

<u>No:</u>	BH2021/02844	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the North of St Nicholas CE Primary School Locks Hill Portslade BN41 2LA		
<u>Proposal:</u>	Erection of 6no. two storey, one bed homes (C3) with residential gardens and cycle parking. (Amended drawings and description)		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	19.08.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.10.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.04.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Timothy Jennings C/O Lewis And Co Planning 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 **27th July 2022** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12.1 of this report.

Section 106 Head of Terms:

Affordable housing:

- An in-lieu affordable housing financial contribution of £113,000

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	001		24 January 2022
Proposed Drawing	500		24 January 2022
Proposed Drawing	103-01 C		1 April 2022
Proposed Drawing	100-01		1 April 2022
Proposed Drawing	101-01		1 April 2022

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. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement by David Archer Associates received on the 2nd August 2021 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

6. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Urban Edge Environmental Consulting, December 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural

Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.

7. 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 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;

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.

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority.

The CEMP shall at least include:

- a) 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)
- b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, on and off-site construction related parking (including by operatives), site traffic and deliveries to and from the site
- c) details of hours of construction including all associated vehicular movements
- d) a plan showing permitted public highway construction traffic-routes
- e) details of any site entrances and their management, construction compound and offices
- f) details of any oversailing of the highway, construction, falsework, formwork and scaffolding
- g) details of the use of any cranes, lifts, escalators and lifting vehicles
- h) details of any Department for Transport Abnormal Load Notification and/or Order
- i) details of how communications will be managed with the Emergency Services, Public Transport Operators and Statutory Undertakers.

The construction shall be carried out in accordance with the approved CEMP. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any

works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the CEMP.

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU8, SU9, SU10, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP1, CP7, CP8, CP9, CP11, CP12 and CP15 of the City Plan Part One.

9. Prior to the commencement of the development notwithstanding the plans hereby approved a plan detailing the positions, height, design, materials, type and construction method of all proposed boundary treatments including those to the Locks Hill frontage have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies TR7, TR14, QD15, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and 1980 Highways Act.

10. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, SPD 14 Parking Standards and CP9 of the City Plan Part One.

11. 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.

12. Prior to first occupation, the missing pier cap on the south side of the Locks Hill entrance shall be accurately replicated.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. Eighteen (18) 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. 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.

4. The applicant is advised to contact the Council's 'S278 team' initially by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 9.
5. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION

- 2.1. The application site relates to a narrow piece of land between Locks Hill and Greenways, a block of flats off Highlands Road. The land is situated between the Loxdale Centre to the north and St Nicholas C of E Junior School to the south. Both of these buildings are set well away from the boundary of the site in question. The site is located adjacent to the Portslade Conservation area.
- 2.2. The application site is shrouded in trees and bushes both within the site and along the boundaries with the two educational sites to the north and south. There is a single-storey garage at the eastern end of the site which allows access to this narrow piece of land from Greenways. The garage can only be accessed from Highlands Road over land within the Greenways site. The site slopes upwards from west to east.
- 2.3. The site is currently bounded by timber fencing to the north and south boundaries. To the west, there are high timber gates adjacent to a high brick wall which fronts Locks Hill. The west side of Locks Hill is comprised of two-storey terraced housing. Greenways is a 6-storey modern block of flats with underground parking sited to the east of the proposal.

3. RELEVANT HISTORY

- 3.1. PRE2019/00145: Development of the site to provide 7 x 1 bed (two person) two-storey dwellings. Written response provided August 2019.
- 3.2. BH2016/05435: Application for variation of condition 17 of application BH2013/00284 (Erection of 2no detached two storey dwellings with associated parking and landscaping.) to allow the development to commence to slab level. Approved November 2016.

- 3.3. BH2013/00284: Erection of 2no detached two storey dwellings with associated parking and landscaping. Approved November 2013.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of six, two storey, 1no. bedroom properties. Access into the site is proposed from both Locks Hill and Highlands Road though no on site parking is proposed. Cycle parking and refuse provisions are proposed to the Locks Hill entrance.
- 4.2. As originally submitted, the scheme proposed 7 units. This was reduced to 6 during the course of the application to address concerns.

