

<u>No:</u>	BH2018/02054	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ditchling Court 136 Ditchling Road Brighton BN1 6JA		
<u>Proposal:</u>	Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works.		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	24.08.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.10.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Pearl Developments Brighton LLP C/o DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 8 January 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

Section 106 Head of Terms:

- Affordable housing contribution of £135,750
- Sustainable transport contribution of £6,300 towards sustainable transport infrastructure including, but not limited to, dropped kerbs and tactile paving across Ditchling Road (outside No 136), across the side road outside the Open House pub at its junction with Springfield Road and to Vere Road and Warleigh Road at their junctions with Ditchling Rise.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	1082/10		25 June 2018
Proposed Drawing	1082/11	B	14 May 2019
Proposed Drawing	1082/12	A	14 May 2019

Proposed Drawing	1082/13	A	14 May 2019
Proposed Drawing	1082/14	C	14 May 2019
Proposed Drawing	1082/15	C	14 May 2019
Proposed Drawing	1082/16	A	14 May 2019
Proposed Drawing	1082/17	A	14 May 2019
Proposed Drawing	1082/18	A	14 May 2019
Proposed Drawing	1082/19	A	14 May 2019
Proposed Drawing	1082/20	A	14 May 2019
Report/Statement	Sunlight and daylight assessment		26 June 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. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

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

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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been

submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all render (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) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

5. Within 6 months of commencement of the development a Scheme of Management of the on site vehicle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated and managed
- Details of measures to ensure that each car parking space is for the use of its allocated owner

The above measures must be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR14 of the Brighton & Hove Local Plan.

6. Prior to the first occupation of the development hereby approved the 1.8m high opaque screening hereby permitted shall be installed to the fourth floor balconies and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect adjoining property from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. Prior to the first occupation of the development hereby approved a scheme of travel pack measures to promote sustainable transport to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- 2 years membership for each residential unit to the City's Car club.
- 1 year Bus pass or the equivalent sum towards Rail Services
- 2 years BtnBikeshare
- Provision of information on sustainable transport options and measures in all marketing material (including any on-line).

Reason: to ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.

8. Prior to first occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
9. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. 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.
12. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

The Section 106 legal agreement should secure the following financial contributions in line with Council policy:

- Affordable housing contribution of 135,750
- Sustainable transport contribution of £6,300

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to an existing purpose built block of flats positioned to the rear of 136-152 Ditchling Road. Private access is gained to the existing residential units via an access road to the south of 136 Ditchling Road. The surrounding area comprises both residential and commercial premises. The site is not located within a conservation area.
- 2.2. Planning permission is sought for the erection of a two storey extension at third and fourth floor level to the existing building to provide 7no flats. The application also incorporates revised fenestration to the existing building and other associated works.

3. RELEVANT HISTORY

- 3.1. BH2014/02462: Replacement of existing timber windows to common ways on east elevation with UPVC windows. Approved November 2014.

4. CONSULTATIONS

- 4.1. **Environmental Protection:** Approve subject to the following condition:
- The submission of a Construction Environmental Management Plan
- 4.2. **Sustainable Transport:** Approve subject to the following conditions and S106 agreement:
- Cycle parking
 - Car park management plan
- 4.3. In order to assist in mitigating the potential overspill from the development the Highway authority request travel pack measures for each new residential unit. In addition the development would result in an increase in person trips and therefore the Highway Authority request a contribution of £6,300 to be spent on footway improvements. These would be secured from the applicant via s S106 agreement.

5. REPRESENTATIONS

- 5.1. **Fourteen (14)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
 - Impact on property values

- Inappropriate height
- Noise disturbance
- Overdevelopment
- Existing access is too narrow
- Health and safety of residents during the build
- Impacts on existing residents amenity
- Overshadowing
- Loss of light
- Overlooking
- Loss of view
- Increased quantities of refuse
- Loss of sunlight
- Concerns over additional stories on the existing foundations

5.2. **Ten (10)** letters have been received in support of the proposed development for the following reasons:

- The existing building is in need of works
- Increase in property values
- Development will improve appearance of the building
- The site is a great development opportunity
- The area needs housing
- Building on brownfield sites and existing buildings is the way forward

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the visual impact of the proposed extension, the provision of new residential units, the standard of accommodation proposed, the impact upon neighbouring amenity and highway impacts.
- 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 application seeks consent for the erection of two additional storeys to the block of flats in order to facilitate seven additional flats.
- 8.5. In principle, development within additional storeys is acceptable and there is a national general presumption in favour of sustainable development and the more efficient use of sites is supported within local development plan policies. As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.

