

<u>No:</u>	BH2018/03600	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Buckley Close Hove BN3 8EU		
<u>Proposal:</u>	Demolition of existing garages (B1) and erection of 3no two storey residential blocks providing 12no flats in total (C3) with gardens. Creation of 11no car parking spaces and cycle storage, with landscaping and other associated works.		
<u>Officer:</u>	Eimear Murphy, tel: 01273 293335	<u>Valid Date:</u>	14.02.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	24.07.2019
<u>Agent:</u>	Miller Bourne Architects 332 Kingsway Hove BN3 4QW		
<u>Applicant:</u>	Mr Sam Smith Brighton & Hove City Council, Hove Town Hall, Norton Road, Hove BN3 8BQ		

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 as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 24th July 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

S106 Heads of Terms:

Education

- £10,116.80 toward the cost of secondary provision at Hove Park and Blatchington Mill Schools.

City Regeneration

- Employment and Training Strategies for the provision of 20% of any new roles created from the demolition (where appropriate) and construction phases of the development, should provide opportunities for the local workforce should be provided and approved at least one month before the intended date of Formal Site Commencement.
- Requirement for a developer contribution of £3,600 towards the council's Local Employment Scheme.

Sustainable Transport

- A Sustainable Transport Contribution of £10,800 to be spent on bus stop and footway improvements including but not limited to:
 - dropped kerbs and tactile paving across Buckley Close at its junction with Chichester Close and/or
 - an accessibility kerb at the Barnet Way eastbound bus stop

Affordable Housing

- Securing of a minimum of 30% (4 units) of the development as affordable housing

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	4639 AD-01	Rev A	25 January 2019
Block Plan	4639 AD-02	Rev B	15 February 2019
Proposed Drawing	4639 AD-08 Sections		21 November 2019
Existing Drawing	4639 AD-04 Existing Elevations		21 November 2019
Proposed Drawing	4639 AD-05		15 February 2019
Proposed Drawing	4639 AD-06		15 February 2019
Proposed Drawing	4639 AD-07		15 February 2019
Existing Drawing	14356-HOP-ZZ-XX-DR-C-001	P3	14 February 2019
Proposed Drawing	14356-HOP-ZZ-XX-DR-C-002	P5	14 February 2019
Report/Statement	Affordable Housing		21 November 2019
Report/Statement	Landscaping Details		21 November 2019
Report/Statement	Planning Statement		21 November 2019
Report/Statement	Pre-Development Tree Condition Survey and Arboricultural Report		21 November 2019
Report/Statement	External Lighting Schedule		21 November 2019
Report/Statement	External Lighting Details		21 November 2019
Report/Statement	Preliminary Ecological Appraisal		3 December 2019
Report/Statement	Transport		21 November 2019
Report/Statement	Biodiversity Checklist		21 November 2019
Report/Statement	Sustainability Checklist		4 December 2019
Report/Statement	Archaeological Desktop Assessment		13 December 2019
Report/Statement	AMENDMENT-SUSTAINABLE DRAINAGE ASSESSMENT	Rev A	14 February 2019
Report/Statement	AMENDMENT-		14 February 2019

	SUSTAINABLE DRAINAGE ASSESSMENT Appendices		
Report/Statement	Amended Design and Access Statement		14 February 2019
Proposed Drawing	4639 AD-10 Existing and Proposed Site Plan		19 March 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to 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: 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 and CP15 of the Brighton & Hove City Plan Part One.

4. No phase of the development hereby permitted 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) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 3.
Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.

5. The provision of sustainable water drainage system for the site shall be carried out in accordance with the details and recommendations contained in the Hemsley Orrell Partnership report on Sustainable Drainage Assessment, Rev A date received 14 February 2019 and proposed drawing 14356-HOP-ZZ-XX-DR-C-002 P5 and shall be implemented on site prior to the commencement of development (excluding demolition) unless otherwise agreed in writing.
Reason: To ensure the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU5 of the Brighton & Hove Local Plan.

6. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme shall be implemented fully in accordance with the agreed details.

Reason: To ensure the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU5 of the Brighton and Hove Local Plan.

7. 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.

8. 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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. The windows in the first floor rear east elevations to the common stairways and landings of the development hereby permitted shall not be glazed otherwise than with obscured glass 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.

10. Notwithstanding the plans hereby approved, and prior to commencement 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

11. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

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.

12. Prior to the commencement of the development above ground floor slab level, details of an anchor-safe system to the flat roofs of the buildings hereby approved, shall be submitted to and approved in writing by the local planning authority unless otherwise agreed.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

13. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 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 QD14 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
15. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
16. Prior to commencement of development, excluding demolition, details for the provision of additional lockable gates along the rear access and between each building, including security locking systems, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved details, before first occupation and thereafter retained.
Reason: To safeguard the amenities of residents and in the interests of secured by design and to comply with Policy QD27 of the Brighton & Hove Local Plan.
17. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities including 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 and SPD14: Parking Standards.
18. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures for the trees to be retained on site identified in the submitted Ruskins Tree Consultancy Report 12/10/2018 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations 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 / CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

19. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

20. The landscaping scheme detailed in the supporting Landscape Proposals received on 21 November 2018 shall be carried out in the first planting and seeding season following the first occupation of the flats hereby permitted 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 and CP13 of the Brighton & Hove City Plan Part One.

21. No development shall take place until an ecological design strategy (EDS) addressing measures for the protection of biodiversity and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
 - b. review of site potential and constraints;
 - c. detailed design(s) and/or working method(s) to achieve stated objectives;
 - d. extent and location /area of proposed works on appropriate scale maps and plans;
 - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;

- f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g. persons responsible for implementing the works;
- h. details of initial aftercare and long-term maintenance;
- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

22. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

23. The development hereby permitted shall not be first occupied until the disabled car parking provision shown on the approved plans, for the occupants of, and visitors to, the development has 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 and SPD14: Parking Standards.

24. The wheelchair accessible dwelling(s) hereby permitted as detailed on drawing no. received on 15 January 2019 ; 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.

25. 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.

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

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

27. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Sustainability Checklist, Planning Statement and submitted plans hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

28. Prior to occupation, a "lighting design strategy for biodiversity" and for the security of occupants and visitors, shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to ensure the provision of a safe and secure environment in accordance with the requirement of Policy QD27 of the Brighton & Hove Local Plan.

29. Notwithstanding the plans hereby approved, and prior to commencement of the development hereby permitted, the applicant must submit drawings detailing proposed amendments to Buckley Close, including:

- A 1.5m width continuous footway on the Buckley Close's eastern edge adjacent to the site
- Uninterrupted Double Yellow Lines (DYL's) along one side of Buckley Close for its entire
- length;

- Intermittent DYL's on the opposite side to provide passing points for vehicles;
- DYL's on the turning area at the bottom of the cul-de-sac; and
- A series of dropped crossing points for pedestrians across Buckley Close, in locations linking the site to the nearby public footpath (Dyke Railway Trail).

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..

