

<b><u>No:</u></b>	<b>BH2021/02805</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To The Rear Of 28-30 Longhill Road Brighton BN2 7BE</b>		
<b><u>Proposal:</u></b>	<b>Erection of 4no four bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	03.09.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	29.10.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mohsin Cooper Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<b><u>Applicant:</u></b>	Home Ovingdean Ltd 85 Church Road Hove BN3 2BB		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A.01	A	3 September 2021
Proposed Drawing	A.02		29 July 2021
Proposed Drawing	A.03		29 July 2021
Proposed Drawing	A.04		29 July 2021
Proposed Drawing	A.05	A	3 September 2021
Proposed Drawing	Tree location Plan		3 September 2021
Arboricultural Report	Amenity land management plan		3 September 2021

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

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

3. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification)

other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

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

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

5. No development shall take place until an ecological design strategy (EDS) addressing protection and buffering of Ovingdean Copse Local Wildlife Site, enhancement of the site to provide measurable biodiversity net gain, to include the recommendations made in the Preliminary Ecological Appraisal report (The Ecology Consultancy, 19/10/2020) 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, and to provide a net gain for biodiversity as required by

Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

**Reason:** To ensure that any adverse environmental impacts of development activities are mitigated.

7. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and a detailed Arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

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

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed plants
- c. a schedule of mitigation planting to offset the loss of trees identified for removal, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- d. details of all boundary treatments to include type, position, design, dimensions and materials;
- e. details of revised access paths to the bin and cycle stores

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. Notwithstanding the plans hereby permitted, the development shall not be commenced until details of the street design have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

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

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR7 of the Brighton & Hove Local Plan.

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

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

12. 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, cladding, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all hard surfacing materials
- c) details of the proposed windows, doors, balconies and railings treatments
- d) details of all other materials to be used externally

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

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

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be

implemented in accordance with the approved detailed design prior to the use of the building commencing.

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

14. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

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

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

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

17. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all 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 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.

18. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

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

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

20. The 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.

21. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
22. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
23. A bee brick shall be incorporated within the external wall of each of the dwellings hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
24. Twelve (12) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Further details of Street Design are required in relation to condition 9. In addition to dimensions and measurements of the access road, the following must also be included:
  - A 1.2m (minimum) delineated pedestrian footway on the access road's northern edge;
  - Removal of the proposed shrubs on the turning head to improve visibility
  - The access road's surface to be block paving instead of tarmac to reduce speeds, protect pedestrian movements and enforce the residential nature of the road
  - The access road to be illuminated e.g. lit bollards on either side
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works

until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

4. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

## **2. SITE LOCATION**

- 2.1. The application site comprises the rear garden to a chalet bungalow located on the east side of Longhill Road. The garden extends behind the rear gardens of dwellings into a large 59m by 58m parcel of land to the rear of 22, 24 & 26 Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent to the east. The large rear garden of 34 Longhill Road sits to the north, with a narrow wing of the garden to 22 Longhill Road to the south. Back-land dwellings to the rear of 10 & 50 Longhill Road sit further to the south and north respectively. Longhill Road is formed of a variety of detached dwellings with large front and rear gardens.
- 2.2. The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines of Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment and is a designated Nature Improvement Area.

## **3. RELEVANT HISTORY**



- 3.1. **BH2020/02835** Erection of 4no three-bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities. Approved February 2021
- 3.2. **BH2019/00285** Demolition of existing dwelling house (C3), and erection of 5no detached 2 storey dwelling houses (C3), with new vehicle and pedestrian access, parking and landscaping. Withdrawn
- 3.3. **PRE2018/00306** Erection of 4 new dwellings (and rebuild of existing dwelling)
- 3.4. **BH2015/04378** Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings. Approved July 2016
- 3.5. **BH2015/00483** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused May 2015

#### **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the erection of 4 no. four-bedroom, two-storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities.
- 4.2. The site currently benefits from an extant permission for the construction of 4no. detached dwellings, including the construction of a new vehicular access between numbers 28-30 and 26 Longhill Road (which has already been undertaken). This 'fallback' position is a material consideration which must be given significant weight in the consideration of the present application.
- 4.3. Compared with that permission, this application proposes a change in the overall design, an increase in the footprint of the dwellings, and changes to their internal layouts.

