- Contribution of £28,500 which shall go towards sustainable travel and public realm improvements in the vicinity of the site.
- The need to produce a Construction Environmental Management Plan (CEMP)
- The need to provide Residential Travel Information Packs for the occupant of each first residential unit which include:
 - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
 - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
 - Provide local public transport, walking and cycling maps.

5.42 Public Art: Comment

In this case it is considered likely that the values which could be secured via a s106 agreement for an artistic component for a development of this scale in this location would not deliver a meaningful scheme; therefore an artistic component is not sought in this case.

5.43 Sustainability: Comment

Energy and water consumption standards should be met and can be secured by Planning Condition. Further details should be provided of the proposed solar panels and heating system, and of the proposed landscaping (food growing).

5.44 Flood Risk Management Officer: No comments received

5.45 Arboriculture: No comments received

6. MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

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

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- 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
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU10 Noise nuisance
- SU16 Production of renewable energy
- QD5 Design - street frontages
- QD7 Crime prevention through environmental design
- 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

Supplementary Planning Documents:

SPD06 Trees & Development Sites
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, including the loss of the clinic use, density and affordable housing provision; design and appearance, standard of accommodation including housing mix and amenity space, amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.

8.2 Background

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 supply of 4386 units over five years which equates to 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 Principle of Development

Policy HO20 of Brighton and Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:

- a) The community use is incorporated, or replaced within a new development; or
- b) The community use is relocated to a location which improves its accessibility to its users; or
- c) Existing nearby facilities are to be improved to accommodate the loss; or
- d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

8.4 Where an exception (a-d) applies a priority is attached to residential and mixed use schemes which may provide 'live work' and/or starter business units to meet identified local needs.

- 8.5 The Appendix to the submitted Planning Statement contains a letter from the Interim Associate Director of Asset Management at Sussex Community NHS Foundation Trust, Ms Brant, dated 28th March 2017. It is stated that the clinic had been used for patient facing services until 2013, with another health service provider using the building until late 2014, at which point it was declared surplus to the Trust's needs; Ms Brant understands that the building was deemed to not be fit for purpose in terms of room sizes/specification for clinical service delivery, and may have been considered to be in the wrong location for future service needs. It is stated that no expressions of interest were received from neighbouring NHS bodies, and as such the site was declared surplus to NHS needs, and subsequently sold (it is unclear when). Ms Brant confirms that the services formerly provided via the site have since continued to be provided through alternative service delivery methods/locations, including via home visits from visiting clinicians.
- 8.6 The submitted Planning Statement also highlights various community spaces and venues located within the Whitehawk Estate in an attempt to demonstrate that the site is not needed for other types of community use (non-health service). It is not clear when the application site transferred into new ownership, and insufficient information has been submitted to demonstrate that the site is not needed with regards to the full array of potential community uses outlined in Policy HO20. E.g. no details of marketing for alternative community uses have been provided. As such, it is considered that in the absence of sufficient information, exception d. does not apply.
- 8.7 However, it is considered that exception b. of Policy HO20 is broadly satisfied, given the explanation provided in respect of the way the services previously provided on site are being provided through other means. On this basis, the principle of the loss of this D1 former Health Clinic could be considered acceptable subject to an appropriate replacement use.
- 8.8 The proposed replacement use in this case is the provision of 38 residential units including 15 affordable units. This use complies with policy HO20 and would make an important contribution to the housing needs of the city.
- 8.9 The principle of development is therefore supported in this case and detailed considerations of the proposed scheme are set out below.
- 8.10 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets a list of other criteria. These in synopsis are: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.11 The development is 364 dph, which is a greater density than 1-21 Camber Close immediately to the north at 165 dph, and Hurstwood immediately to the east at 308 dph. There are however a number of low-rise block of flats in the vicinity of the application site and overall it is considered that the proposed building would be in

keeping with the prevailing character of the area with regard to density, scale and form.