Informatives:

1. Windows- obscured glass: The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).
2. Hardsurfaces: The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. Wildlife: The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. Invasive plant species: The applicant is advised that the site contains multiple stands of Tree-of-Heaven on site; this species spreads aggressively and should be removed from site to prevent its further spread.
5. Energy Efficient Standard: The water efficiency standard required under condition 26 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. External lighting: 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)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew

Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

7. Sewers: 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
8. Energy Efficient Standard: 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Buckley Close is within the northern extremities of the suburban area of Hangleton and Knoll beyond which is the wooded 'cut' for the A27 which separates the city boundary and the boundary of the South Downs National Park, a landscape of national importance, to the north side of the A27. The green slopes of the cut form part of the urban fringe to the city. This area and the route of the former Dyke Railway which is located to the west beyond the flats is designated as an 'Open Space', a Nature Improvement Area. Part of the application site is an Archaeological Notification Area.
- 2.2. The area in general has been characterised as 'the Hangleton Estate' largely comprised of a 20th century residential suburb of a medium to low density. Buckley Close is connected to the A293 via Chichester Close, Hangleton Way and Hangleton Lane. The A293 provides access to the A27 to the north and the A270 Old Shoreham Road to the south. Public footpaths include the Dyke Rail Trail provide access to a footbridge over the A27 to the South Downs.
- 2.3. The subject site measures approximately 12 metres in depth and 137.5 metres in length, covering an area of 1279.3 sqm which includes the 48 no. garages, land to the north and south and part of the public highway. The site is located to the east side of Buckley Close, a cul-de-sac with 9 x 3 storey flatted buildings with pitched roofs set an angle to the road. Behind the existing garages, sitting on higher ground, is a mix of two storey flats and dwellinghouses of Chichester Close. There is gap between the row of garages and rear garden boundaries. The rear gardens are defined a mixture of post-and-wire and/or close-boarded fence panels. Some trees are

growing out of the rear boundary retaining wall, over this space. The supporting planning statement states that all the garages have been empty for many years and unlettable due to their current condition. Over two-thirds have been empty for many years and are in a poor condition. All garages are now boarded up.

- 2.4. The nearest bus stops are located on Hangleton Way. A small parade of shops are within walking distance also on Hangleton Way. A library and medical centre are located on redundant railway land.
- 2.5. The application seeks to demolish the existing garages and to erect 3no. detached two-storey buildings to provide 12 no. affordable units of accommodation for rent comprising:
 - 8 x 2b4p units
 - 3 x 1b2p units
 - 1 x 1b2p wheelchair accessible unit designed to comply with Part M4(3) of the Building Regulations
- 2.6. The proposed buildings would be placed up to the edge of the concrete apron that currently exists and beyond this a new footpath would be provided of 1.1m in width for the entirety of its length. The proposed buildings would be of a consistent plan form with a recessed entrance 'bay' leading to the communal hall and stairs. They do however vary in length and in the pattern of fenestration reflecting the units, types and room designations. All buildings would be faced in a buff/grey brick as a contrast with the surrounding buildings and to provide the buildings with a more contemporary appearance. Horizontal bands of stack bonded bricks are shown between the ground and first floor windows to create visual relief and provide visual interest.
- 2.7. The main entrance door is denoted by a flat projecting canopy, the details of which have not been provided. Windows are proposed to be either uPVC or metal in dark grey with those to the recessed sections having powder coated grey spandrel panels. A glazed panel would be placed across the French doors to specific first floor flats to provide Juliette balconies. The recessed 'entrance' area is shown to include an integrated internal 'service' cupboard and a rear door leading to a back service access pathway. Contained gardens are shown to the north and south sides of each block to be used by each respective ground floor unit. Secure cycle storage would also be provided within a separate contained area within the garden spaces.
- 2.8. Block A to the northern end of the site would measure 26.87 metres x 7.3 metres at its widest point. It would rise to approximately 6.1 - 6.2 metres to the parapet behind which is a flat roof which is shown to have photovoltaic arrays and safety railings around the perimeter of the roof. Block B would be

approximately 23.72 metres in length x 7.3 metres and Block C would measure approximately 24.40 metres x 7 metres. Both Blocks B and C would be of the same height as Block A. The blocks would be aligned to the front and rear with the rear elevations set between 1.2 to 1.8 and 2.0 metres away from the rear boundary and accommodates a path along the full length of all three blocks, gated at both ends.

- 2.9. Eleven (11) no. car parking spaces are shown to the south of the Block C and the garden area, 2 of which are shown as disabled bays. The wheelchair accessible unit is shown to occupy the southern part of the ground floor of Block C and is provided with direct access from the parking bays. Planting would be provided between the groups of parking spaces. A total of twenty-four (24) no. bicycle spaces would be provided to serve the development, with 6 no. external stands for visitors placed within the recess to the side of the angled cupboard. An area of planting is also shown to separate the spaces from the approach to the main entrances. The bicycle storage for each ground floor flat would be provided within the respective dedicated gardens.
- 2.10. The plans show the removal of the trees along the back wall, categorised as Category C trees under the British Standards. These are shown on drawings AD-05, AD-06 and AD-07. A planting scheme has been submitted with the application documents.

3. RELEVANT HISTORY

Pre-Application Advice

- 3.1. This site was the subject of pre-application enquiries in 2013/14 and was again presented in December 2016. Initially the scheme included 6no. buildings, 1 of which was shown at three storeys and the remainder at two storeys, all with flat roofs. This was amended to 5no. buildings, all at two storeys in height with flat roofs to provide 14 units of accommodation. Parking was shown on both sides of Buckley Close.
- 3.2. At that time, it was advised that a scheme including a three storey building would be unlikely to receive support due to concerns regarding neighbouring amenity. With the focus on buildings of two storeys in height and given the constrained nature of the site, the pre-application scheme could not be supported with a number of concerns set out as follows:
- 3.3. Design/ Amenity
- Uncomfortable relationship with the street frontage, hard up to the pavement

- Long runs of blocks and lack of landscaping or defensible space creates a stark and uncomfortable relationship with street frontage.
- Special attention needs to be paid to ensuring the frontage is visually interesting with high quality detailing and materials are necessary to soften the juncture with the public domain.
- Blank façade to properties to the rear on Chichester Close, overbearing and enclosing with potential for overshadowing.
- Gradient of land is a factor and widths of buildings at the southern end should be reduced ensuring the development does not extend across the full width of the rear gardens to Chichester Close.
- First floor balconies could cause overlooking, loss of privacy, noise disturbance to existing and proposed accommodation.
- Single aspects habitable rooms with views straight onto the pavement is considered to be uncomfortable in amenity terms and would be worsened by cars parked outside front windows.
- Preferable that each unit is provided with outdoor amenity space at ground floor level.