#### **5. REPRESENTATIONS**

- 5.1. **Seventeen (17)** letters of representation have been received objecting to the proposed development on the following grounds:
  - Overdevelopment
  - Noise and light disturbance
  - Too close to the boundary
  - Precedent for further development
  - Loss of/damage to wildlife habitats
  - Increased traffic
  - Lack of infrastructure
  - Larger homes are proposed than previously approved
  - The mitigation measures of the development aren't significant enough for wildlife

- Impacts on the newly designated wildlife corridor and local wildlife site.
- The integral garages allow for further access points for any new potential development
- The properties are located nearer the wildlife corridor than approved
- Need for swift boxes
- Highways impacts including additional traffic and safety
- The plans are out of keeping with the existing character of the road
- Poor design
- Loss of residential amenity
- The properties will not be affordable

5.2. **Councillor Mary Mears** objects to the proposed development. Please see comments attached.

## 6. CONSULTATIONS

### External

- 6.1. **Brighton and Hove Archaeological Society** No comment. Recommends contacting County Archaeology
- 6.2. **County Archaeology** No objection subject to conditions
- 6.3. **Ecology** No objection subject to condition
- 6.4. **Southern Water** No objection

### Internal

- 6.5. **Arboriculture** Awaiting comment on revised documents
- 6.6. **Highways** No objection subject to conditions

## 7. MATERIAL CONSIDERATIONS

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

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

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix
SA4	Urban Fringe

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

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

#### Brighton & Hove City Plan Part 2 (Proposed submission October 2020)

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

## 9.      **CONSIDERATIONS & ASSESSMENT**

- 9.1.      The main considerations in the determination of this application relate to principle of residential development on site, the impact of the dwelling on the design and appearance of the site and the surrounding area, the standard of accommodation provided, the impact on neighbouring amenity, the sustainable transport impacts and sustainability of the proposed development.

### **Principle of development**

- 9.2.      Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3.      However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4.      The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5.      As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6.      On this basis, the contribution of four dwellings to the city's housing need must be given increased weight in determining the application.
- 9.7.      The main part of the site falls within the Urban Fringe, sandwiched between the defined built up area to the east and west, and South Downs National Park approximately 150m to the south.
- 9.8.      The application site falls within Site 43 of the Urban Fringe Assessment (UFA). Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built-up area boundaries to the east and west, and the National Park to the south.

- 9.9. In order to assess the likely impact of development within Urban Fringe sites, the UFA assesses all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 9.10. In granting previous permissions for residential development on this site it has been concluded that given the presence of other small back-land developments within Site 43, development within the application site was unlikely to give rise to impacts on heritage, landscaping of flood risk nor detrimentally harm the wider downland landscape.
- 9.11. Specifically, in March 2021, planning permission BH2020/02835 allowed the erection of four residential properties establishing that residential development on this site, including for four residential units, is acceptable in principle. This permission remains extant.
- 9.12. Therefore, the proposed residential development of this part of the urban fringe with four dwellings is considered acceptable in principle and in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF.

#### **Design and Appearance**

- 9.13. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.
- 9.14. City Plan Policy CP14 of the Brighton & Hove Local Plan allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.15. The proposed dwellings are considered to form a suitable addition to the site. The four dwellings would be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east.
- 9.16. The dwellings would be set on a flat area of land, some 11m from the rear boundaries of 22-32 Longhill Road. Consequently, the dwellings would sit comfortably within the plot and be in keeping with the spacious setting of the other principal and back land dwellings that characterise the area. The dwellings proposed under the current application have been positioned further towards the north east, than the most recently approved scheme, increasing the distance between the properties fronting Longhill Road over the approved scheme.
- 9.17. The repositioning of the dwellings further towards the rear of the site has allowed for additional soft landscaping to the front of the properties. Each property also now features an integral garage which allows for a reduced number of external car parking spaces to the front of the property. This results in a softer

appearance to the development and a reduction in the amount of hard landscaping proposed.

