

<u>No:</u>	BH2022/02167	<u>Ward:</u>	Queens Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	35 - 36 Egremont Place Brighton, BN2 0GB		
<u>Proposal:</u>	Part demolition and part retention of the existing care home buildings (C2) to provide 25 dwellings (C3) in a mix of houses and flats with associated parking and landscaping.		
<u>Officer:</u>	Robin Hodgetts, 292366	tel: <u>Valid Date:</u>	14.07.2022
<u>Con Area:</u>	Queen's Park	<u>Expiry Date:</u>	13.10.22
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	TBC
<u>Agent:</u>	Mr Amir Aramfar, Future PD, 2 Wardrobe Place, London, EC4V 5AH		
<u>Applicant:</u>	East Street Homes (UK) Ltd, C/O Future PD, 2 Wardrobe Place, London, EC4V 5AH		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder.

S106 Heads of Terms

Affordable Housing

- On-site provision of 10 Affordable Rent Units (40%) or as a commuted sum in lieu of onsite provision.

Travel Plan

- Including car-club membership and reduced bus travel tickets.

Employment Strategy

- Employment contribution of £9,300
- Employment and Training Strategy.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
[details to be provided via the Late List]
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall at least include:
 - (i) The phases of the proposed development, including demolition, and the forecasted completion date(s)
 - (ii) 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)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound;
 - (vi) A plan showing construction traffic routes to/from the site.
 - (vii) Measures for the protection of trees, in accordance with the Tree Protection Plan (ref. PJC/6001/22/D, appendix 5 to the Arboricultural Impact Assessment).

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. All development, including demolition shall be undertaken, and ecological measures implemented in accordance with the approved Preliminary Ecological Appraisal (PJC Consultancy, 15/03/22) and the Bat Emergence/Re-entry Survey Report (PJC Consultancy, 19/07/22).

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 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the 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: To ensure the long-term management of habitats, species and other biodiversity features and to comply with policies CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

6. 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 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 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 DM22 of City Plan Part Two, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird boxes, bat boxes and bee bricks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed design and associated management and maintenance plan for surface water drainage using sustainable drainage methods as per the recommendations of the Surface Water Drainage Strategy by RPS dated 3 June 2021. The scheme shall subsequently be implemented in accordance with the approved details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.
9. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
10. Prior to the first occupation of the development hereby approved a scheme shall be submitted to and approved by the Local Planning Authority providing full details of three units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These units shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part Two.
11. 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/details 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 including any glazing
- e) samples/details of all other materials to be used externally

The 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 DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM43 of City Plan Part Two.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- Details of low-carbon provision of heating and hot water.
- Details of the rooftop solar array layout
- Details of the green roofs planting and substrate

The development shall be carried out in strict accordance with the approved details.

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

14. The development hereby permitted shall not be first occupied until
 - i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i):

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of City Plan Part Two.

15. Prior to first occupation of the development hereby permitted, 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 DM33 of City Plan Part Two.

16. Notwithstanding plans hereby permitted, details of disabled parking facilities 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 the development provides for the needs of disabled residents and visitors to the site and to comply with policy DM33 of City Plan Part Two and SPD14 guidance.

17. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy DM20 of City Plan Part Two, 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.

18. All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton and Hove City Plan Part One.

19. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One

20. Noise associated with plant (air source heat pumps or similar) incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
21. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times and retained hereafter.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
22. 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
23. The development hereby permitted shall not be occupied until details of the signage to the vehicle and pedestrian access from Leicester Street (alerting motorists that they are entering a pedestrian and cyclist priority zone) and block paving denoting pedestrian access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved and retained hereafter.
Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies DM33 of City Plan Part Two, and CP9 and CP13 of the 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. To discharge the surface water drainage scheme condition, the applicant will need to provide:
 - A detailed design including details and locations of the drainage infrastructure.
 - Calculations to confirm that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and