Transport:

- A suitable footway width (minimum 1.5m) should be provided in front of all properties. The footway could reduce to a minimum of 1.2m but this must be over short lengths and not be continuous.
- Two way vehicular access along Buckley Close and a suitable turning area must be retained. A swept path must be undertaken to ensure that delivery/service vehicles can turn around within the turning area provided.
- Removing parking from the east side of the street could provide scope for reducing the width of the carriageway to increase the pavement width and/or the depth of the development to benefit the scheme.
- The advisable minimum carriageway width for two cars to pass is 4.1m. However, if refuse vehicles are accessing this route the route may have to be wider 4.8m, as set out within section 7.1 of the Manual for Streets.
- Car parking should be provided in line with the maximum car parking standards contained within SPD14.
- Overspill from displaced parking needs to be addressed.
- Information in respect of current usage of the garages should be obtained.
- If necessary, an on-street stress parking survey should be undertaken in line with the Lambeth Methodology.
- Parking should be restricted to the west side of the road as existing.
- More off-street car parking could be provided at the southern end.
- A Residential Travel Information Pack would be required to promote active and sustainable forms of travel and should include provision of started bus season tickets; free voucher toward the purchase of a bike; public transport information; local walking and cycling maps.

4. REPRESENTATIONS

- 4.1. Eight **(8)** representations have been received from neighbours objecting to the proposals for the following reasons:

Principle

- Agree with the demolition of the garages as they are unsafe
- Accept the responsibility of the council to accommodate every need in the city
- This is not a considerable plan for this community
- Unacceptable development and highly inappropriate
- Already overcrowded with social problems
- Overdevelopment

Movement (Pedestrian and Vehicular) / Safety and Parking

- Limited space for parking which will worsen
- Local roads do not support extra/shifted parking
- No space for a bus to stop
- No safe space for children to cross since the development of the Downsman flats in the same road. This is an accident waiting to happen.
- Traffic, congestion and parking issues will get worse with the new school opening in September 2019

Design, Scale, Mass, Character

- Inappropriate height
- Should not be higher than existing six foot fence to rear gardens

Residential Amenities

- Reduce quality of life for existing residents
- Overlooking of existing gardens and properties
- Will block light and sunlight to gardens due to height and positioning
- Loss/restriction of view
- Have a claustrophobic effect on existing home

Amenity Area

- Lack of amenity space for children who may live in the flats
- Only space is to play safely outside which does not happen
- Should be designed as a space for kids to play, provision of a proper closed bike shed
- Need for a proper area for rubbish bins
- Landscape/Ecology/Biodiversity
- Loss of trees

Other matters

- Impact on property values
- Disruption during construction
- Will affect domestic pets including rabbits and wild lizards

5. CONSULTATIONS

External

Brighton and Hove Archaeological Society: Comments.

- 5.1. The proposed development is in an area which is of extreme archaeological sensitivity. Finds from around this location have included Iron Age pottery, Roman coins and medieval features. It is also close to the site of the medieval village. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for recommendations.

County Archaeologist: Comments.

- 5.2. Conditions are recommended. The proposed development lies partially within an Archaeological Notification Area defining the Deserted Medieval Village of Hangleton. Indeed, recent archaeological excavations undertaken at the nearby former pub known as 'The Downsman' have uncovered the in-situ buried remains of medieval houses (including walls).
- 5.3. The application includes an archaeological desk - based assessment of the proposed development site and acknowledges the impact that the current garages may have had on below ground archaeological deposits. Nevertheless, it concludes that "the proposed development would carry the potential to damage or destroy archaeological deposits, if present, in areas of building footprints, landscaping and service trenches" this conclusion is concurred with.
- 5.4. 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. Advice can be provided to the applicant as to how any archaeological condition can be best fulfilled.
- 5.5. The written scheme of investigation, referred to in the recommended condition wording above, 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 (2019).

County Ecologist: Support.

- 5.6. Subject to the implementation of mitigation measures the proposals are supported. The site is not subject to any nature conservation designations and given the nature, scale and location of the proposed development, there are unlikely to be any impact on sites designated for their nature conservation interest. The site offers opportunities for enhancement. If minded to approve a condition regarding the provision of an Ecological Design Strategy (EDS) is recommended.

- 5.7. Five trees and one group of trees are scheduled for removal. The remaining trees should be retained and protected in line with BS5837:2012. The deciduous woodland adjacent to the north of the site is a Habitat of Principal Importance and should be protected during construction with strict pollution prevention controls put in place.
- 5.8. Breeding Birds: The site has the potential to support breeding birds. 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. Alternative nesting habitat should be provided.
- 5.9. Bats: Buildings and trees on site offer negligible bat roost potential but it is likely that the woodland to the north is used for foraging and commuting bats. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. External lighting design should therefore take account of best practice. The external lighting plans submitted with the application indicate that there will be minimal light spill onto the adjacent woodland and are therefore acceptable.
- 5.10. Other Species: The site has the potential to support hedgehogs and there are records of hedgehogs from the local area. Precautions should be taken for hedgehogs during site clearance as outlined in the Preliminary Ecological Appraisal report. There are multiple stands of Tree-of-Heaven on site; this species spreads aggressively and should be removed from site to prevent its further spread.
- 5.11. The site is unlikely to support any other notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.12. Mitigation Measures/Enhancement Opportunities: In addition to the recommended mitigation measures, the site offers opportunities for enhancement including but not limited to the provision of green (biodiverse not sedum) roofs and walls, bird, bat and insect boxes and wildlife friendly planting. The Preliminary Ecological Appraisal report makes some recommendation with respect to the provision of bird and bat boxes, but

these recommendations have not been carried through to the Design and Access Statement of the Sustainability Checklist.

- 5.13. Landscaping within the site should use locally native species of local provenance and species of known wildlife value. Advice on suitable species is provided in Annex 7 of SPD11. It is also recommended that a biodiverse green roof should be provided.
- 5.14. The Sustainability Checklist states that solar PVs will be installed. Green roofs are known to improve the efficiency of photovoltaics, as well as providing other benefits including water management, reduction of heat island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species. An Ecological Design Strategy condition is recommended.

Southern Water: Comments.

- 5.15. The development is some distance from the nearest public foul sewer. The applicant should assure himself that there are adequate rights to utilise intervening private drainage systems. Otherwise a connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act. A formal application would be required for the connection. Informatives are recommended.

Sussex Police: Comments.

- 5.16. No major concerns but additional measures to mitigate against any local crime trends should be considered. Expresses concern over the proposed location of the parking facilities and lack of overlooking from an active room which makes vehicles vulnerable to vehicle crime and theft. Gable ended windows can assist in providing observation over an otherwise unobserved area. As there are only two dwellings that have an active room overlooking the proposed parking court, the parking court is unobserved from the remaining properties and as such the resident have no control or surveillance over their vehicles. This may cause them to park nearer their properties within direct view. These actions have the potential to create illegal parking, obstruction of the highway and emergency routes as well as causing disharmony amongst nearby residents. From a SBD perspective, this present arrangement would not result in sufficient coverage of the parking area. It is suggested that the residential blocks are spaced further apart with the parking located in between each of the residential blocks in order to create overlooked parking from active rooms.
- 5.17. Details of communal doors and door access requirements, postal arrangements, cycle and bin storage can be found within the SBD Homes 2016 within the SBD website

Internal

Arboriculture: Approve.