5. REPRESENTATIONS

- 5.1. **Fifteen (15)** letters of representation have been received objecting to the scheme for the following reasons:
- Overdevelopment
 - Height of the properties
 - Loss of trees
 - Access to the site is through Greenways
 - Noise pollution
 - Additional traffic
 - Lack of parking
 - Vehicular access to the site from Highlands Road is unacceptable
 - Disruption through construction
 - Light pollution
 - No rights of access through Greenways
 - The properties would not meet disabled access regulations
 - Properties are too close to Greenways
 - Servicing and refuse
 - Overlooking
 - Noise and smell emissions from the new dwellings
 - Emergency vehicle access
- 5.2. **One (1)** letter of representation has been received in support of the development for the following reasons:
- Efficient use of the site
 - Good design and use of materials
 - Hidden from view and will not impact the conservation area
 - Good accommodation is to be provided
 - Encourages sustainable transport
- 5.3. **Councillor Hamilton** objects to the proposed development. Please see comments attached.

6. CONSULTATIONS

6.1. **Arboriculture** No objection subject to condition

6.2. **Conservation Advisory Group Objection**

- Lack of detail provided.
- Impact on nearby locally listed assets.
- In agreement with all comments made by the Heritage Team, which seek amendments.

6.3. **Ecology No objection subject to condition**

6.4. **Heritage No objection subject to conditions**

Original comment:

The site levels of this plot rise significantly from West to East. The proposal would reduce the change in levels by raising the ground level at the western end with a deck, which from Locks Hill would be entirely above the level of the existing boundary wall. As a result the proposed two storey westernmost house would have an impact on the street scene similar to a 3 storey house and there is concern that the scale of this house would appear dominant from the south, not only in relation to the undeveloped character of the east side of Locks Hill beyond, but also relative to the lower level houses lining the west side of the road. The heritage team considers that if the height cannot be reduced a greater set-back is required, and due to the constraints of the site would encourage the removal of this westernmost house from the scheme.

6.5. Comparison of the approved and proposed schemes shows the westernmost house as approved to be significantly lower than that currently proposed and slightly further back in the site, thereby potentially having significantly lower impact on the street scene and the setting of the conservation area.

6.6. Deeper within the site the houses rise further, however the increased distance from the road and screening from retained trees is likely to result in a lesser impact on the street scene.

6.7. As described above, the existing boundary treatment to the Locks Hill frontage is characterful and it has a strong relationship with the boundary wall to Loxdale, and as a result the removal or alteration of this structure would be resisted. The proposed plan shows a gated entrance (unclear whether the wall is to be retained or re-built), however the rendered images show a new plain brick wall against pavement and an additional new tall brick retaining wall and stairs within the site, clearly visible from the road. The application indicates this space would be covered with hard surfacing. It is considered that these elements of the scheme would have an unsatisfactory impact on the public realm and are not supported by the heritage team.

6.8. As proposed the external finishes are stated as slate/clay roof tiles, shiplap boarding elevations and timber windows. The use of slate roofing and shiplap boarding would not make reference to the local context and the heritage team would encourage clay roof tiles and red brick facades.

Comment 14 February 2022:

- 6.9. The layout of this scheme has been revised and the westernmost unit has been omitted such that the buildings will be set significantly deeper into the site and their impact on the street scene and the setting of the Portslade Village Conservation Area will be reduced. This change is in line with the heritage team's comments on the original proposal and the site layout is considered acceptable.
- 6.10. Amendments have also been made to the entranceway and it would appear that the existing wall is to be retained and timber gates added. Confirmation is required that the historic fabric is to be retained and repaired (rather than more extensive re-building), and that the missing pier cap on the south side of the entrance will be accurately replicated - this should be secured by condition.
- 6.11. The proposed materials have not been altered and the heritage team remains of the view that as proposed the development will not reflect the local context.