- storm durations based upon the 1% AEP plus 40% increase in rainfall intensity due to climate change.
- A management and maintenance plan for the final drainage design for the proposed development incorporating all elements and confirming ownership and management responsibilities.
3. The applicant is advised that the CEMP should also include the following information:
 - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - Details of use of any cranes, lifts, escalators and lifting vehicles
 - Details of any Department for Transport Abnormal Load Notification and/or Order
 - A commitment to implement vehicle cleaning and drainage facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it.
 4. You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
 5. East Sussex Fire & Rescue Service strongly recommend the installation of fire sprinklers in all new developments, there is clear evidence that Automatic Fire Suppression Systems (AFSS) can be effective in the rapid suppression of fires and can therefore play an important role in achieving a range of benefits for both individuals and the community in general
 6. Sussex Police recommend using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com
 7. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements
 8. The water efficiency standard required by condition 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.

9. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
10. Electric Vehicle Charging Points Informative
The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

2. SITE LOCATION

- 2.1. The application relates to two properties which lie on the eastern side of Egremont Place, namely 35 Egremont Place which comprises three historic townhouses to the north of the site and 36 Egremont Place is a modern 1970's block with little or no historic and architectural merit. The block sits at a lower level than the adjacent street level, providing a lower ground floor level. Together the properties comprise Pilgrim's House, a care home for the elderly (C2 use class).
- 2.2. Egremont Place is a predominantly residential street, characterised by mainly three storey terraced properties with some two storey homes to the north. It lies within the Queen's Park Conservation Area and slopes down from the north to south. The application site also drops significantly from the adjacent street level to the rear where it can be accessed via Leicester Street. A number of listed buildings lie on Egremont Place but none are adjacent to the site.

3. RELEVANT HISTORY

- 3.1. Pre-application advice was previously sought for redevelopment of the site (PRE2021/00155) which put forward
- 3.2. PRE2021/00155 Part demolition and part retention of the existing care home buildings to provide up to 28 dwellings in a mix of houses and flats with associated parking and landscaping. Two options proposed: option 1 proposed demolition of the modern block flats with redevelopment of the historic townhouses; option 2 proposed demolition of the whole site.
- 3.3. PRE2020/00107 Change of use and partial redevelopment of Pilgrims Home, 35-36 Egremont Place, Brighton. The proposals seek to change the use from the existing C2 Care Use to C3 residential use. The period buildings would be retained and converted into 5 flats, whilst the 1980s wing would be redeveloped into 19 flats over three floors, with two flats provided within a setback third floor and two garden flats within the basement

- 3.4. PRE2020/00067 Option 1: Conversion of original buildings into a 36 unit residential scheme, retaining on site church and outdoor space. Extension to existing lower ground floor level and creation of floor for residential use in existing roof space.
Option 2: Demolition of Nos.35 and 36 Egremont Place, followed by erection of new build residential scheme comprising 52 units. Refurbishment of church, tether with rear extension to accommodate a food bank over lower ground and ground floor levels.

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission for the partial demolition of Pilgrim's House care home and the redevelopment of the site to provide 25 dwellings in a mix of houses and flats with associated parking and landscaping. This would comprise four houses in the retained buildings to the north of the site, 17 flats in the proposed new residential block to replace the demolished section, and four mews studios to the rear of the site. The new block containing the 17 flats would be of a similar height to the existing and comprise three storeys with a lower ground floor level to take into account the downward slope of the street from north to south.
- 4.2. The proposal is an amended submission of Option One of the pre-application advice reviewed under PRE2021/00155..
- 4.3. Following the most recent pre-application advice (ref. PRE2021/00155), the applicant amended the scheme to the form it takes in this application. This was mainly in the form of design improvements to respond to the surrounding streetscene, namely:
- The proposed building line has been pushed forward to align with the existing terrace houses to the south of the site on Egremont Place.
 - The form of the proposed building has been designed to reflect the vertical rhythm created by the bay windows of the neighbouring terrace houses to the south of the site.
 - Green roofs have been incorporated into the design for the new build proposal to increase biodiversity, and lessen the visual impact of neighbouring properties.
- 4.4. During the course of the application and following concerns raised by Heritage officers, further amendments have been made to the scheme, redesigning the top floor and reducing it in scale to better incorporate it in the streetscene.