- 8.12 Policy CP20 requires the provision of a minimum of 40% on-site affordable housing for developments of 15 or more units. In this case a fully policy compliant affordable housing provision is proposed, both in terms of tenure mix and mix of unit sizes.
- 8.13 Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy CP19 sets out an indication of projected demand:
- 8.14 *A demographic analysis of the demand/ need for homes in the city over the plan period 240 indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.*
- 8.15 The development overall proposes:
- 25x 1-bedroom flats (66%)
 - 9x 2-bedroom flats (24%)
 - 4x 3-bedroom flats (10%)
- 8.16 Therefore the mix of units is skewed towards one-bedroom units in comparison to the overall needs of the city. However, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units (in the same way a scheme of houses would be expected to deliver a greater proportion of larger units). The provision of 13 two/three-bedroom units is welcome and the proposed affordable provision:
- 5x 1-bedroom flats (33%)
 - 7x 2-bedroom flats (47%)
 - 3x 3-bedroom flats (20%)
- 8.17 is in accordance with the Council's affordable housing brief which sets out 30% one-bedroom, 45% two bedroom and 25% three bedroom units.
- 8.18 Overall the proposed mix of unit sizes is acceptable, and the proposed affordable housing provision in particular is a very positive element of the scheme.
- 8.19 **Design & Appearance**
The proposed is of a character and scale broadly in keeping with the surrounding flatted developments. The proposed building would appear as a larger block, particularly compared to the buildings immediately to the north, and furthermore it is acknowledged that the existing building on the site due to its scale and footprint provides some spacing / relief between the surrounding buildings. In design terms the

loss of this spacing is somewhat regrettable, it is however clear that the proposed development would make much more effective use of the site and would deliver a significant amount of housing and affordable housing.

- 8.20 The proposed building is five storeys in height, with the top floor inset, and a basement car parking area accessed from the southern side of the building. The main form of the building would be finished in facing stock brick, with the inset top floor being zinc clad. The proposed projecting balconies would have brick piers and white concrete plinths, with frameless glass balustrades. It is proposed that the existing mature trees to the side/rear of the site would be retained. Some smaller trees to the front of the site would be removed. Landscaping is proposed in the form of a communal garden area to the rear of the site which would be bordered by new tree planting, garden areas to the southern side of the building, and tree planting along the front of the building facing on to Whitehawk Road. The submitted visuals show substantial boundary treatment planting along the street frontage boundary and along the southern boundary. This planting would be welcome particularly to the front of the building where it will screen areas of blank wall below the proposed ground floor fenestration.
- 8.21 Whilst it is accepted that the proposed building may be close to the limits of what the site can reasonably take in design terms, having regard to the relationship with surrounding buildings, overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the street and the wider area. The proposal to retain mature trees to the side and rear of the site, and to plant substantially along the boundaries of the site will add significant quality to the appearance of the scheme; the retention of trees and proposed landscaping can be secured by planning condition. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.
- 8.22 **Standard of Accommodation**
As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. The proposed affordable housing element complies with the Council's Affordable Housing Brief in terms of unit mix.
- 8.23 All of the bedrooms and living room/kitchens of the proposed flats would benefit from adequate natural light levels and quality of outlook. In regard to outdoor amenity space, all of the flats either benefit from a small garden area or a balcony space. A communal garden area to the rear of the building is also proposed. Cycle storage is proposed in a number of positions across the site; further details are required to ensure that cycle parking is secure and covered where appropriate. Vehicular parking is proposed at basement level for 18 cars. Refuse and recycling is proposed to the front of the building screened behind planting.
- 8.24 In regard to access standards, a lift is proposed, two wheelchair units are proposed (Units 3 and 8 at ground floor level), and all other units would be required to comply with Optional Building Regulations standards for access.

- 8.25 In regard to floorspace, all of the proposed affordable units comply with Government's minimum space standards (Technical housing standards – nationally described space standard - March 2015). Nine of the one-bedroom market units are below Government's minimum size for a one-bedroom flat with double bedroom (50m²) by 3-6m². One of the two-bedroom market units is below Government's minimum size for a two-bedroom flat with double bedrooms (70m²) by 7m². It is disappointing that all of the units do not meet Government's minimum size, the Council does not however, at this time, have a policy requiring strict compliance with these minimum sizes and such there is some leeway for flexibility to be applied.
- 8.26 In this case the application proposes 38 residential units and a 40% fully policy compliant affordable housing element, furthermore all of the affordable units comply with Government's minimum size standards. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, a number of market units falling below minimum size does not in this case warrant the refusal of planning permission.
- 8.27 Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.28 It is noted that the Environmental Health Officer has suggested conditions to secure soundproofing measures beyond those which would be secured through building regulations, in this case however no unusual elements or mixed use are proposed; a lift and car parking area are proposed, these are however typical of residential development and it is considered that standard Building Regulations requirements would adequately address such matters.
- 8.29 **Impact on Neighbouring Amenity:**
The proposed building is of a significant scale in comparison to the existing buildings on the site, and the development would therefore have the potential for significant impact upon neighbouring amenity. A Daylight, Sunlight and Overshadowing Report has been submitted to demonstrate the likely impact of the proposed development in these regards.
- 8.30 The closest neighbouring dwellings to the site are:
- Dwellings opposite the site to the west on Whitehawk Road;
 - Lichfield Court to the south of the site;
 - Hurstwood to the east of the site;
 - Nos 10, 11 and 12-21 Camber Close to the north of the site.
- 8.31 Whilst it is acknowledged that the building would alter the outlook and view from the properties to the west, south and east, and will result in additional windows facing these dwellings, it is considered that adequate spacing would remain to ensure that significant harm would not be caused. The distance retained from these buildings would be in excess of 20 metres in all cases.