- 5.18. No objection to the proposal but does have some concerns regarding the protection of trees shown to be retained on site. Should consent be granted a condition is recommended to help secure their protection and also to improve on the landscape detail that has been provided. The application is accompanied by an Arboricultural Consultants report, the content of which the Arboricultural Team concur with. The works require the removal of a short section of hedge, 4 Sycamore, 1 Ash and a small group of sumac trees. All of which are of relatively low grade and collectively of only minor local amenity value.
- 5.19. No objection is raised to the proposed development as it should have little impact on the local treescape. However, it will be necessary to insure those trees shown for retention on site are properly protected as outlined in the Ruskins Tree Consultancy Report 12/10/2018. In addition to this there are some concerns over the landscaping information submitted as this lacks detail, has only one year of maintenance outlined and has poor species selection. The space provided for soft landscaping is only just adequate but if well maintained and properly implemented would be sufficient for the site. In view of these concerns two conditions are recommended to provide greater control and improvements in the landscape design.

Children and Youth Services: Comment.

- 5.20. A contribution in respect of primary education is not being sought as there are sufficient primary places in this area of the city for the foreseeable future. A contribution in respect of secondary and sixth form education of £10,116.80 if this development was to proceed. The development is in the catchment area for Hove Park and Blatchington Mill Schools which has some surplus capacity at the moment but the numbers of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

City Clean: No Comments received at the time of writing.

City Regeneration: Comments.

- 5.21. This development, through the council's New Homes for Neighbourhoods programme, will provide 12 affordable homes on an existing site of 48 garages that have not be usable or lettable for some time due to the poor condition of the structures. This development will be a positive use of valuable housing land and will make a small contribution to addressing the council's challenging housing needs.

- 5.22. 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% of any new roles created for the demolition (where appropriate) and construction phases of the development, should provide opportunities for the local workforce.
- 5.23. Also, if approved, in accordance with the Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £3,600 towards the council's Local Employment Scheme.

Planning Policy: No Comments received.

Sustainability: No Comments received.

Transport Planning: Recommend approval subject to conditions and a sustainable transport contribution.

- 5.24. It is commented that the applicant is proposing a 1.1m width footway adjacent to a 12 units residential development including accessible unit(s) which is not acceptable. It would mean that pedestrians would be unable to pass those with buggies, on scooters or wheelchair users.
- 5.25. It is advised that ideally that the proposed footway should be 2 metres in width to allow for all pedestrian movements. However, it is noted that the site is constrained in dimensions and that the road is a cul-de-sac where pedestrian movements are unlikely to be high. In this instance a footway of a minimum of 1.5m width to allow a person with a standard buggy to pass another (as per DfT's Manual for Streets) would be accepted. This will reduce the risk of pedestrians walking into the road and address concerns about the likely need for refuse and recycling collection vehicles to reverse down the street.
- 5.26. It is understood that it may not be possible to reduce the depth of the site to allow for this. A Grampian Condition is therefore recommended to secure footway widening by narrowing the carriageway. It should be noted that this will require the introduction of some waiting (parking) restrictions along the street to provide passing opportunities for vehicles. This is discussed further in the 'Vehicular Access' section.
- 5.27. Additional pedestrian improvements are also recommended in the area and these are discussed below in the Trip Generation/ Highway impact section.
- 5.28. Cycle Parking: Parking Standards SPD14 requires 1 space per flats and 1 space 3 flats for visitors. The applicant is proposing 18 spaces and this is in

line with the minimum standards. 12 are accessed from the road side and 6 from within the gardens and this is acceptable. Further details are required of stands within the communal stores and the garden stores will need to have a tarmac path approach or similar to ensure the spaces can be accessed during inclement weather. A condition is recommended to be attached. 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 secure stores and/or Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 5.29. Disabled Parking: Parking Standards SPD14 requires 1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors. One wheel chair accessible unit is being proposed and therefore provision of 2 spaces is acceptable and complies with Parking Standards SPD14. The design as detailed is deemed acceptable.
- 5.30. Servicing & Deliveries (including goods & people pick up / drop off): Deliveries and refuse collection movements are proposed to be as existing and this is acceptable in this instance. Currently refuse for neighbouring properties are collected on street. For a new development such as this, bin storage must be provided on site and within reasonable distance to all flats. There appears to be locations that could accommodate such storage and therefore the refuse and recycling condition must be attached with details submitted and approved prior to commencement of the development. Vehicles will likely need to reverse down the street as existing since the existing turning head at the end of the cul-de-sac does not appear to be large enough for them to turn in. This underlines the need for the footway improvements discussed above.
- 5.31. Vehicular Access: The removal of the garages and forecourt hard stand drives means that motorists would not be able to pass each other when parked vehicles are present. If this proposal is approved substantive parking restrictions on Buckley Close would be required to ensure vehicles can pass each other. The following additional amendments would be required on the carriageway prior to commencement of the development:
- Uninterrupted Double Yellow Lines (DYL's) along one side of Buckley Close for its entire length;
 - Intermittent passing points/ DYL's on the opposite side to provide passing points for vehicles;
 - DYL's on the turning area at the bottom of the cul-de-sac;

- Dropped crossing points with tactile paving for pedestrians across Buckley Close. These ideally should include locations linking the site to the routes to the nearby Dyke Railway Trail.

5.32. These necessary features would:

- reduce reversing of vehicles on this residential road;
- ensure motorists can enter and exit in a forward gear; and
- reduce the safety risk to pedestrians, other motorists and road users.

5.33. All associated Traffic Regulation Order amendments will be at the expense of the applicant. The above amendments should have been submitted to the LPA/LHA at planning stage. However, in this instance we are willing to recommend a Grampian condition be attached to secure the changes before commencement (as above). The proposals must be accompanied by swept path analysis of vehicle movements to ensure that all likely vehicle movements can be accommodated. A Road Safety Audit will also be required

5.34. Car Parking: The amount of proposed on-site parking being provided is 12 car parking spaces including 2 disabled user bays. Census data indicates the likely car ownership would be on average 10 vehicles in this location (Super Output Lower Layer Census data 2001). This figure could be lower due to all residential units having only 1-2 bedrooms. The parking area proposed is therefore deemed adequate in size and design to accommodate parking associated with residents of this development.

5.35. Parking associated with visitors that may occur could take place in the car park (that is unlikely to be at capacity all of the time) or accommodated on the surrounding highway that is not within a controlled parking zone. The applicant has stated that the garages are dilapidated and are not in use, therefore their removal should not generate additional overspill onto the highway. The LHA does not consider the likely parking to be significant enough to warrant a reason for refusal in this location.