Design and Appearance:

- 8.6. This application seeks planning permission for two additional storeys of residential accommodation on the existing flat roof three storey building which forms Ditchling Court. The proposal also seeks to improve the existing structure through refurbishment works.
- 8.7. The Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 8.8. The existing site is positioned on slightly elevated land to the rear of properties on Ditchling Road. Within the immediate surrounding area of the site are a variety of building heights and massing. Adjoining the site to the west on Ditchling Road are two storey terraced properties. To the north of the site is a single storey commercial unit and beyond, positioned at a lower ground level is Downs Infant School. To the east and south, the site is separated from commercial units by Hollingdean Lane.
- 8.9. The existing building appears as secondary to the street scene, given that it is set on land to the rear of properties which front onto Ditchling Road. Whilst the site in parts is visible from both Hollingdean Lane and Ditchling Road, views are partially obscured by hedging and neighbouring properties. Given this, it is considered that the increase in height proposed would not result in a building that is intrusive on the existing street scene.
- 8.10. The proposed additional storeys would be inset from both the northern and southern elevations by 1.9m at third floor and a further 1.8m at fourth floor level, resulting in a stepped appearance which helps to reduce the level of additional bulk, particularly when viewed from the west. The additional storeys follow the symmetry and existing pattern of glazing to the building which compliments the floors below. However unlike the existing floors, the glazing to the additional storeys does not span the full width of the western or southern elevation and as a result respects the hierarchy of the building and reads as an extension.
- 8.11. The application proposes refurbishment works which seek to replace the existing brickwork with render which will result in a simpler and cohesive appearance across the building. In addition the existing panel work to the

building will be re-clad to provide a more durable material and modern appearance. In addition where appropriate, windows will be replaced across the building.

- 8.12. It is considered that the proposed development would result in suitable addition to the site and is in accordance with Policy CP12 of the Brighton and Hove City Plan Part One.

Standard of accommodation:

- 8.13. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 8.14. Amendments have been received during the life time of the application to alter the proposed floor plans so that the resultant development will facilitate the creation of a mix of studio, one bed and two bed units. The floor spaces of each unit proposed are as follows:
- Flat 17: Studio unit measuring 42sqm
 - Flat 18: One bedroom, two person unit measuring 51sqm
 - Flat 19: Studio unit measuring 47sqm
 - Flat 20: Studio unit measuring 43sqm
 - Flat 21: Studio unit measuring 42sqm
 - Flat 22: Two bedroom, three person unit measuring 67sqm
 - Flat 23: Two bedroom, four person unit measuring 75sqm
- 8.15. Each of the proposed units would exceed the floor space requirements as set out in the Governments Nationally described space standards. The floor plans submitted provide a furnished layout of each new unit which demonstrates adequate circulation space within each property.
- 8.16. Furthermore each of the proposed flats would benefit from acceptable levels of natural light, ventilation, outlook and privacy. Policy HO5 requires the provision of external amenity space within developments. Five out of the units proposed would benefit from private amenity space by way of a balcony, whilst units No. 18 and 22 feature no external amenity space. Although the external amenity space provided for future occupiers is limited, the site is in a location where there are many public outdoor spaces such as The Level or Preston Park, as such the level of amenity space provided is considered acceptable.
- 8.17. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with

disabilities without major structural alterations. Given that the development is situated on the upper floors of the property with no lift the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is not sought.

Impact on Amenity:

- 8.18. The application site is set on slightly higher land than the neighbouring residential properties on Ditchling Road. However the site is separated from these westerly neighbours by the existing garages within the grounds of Ditching Court and also 'The Cottage' located to the rear of 148 and 150 Ditchling Road.
- 8.19. The development maintains a separation distance of 22m to the rear elevations of properties on Ditchling Road, to include the existing extensions to these properties. This separation distance is considered sufficient to prevent overlooking into the windows of these neighbours. Whilst it is acknowledged that some views would be had into the rear gardens of these properties, the views would be similar to those had from the existing second floor of Ditchling Court. The window openings proposed match the location and proportions of the windows to the lower floors. In addition the proposed area of glazing expands approximately 11m in width and does not extend to the full width of the western elevation. On balance this is deemed acceptable.
- 8.20. A sunlight and daylight assessment has been provided, dated June 2019. The properties most likely to be impacted by the development are No's 142-148 Ditchling Road. These properties lie immediately west of the tallest proposed element at Ditchling Court. The window most impacted by the development is the ground floor window to the rear outrigger of No.142. The assessment provided shows that there is a predicted change in 7.97% of daylight in relation to the vertical sky component. BRE guidance states that any loss of daylight which exceeds 20 percent is considered to be of significant impact. As such this proposed change is not considered to cause significant harm. The assessment shows that the proposed extension to Ditchling Court has no additional impact on the number of sunlight hours at the receptor window at No.142 Ditchling Road. With the proposed extension to the flats at Ditchling Court the Average Daylight Factor is reduced from the existing 1.27 % to 1.05 %. The code of practice states that, below 2% electric lighting is likely to be turned on. In this case it is likely that the room already requires artificial lighting and the extension to the flats will not have any demonstrable impact on daylighting within the room.
- 8.21. The additional storeys would be set back from the existing northern elevation of Ditchling Court increasing the separation distance to the neighbouring buildings. The third floor is set back from the existing northern elevation by 1.9m and the fourth floor is set back a further 1.8m. This reduces the potential for overbearing impact to the northern neighbours. The views had from the proposed third and fourth floor would be largely similar to those existing at second floor.