Comment 10 March 2022:

- 6.12. It is noted that the materials proposed have been amended and the heritage team confirms that the use of brick slips is acceptable (subject to further details which can be conditioned).
- 6.13. The proposed roofing is less specific with slate/clay/recycled plastic roof tile stated. It is considered that slate and recycled plastic would not be appropriate, however a condition securing this would be acceptable if appropriate.
- 6.14. **Sustainable transport** No objection subject to clarification and conditions
- 6.15. **Southern Water** No objection subject to condition
- 6.16. **Urban Design Officer** Recommendations made to the design of the dwellings

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

CP16 Open space

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:

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM19 Maximising Development Potential

DM20 Protection of Amenity

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM33 Safe, Sustainable and Active Travel

DM36 Parking and Servicing

DM37 Green Infrastructure and Nature Conservation

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the wider area, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition to transport and sustainability issues.
- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.4. 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).

Principle of development

- 9.5. The principle of residential development on this site was established under application BH2013/00284. This application sought planning permission for two residential units. This permission was subsequently varied in 2016 to allow the development to commence to slab level. All other pre-commencement conditions in relation to this 2013 were discharged. Commencement of this development took place in November 2016. This permission therefore remains extant.

Design and Appearance

- 9.6. City Plan 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.

- 9.7. Policies in 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.
- 9.8. The site abuts the southern boundary of the Portslade Village Conservation Area. The overriding character of the existing site within the streetscape, from Locks Hill, is of a high boundary wall with vegetation above, creating a strong sense of privacy from the public realm.
- 9.9. The Conservation Officer has commented that the character of this area is one of high walls and dense vegetation which creates a clear division between public and private space. The existing boundary wall treatment to the Locks Hill frontage is characterful and it has a strong relationship with the boundary wall to Loxdale (independent language school to the north of the site), and as a result the removal or alteration of this structure would be resisted. Amendments have been received to retain the existing wall and a proposal to install timber gates. As requested by the heritage team, the existing historic fabric is to be repaired and retained, with the missing pier cap on the south side of the entrance replicated. The majority of trees within the site are proposed to be retained and therefore the appearance of the scheme from the public realm of Locks Hill is therefore considered appropriate and acceptable.
- 9.10. Owing to the number of trees within the site, a bespoke approach to the construction of the dwellings is proposed. The proposals will utilise concrete piers, to create secure footings for the development reducing the ground works required. This form of construction method will create a decking level across the site that is fixed to the concrete footings, avoiding the root protection areas of trees within the site. As well as the houses being situated on a new decking level on the concrete stilts, the private amenity spaces to each dwelling along with the pedestrian walkway will also sit on this decking level in the same way. This construction method will allow for the long term retention of the mature trees on site ensuring that the character of the site is retained.
- 9.11. Initially the current scheme proposed 7 units however the heritage team raised concerns over the western most house given that its impact on the Locks Hill streetscene would be similar to that of a 3-storey house, appearing dominant. In order to overcome this, amendments were received during the lifetime of this application to reduce the number of units proposed to 6, removing the western most house, achieving a set back of approximately 17m to the Locks Hill streetscene. As a result of this, the buildings proposed will be set significantly deeper into the site and their impact on the streetscene and the setting of the Portslade conservation area will be reduced. This change is in line with the heritage team's comments on the original proposal and the site layout is considered acceptable. Deeper within the site the houses rise further, however the increased distance from the road and screening from retained trees is likely to result in a lesser impact on the street scene. There is little cohesive architectural style within the area and therefore a modern design to the proposed houses is considered appropriate in terms of their impact on the character of the area.