- 9.18. It is acknowledged that the current scheme proposes a more contemporary design to that previously approved (BH2020/02835). However, the appearance is considered suitable in the context of the wider area. Properties along Longhill Road are not uniform in character. Further the single storey scale of the dwellings when viewed from Longhill Road ensures they remain subservient to the buildings in the vicinity. It is acknowledged that existing dwellings would face onto mainly blank elevation however, given the separation distance between properties and that additional planting is proposed this is acceptable. Given that the dwellings would retain their low profile within the streetscene, the contemporary finish and design of the dwellings is considered acceptable. The proposed material finish of the dwellings is shown on the elevation plans and consists of brick and larch cladding.
- 9.19. Permitted development rights have been removed by condition to ensure no additional impact is caused to the visual amenities of Longhill Road and to protect the external amenity spaces and wildlife site to the rear.
- 9.20. Taking into account the earlier approval which remains extant, the number of units proposed, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12, CP14 and SA4 of the Brighton & Hove City Plan Part One and Policy DM18 of the City Plan Part two which carries significant weight.

Standard of accommodation

- 9.21. 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
- 9.22. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.23. The overall footprint of each property over two floors would provide ample space for a variety of communal uses, which would allow a high standard of accommodation in terms of total floor area, usable circulation space and outlook.
- 9.24. Each unit proposes four bedrooms, providing accommodation for 8 occupiers, all of which would be over 11.5msq, and most have additional built-in storage. The bedrooms would have a good standard of circulation space and outlook including natural light. It is acknowledged that the bedroom to the lower ground floor layout may have a compromised outlook and receive limited light owing to the associated window being located within a lightwell, however given that the

rest of each unit is spacious and provides acceptable light levels, this is deemed acceptable.

- 9.25. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to the rear of each property by way of large rear garden and patio areas, backing onto woodland.
- 9.26. Overall, it is considered that the proposed dwellings would provide a high standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan.

### **Amenity Impact**

- 9.27. No concerns were raised in response to the extant permission (BH2020/02835) regarding to the impact of back-land development upon the amenities of neighbouring properties, and this forms the 'fall-back' which could be implemented if the present planning application is not approved.
- 9.28. The properties would be stepped into the sloping land and would therefore appear as single storey above ground level from the properties that front Longhill Road (No's 22 -32). Given the separation distance to the rear boundary of these neighbouring properties, and the distance between the dwellings, no significant loss of light, outlook or privacy would result.
- 9.29. There are no significant changes to the fenestration proposed throughout the scheme, when compared to the earlier approval, which would result in any additional impact to the amenities of existing adjacent properties.
- 9.30. The previous planning application (BH2020/02835) was accompanied by a Noise Impact Assessment which considered whether any additional harm would result to neighbouring properties as a result of the proposed access road to four residential dwellings. The submitted report assessed the development on the basis of a worst case scenario. The report confirmed that no significant harm would result to neighbouring properties in light of the access, turning and parking facilities proposed. Environmental Health agreed with the conclusions set out within the report.
- 9.31. It is therefore considered that the proposed works would have an acceptable impact on the amenities of adjacent occupiers in accordance with Policy QD27 of the Local Plan and DM20 of the City Plan Part 2 which carries significant weight.

### **Trees and landscaping**

- 9.32. The proposed plot comprises a large garden with a steep woodland slope leading down to the eastern boundary. The woodland to the rear of the site is partially covered by a Tree Preservation Order (TPO) which includes the entirety of Eley and Elvin Crescent.
- 9.33. This application is supported by an Amenity Land Management Plan, Arboricultural Assessment and Outline Method Statement. These documents

were submitted under the previous application and identified 17 individual trees within the site, categorised as C grade (trees of low quality). Fifteen of these trees are identified for removal to facilitate the development. The Arboricultural Officer undertook a site visit at the time of the previous application and confirmed that individually these trees were of poor quality with visible defects but that as a whole the trees provide a significant canopy coverage and wildlife habitat. The previous application requested a condition for substantial mitigation planting to offset this loss at a minimum 1:1 ratio.