5. REPRESENTATIONS

- 5.1. **Sixteen (16)** letters of representation have been received objecting to the proposed development for the following reasons:
- Impact on the Queen's Park Conservation Area
 - Effect on property value
 - Height

- Proximity to site boundary
 - Noise
 - Overdevelopment of the site
 - Overshadowing and loss of light to neighbours
 - Loss of privacy
 - Restriction of views
 - Poor design
 - Impact on traffic and parking
 - Removal of trees
 - Impact on listed buildings
- 5.2 Councillor Childs has objected to the scheme. A copy of their representation is attached to the report.
- 5.3 **Eight (8)** letters of representation have been received supporting the proposed development for the following reasons:
- Improved use of the site
 - Good quality design
 - Improvement over the existing modern block of flats.

6. CONSULTATIONS

External:

- 6.1. **Conservation Advisory Group:** No objection
Although it could be considered as overdevelopment with the studio apartments being squeezed on to the site, the group considers that the benefits of the proposal outweigh any harm to the area. The loss of trees is regrettable.
- 6.2. **County Archaeologist:** Objection due to lack of archaeological information accompanying application. [Officer Note: the site is not within an Archaeological Notification Area so site is not considered to be of archaeological interest].
- 6.3. **County Ecologist:** No objection subject to conditions
Following submission of additional information relating to biodiversity the information provided is satisfactory subject to conditions.
- 6.4. **East Sussex Fire & Rescue Service:** Comment
East Sussex Fire & Rescue Service strongly recommend the installation of fire sprinklers in all new developments.
- 6.5. **Environment Agency:** No comment received
- 6.6. **Southern Water:** No objection
Southern Water have advised that they can provide foul and surface water drainage to service the proposal. Appropriate disposal of surface water shall be provided and a formal application to connect to the sewerage system is required. Details of means of foul and surface water drainage are required.

- 6.7. **Sussex Police: No objection**
Security measures are recommended including access control implemented into the layout, external/wall mounted post boxes for residents, adequate security lighting, CCTV and secure cycle parking.
- Internal:
- 6.8. **Air Quality: No comment received**
- 6.9. **Arboriculture: No objection subject to conditions to secure replacement planting**
There is significant tree loss to facilitate development, however these trees were assessed on behalf of concerned residents and the trees within the site did not fulfil sufficient criteria for a tree preservation order to be considered defensible; with substantial mitigation planting to compensate for loss, BHCC arboriculture would have no objection to their removal. Replacement planting is recommended to be a minimum of 16 - 18 nursery stock sizing, watering will be essential for establishment and as rainfall is unreliable, a watering regime on a minimum once a weekly basis is necessary from April – September.
- 6.10. With the proposed physical and ground protection stated within section 3.4 of the Arboricultural Method Statement conditioned and installed pre commencement, works within the root protection area (RPA) of T24 undertaken under arboricultural supervision, service runs to be sited outside of the Root Protection Areas of all retained trees with a landscaping scheme of a minimum 1:1 replacement ratio, BHCC arboriculture have no objection.
- 6.11. **City Clean: No comment received**
- 6.12. **Environmental Health: No comment received**
- 6.13. **Economic Development: Approve subject to conditions**
Developer contribution of £9300 to be paid prior to site commencement. The strategies for the demolition and construction phases should be submitted for approval at least 1 month prior to commencement of the respective phases.
- 6.14. **Housing Strategy: Support**. Proposal would meet Policy CP20 requirements to deliver 40% affordable housing on site, through delivery of 10 affordable homes. Affordable housing would usually be provided by a Registered Provider and the developer is required to approach RPs (including the council) and negotiate with them for the affordable housing. If no purchaser can be found the council may accept a commuted sum in lieu of affordable housing on site. This is an agreed policy position and funds provided can be used to support council housing initiatives to provide additional housing in the city. Split between rented (55%) and intermediate housing and First Homes (45%) meets the Council's requirements and national space standards. There is a higher proportion of larger properties (3 + bed) 40% compared to the council's requirements of 25% but this is acceptable as there is demand for larger sized family homes in the city where comparatively applicants need to wait longer to be rehoused. There