- 9.12. Since the initial submission of this application, various amendments have been made to improve the external appearance of the buildings and to add visual interest to the elevations whilst maintaining appropriate privacy levels throughout the site following comments from the urban design and heritage officers.
- 9.13. Originally the application proposed slate roof tiles with shiplap boarding elevations which the heritage team advised would not reflect the local context of the area. At the heritage teams request, the dwellings will now comprise the use of red slip bricks. Whilst a less specific roof tile is stated on the plans, it is considered a clay tile would be most appropriate and a condition securing material samples is recommended.
- 9.14. Expressive brick detailing and material articulation has been introduced into the facades to break up the previously proposed large areas of flat façade. The angle of the roof pitch to the dwellings has also been amended resulting in improved proportions to the dwellings overall. The proportions of the fenestration, particularly to the southern elevation has also been amended to allow for larger openings to create a more balanced solid to void ratio. Panelling is also proposed adjacent to the narrow first floor window to balance these proportions. The amendments made to external appearance of the dwellings are considered to add visual interest to the buildings whilst maintaining a reference to the character and appearance of the wider area.
- 9.15. Accordingly, subject to conditions relating to the retention of the existing trees on site, the proposal is deemed appropriate in respect of its design and results in the effective use of this narrow piece of land for housing. The scheme is therefore considered acceptable and in accordance with the policies CP1 and CP12 of the Brighton and Hove City Plan Part One and policies DM1, DM18 and DM19 of the City Plan Part 2 which carry significant weight.

Standard of accommodation

- 9.16. 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.
- 9.17. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 9.18. Each of the six units consist of one-bedroom properties. At ground floor level the dwellings comprise a W/C and an open plan kitchen/dining/living room. At first floor level there is a bathroom and double bedroom. Each unit would provide approximately 66sqm of internal living space. This would exceed the minimum

floor space requirements within the NDSS which states that a two storey, one bedroom property should have a minimum floor area of 58sqm.

- 9.19. Further the first-floor bedroom measures approximately 20sqm which far exceeds the minimum space standards within the NDSS. In addition to this quantitative assessment, it is considered that both the open plan ground floor space and the first-floor bedroom provide sufficient useable floor areas after the placing of furniture items likely to be required by future occupiers. Each unit would provide sufficient circulation space for two occupiers.
- 9.20. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development would provide private external amenity space to each dwelling. It is noted that the level of garden provisions varies throughout the site however, each unit would be provided with private space commensurate to the size of the units proposed. It is noted that the smallest space achievable would be to units 4 and 5 which benefit from courtyard gardens of approximately 11.5sqm, however it is considered that this would provide sufficient space for a table and chairs for 2 people.
- 9.21. It is acknowledged that the level of tree canopy on the site may result in shading over the properties and gardens proposed. In order to overcome this and maximise light levels into the properties, window openings are proposed within each of the 3 external walls to each property at both ground and first floor level, with the additional benefit of a roof light.
- 9.22. In order to avoid harmful levels of overlooking between units, particularly in the case of units 4 and 5, where the distance between windows measures approximately 6m, amendments have been made to the scheme to feature angled windows at both ground and first floor. This prevents direct overlooking between the two upper floor bedrooms, with the fenestration directing views to either the north or south. At ground floor level a diving fence is position between the two external courtyards. This fencing is positioned 3m from the ground floor doors and so is considered acceptable.
- 9.23. Overall, it is considered that the proposed dwellings would provide an acceptable standard of accommodation for future occupiers and would therefore accord with the aims of policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity

- 9.24. The scheme would most affect the immediate adjacent properties directly to the west of the site on Locks Hill and the flats immediately to the east of the site in the adjacent block flats "Greenways". To the south and north of the site, the existing school and college are set well within their site and are a significant distance from the proposed houses.
- 9.25. Details submitted with the application show a 2.5m timber fence to both the northern and southern boundaries of the site. This would prevent direct overlooking from the ground floor windows of the site to the college to the north and existing school to the south. This fence should be maintained and retained

in order to secure the protection of amenity and this is recommended to be secured by condition.