- 9.34. Two trees are to be retained fronting Longhill Road and a detailed method statement is requested to ensure they can be retained during construction.
- 9.35. The documents originally submitted are inaccurate in that they refer to plans listed under the previous permission. Revised documents have been requested to amend the reports ensuring that they refer to drawings provided under the current application.
- 9.36. Under the previous application the arboriculture officer raised no objection to the scheme subject to the imposition of the aforementioned conditions. An updated consultee response will be sought once accurate documents have been received but it is considered that officers comments are likely to be similar to that of the previously approved scheme, despite the footprint of the development extending further to the east.

### **Ecology**

- 9.37. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.38. To the rear boundary of the site lies Ovingdean Copse Local Wildlife Site, therefore it is important that measures are taken to protect, buffer and enhance this site of nature conservation importance.
- 9.39. The current application is similar to the already permitted four dwellings approved on the site earlier this year. No new ecological information has been submitted in relation to the current application and instead the applicant is relying on ecological reports submitted with the approved application. It is understood that the applicant is however in the process of submitting an updated document. Further comments will be sought on this from the ecologist once received.
- 9.40. Whilst the footprint of the current scheme is larger than that approved, and extends further towards the rear of the site, the potential impacts are likely to be similar and as such the conclusions reached by the previous reports remain unchanged.
- 9.41. The county ecologist has requested the imposition of a number of conditions, as per the previous scheme to provide mitigation measures. These include, an Ecological design strategy clarifying the measures that will be taken to protect and buffer the Local Wildlife Site and also provide measurable biodiversity net gain, a landscape and ecological management plan to ensure the long term



management of the woodland, a lighting scheme to reduce light pollution and a Construction Environmental Management Plan to set out the protective measures for retained habitats and protected species.

- 9.42. The proposal is also subject to conditions relating to bee bricks and swift boxes/bricks.

### **Sustainable Transport:**

#### Pedestrian access

- 9.43. As requested under the previous application (BH2020/02835) a number of improvements are requested via condition. A further street design condition is sought to provide improvements include the dimensions of the access road, a demarcated footway along the access road, details of the access road surface and lighting. These details were included as part of application (BH2020/02835) but have not been included on the current site plan.

#### Cycle Parking

- 9.44. The application proposes 4 cycle parking spaces for each of the houses which are policy compliant. A condition securing their implementation is sought.

#### **Car Parking**

- 9.45. SPD14 states that the maximum car parking standard for 3 plus bedroom dwellings within the outer area is 1 spare per dwelling plus 1 space per 2 dwellings for visitors. Therefore a maximum of 6 spaces may be proposed. The level of parking proposed is considered acceptable.

#### Servicing and deliveries

- 9.46. The proposal is considered acceptable in this regard given that there is adequate space for goods vehicles and refuse vehicles to use the access the road and turn within the site.

#### Vehicle access

- 9.47. The arrangement proposed for this size and type of development is acceptable. Further measures to enhance the arrangement are secured by condition.
- 9.48. New crossovers are proposed for the access road. These appear in principle to be acceptable. Amendments to the footway, grass verge and boundary wall may be required to accommodate both accesses.

#### Trip generation

- 9.49. It is not considered that the increase in trips associated with 4 dwellings would amount to a severe impact on the surrounding highway network.

#### **Sustainability**

- 9.50. Policy CP8 of the Brighton and Hove City Plan Part One requires 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. If the scheme were otherwise considered acceptable, these measures would be sought by condition.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 139,740.36. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

## **11. EQUALITIES**

- 11.1. Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the dwellings would be capable of complying with lifetime home standards and therefore compliance is sought by condition.

## **12. CLIMATE CHANGE AND BIODIVERSITY**

- 12.1. The proposed development would provide a back-land development which makes an effective use of an existing site. The proposals also incorporate a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, the retention and enhancement of existing trees; secured by the suggested conditions above, the inclusion of biodiversity and habitat improvements as sought through the Ecological Design Strategy and securing energy and water efficiency standards.