5.36. Trip Generation/Highway Impact: The 12 new units will create an increase in person trips in the vicinity of the site. Using the council's standard contributions methodology, a contribution of £10,800 is requested. The contribution has been calculated as follows:

Number of residential units * person trip rate * £200.00 * reduction factor = Contribution Formula

Number of units (12) * trips per unit (6) * contribution per trip (£200) - location-related deduction (25%) = **£10,800**

5.37. This will be spent on bus stop and footway improvements, including but not limited to:

- dropped kerbs and tactile paving across Buckley Close at its junction with Chichester Close and/or
 - n accessibility kerb at the Barnet Way eastbound bus stop.
- 5.38. These will provide step-free access from the site to the 5B bus route/ public transport. The contribution will also ensure that the development provides for the travel demand it is likely to generate, encourage sustainable modes of travel and provides for the needs of public transport users and pedestrians in accordance with Brighton & Hove City Plan Part One Policies CP7 and CP9.
- 5.39. Equalities impact: Even with the footway widening works that we recommend are secured via a Grampian condition, the footway width in front of the development will still be less than recommended in BS 8300 which provides guidance on accessible design. Whilst it will be wide enough for wheelchair users and buggy users, they may not be able to pass others at all times and so could be negatively impacted. However, we consider there to be an objective justification for this in this instance given the narrow width of the site, limited ability to narrow the carriageway and relatively low pedestrian footfall what with the site being at the edge of the city.

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 and Brighton & Hove Waste Local Plan (February 2006).
- 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 (2019).

7. POLICIES

The National Planning Policy Framework 2019 (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
CP15	Heritage
CP16	Open Space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton and 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
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
QD5	Design - street frontages
QD14	Extensions and alterations
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
H013	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites
SA5	The Setting of the National Park
SA6	Sustainable Neighbourhoods

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development; its scale, the character and appearance and

relationship with the area/context; residential amenities for existing and future occupants; secure by design; transport and parking; sustainable development; ecology/biodiversity; archaeology; and the setting of the South Downs National Park.

Background

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development

- 8.4. The site is located within the northern extremities of the residential suburban area of the city within the development boundary. It is in a location where there is access to public transport, local facilities and schools. As such, there is a presumption in favour of development that accords with the development plan and contributes to the provision of housing to meet the needs of the city.
- 8.5. Strategic Policy SO4 of City Plan Part One seeks to address the housing needs of the city and to ensure the provision of appropriate housing that meets the needs of all communities. Policy SS1 of City Plan Part One supports the sustainable redevelopment of previously-developed (brownland) sites within built up areas where put forward for an optimal viable such as housing provision. This is an important consideration given the 'natural' tight constraints on the site and land availability. The proviso within Policy SS1 is that any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed other policies and the National Planning Policy Framework (NPPF) when taken as a whole. This

position is also supported by Policy CP1 which sees an additional 1250 new homes being provided from 'windfall' sites such as this.

Affordable Housing

- 8.6. Policy CP20 requires a minimum of 30% of the units (4) for affordable housing which would be secured through a S106 Planning Agreement. In this instance all 12 units are proposed to be 'affordable' as part of the New Homes for Neighbourhoods estate regeneration programme to help tackle the shortage of affordable housing.

Housing Mix, Type and Tenure

- 8.7. National and local planning policies seek to ensure the delivery of a wide choice of high quality homes which contribute to the creation of mixed, balanced, inclusive and sustainable communities. Proposals for residential development are expected to incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs as required by City Plan Part One policies CP1, CP14, CP19 and CP20; Local Plan Policy HO13 and emerging policy DM1 of the City Plan Part Two.

- 8.8. Policy CP14 states that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. It states development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:

1. Would be of a high standard of design and would help to maintain or create a coherent townscape;
2. Would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place;
3. Would include a mix of dwelling types, tenures and sizes that reflect identified local needs;
4. Is easily accessible by sustainable transport or has the potential to be easily accessible;
5. Is well served by local services and community facilities; and
6. Provides for outdoor recreation space appropriate to the demand it would generate and contributes towards the 'green network' where an identified gap exists. #

- 8.9. Policy CP12 similarly promotes residential development to be of a density which is appropriate to the character of its neighbourhood. It also advises that development will be permitted at higher densities than typical of the locality if it complies with a set of criterion, and also states that in order to "make full efficient and sustainable use of the land available, new residential development...will be expected to achieve a minimum net density of 50 dwellings per hectare".

- 8.10. The proposed density of the development works out at 100dph, calculated by the number of residential units (12) divided by the size of the site (0.12 hectares). Although the area is generally of a lower density, the presence of flatted blocks to the west and south side of Buckley Close has led to the principle of higher densities can be accommodated subject to compliance with other development plan policies and in the consideration of the planning balance.
- 8.11. Policy CP19 of the Brighton & Hove City Plan seeks an appropriate mix of housing which is informed by local assessments of housing demand and need. It states that:
- Sites coming forward as 'windfall' development will be required to demonstrate that they have had regard to housing mix considerations and been informed by local assessments of demand and need.
 - All new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.
- 8.12. The supporting text of policy CP19 refers to a B&HCC demographic analysis, which suggests an estimated 65% of overall housing need and demand will be for 2 and 3 bedroom properties (34% and 32% respectively), 24% for 1 bedroom properties and 11% for 4 bedroom or more properties. This advises that in terms of demand for market housing this is likely to be weighed towards 2 and 3 bedroom properties. In this case the application proposes 4 x 1 (33.3%) bed units and 8 x 2 (66.6%) bed units. Of the 4 x 1 bed units, a ground floor 1 bed unit is wheelchair accessible. Although there is a lack of 3 bed units, this is considered acceptable given the overall benefit of providing additional affordable units of residential accommodation. As such is considered to address the nature of housing needs and market demand in the City, and is therefore considered to comply with Policy CP19.
- 8.13. It is noted that the application site is a brownfield site within the city's development boundary with good access to public transport, local schools and local services, it represents an opportunity to make an efficient use of the site which is currently underused. In addition, it would also make a beneficial and suitable contribution to housing provision.

Standard of Accommodation

- 8.14. The Government's Technical Housing Standards – Nationally Described Space Standards are used to help make an assessment of an acceptable standard of accommodation for residential units. It is noted that the council

has not adopted these sizes locally but provide a comparable and an indicator that the accommodation proposed is an acceptable size. The proposed units would all meet or exceed these standards and is therefore of an acceptable standard.

- 8.15. Policy HO5 requires the provision of private useable amenity space appropriate to the scale and character of the development. In this case, all ground floor units are provided within side gardens. 3 of the first floor flats are provided with Juliet balconies. No communal amenity space is provided. The site is however, within walking distance of the Dyke Railway Trail which provides access to the South Downs National Park and Hangleton Park which is located adjacent to Hangleton Community Centre. It is therefore considered that the lack of on site provision is offset by the proximity to nearby passive and active recreation. On balance, it is therefore considered that the proposals with 50% of the units being provided with ample private gardens is acceptable and therefore accords with Policy HO5 of the Local Plan.

