

<u>No:</u>	BH2021/01394	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Withyham Avenue Saltdean Brighton BN2 8LF		
<u>Proposal:</u>	Demolition of existing detached dwellinghouse and erection of part one, part two and part four-storey building comprising seven flats (C3) and undercroft parking area.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.04.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	18.06.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	11.12.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	John McDonnell C/o Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement 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 1st of June 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

- Affordable housing – The S106 legal agreement will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to a policy compliant level of affordable housing via an off-site financial contribution.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2020/0210	D	1 June 2021
Location and block plan	2020/0100	E	26 May 2021
Proposed Drawing	2020/0101	E	12 August 2021
Proposed Drawing	2020/0102	E	12 August 2021
Proposed Drawing	2020/0103	D	26 May 2021
Proposed Drawing	2020/0104	C	26 May 2021
Proposed Drawing	2020/0200	F	12 August 2021
Proposed Drawing	2020/0201	D	12 August 2021
Proposed Drawing	2020/0300	C	26 May 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. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
4. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
5. The bathroom and stairwell windows in the northern elevation 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 DM20 of the City Plan Part Two and QD14 and QD27 of the Brighton & Hove Local Plan.
6. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One
7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples/details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details 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/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

8. No development above slab floor level shall take place until a scheme setting out highway works to implement the amended vehicle entrance on Withyam Avenue has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and passed the site and road safety for all road users and to comply with policies TR7, TR11, TR12, TR15, SU3 and SU5 of the Brighton & Hove Local Plan and CP7, CP9, CP11 and CP18 of the City Plan Part One.

9. Prior to occupation of the development hereby permitted, 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 the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed green roofs/ trees/plants including food-bearing plants, and 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;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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.

10. The development hereby permitted shall not be occupied until details of privacy screens to the north western terraces on the first, second and third floors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and screens provided in full in accordance with the approved details prior to first occupation of the development and the privacy screens shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies policies DM20 of the City Plan Part Two, and QD14 and QD27 of the Brighton & Hove Local Plan.

11. 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.
12. 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.
13. 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.
14. Prior to first occupation of the development hereby permitted 14 (fourteen) swift bricks/boxes shall be incorporated within the external walls of the development 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.
15. Prior to first occupation of the development hereby permitted a bee brick shall be incorporated within the external wall of the development 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.
16. 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, 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.
17. The development hereby permitted shall not be occupied until details of the refuse and recycling collection for the site, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully

implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

18. The development hereby permitted shall not be occupied until the lighting and warning signage to be introduced along the side access road, as shown on the approved plans, has been fully implemented and are operational. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway email: S278@brighton-hove.gov.uk
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard 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. 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 where appropriate.

6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a triangular plot located on the western side of Withyham Avenue in Saltdean which currently contains a post-war detached dwellinghouse and garden. The property is finished in white-painted render with a multi-form pitched roof. To the south is separate vehicular access from Withyham Avenue to a group of garages to the rear of the site.
- 2.2. Withyham Avenue is made up of a range of traditional dwellinghouses of one- and two-storeys on the western side. The eastern side of the street comprises a large two- to five-storey flatted development. To the south west of the site, beyond the garages, are Duncan Court and Rowanden Court, two and three storey blocks of flats respectively.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00113** Demolition of house and erection of 8 flats plus associated parking, related to PRE2019/00232 - Changes from earlier proposal focused on revisions to design, housing mix, parking provision, landscaping and impact on neighbours.
- 3.2. **PRE2019/00232** Demolition of house and erection of 8 flats plus associated parking.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the demolition of the existing detached dwellinghouse and the erection of a part one-, part two-, and part four-storey building comprising seven flats (use class C3), and undercroft parking area.
- 4.2. The application was originally considered by Planning Committee on the 1st September 2021, determining they were minded to grant permission subject to a S106 agreement being signed to secure an affordable housing contribution. The S106 has not been signed since the September Planning Committee and the applicant now seeks planning permission for the development without any affordable housing commuted sum payment.
- 4.3. To justify the loss of the affordable housing commuted sum, the applicant has submitted a Financial Viability Assessment (FVA) which has been assessed by the District Valuation Service (DVS) and confirmed to be sound.