is also a higher percentage of studio/1 beds (40% compared to the council's requirements of 30%).

- 6.15. **Planning Policy:** No objection
The application appears to be policy compliant subject to DM considerations and comments from other consultees.
- 6.16. CPP2 Policy DM4 allows for proposals involving the loss of residential accommodation for older people subject to meeting at least one of three specified criteria.
- 6.17. The policy also states that where the Council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing.
- 6.18. Based on this it would appear that criterion b) of DM4 applies and the loss of the existing care home and its replacement by C3 general housing would therefore satisfy the policy requirements of CPP2 Policy DM4.
- 6.19. **Private Sector Housing:** No comment received
- 6.20. **Public Health:** No comment received
- 6.21. **Social Care:** No comment received
- 6.22. **Sustainability:** No objection
Approve with the following recommended conditions:
- Water use to be no more than 110 Litres / person / day
 - Layout of roof-mounted solar array to be submitted
 - Biodiversity Net Gain
- 6.23. **Sustainable Drainage:** No objection
Approval subject to conditions requiring provision of the following information:
1. Final details of the surface water strategy including an adequate management and maintenance plan, and;
 2. Final details of the foul water disposal strategy with approval from Southern Water.
- 6.24. **Sustainable Transport:**
Initial comments: Further amendments required
Further amendments are required, due to the risk to safety of residents and visitors on site from this proposal and being contrary to policy TR7 and City Plan. These include:
- Relocation of the parking spaces, as one or more have obscured visibility due to the corner of the proposed duplex residential unit and the undercroft pillars, therefore there is no visibility of pedestrians and on-coming traffic and in addition may result in dangerous manoeuvres by drivers accessing the space.

- A segregated pedestrian footpath/way that links the duplex flat to the Leicester Street pedestrian entrance is required to be proposed, that protects residents from the risk of collision with vehicles and cycles accessing the car park

Additional comments: No objection

- 6.25. Following negotiation with and details from the applicant these matters have been resolved via amended plans (submitted 13.10.22) to improve visibility splays along with a condition requiring signage and details of footways to the rear to be agreed via condition.

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 City Plan Part Two (adopted October 2022)
- 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).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM4	Housing and Accommodation for Older Persons
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Drainage
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, impacts on neighbouring amenity, sustainable transport impacts, and impact on the environment including ecology/biodiversity.

Principle of the Development:

- 9.2. CPP2 Policy DM4 relates to Housing and Accommodation for Older Persons and notes that proposals involving the loss of residential accommodation for older people will only be permitted where at least one of three specified criteria apply:
- a) the existing provision is surplus to identified needs within the city;
 - b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants; or
 - c) the loss is necessary to enable the provision of accommodation for older people which is better able to foster independent living and meet changes in the support and care needs of the occupants.
- 9.3. The policy also states that where the Council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing.