- 8.32 The neighbouring properties to the north of the site are therefore of greatest concern.
- 8.33 The side windows of the front building at 12-21 Camber Close are secondary windows for living rooms which have main windows facing onto Whitehawk Road; the impact upon these windows are not therefore of significant concern.
- 8.34 The submitted report demonstrates that the windows and gardens of nos. 10 and 11 Camber Close, which face onto the site, would experience some additional overshadowing but would not suffer significant harm, as the footprint of the proposed building steps back in front of these properties.
- 8.35 The windows at ground and first floor of the rear block at 12-21 Camber Close, set approximately 11 metres away from the proposed building, and the garden in front of this block, will suffer a loss of daylight. Table 5.2 (page 6) in the submitted report sets out that taking into account the tree in the garden of the property, four windows would have their Vertical Sky Component reduced from existing values ranging 27.9 to 33.8, to resultant values of 17.7 to 25.0. These resultant figures represent a reduction in comparison to the existing situation of more than 20%, and are resultant figures below 27%. These reductions are beyond the current guidelines set out by BRE (Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight A Guide to Good Practice* Second Edition).
- 8.36 An Annual Probable Sunlight Hours analysis, Table 5.3 (page 7) sets out that main living rooms of these units would continue to receive high levels of sunlight due to their southerly orientation, furthermore this analysis does not take into account the existing tree in the garden which would, as existing, block some sunlight, meaning the impact of the proposed development in this regard may in fact be less noticeable than the analysis indicates.
- 8.37 The garden of this property which serves the ground floor unit would see the direct sunlight which it receives reduced, particularly in the middle of the day where between 12.00 and 14.00 the proportion of the garden receiving direct sunlight would be close to zero (Table 5.5 page 8). Again however, this does not take into the existing tree which in reality already provides significant shading, therefore in reality the increase in overshadowing in comparison to the existing situation would be significantly less than the analysis indicates.
- 8.38 Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to the rear block of no. 12-21 Camber Close in particular, however taking into account all factors it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.
- 8.39 In regard to overlooking, the proposed 11 metre distance between the new building and the rear block at 12-21 Camber Close is not ideal, however there are only four windows proposed to the main body of the new building in this location, and those windows have been sited to face between the two neighbouring blocks, so would not result in direct overlooking.

8.40 In regard to the nature of the proposed residential use, and the levels of activity, comings and goings, use of outdoor spaces it would cause etc., the proposed development would be in keeping with the character of the surrounding flatted development and would be unlikely to cause significant harm in this regard.

8.41 Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

8.42 **Trees, Landscaping & Ecology**

There are no protected trees on the application site. As detailed above it is proposed that the larger mature trees in situ to the side and rear boundaries would be retained. The location of these trees are confirmed in the submitted layout drawings and whilst they would be sited in relatively close proximity to the proposed building it is considered that the trees could be protected during construction works and retained thereafter. It is recommended that full details of tree protection measures be secured by condition. Some smaller trees to the front of the site would be removed, this is regrettable but would be successfully mitigated by the planting of new trees to the front boundary of the site and around the communal garden area to the rear of the building.

8.43 The proposed landscaping scheme as indicated in the submitted landscape plan and visuals is of a high standard; it is recommended that full details and implementation of these measures be secured by condition.

8.44 In regard to ecology, the application site falls within the South Downs Way Ahead Nature Improvement Area, which incorporates part of the urban area, the urban fringe, the seafront and surrounding downland. Policy CP10 seeks to ensure that development within the NIA delivers measurable biodiversity improvements. The County Ecologist has commented upon the application and considers that;

- The site is unlikely to contain protected species but should such species be encountered during construction works, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed. Bird nesting season (March to August) should be avoided.
- It is noted that the large trees to the south are to be retained and incorporated into the landscaping; trees should be protected in accordance with BS5837:2012.
- The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bat and bird boxes, use of species of known value to wildlife in the landscape scheme and green (biodiverse) roofs.