Design, scale and appearance:

- 8.16. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development. The principle of the reuse of this brownfield site, at the density proposed, is considered to be appropriate for this area. The siting, scale, massing and design of the proposed buildings has evolved from the pre-application process. Initially a scheme of 14 units was proposed along the length of the site with some parts rising to three storeys. Following pre-application advice the scale of the development was reduced to 12 units and restricted to two storeys. Due to the change in levels, only one storey would be seen from the dwellings on Chichester Close and their gardens. This is clearly shown in the sections provided in the submitted drawings
- 8.17. Together with the revisions to the design and the provision of gaps between the buildings, the scale, bulk and mass are more compatible with the context and relationship with adjacent dwellings and flats to the east (rear) and to the west on the opposite side of the road.
- 8.18. Although the buildings around the area are of a mixture of buff and red bricks, pebble-dash and white painted first floor finishes with pitched tiled roofs as the general building typology, it is considered that three separate, yet unified flat roofed buildings would not appear out of keeping with the area. The three buildings offer a contrast to the existing built form. As a counter balance, it is architecturally muted with its simple consistent detailing and pattern of fenestration. The breaks between the three buildings not only take account of the relationship with the accommodation on Chichester Close

at the higher level, but also visual relief complimenting the articulated front elevations with the recessed entrance bay.

8.19. The provision of solar photovoltaics to the flat roofs are welcomed. The applicant considers that there is a need for permanent fixed safety railings to be provided around not only the access hatch but the entire perimeter of the flat roofs. Apart from provision around the hatch, it is considered that the provision is excessive but also detract from the character and appearance of an otherwise acceptable development. At two storeys in height with a flat roof, as a compromise, the applicant was requested to consider the provision of collapsible safety railings with a permanent rail around the access hatch. This was not accepted and despite informal advice from Building Control that there was no requirement for such systems at a height of two-storeys. However, if there was a need for anchoring, an anchor-safe system could be provided behind the parapet. This was not accepted by the applicant. As a result, it is considered that this is a matter that can be addressed by way of an appropriately worded condition that is fair, reasonable and practicable in order to deliver a good standard of design and quality of the development. There are a number of safety systems that can be investigated to address the concerns about the visual impact of permanent railings.

8.20. It is considered that the development of this site offers a significant opportunity to improve the character and appearance of the site and the area and to enhance the existing urban environment. It does not mimic the existing typology but in its restrained design approach presents a form and scale of development that is considered to be acceptable, respecting the character and appearance of the area.

8.21. The form and scale of the development is therefore considered to be in keeping with the character of this area, and is considered to comply with saved policies QD5 and QD27 of the Local Plan and Policy CP12 of the City Plan. The Design and Access Statement submitted in support of this application provides further detail.

Neighbouring amenities

8.22. Adopted Local Plan Policy QD27 seek to ensure that new development provides sufficient residential amenity for new occupants but also does not adversely affect the existing levels of amenity experienced by existing residential properties. This includes where change would harm or underprovide for privacy, daylight, sunlight and outlook. Apart from windows to the stairway and landings, no windows are provided to ground or first floor flats with the majority of the windows being west facing. At the gable ends, out units are provided with windows to the north side (Block A) and south side (Block C). This arrangement seeks to ensure that the dwellings and flats of Chichester Close would not experience a loss of privacy or overlooking. A

condition is recommended that to ensure that the rear windows to the communal stairway and landings are obscurely glazed and fixed shut, particularly to the first floor.

- 8.23. The gardens to the rear of the Chichester Close properties sit at a higher level than the ground floor level of the existing garages and the proposed new development. Some of the dwellings also sit on ground raised above the garden level and as a result, there was the potential for the new development to be affected by the existing. Due to the fact that no windows are provided to the elevation facing the Chichester Close properties, this concern has been overcome. Albeit of two storeys, only a single storey would be read from the Chichester Close properties and as a result, would not appear over-dominant or overbearing. The proposed buildings sit between approximately 7.3 metres, 10.85 metres and 11 metres from the rear of dwellings fronting Chichester Close. At the northern end the dwellings sit on higher ground than the rear gardens with the new development shown in Section A – A being read at approximately 1.2 metres above garden level. At Section C – C the new development would sit at approximately 3.4 metres above garden level.
- 8.24. Given the elevated nature of the properties fronting Chichester Close and the height of the new buildings relative to existing garden and ground floor levels, it is considered that the level of shadow would not be significant relationship between existing and new would not be at a level that would cause undue harm or detriment arising from a loss of daylight or overshadowing.
- 8.25. The north and south elevations of the buildings would include windows serving the living room to each flat, to the ground and first floor. There would no overlooking between ground floor windows due to the intervening garden fencing, the details of which would be secured by condition. At first floor level, the windows between the south elevation of Block A does not directly face the windows to the north elevation of Block B. The internal arrangements of Block B alter to include two small windows serving the kitchen and living space with the main windows to the east elevation. The opposing north elevation of Block C would contain the main living room window at first floor level.
- 8.26. Overall the proposal has sought to reduce direct overlooking. However, even with the distance between each block of approximately 7 metres, there will be a degree of mutual overlooking which is not uncommon in flatted development and it therefore not considered to be to such an extent that would detract from the overall quality of the accommodation provision.

8.27. Due to the alignment of the existing flatted blocks to the west side of Chichester Close and distances between existing and new built form, it is considered that no harm would arise to their residential amenities.

Sustainable Transport

8.28. City Plan Policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local Plan Policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.

8.29. SPD14 indicates that the site is located within the 'Outer Area' zone of the city where a development of this nature would generate a requirement for 1 car parking spaces per 1 and 2 bed dwellings; 1 visitor parking space per 2 dwellings; 1 disabled user parking space per wheelchair accessible units; 50% of the minimum standard for ambulant disabled people and visitors; 5% of the maximum total car parking spaces for motorcycle provision. For bicycles, the requirement would be for 1 cycle space per unit of accommodation and 1 cycle space per 3 units for visitors.

8.30. This equates to a requirement for 12 parking spaces for residents and 6 visitor parking spaces, thus a total of 18 car parking spaces. Of those 2 spaces are included for disabled users. There would be a requirement for 12 cycle spaces for residents and 4 cycle spaces for visitors, resulting in a requirement for 16 cycle spaces.

8.31. The Transport Statement that accompanied the application explains that the number of vehicles visiting the site would not be significantly increased by the provision of 12 units of accommodation which would be served by 11 parking spaces in total. No visitor car parking would be provided. 18 cycle spaces are proposed slightly exceeding the required standards. The 2 visitor cycle spaces would be provided to the side of each recessed entrance bay. Residents cycle spaces would be provided within secure stores.

8.32. Notwithstanding the lack of motorcycle bays, it is considered that the parking and cycle provision meets the requirements of adopted policy and SPD14 and is therefore acceptable. Although visitor spaces are not provided, it is the advice of the Transport team that parking associated with visitors could occur within the proposed car park that is unlikely to be at capacity all of the time or accommodated on the surrounding highway that is not within a controlled parking zone.