- 9.26. The scheme also proposes high level windows to the rear elevations of the proposed houses at ground and first floor level which will prevent overlooking to the north. To the south the proposed first floor windows would serve stairwells with narrow windows serving the bedrooms. It is considered that the existing trees on site will also limit and filter views from the dwellings to the primary school at the south of the site. These details together with the boundary fencing and proposed tree retention are considered to suitably overcome concerns of overlooking to the north and south both to and from the site.
- 9.27. In respect of the properties to the west of the site, these houses are situated on the opposite side of Locks Hill and would not be significantly affected by the proposed development. The nearest proposed house (unit 1) to the Locks Hill properties is set back from the pavement by approximately 17m and would not impact on the adjacent houses in respect of loss of light, privacy, overshadowing or an increased sense of enclosure.
- 9.28. Turning to the adjacent block of flats to the east of the site, Greenways is a six-storey block of flats and overlooks the proposed site. Residents of Greenways have objected to the scheme on the grounds that the scheme would result in increased noise, light pollution and general disturbance. The flats within the block which face west would generally overlook the proposed site and have some views of the proposed houses towards the eastern end of the site. These views would, however, be limited, and the proposed houses would be set a significant distance from the block of flats (approximately 15m). Accordingly due to their low height and siting, the proposal would not result in a significant impact on the amenity of the block of flats.
- 9.29. Residents of Greenways have also objected to the scheme on the access proposed from Highlands Road, through the Greenways site. Whilst it is considered that the predominant pedestrian access into the site would be from Locks Hill, pedestrian access is also proposed from the east. Whilst no vehicular access is proposed on site, deliveries are proposed to the east of the site (Highlands Road and through the Greenways site). It is considered that such deliveries would be infrequent and that owing to the scale of both the application site and Greenways, such deliveries would not result in significant impact to the amenities of neighbouring residents. Whilst concern has been raised by neighbouring residents regarding rights of access through Greenways, this is a civil matter and does not prevent the granting of planning permission.
- 9.30. Overall, given the size and scale of the proposed dwellings, the scheme would not result in a significant impact on the amenity of any adjacent properties.

Affordable Housing

- 9.31. These proposals would provide 6 net dwellings on the site. Policy CP20 of the Brighton and Hove City Plan requires 20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 net dwellings. The agent of the

application has confirmed that a commuted sum in accordance with this policy will be made.

- 9.32. It is noted that within the Local Authorities commuted sums guidance there is no option for a 1-bedroom house. Following discussions with housing and policy it is considered that the fairest option is to treat the units the same as a one bed flat. Whilst the floor area of the units is greater than the minimum for a one bed, they are still below the minimum size of a 2-bedroom house so wouldn't justify the additional contribution.
- 9.33. On that basis, given the location of the site within Zone 3 of the affordable housing mapping a contribution of £113,000 is sought and secured by a S106 agreement.

Housing mix

- 9.34. Policy CP19 criterion c. states that sites coming forward as 'windfall' development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Also, criterion d. requires that all new residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. The supporting text to Policy CP19 (paragraph 4.213) sets out the broad mix of housing sizes that should be aimed for across the city as a whole, but the text also makes reference to site suitability (paragraph 4.215) as one of the factors that will determine the range and variety of housing.
- 9.35. This application relates to a small housing development of 6 units within a constrained location due to the shape of the site, access, open space, ecology and heritage considerations.
- 9.36. The latest housing supply position shows a very substantial five-year housing supply shortfall (only 2.1 years) and therefore it is necessary to give increased weight to housing delivery in line with NPPF Paragraph 11
- 9.37. It is therefore considered reasonable to justify the provision of 1 bed units on a small development on a constrained site where this would help maximise the number of housing units and makes best use of the site for sustainable development and address an identified housing need.

Trees and landscaping

- 9.38. The proposed development is in close proximity to a number of trees that are the subject of a tree preservation order.
- 9.39. This application is accompanied by a detailed Arboricultural method statement incorporating a tree survey. This method statement identifies the removal of 5 trees along with facilitation pruning to a further 15 trees within the site and on the periphery. The trees identified for removal are in poor condition with visible defects and the proposed pruning works are generally sympathetic and unlikely to have a detrimental upon the retained trees.

- 9.40. The method statement specifies both physical and ground protection measures that are appropriate and acceptable.
- 9.41. Works are proposed within the root protection areas however the foundations of the buildings are of a raft and pile construction, keeping root disturbance to a minimum.
- 9.42. Whilst the arboriculture department have concerns over post development pressure to prune or remove trees, the development is considered feasible and unlikely to have any long term impact upon tree health and therefore no objection is raised.