5. REPRESENTATIONS

Original consultation

- 5.1. **Twelve (12)** letters were received objecting to the proposed development during the original consultation period. The main grounds for objection are as follows:
- Overdevelopment
 - Poor Design
 - Height
 - Density
 - Too close to boundary
 - Overshadowing/ loss of light
 - Overlooking/ loss of privacy
 - Noise
 - Parking issues
 - Increased traffic / highway safety
 - Private / unadopted road
 - Loss of garden and impact on biodiversity
 - Trees felled
 - Impact on property values
 - Loss of view
- 5.2. **Two (2)** letters have been received commenting on the proposed development as follows:
- Restricted parking or one-way system should be introduced
 - Provision of swift boxes
- 5.3. Further consultation was undertaken to 7 January 2022 regarding the proposed removal of the affordable housing contribution from the scheme, resulting in the following comments:
- 5.4. **Four (4)** additional letters have been received - further grounds for objection not already set out above are as follows:
- Light pollution from traffic signs
 - Inappropriate plants proposed
- 5.5. Objections relating to loss of view and impact on property values are noted, however these objections not material planning considerations.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection. subject to condition relating to retention of car parking, cycle parking Implementation and S278 highways works.
- 6.2. **Urban Designer:** No objection. Proposals are very well received, presenting efficient and contextually appropriate site layout, diverse planting, sensitive general scale and massing, high quality accommodation and high-quality appearance, positively addressing CPP1 Policy CP12: Urban Design.

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 JAAP (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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP18	Healthy City
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

Brighton & Hove City Plan Part 2

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.

DM1 Housing Quality, Choice and Mix
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity, the standard of accommodation proposed and highways implications.
- 9.2. The merits of the scheme as a whole have been considered previously by the Local Planning Authority at the 1st September 2021 Planning Committee and the principle of the proposed development was found to be justified. The design, siting, scale and all other elements of the proposed development are unaltered, other than the proposed affordable housing contribution. As initially submitted the full 20% offsite contribution (£159,000) was proposed. Following submission of a FVA by the applicant and assessment by the DVS, a NIL affordable housing contribution is now proposed (see section below for more detail).
- 9.3. It is important to note that since the September 2021 Planning Committee there has been a change of weighting given to some policies as the City Plan Part Two (CPP2) has now proceeded to post hearing stage.
- 9.4. Where relevant, the weight given to some of the CPP2 policies is set out below.

Principle of Development:

- 9.5. 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).
- 9.6. 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.
- 9.7. 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).
- 9.8. 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).
- 9.9. The provision of seven (net six) residential units would constitute a windfall development and would make a small but positive contribution to the city's identified housing need.
- 9.10. Policy CP19 of the City Plan Part 1 requires that proposals also have regard to housing mix considerations which have been informed by local assessments of housing demand and need. The mix of 3x one-bed flats, 2x two bed flats, and 2x three-bed flats would achieve a good mix of unit sizes which reflects the housing needs of the city.
- 9.11. As such the principle of the development is considered acceptable because it would deliver additional housing of a type which is in demand. However other issues, as set out below, also need to be considered.

Affordable Housing:

- 9.12. City Plan Policy CP20 sets out an affordable housing target of 20% equivalent financial contribution for developments of between 5 and 9 (net) new dwellings. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the requirement for a 20% offsite contribution (£159,000). Therefore, the amended application proposes no affordable housing.
- 9.13. The applicant's FVA has been independently assessed by the District Valuation Service (DVS). The DVS is in agreement with the overall conclusion of the FVA,

and considers that no commuted sum payment towards affordable housing can be viably provided.

- 9.14. It should be noted that in reaching this conclusion, the DVS assessment has taken into account the estimated CIL liability payment of £90,104.
- 9.15. Having taken full account of the FVA submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements.
- 9.16. However, the DVS recommends a late-stage review mechanism (re-appraisal of the scheme's viability) to ensure that that the actual achieved sales values and construction costs can be reviewed and any uplift in development value is shared with the Council in the form of an affordable housing contribution. This is recommended as a Heads of Term and can be secured by S106 Legal Agreement.

Design and Appearance:

Built Form, Scale and Massing

- 9.17. Following amendments to the scheme, as set out above, the proposed scale and massing is considered to be acceptable. The height of the proposed development would be mitigated by the site topography so that the view from Withyham Avenue would present a three-storey building which would reflect the scale of the apartment block opposite, and would not be significantly taller than the existing building on site. In addition, the proposed flat roof form is reflected heavily in the prevailing context; thus, is considered to be acceptable. The building would be stepped back into the site so that the Withyham Avenue frontage would be in keeping with the rhythm of the streetscene.
- 9.18. The applicant has addressed previous concerns regarding the scale / massing against Withyham Avenue by reconfiguring the stair core at third floor level, enabling the lower parapet height to extend around the north-eastern corner of the proposed block, more sensitively addressing the scale of the adjacent dwelling. As such, proposed built form, scale and massing are considered to be high quality.

Appearance and Materiality

- 9.19. The general appearance and materiality of the proposal is supported, having responded positively to the prevailing identity and architectural character of the area. The elevations would be layered, textured and contemporarily detailed to add interest and reduce the appearance of bulk. The proposed light brick with speckles of black, plus matching mortar, is designed to fit in with the Art Deco style of the Saltdean area, albeit in a contemporary fashion.
- 9.20. The projecting canopy at top floor level facing Withyham Avenue would generate a semi-inset character to the proposed balconies which is considered to add interesting features to the streetscene, while the proposed planted roofs would soften and enliven the appearance.