8.33. Concern has been concerned about the nature of the footway that is proposed in front of the development. Despite the pre-application advice that

a footway of 1.5 metres be provided with 1.2 metres being accepted over short lengths, the scheme shows a width of 1.1m for the entire length of the footway. This raises concerns for pedestrian movement and it is advised that although ideally the proposed footway should be 2 metres in width, a minimum width of 1.5m would be accepted given that the road is a cul-de-sac where pedestrian movements are unlikely to be high.

- 8.34. Having regard to Policy TR7 of the Brighton and Hove Local Plan and CP9 of CPP1, it is considered that the footway as shown is unacceptable and fails to satisfy policy requirements to provide sufficient space for users of pass without the risk of having to walk into the road. However, as the carriageway has a width of approximately 6.6 metres with on-street car parking to the west side, it is considered that a 1.5 metre footway could be provided. This arrangement would still allow cars to park to the west side with 'passing' areas accommodating refuse and recycling collection vehicles which currently reverse down the street.
- 8.35. The Transport team recommend that a Grampian condition be imposed to secure the footway widening by narrowing the carriageway and to include the introduction of some waiting (parking) restrictions along the street to provide passing opportunities for vehicles. In this instance, it is considered that such a condition would be acceptable in the interests of the safety of users of the carriageway and footway and is set out in the recommended conditions.
- 8.36. Overall, a wider footway would improve pedestrian movement and accessibility. It would also provide a safer environment for people to walk along and within as well as passive surveillance. In addition, it is considered that a contribution toward sustainable transport would provide suitable mitigation and reduce reliance on the private car.

Deliveries and Servicing

- 8.37. The Design and Access indicates that access for emergency, delivery and waste vehicles would be along the public highway with a turning head is provided at the north end of the site and end of the road. The termination at the end of Buckley Close provides an area for manoeuvring and turning which should remain free from obstruction. The submitted plans include an area to the north side of the Block A where vehicles could reverse into.
- 8.38. The Transport team acknowledge that the removal of the garages and forecourt hard stand drives means that motorists would not be able to pass each other when parked vehicles are present. As a result, there would be a requirement for substantive parking restrictions to be provided on the opposite side of Buckley Close which are clearly set out in the consultation response which will require address through a recommended condition which

would also seek to ensure that vehicles would be able to enter and exit Buckley Close in forward gear.

- 8.39. It is proposed that all refuse and recycling will be stored in communal bins placed in the carriageway as per the existing arrangement. The proposed development is likely to increase the amount of waste and to that end, the number of receptacles. Also some bins are located at the southern end of the site which would be displaced as a result of the proposed parking for the development. It is not clear if this displacement has been accounted for in addition to the increase in units and waste. In the interests of good planning and delivering quality residential developments it is considered that waste receptacles could be accommodated within the red edged site to serve the development itself. It is therefore recommended that a condition is imposed requesting details of the provision of suitable refuse/recycling storage within the site or that the increase in refuse and recycling can be adequately accommodated as per the existing arrangement without adversely affecting highway safety.

Travel Plan

- 8.40. 8.38 Although advised at the pre-application stage there may be a need for a Travel Plan, this has not been requested in the formal comments to the application. The provision of a contribution toward sustainable transport is therefore considered to be appropriate and ensures that the development would deliver safe, active and sustainable forms of travel complying with policies TR4 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

Construction Management

- 8.41. Owing to the scale of the works and location adjacent to a bus stop and school, it is recommended that the applicant be required to complete a Construction Environment Management Plan and that this can be secured by condition. The movement of construction vehicles will be expected to avoid the peak periods and school opening and closing times.
- 8.42. It is noted that there have been a number of objections to highways and car parking, it is considered that these objections do not warrant refusal and it is acknowledged that the highways team is supportive of the scheme. Highways contributions are secured to help provide mitigation in this instance and promote sustainable modes of transport.

Arboriculture/Ecology

- 8.43. A full arboricultural survey (submitted separately as part of this planning application) has been carried out to establish the impact of the proposed development and the condition of trees on or adjacent to the site. The development would require the removal of a short section of hedge, 4

Sycamore, 1 Ash and a small group of sumac trees. All of these are of relatively low grade and collectively of only minor local amenity value. The Council's Arboriculturist agrees with this position and does not object to the removal of the trees that are constrained by the garages, boundary wall and concrete surfaces. Those trees within the application site and to the southern end are indicated for removal. Conditions are recommended for the protection of trees to be retained during construction including the deciduous woodland adjacent to the north of the site is a Habitat of Principal Importance.

- 8.44. The proposed planting, if properly managed, would provide a mitigation. Along with the provision of more green spaces within the development in the form of private gardens, the biodiversity value of the site would be improved. Additional opportunities for the improvement of the ecological value of the site include the control of demolition and removal of scrub/trees outside of bird nesting and breeding season. Where not practicable it is recommended that 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. Alternative nesting habitat should be provided. Due to the fact that the woodland to the north has the potential for bat roosts and foraging, artificial and external light should be controlled.
- 8.45. The submitted information has identified that there is potential to support hedgehogs and there are records of hedgehogs from the local area. Precautions should be taken for hedgehogs during site clearance as outlined in the Preliminary Ecological Appraisal report. There are multiple stands of Tree-of-Heaven on site; this species spreads aggressively and should be removed from site to prevent its further spread.
- 8.46. As the site offers opportunities for ecological enhancement, in addition to tree protection measures, landscaping conditions, the County Ecologist recommends that an Ecological Design Strategy (EDS) is provided including mitigation measures such as Mitigation should also include the provision of the provision of bird and bat boxes and can be secured by condition. Given the improved greening of the site, it is considered that this, along with the accommodation of locally native species of local provenance and species of known wildlife value that the ecological value of the site will be improved.
- 8.47. Given the presence of the nature improvement area to the west and north and the presence of mature trees to the north and west, it is considered that the loss of the Category C trees is outweighed by the benefits that would be derived from the wider public benefits to be gained from the provision of 12 affordable units of accommodation for rent.

Lighting

8.48. The provision of lighting seeks to provide a balance between the need to provide safe and secure developments but also to ensure that the ecology of the site and area is protected and at the same time adhering to the Dark Skies requirements of the South Downs National Park and Biosphere status. The position of the luminaires has been determined in order to provide illumination to the areas required and limit the lighting to rear properties or other areas. The positioning of the luminaires has been considered, a reduced/minimal spacing has been adopted, this is at the lower thresholds to the relevant British Standard; which assists the ecology requirements for the site. Therefore the application proposes external lighting to:

- Parking area towards the south of the site
- Allocated turning point towards the North

8.49. The lighting design has been undertaken in line with considering the following:

- British standard BS 5489-1-2013: Practice for design of road lighting
- ILP Guidance note 08/18 regarding “bats artificial lighting in the UK”.
- Ecology appraisal report provided by BJC consultancy Ltd dated 16th of October 2018.
- To reduce the impact of the artificial lighting installation and minimise upward light

8.50. LED Post top luminaires (5mtrs Column Mounted) minimal upward light. Mounting locations as shown. The selected fitting type and lumen (output) package has been selected to reduce the impact of the artificial lighting installations.