- 9.4. In this case, the applicant has provided a Strategic Review of the site, noting that while it was in use as a 20-bed care home with 14 bedsits, it had had an occupancy rate of 60% since at least 2010, and had closed in 2019. They note that this was in part because of the Council's shift away from residential care to community-based care, but also because of the limitations of the site in terms of rooms being undersized, lack of en-suite facilities, under-sized communal areas, lack of level access to/from the front door, changes in levels within the building, and narrow corridors. This reflects the age of buildings on the site, with some being 140 years old and the newest added in 1977.
- 9.5. The applicant has advised that the existing care home closed in 2019 with all residents relocated to other homes within the city, details of which have been provided.
- 9.6. The property was subsequently marketed for use as a C2 care home with no success. As such it is considered that loss of the care home is acceptable in relation to criterion (b) of Policy DM4 in that the existing provision was incapable of meeting contemporary standards for the support/care required, and appropriate alternative provision was secured for occupants.
- 9.7. Consideration must also be given to the acceptability of the proposed use of the site for housing, noting the support already given in Policy DM4 for the replacement of older persons' accommodation with housing (use class C3).
- 9.8. In addition, Policy CP1 in City Plan Part One sets a minimum housing 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 development 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. 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). 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). The proposed provision of 25 units of accommodation is thus given significant weight in the planning balance
- 9.9. City Plan Part One policy CP14 sets out considerations regarding the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets various criteria, in summary a high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.

- 9.10. The proposed residential density is approximately 100dph so would accord with policy CP14 in respect of density. The site is well located with good access to local facilities and services, and is well served by public transport. Given the city's housing requirement and the current supply position, the principle of residential development on the site is considered acceptable and given significant weight, subject to all other material considerations set out below.

Proposed Residential Mix:

- 9.11. City Plan Part One policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall demand/need (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); followed by 1 bedroom properties (24%) and four-plus bedroom properties (11%). In terms of the demand for market housing, the greatest demand is likely to be for two- and three-bedroom properties (35% and 36% respectively); while for affordable housing the majority of the requirement is likely to be for one- and two-bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.
- 9.12. A mix of residential units is proposed comprising 21 flats (84%) (5 studios, 2 x 1-bed, 9 x 2-bed and 5 x 3-bed) and 4 houses (16%) (3, 4 and 5 bed) which would broadly comply with Policy CP19 and the demand/need for housing sizes set out in its supporting text. The mix of affordable units (2 x 1-bed, 2 x 2- bed and 4 x 3-bed units) also broadly complies with the preferred mix set out in Policy CP20, although with a relatively higher proportion of 3-bed units. This was at the request of the Housing Team during pre-application discussions.

Affordable Housing:

- 9.13. For residential schemes of 15 units or more, policy CP20 seeks 40% on site affordable housing provision (or the equivalent financial provision), which the present scheme meets through providing 10 affordable units of the 25 proposed. In accordance with the policy, if a Registered Provider cannot be found to take on the homes, and they are not appropriate for Council purchase, a commuted sum would be provided in lieu of on-site provision.
- 9.14. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable registered social landlords (RSL) would be secured within the s106.
- 9.15. On this basis, the proposal meets the requirements set out in CPP1 Policy CP20 regarding the provision of affordable housing.

Standard of Accommodation:

Internal Layout:

- 9.16. The proposed development would provide 25 dwellings set over four storeys.
- 9.17. 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. City Plan Part 2 proposes to adopt these standards as part of emerging Policy DM1, which can be given significant weight, so they are pertinent to the consideration of this application. The NDSS provide useful guidelines on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.

- 9.18. All units would comply with the minimum standards, and the size and layout of each unit is generally considered acceptable.
- 9.19. Most units are dual or adjacent aspect which would provide a suitable amount of light to the proposed homes. The only units which are single aspect are the mews studios to the rear which would have east facing frontages with skylights provided to allow extra light to the rear of the units, so are considered acceptable in terms of daylight/sunlight provision.
- 9.20. In regard to accessibility standards, a lift is proposed allowing access to all residential units proposed. In addition, three fully wheelchair user dwellings (meeting the requirements of M4(3) of the Building Regulations) are proposed, exceeding the 5% (2 dwellings) required by City Plan Policy DM1. This provision would be secured by condition.