Site Layout and Landscape

- 9.21. The amended proposed site layout is considered to be positive in terms of its impact on the wider area. The building line fronting Withyham Avenue would align well with the adjacent property to the north, generating a cohesive street frontage. The inclusion of a parking undercroft would reduce the visual impact of parked vehicles and generate opportunities for planted roof space to counter the necessary loss of planted areas at ground level.
- 9.22. The scheme includes small areas of diverse ground level planting. The Council's Arboriculture Officer has advised that no arboriculture comment is necessary in this instance. However, it is recommended that full and finalised details regarding landscaping and green roofs can be secured by condition

Standard of Accommodation:

- 9.23. Policies DM20 and QD27 seek to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF.
- 9.24. Although not yet adopted, the Proposed Submission City Plan Part 2 policies indicates direction of travel and some policies have gained weight since consultation. CPP2 Policy DM1: Housing Quality, Choice & Mix sets out Nationally Described Space Standards (NDSS) for dwellings and this CPP2 policy now carries significant weight as a material planning consideration.
- 9.25. The Gross Internal Area (GIA) of the proposed units would be as follows:

Ground Floor

One-bed flat: 51m² - 1x double bed (NDSS 50m²)

First Floor

Two-bed flat (south): 61m² - 1x double bed, 1x single bed (NDSS 61m²)

Two-bed flat (north): 64m² - 1x double bed, 1x single bed (NDSS 61m²)

One-bed flat: 58m² - 1x double bed (NDSS 50m²)

Second Floor

Three-bed flat: 86m² - 2x double bed, 1x single bed (NDSS 86m²)

One-bed flat: 58m² - 1x double bed (NDSS 50m²)

Third Floor

Three-bed flat: 86m² - 2x double bed, 1x single bed (NDSS 86m²)

- 9.26. The proposals present a high quality of accommodation. All proposed dwelling units would meet or exceed NDSS, and all proposed units would have private external amenity space in the form of balconies or terraces, complying with policy HO5 and emerging policy DM1 of City Plan Part 2. Internal layouts appear efficient, providing sufficient circulation space once typically furnished, and all dwelling units would achieve at least dual aspect (of some form) providing sufficient levels of outlook, sunlight and daylight to the proposed accommodation, positively addressing CPP1 Policy CP8 with regard to passive design for reduced energy reliance and improved wellbeing.

- 9.27. There would be dedicated space for refuse and recycling at ground floor level which is considered appropriate.
- 9.28. The scheme is therefore considered acceptable in terms of the standard of living accommodation to be provided.

Impact on Amenity:

- 9.29. Policies DM20 of the City Plan Part Two (which now carried more weight than policy QD27) and QD27 of the Brighton & Hove Local Plan state that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.

Sunlight/ Daylight

- 9.30. A daylight/ sunlight assessment report has been submitted with the application. The results demonstrate that there would be no noticeable impact on the daylight received by the windows of Rowanden Court and Duncan Court, the two blocks of flats to the rear.
- 9.31. The side windows of 3 Withyham Avenue, directly to the north, would be noticeably impacted upon, however these are all secondary windows to the spaces they serve, with the main windows on front and rear elevations. Therefore, the impact of the reduced daylight to the windows would be less significant as the spaces receive daylight from other, unobstructed windows.
- 9.32. The sunlight assessment has shown there would be no noticeable reduction in the amount of sunlight to any of the windows assessed. The overshadowing study to the adjacent gardens has shown that whilst there would be an increase in overshadowing, the gardens would still receive high levels of direct sunlight with the proposed development, meeting BRE impact guidance.

Overlooking and loss of privacy

- 9.33. It is noted that there is an existing raised terrace to the rear of the site property, on the southern side, which give views towards neighbouring gardens. Various balconies / terraces are proposed to the development and it is acknowledged that this may lead to some increased overlooking towards adjacent properties. However, given the distances to the nearest properties to the rear in Chichester Drive East (35 - 50 metres) and to the south (25 metres), it is not considered that this would be harmful enough to warrant refusal of the application.
- 9.34. The views from the front roof terrace towards no. 3 Withyham Avenue to the north would be oblique and would not lead to loss of privacy to habitable rooms. However, it is recommended that the rear roof terrace and balconies have appropriate screening to the north western corner to prevent harmful overlooking of the rear windows and garden of no. 3, secured by condition. To the east in Withyham Avenue is the rear of no. 7 Longridge Avenue; this was considered as a commercial unit and therefore not as sensitive in terms of overlooking issues. An objector to the application has referred to flats at this property. According to Council records, no. 7 Longridge Avenue has been in non-

residential (shop and office) use since at least 2001. Nonetheless it is considered that the given the distances involved across the street, there would not be unacceptable loss of privacy to this property.