8.51. There is a balance against the requirement to provide safety/security illumination and the ecology of the site. The external lighting has been provided to the areas of parking and vehicle turning within the development only.

Sustainability:

8.52. 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. The application was accompanied by a Sustainability Checklist setting out the intention to achieve the required reduction in carbon emissions against Part L of the Building Regulations and would include low and zero carbon technologies but no further information is provided despite the indication of solar photovoltaic panels to the flat roofs. No post occupancy evaluation is proposed. Water efficiency restrictions of 110

litres/person/day would be included and would be the subject of an appropriate planning condition.

- 8.53. It is indicated that sustainable drainage techniques would be incorporated into the development and further details are provided in a separate Sustainable Drainage Report prepared by HOP Consulting Civil and Structural Engineers. Surface water runoff from the existing site and highway is directed to soakaways located in the highway via gullies. Rainwater is directed to the rear of the garages by the sloping roofs. Surface water management is proposed through infiltration methods using soakaways and the report provide details of the size, position and layout of the soakaways to manage surface water which is to be developed further during the detailed design stage.
- 8.54. The existing private foul sewer that runs below the flats on the other side of Buckley Close subject to approval by Southern Water which has been noted.
- 8.55. The report has identified measures that reduce the level of flooding risk to the development and ensures the surface water runoff is mitigated through the use of infiltration SuDS. This report shows that the proposals for the redevelopment of the existing garages at Buckley Close. The development at Buckley Close can be successfully implemented and managed sustainably and that there should be no increase in risk to future users and neighbouring properties in regard to foul or surface water flooding over the expected lifetime of the development.

Setting of the South Downs National Park (SDNP)

- 8.56. Policy SA5 of the Local Plan seeks to ensure that development does not detract from the setting of the South Downs National Park (SDNP) and is aligned with the objectives of the NPPF. The subject site is viewed in conjunction with the existing built form in Chichester Close and Buckley Close within a 20th century suburban landscape which is defined 'Downland Fringe' as referred to in the Brighton Urban Characterisation Study. The topography of the northern fringe of the Hangleton Estate Character Area follows the rises and falls of the South Downs. Despite being on high ground, views of the development itself would be limited from the SDNP with attention being drawn to the dwellings of Chichester Close and the flatted blocks to the west and downward slope of Buckley Close due to their distinctive alignment.
- 8.57. Where limits views, if any, are achievable, it is considered that there would be no harm to the visual character and appearance of the SDNP. The net increase in height above the existing single storey garages would not draw attention to their presence and would not read as being out—of-keeping with this existing suburban landscape. The 'cut' accommodating the A27 is well-

established dense vegetation which softens and filters views of this suburban area from high ground within the SDNP. The proposed development would not be readily apparent from the SDNP and would accord with national and local policy requirements.

Heritage Assets

- 8.58. The presence of an Archaeological Notification Area over part of the site defines the Deserted Medieval Village of Hangleton. As such is given material weight in the decision making process. Policy CP15 of City Plan Part One seeks to ensure that the city's heritage assets and the historic environment are conserved and enhanced in accordance with identified levels of significance in accordance with the NPPF.
- 8.59. The County Archaeologist draws attention to the fact that recent archaeological excavations undertaken at the nearby former pub known as 'The Downsman' uncovered the in-situ buried remains of medieval houses (including walls). Concurring with the archaeological desk - based assessment, it is acknowledged that the current garages may have had on below ground archaeological deposits. Nevertheless, it is considered that "the proposed development would carry the potential to damage or destroy archaeological deposits, if present, in areas of building footprints, landscaping and service trenches" this conclusion is concurred with. Therefore and in order to address the requirements of Policy CP12 and Section 16, NPPF (2019), appropriate conditions should be imposed to secure a programme of archaeological works including a written scheme of investigation.

Secure by design

- 8.60. National and local development plan policies seek to ensure that the potential for crime is designed out at the design and planning stages of a development. Attention has been drawn to the limited overlooking of the proposed car parking area from the proposed development. Whilst it would have been more appropriate for some car parking to be provided at the northern end of the site, this would have removed the turning space shown on the submitted plans. Subject to the provision of suitable lighting and as given the likely increase in footfall, it is considered that natural surveillance would be enhanced.
- 8.61. The submitted plans include an access to the rear of all buildings which has been indicated as a maintenance requirement. In order to prevent unimpeded access and potential security concerns given the lack of overlooking and surveillance, a condition is recommended to include gates with security locking mechanisms to prevent access between each building. Details would be required to be agreed before first occupation.

9. CONCLUSION

- 9.1. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development, as set out in the NPPF. As the garages are underused and in a poor state, it is considered that the proposal represents an efficient use of the site which would provide much needed affordable rented accommodation. The density proposed is balanced between the lower scale two-storey dwellings, some being flats to Chichester Close and the existing flatted blocks to Buckley Close.
- 9.2. The informal concerns of the Transport Team have been acknowledged and as a result, the delineation of bays on the west side of Buckley Close have been deleted. Specific conditions are recommended to seek to address the need for a wider pavement in front of the development for its length to improve pedestrian movement and safety. In the interests of pedestrian safety, it is recommended that notwithstanding the details already submitted, a condition is imposed requiring revised details to be to be agreed prior to the commencement of above ground construction works.
- 9.3. The proposal provides limited information on sustainable principle but indicates the intention to achieve the required reduction in carbon emissions against Part L of the Building Regulations and would include low and zero carbon technologies, such as photovoltaics to the flat roofs of each building. Although limited in terms of details and information, the development will need to comply with Part L of the Building Regulations which would address thermal performance and U-values.
- 9.4. It is considered that the proposal would deliver substantial public benefit, notably it would make effective and efficient use of an underused brownfield in a location that is considered to have access of local facilities and the public transport network. The proposal would provide affordable rented accommodation which is given significant weight in the planning balance.
- 9.5. Redevelopment of sites such as this continue to come forward and are categorised as 'windfall' sites and make a valuable contribution to the provision of housing and in this case affordable housing to rent. Therefore and on balance, it is considered that the merits of the proposal including the visual enhancement of the area, the provision of affordable accommodation which constitute wider public benefits, outweigh the perception of harm raised and subject to the use of appropriate conditions and a S106 agreement securing contributions toward education and sustainable transport would also seek to offset the need arising from the development.

10. EQUALITIES

- 10.1. 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 with 2 disabled parking spaces.
- 10.2. The ability to provide an additional footpath would assist in improving pedestrian movement and safety and is a matter that is the subject of a recommended condition to ensure its provision. Although this would be less than recommended in BS 8300 which provides guidance on accessible design there is an objective justification for a footway width of 1.5m in this instance given the narrow width of the site, limited ability to narrow the carriageway and relatively low pedestrian footfall what with the site being at the edge of the city.

11. DEVELOPER CONTRIBUTIONS

- 11.1. S106 Agreement heads of terms are set out in Section 1.
- 11.2. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of

the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.