Ecology

- 9.43. 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.
- 9.44. A Preliminary Ecological Appraisal has been submitted as part of this application which makes a number of recommendations for mitigation measures which are supported. The application site is not designated for its nature conservation interest and the PEA submitted is sufficient in ensuring that biodiversity on the site is protected and enhanced. In addition 18 swift boxes are recommended to be secured by condition and a further condition is proposed to ensure that bee-bricks are included within the external construction of the dwellings proposed.

Sustainable Transport:

Pedestrian access

- 9.45. The applicant proposes changes to pedestrian access arrangements onto the adopted highway which are deemed acceptable. Through the site, the application incorporates a pathway with a minimum width of 1.5m to the southern side of the new dwellings. The width of the pathway increases in width between each pair of houses.

Cycle Parking

- 9.46. The application proposes two cycle parking spaces within the external courtyards of each dwelling. In addition, a further 6 cycle parking spaces are located towards the Locks Hill entrance for visitors. The total number of spaces proposed is 18. Notwithstanding the plans submitted a condition requiring further details of the cycle stores is requested to achieve further information in relation to the materials of the stores proposed.

Vehicle access

- 9.47. The applicant is not proposing changes to the existing vehicles access arrangements which is acceptable. The highways department have requested the imposition of a condition to secure bollards to be placed over the existing crossover to prevent parking on the vehicle crossover.
- 9.48. Where access is difficult for emergency vehicles such as fire engines, sprinkler systems are usually required by building control. These measures will need to

be discussed separate to the planning decision making process. In addition with regards to the ambulance service, vehicles can park near the Highlands Road entrance. It is accepted however that this route may be impractical and is likely that emergency vehicles can temporarily stop on the double yellow lines on Locks Hill with close enough proximity to the dwellings proposed.

Car Parking

- 9.49. The proposed level of on-site car parking (zero space) is in line with SPD14 Parking Standards maximum and is therefore deemed acceptable in this case. The applicant has provided a Transport Statement that indicates that there is space for on-street car parking available for occupants and visitors within the vicinity of the site.

Trip generation

- 9.50. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal

Construction Transport and environment

- 9.51. As this proposal will have potentially significant construction, transport and environment issues for the duration of its construction period it is appropriate for a Construction Environment Management Plan (CEMP) to be requested to hopefully deal with issues before they arise, if not minimise them when they cannot be avoided.

Refuse storage

- 9.52. The application proposes storage areas for refuse and recycling within the amenity spaces of the dwellings together with communal refuse storage situated under the ramp at the western (Locks Hill) end of the site. No concerns have been raised in this respect.

Sustainability

- 9.53. 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. As such a condition is sought to secure these measures.

Conclusion

- 9.54. Overall, taking into account the previous extant permission, the principle of residential development on the site is accepted. For the reasons outlined, the application is considered acceptable in respect on amenity, design, transport and sustainability.

10. EQUALITIES

- 10.1. It is acknowledged that within the manual for streets document new footways within developments should ideally measure 2m in width to allow two wheelchair users to pass without constraint. However should this not be possible a footpath with a minimum width of 1.5m should be provided. This application proposes a

pathway with a minimum width of 1.5m which is sufficient for wheelchair users and pedestrians to pass. Any increase in the width of this footway would comprise the retention of on-site trees of the quality of the internal living accommodation proposed.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. 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 £29,522.16 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.

12. CLIMATE CHANGE/BIODIVERISTY

- 12.1. The proposal would result in the re-development of a brownfield site and would be a more efficient use of the site to provide six new dwellings than the existing extant planning consent for two. The site is in a sustainable location. The construction methods proposed would ensure the protection of the existing adjacent trees and provide some biodiversity gains through the provision of the swift boxes and bee bricks which are to be secured by condition.

13. LEGAL AGREEMENT / OBLIGATIONS

- 13.1. In the event that the S106 agreement has not been signed by all parties by the date set out in paragraph 1.1, the application shall be refused for the following reason:
1. The proposed development fails to provide necessary affordable housing contribution and therefore fails to address the requirements of Policy CP20 of the Brighton and Hove City Plan Part One.

Affordable housing is required to be provided because the proposed development involve the provision of more than 5 units of residential accommodation and to comply with the requirements of City Plan Part One Policy CP20.