Outdoor Amenity Space:

- 9.21. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home.
- 9.22. All units would benefit from some level of private amenity space. The four houses to the north would benefit from private gardens, while all of the remaining units would benefit from small balconies. Additionally there is a shared amenity space in the form of a communal garden. While the external amenity space would be small for some of the flats, this is not unusual for flatted developments in the city, and the site is within 50m of Queens Park, and 500m from the seafront. Further, the design of the scheme has had to be sensitive to take into account the site's location in a conservation area.

- 9.23. Overall, it is considered that private and shared amenity space is acceptable.

Daylight/Sunlight:

- 9.24. The applicant has submitted an Internal Daylight Report to assess the levels of daylighting and sun lighting to all habitable rooms at lower ground floor level where the potential for poor sunlight/daylight is at its greatest.
- 9.25. The report outlines that daylight recommendations would exceed the requirements set out for industry guidance for all rooms assessed.

Impact on Character and Appearance:

- 9.26. Policy CP12 on urban design and SPD17 The Urban Design Framework (UDF) states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.27. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.28. In this case, the existing modern building to the south of the site has little architectural or historic value so its demolition and replacement is a significant opportunity to provide a modern development that better respects the existing streetscene.
- 9.29. Initially the pre-application scheme was for demolition of the whole site and erection of 28 new homes in a modern block. However this was changed to the current scheme including dwellings after Heritage concerns were raised during the pre-application process given the site's prominent location within the Queen's Park Conservation Area.
- 9.30. While the modern block proposed is taller than surrounding properties to both the north and south, it is the same height as the existing building but with a much improved appearance in terms of design and materiality. Additionally, the top floor has been set back from the front elevation in order to minimise its impact on the streetscene. Alterations were made during the pre-application stage to the proposed front elevation including bringing the building forward slightly to better align with properties to the south, along with improved vertical articulation to compliment the streetscene better.
- 9.31. The materials proposed in the development are considered to successfully provide interest and texture to the development. The primary proposed material of brick would be accented by flint stone used as a decorative element to highlight architectural features, and the use of coated metal railings for balconies. It is considered that this material palette responds positively to the prevailing of Egremont Place and wider Queen's Park Conservation Area. The set back top floor would be built of a lighter aluminium cladding material to reduce its visibility. A condition is recommended to agree the details of all materials to be used in the external construction of the development.
- 9.32. The resulting scheme is considered to be positive in terms of its design and appearance, providing a high quality development to replace the existing buildings on site which are not considered to contribute to the streetscene.
- Impact on the Queens Park Conservation Area
- 9.33. CPP2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'

- 9.34. The site lies within the Queen's Park Conservation Area and a number of listed building lie to the south on Egremont Place, although none are adjacent to the site.
- 9.35. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.36. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.37. The proposed development would sit within and respect the character of the area significantly better than the existing building, benefiting the character of the conservation area and its heritage features. The vertical elements and fenestration of the proposal would better respect the streetscene and the pattern established on Egremont Place to the south along with the historic buildings to the north. Although modern, the proposed design and materiality are considered to be an improvement over the existing and as such compliant with Policy DM29.

Impact on the Environment:

- 9.38. The development would require the loss of 17 trees currently to the unused rear of the site. However, the Arboriculture Team have assessed the existing trees and confirmed that they were not found to be of enough importance to apply a Tree Preservation Order so their removal is not opposed. Furthermore they have no objection to the scheme subject to appropriate conditions to secure replacement planting on the site and provide protection for existing street trees during development.
- 9.39. As such, a landscaping scheme has been submitted as part of the application which would provide the following:
- The planting of 18 native replacement trees of a variety of species to the rear of the site to provide both boundary planting and visual interest.
 - A landscaped community garden to the rear of the site for use by all residents. This would include wildflower planting, sensory shrubs and herbaceous areas.
 - Areas of rain gardens or raised planters at the rear.
 - Various shrubs and hedges to improve the visual amenity and biodiversity to the site.
 - Green roofs to all new elements of the construction.
- 9.40. To secure this and wider environmental benefits, a detailed Landscape Plan and Landscape and Environmental Management Plan would be required by condition. In addition, trees near the site would be protected during construction by fencing around their root protection areas, as secured through the Construction and Environmental Management Plan (CEMP), and the protective measures set out in the submitted Preliminary Ecological Appraisal would require to be implemented to ensure protected species and habitat is not disturbed during construction.