- 8.22. The window openings to the eastern and southern elevations would allow for views over Hollingdean Lane and given the distance to the nearest neighbouring buildings are unlikely to result in any harm in terms of overlooking. As such it is considered that the proposed development by virtue of the retained separation distance from neighbouring buildings would not result in harmful levels of overlooking or overshadowing in accordance with Policy QD27.
- 8.23. A number of the units proposed feature a balcony. Amendments were received during the lifetime of the application to remove the balconies from the northern elevation so that the proposed balconies are now positioned only to the eastern and southern elevations. Furthermore no balconies are proposed to the western elevation towards those neighbours on Ditchling Road.
- 8.24. The balconies to the eastern and southern elevation feature open balconies with 1.8m high boundary treatments to prevent views to the west and north. The open nature of these balconies is considered acceptable given the distance of neighbouring properties to the east and south. The application proposed 1.8 high privacy screens to the balcony proposed which are acceptable and can be secured by condition.
- 8.25. The addition of seven flats not would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal.
- 8.26. There are concerns about how local residents will be affected during the construction of the proposed extra storeys. It is therefore recommended that a Construction Environmental Management Plan be required.

Affordable housing

- 8.27. CP20 of the City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper (approved by Economic Development & Culture Committee on 9th March 2017) 7 units primarily consisting of studio flats located in Zone 2 would require a contribution of £135,750 (equivalent to 1no. studio/one bedroom unit).
- 8.28. The applicant has confirmed that they are willing to pay the required affordable housing contribution.

Sustainable transport:

Cycle Parking

- 8.29. The applicant appears not to be proposing cycle parking spaces. For this size and type of development a minimum of 10 dedicated cycle parking spaces are required. There appears to be adequate space on site therefore the

Highway Authority request that further details of the spaces are secured by condition.

- 8.30. It is also advised that cycle parking for the whole building's residents should be provided in line with SPD14 if not already done so.

Car parking:

- 8.31. The applicant is proposing no change relating to the existing parking arrangement and provision and proposing only 9 spaces. This is unlikely to accommodate parking for both the existing number of flats and the proposed. Therefore any parking associated with the development may overspill onto the highway.
- 8.32. Being on a private road residents on this site are not eligible for permits to park within the adjacent Controlled Parking Zone (CPZ); therefore any parking would have to be either in private garages or on non-CPZ roads.
- 8.33. The nationally recognised Lambeth Methodology guidance advises that the likely distance that residents are likely to walk to park from the site is within 200 metres. On inspection of the surrounding roads Hollingdean Lane is the only non-CPZ road within 200m. This area of parking is accessed via a quiet lane with no footway or lighting in places and is located adjacent to commercial and industrial facilities.
- 8.34. In order to assist in mitigating this potential overspill from the development the Highway Authority would look for the applicant to provide free or heavily subsidised tickets/memberships for local public and shared transport services. In this instance the applicant should provide for each residential unit:
- 2 year membership to the City's car club. There are existing car club bays on Springfield Road, Southdown Avenue and Warleigh Road, in close proximity to the site.
 - 1 year Bus pass or the equivalent sum towards Rail Services
 - 2 years BtnBikeshare (nearest hub is at London Road Station)
 - Providing of information on sustainable transport
- 8.35. To prevent excessive movements and manoeuvres from new residents trying to park on site, the Highway Authority requests that the existing car parking spaces are allocated to individual flats/ residents. It is recommended that details of a Car Park Management plan are secured via condition.

Trip Generation:

- 8.36. The 7 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 £6,300 is requested. This contribution will be spent on footway improvements, including but not limited to, dropped kerbs and tactile paving across Ditchling Road (outside No 136) and across the side road outside the Open House pub at its junction with Springfield Road. This will allow step-free access from the site to the bus services and amenities on Beaconsfield

Road, including a pharmacy, the public house on Springfield Road and London Road Station (albeit to a stepped access). Alternatively improvements could be made to Vere Road and Warleigh Road at their junctions with Ditchling Rise. This will allow step-free access from the site to London Road Station and the Public House on Ditchling Rise.

Sustainability:

- 8.37. Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

9. EQUALITIES

- 9.1. Given that the development is situated on the upper floors of the property with no lift the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is not sought.

S106 Agreement

In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