- 9.35. There would be seven windows facing directly north toward no. 3 Withyham Avenue. Three of these would serve landings and three would serve bathrooms. As such, these side facing windows would be obscure-glazed to avoid any overlooking, which would be secured by condition. There is an oriel window proposed to a bedroom at first floor level. However, given the distance to the neighbouring property, that the southern side windows to no. 3 are all secondary, and the fact that the single first floor side window is small and appears to serve a bathroom, the proposed oriel window is not considered to be significantly harmful to this property.

Sustainable Transport:

Trip Generation

- 9.36. It is considered that the increase in trips associated with an additional six dwellings would not amount to a severe impact on the capacity of the surrounding highway network, or a detrimental impact on road safety.

Parking

- 9.37. The applicant is proposing 20 cycle parking spaces (10 Sheffield stands) in a communal area within the basement level. The proposed design, layout and amount are acceptable for this size and type of development. The proposed storage area would have level access from the side road and an additional access point from a pathway alongside the northern elevation to the development.
- 9.38. Six vehicle parking bays are proposed for the proposed seven dwellings, less than one car parking space per dwelling in this outer area location. However, when considering the likely car parking associated with this development, the applicant has demonstrated that available census data suggests that average car ownership in this area is just above one per dwelling. The site is located in a non-restricted area of the city so additional parking needs would be met by existing on-street parking. This proposed provision may be slightly below the amount needed; however the Highways Officer agrees that this is unlikely to result in a severe impact on the highway, if overspill parking in the street does occur. The overall layout of the parking bays is therefore acceptable.

Site Access

- 9.39. The proposed pedestrian entrance on Withyham Avenue has multiple steps and therefore would not be accessible for all. Given this, it is likely that the proposed vehicle access via the existing side road may be used by pedestrians who cannot manage the steps. Additionally, as set out above, there appear to be two routes to the cycle store within the basement: one a level entrance via the side access road, along with a proposed track on the front stepped entrance. The applicant has agreed measures that include a scheme of lighting and warning signs to be introduced along the side access road, which is narrow and dark at present, to mitigate and reduce the risk of collision between pedestrian, cyclists and motorists. There is deemed acceptable by the Council's Highways Officer.

- 9.40. It is proposed that there would be a widened entrance point to the existing side access road to allow vehicles easier access. This is welcomed in relation to the increase in dwelling density. However, the Highways Officer has recommended that, in addition to the amendments proposed, a table be introduced at the bell mouth to reduce speeds of motorists and to ensure a continuous and level footway is retained. For these amendments on the adopted public highway the applicant must gain permission and enter into a S78 agreement with the Highway Authority.
- 9.41. It is noted that there are further amendments to the access road proposed; this road is not adopted public highway and the applicant would need permission for these works from the landowner.
- 9.42. It is acknowledged that there is some concern with regard to driver visibility of cars emerging from the adjacent garages when residents are leaving the proposed car park entrance. As mentioned above, the applicant is proposing a scheme of signage and lighting to be introduced along the access path which would reduce the risk to an acceptable level.

Servicing / Refuse and Recycling

- 9.43. The applicant is proposing private refuse and recycling collection for the site, with vehicles of an appropriate size to be used. This is to alleviate concern that the narrow side access road may not be able to accommodate large servicing vehicles /refuse trucks. It is agreed that refuse and recycling shall not take place on the highway. This is considered acceptable.
- 9.44. The Council's Highways Officer has been consulted on the application and overall has no objections to the scheme.

Sustainability:

- 9.45. Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. These measures can be secured by condition.

Other Considerations:

- 9.46. Conditions to secure appropriate provision of bee and swift boxes are recommended, to improve ecology outcomes on the site in accordance with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

££90,104. 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.

Developer Contributions

Affordable housing Review Mechanism of viability

- 10.2. **In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission**, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide a Review Mechanism to assess the provision of affordable housing contribution with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.

11. EQUALITIES

- 11.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable. A lift is proposed to the upper floors.
- 11.2. The vehicle side access road is likely to be used by residents and visitors who may not be able to manage the alternative stepped access on site, located on Withyham Avenue. Shared use of the vehicle access by residents and other users is likely to increase the risk of collision. Appropriate measures are being proposed to reduce the risk to collision of those who prefer or need to access the site on the step-free side access road.

12. CLIMATE CHANGE AND BIODIVERSITY

- 12.1. The application site is previously developed (brownfield) land, within a sustainable location with good links to facilities including shops, is well served by public transport, and cycle parking is proposed, reducing reliance on cars. Green roofs are proposed, and a bee brick and swift bricks should be secured by condition.