9.41. It is considered that on this basis the scheme is acceptable in terms of its impact on the environment.

Impact on Amenity:

9.42. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.43. The site is set within a predominantly residential area characterised by three storey terraced townhouses on Egremont Place with two storey houses to the rear on Tillstone Street.

9.44. With regards to sunlight and daylight, the application submission includes a detailed Daylight/Sunlight and Overshadowing report which assesses the impact of the scheme on the windows of neighbouring dwellings, in accordance with Building Research Establishment (BRE) guidelines. The results indicated all surrounding residential properties would be minimal, with internal daylighting levels remaining within acceptable limits. Overall it is considered that the loss of daylight/sunlight in some minor aspects would not warrant refusal of the application in this instance.

9.45. In regard to overlooking, the proposed development would include windows and balconies facing in all directions, with particular potential for impact on the rear of properties on Tillstone Street and Egremont Place. However, the mews studios would be two storeys in height, and would have no west-facing windows so there would be no loss of privacy to the rear of dwellings on Egremont Place. They would be some 15m from the rear of dwellings on Tillstone Street so the loss of privacy in this direction would also be minimal, particularly given the urban setting with the existing level of mutual overlooking. The new dwellings and flats at the northern end of the site would be even further from the rear of dwellings on Tillstone Street so the loss of privacy would not be significant. Although some impact in terms of loss of privacy and overlooking is recognised, it is not considered significant enough to outweigh the benefits of the scheme.

9.46. On this basis no significant harm to the amenities of existing/future residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with.

Sustainable Transport:

9.47. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102), and Policy CP9 c) of the Brighton and Hove City Plan Part One is also relevant relating to sustainable transport.

- 9.48. A Construction Environmental Management Plan (CEMP) is recommended to be secured by condition to address concerns about highway safety during construction, as well as associated noise, environmental and amenity impacts.

Access:

- 9.49. The proposed development would utilise the existing vehicle access on Leicester Street to the rear, along with pedestrian accesses both to the front and rear.

Vehicle Parking

- 9.50. Seven carparking spaces are proposed on site, including three disabled spaces for the accessible units and four car parking spaces for each of the proposed houses. This is significantly below the 29 spaces set out in the parking standards (SPD14). However, this is a maximum figure, and the site is within a Controlled Parking Zone (CPZ) so it was agreed at the pre-application stage that the units would be 'car free', with details of the development passed to the parking team to ensure residents would not be entitled to car parking permits. Further, a Travel Plan would be secured by legal agreement, including the provision of discounted bus travel and car club membership for residents. On this basis, the car parking provision is considered acceptable, and would not result in increased pressure on the surrounding carparking, particularly as it is within a CPZ.

- 9.51. The four car parking spaces would be located below the mew studio units, but would be allocated to the dwellings to the north of the site. There may be therefore be some disturbance for residents of the studios. However, this is not unusual in a dense residential development, and is not so significant as to warrant refusal of the application.

Cycle Parking:

- 9.52. With regards to cycle parking, the application proposes 36 cycle spaces, including 32 spaces within 2- tier storage and 8 spaces provided as Sheffield stands. This quantum exceeds the SPD14 standards, and the details of the cycle parking would be secured by condition.

Trip Generation:

- 9.53. The applicant's Transport Statement estimates an additional 25 vehicle trips per day over the existing care home use which is likely to be an overestimate, given the lack of parking associated with the scheme, and is not considered significant in terms of its impact on highway capacity or road safety.