8.45 It is recommended that a scheme of ecological improvements as set out in the County Ecologist's comments be secured by condition to ensure compliance with policy CP10 and the guidance set out in SPD11. In addition, a contribution towards open space including semi-natural / natural open space is to be secured by s106 agreement.

8.46 **Sustainable Transport**

The proposed residential use would clearly generate journeys to and from the site and vehicular trips in the vicinity of the site. It is however noted that the existing / previous clinic use would also have generated such trips. The trip generation which would be created warrants a contribution to sustainable transport infrastructure in the vicinity of the site, and Travel Plan measures, as set out in sections 1 and 10 of this report.

8.47 The proposed development would generate a demand for residential parking which the previous use would not have done. Parking is proposed in a basement car park to provide 18 parking spaces, two of which are intended as disabled spaces. Access to the car park would be via an electric gated system, details of which it is recommended be secured by condition. The Transport Officer projects that, based upon census data, a development of this scale in this location would have between 18 and 26 vehicles associated with it on average. On that basis it is considered that the proposed development would not result in a harmful level of overspill parking and neighbouring amenity would not be harmed to a significant degree.

8.48 Cycle parking is proposed in the basement level car park and at ground floor level in various locations. In this case to comply with guidance 55 spaces are required to comply with adopted guidance (SPD14), and in general it is required that accessible, secure and ideally covered cycle storage be provided. To ensure that adequate and appropriate storage is provided it is recommended that full details of cycle parking provision be secured by condition.

8.49 Overall, the scheme is considered acceptable in regard to transport considerations subject to the s106 requirements and conditions set out in section 1 of this report.

8.50 **Sustainability and drainage**

In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. An installation of solar thermal and photovoltaic panels to the roof of the building is proposed; full details of this array its implementation, along with the proposed heating system for the building are recommended to be secured by planning condition.

8.51 In regard to drainage, a sustainable Drainage Assessment Report has been submitted which sets out proposals for surface water drainage strategies. Foul water drainage will require connection to existing infrastructure. It is recommended that full details of drainage measures and their implementation be secured by planning condition.

9. CONCLUSION

9.1 The proposed development would provide 38 residential units including a fully policy compliant provision of 15 affordable units. The standard of accommodation the proposed units would provide is good in most cases and acceptable in all cases. The units would benefit from private garden areas or balconies, a communal garden area, basement car parking and cycle parking.

- 9.2 The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene and would have a positive visual impact.
- 9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:
- Disabled parking and cycle parking provision, and travel plan measures;
 - Sustainable transport infrastructure Improvements;
 - Compliance with energy and water consumption standards and access standards;
 - Solar photovoltaic panel array and solar thermal heating system;
 - A full landscaping scheme and scheme of ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.4 The scheme would result in the loss of the community use of the site which is regrettable however the case put forward in this regard represents an compliance with one of the exceptional circumstances set out policy HO20, namely that the services which were being delivered from the site are now being delivered through other means / sites. It is acknowledged that some of the proposed residential units (market housing) are below minimum size, and whilst it is considered that significant harm to neighbouring amenity would not be caused, it is acknowledged that additional overshadowing of some properties would be caused.
- 9.5 Overall, whilst some deficiencies in the scheme have been identified and fully assessed, it is considered that the scheme would deliver substantial benefits and that the concerns identified do not warrant refusal in this case. Approval is therefore recommended subject to the conditions and s106 requirements set out in sections 1 and 10.

10. EQUALITIES

- 10.1 The scheme provides 40% affordable housing with a policy compliant mix of tenures and unit sizes. Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible (i.e. 2 units), the remaining units to be constructed to optional Building Regulations access standards.

10.2 Developer Contributions

- 10.3 **Sustainable Transport:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £28,500 contribution to sustainable transport infrastructure to be allocated towards the following:

- Public transport improvements to the St David's Hall bus stops on Whitehawk Way and pedestrian improvements within the local vicinity including to shops and local amenities on Whitehawk Road and to the local schools, library and pharmacy on Whitehawk Road.

- A scheme of Travel Plan measures which should include:
 - Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
 - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
 - Provide local public transport, walking and cycling maps.

- 10.4 **Education:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, £25,668 towards:
 - Secondary education which will be allocated to Longhill School or new secondary provision which is planned to come forward.

- 10.5 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £91,393.
 - *Awaiting confirmation of identified spends.*

- 10.6 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £12,200 plus a commitment to 20% local employment for the demolition and construction phases.