Vehicle Safety:

- 9.54. The Transport Team initially raised concerns about the safety of pedestrians using Leicester Street to the rear to access the parking for the Mews Studios. Following negotiation with and details from the applicant these matters have been resolved via amended plans (submitted 13.10.22) to improve visibility plays along with a condition requiring signage and details of footways to the rear to be agreed prior to occupation.

Sustainability:

- 9.55. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 9.56. The submitted Energy and Sustainability Statement and Whole-Life Carbon Assessment outlines measures included within the proposal. These measures listed below are considered sufficient to comply with the requirements of City Plan Policy CP8 subject to conditions relating to water use and details pertaining to the solar array proposed for the roof.
- 9.57. Solar panels and Air Source Heat Pumps (the principle source of carbon reductions for the development) are proposed in the development. The Whole Life Carbon Assessment demonstrates that the demolition/rebuild option is found to emit less carbon emissions over the life of the development, mainly because energy use is much lower due to measures including the PV panels and heat pumps, but also building fabric improvements, low energy lighting.
- 9.58. Openable windows will provide fresh air and purge ventilation; with trickle vents to provide ventilation when windows are closed along with standard mechanical extraction from wet rooms/kitchen
- 9.59. Water standards shall be secured by condition to addresses policy CP8 requirements.

Other Considerations:

Ecology/Biodiversity/Trees:

- 9.60. The site currently comprises buildings and hard standing and is of relatively low ecological value although 17 trees would be lost to the rear of the site, to be replaced with 18 semi-mature trees, and a range of smaller trees and vegetation across the site, to be secured by condition, as would green roofs.
- 9.61. A Preliminary Ecological Assessment has been submitted with the application which includes a range of mitigation measures which would be secured by condition, as would ecological enhancement through a Landscape and Environmental Management Plan. On this basis, the scheme is considered acceptable in terms of its impact on biodiversity, including trees.

Waste Management:

- 9.62. A Site Waste Management Plan (SWMP) was sought by condition, but the separation of construction/demolition waste into recyclable material, and the safe disposal of waste is covered through the separate Environmental Permitting regulations so this is not considered necessary.
- 9.63. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply so the provision of additional dwellings must be given significant weight. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of housing, including affordable housing without significant harm to the amenities of adjacent occupiers.
- 10.3. The applicant has clarified that the care home has not been in use since 2019, and even at that point was underutilised. Residents have been accommodated elsewhere in the city, so on this basis, the replacement of the care home facility with residential units is considered acceptable.
- 10.4. The proposed housing mix is acceptable, and subject to relevant conditions would provide good living conditions for future occupiers. All residential units would have a balcony or garden, and also direct access to the shared amenity spaces, along with Queens Park close by.
- 10.5. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car. The small amount of car parking on site is considered acceptable as accessibility to public transport is excellent, and overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the perceived harm of parking overspill.
- 10.6. Other factors including impacts relating to ecology, sustainability, and landscaping, have been assessed and have been considered acceptable.
- 10.7. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

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 £

429,750. 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. EQUALITIES

- 12.1. The development would be required to comply with optional access standards by condition, and 3 no. wheelchair accessible units would be provided on the ground floor in accordance with Building Regulation requirement Part M4(3). Furthermore 3 no. disabled parking spaces would be provided.

13. CLIMATE CHANGE/BIODIVERSITY

- 13.1. The proposed development would result in new dwellings being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The proposed development would include a green roof, bee bricks and bird boxes by condition, and a condition to enhance the nature conservation interest of the site will all benefit biodiversity in the city.
- 13.2. 13.2 The Biodiversity Net Gain calculation gives a total net-gain of 0.33 new habitat units and 0.48 hedgerow units across the Site, which equates to a net percentage increase of +5.31% in habitat units. Overall, the development is not anticipated to deliver a minimum 10% biodiversity net gain. It is recommended that further opportunities to enhance biodiversity on-site should be sought, and off-site habitat creation and enhancement measures should be considered. A Landscape and Ecology Management Plan (LEMP) or similar should be secured through a planning condition.

14. S106 AGREEMENT

- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.