

<b><u>No:</u></b>	<b>BH2022/03894</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To The Rear Of 28-34 Longhill Road Brighton BN2 7BE</b>		
<b><u>Proposal:</u></b>	<b>Erection of 6no. four bedroom two storey houses (C3) with new vehicular access, landscaping, car parking, cycle parking and refuse storage facilities.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel:	<b><u>Valid Date:</u></b> 13.01.2023
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	10.03.2023
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<b><u>Applicant:</u></b>	Home Sussex Ltd 85 Church Road Hove BN3 2BB		

## 1. RECOMMENDATION

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

### **S106 Head of Term**

#### Affordable Housing:

- 1.2. Financial contribution of £291,100 as a commuted sum.

#### Conditions

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1.001	B	20 December 2022
Block Plan	3.003	B	20 December 2022
Proposed Drawing	3.005	D	12 May 2023
Proposed Drawing	3.006	D	12 May 2023
Proposed Drawing	3.007	D	12 May 2023
Proposed Drawing	3.010	B	20 December 2022
Proposed Drawing	3.011	B	20 December 2022
Proposed Drawing	3.012	B	20 December 2022
Report/Statement	Preliminary Ecological Assessment	Issue 2	10 May 2023
Report/Statement	Biodiversity net gain assessment	Issue 3	10 May 2023

Report/Statement	Biodiversity net gain defra metric		10 May 2023
Proposed Drawing	Tree protection plan		2 May 2023
Arboricultural Report	Impact assessment and method statement		2 May 2023
Report/Statement	Noise assessment		20 December 2022

2. 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 amenity, and for this reason would wish to control any future development to comply with policies CP12 of the Brighton and Hove City Plan Part 1 and DM1, DM18 and DM20 of the Brighton & Hove City Plan Part 2.
  
3. No development to plots E and F shall 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 policies DM18 and DM20 of the Brighton & Hove City Plan Part 2 and CP12 of the City Plan Part One.
  
4. The ordnance datum levels for plots A-D shall be carried out in accordance with application BH2022/01347.  
**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 policies DM18 and DM20 of the Brighton & Hove City Plan Part 2 and CP12 of the City Plan Part One.
  
5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, December 2022, Issue 2), Longhill Road Biodiversity Net Gain Assessment (The Ecology Partnership, May 23, Issue 3) and Longhill BNG Defra Metric 3.1 (The Ecology Partnership, May 23, Issue 2) 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 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 Brighton and Hove City Plan Part Two.

6. No development shall take place (including any demolition, ground works, site clearance) to plots E and F until a method statement for protected species (badgers, amphibians, reptiles, hedgehogs) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended and to comply with policies CP10 of the Brighton and Hove City Plan Part 1 and DM37 of the City Plan Part 2.

- 7.
- i) No development shall take place (including demolition, ground works, vegetation clearance) to plots E and F until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
    - a) measures to protect Ovingdean Copse Local Wildlife Site
    - b) risk assessment of potentially damaging construction activities;
    - c) identification of "biodiversity protection zones";
    - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
    - e) the location and timing of sensitive works to avoid harm to biodiversity features;
    - f) the times during construction when specialist ecologists need to be present on site to oversee works;
    - g) responsible persons and lines of communication;

- h) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) use of protective fences, exclusion barriers and warning signs.
- ii) Plots A-D shall be carried out in strict accordance with the construction environmental management plan (CEMP: Biodiversity) approved under application BH2022/01347. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

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

**Reason:** To ensure that any adverse environmental impacts of development activities are mitigated and to comply with policies CP10 of the Brighton and Hove City Plan Part 1 and DM37 of the City Plan Part 2.

8.

- i) No development shall take place to plots E and F until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including a sensitive lighting strategy for bats, specification for swift bricks, bat boxes, bee bricks, landscape planting of high wildlife value and biodiverse green roofs has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
  - a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.
- ii) Within 3 months of the date of this permission an ecological design strategy (EDS) in relation to plots A-D addressing enhancement of the site to provide biodiversity net gain, including a sensitive lighting strategy for bats, specification for swift bricks, bat boxes, bee bricks, landscape planting of high wildlife value and biodiverse green roofs shall have been submitted to the local planning authority for written approval. The EDS shall include criteria a-j as listed above.

The approved EDS shall be implemented.

**Reason:** To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively.

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

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

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features and the targeted condition of habitats required to deliver a net gain in biodiversity, to comply with policies CP10 and DM37 of the City Plan.

10. Prior to first occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed plants, to include fruit/food-bearing plants;
  - c. a schedule of mitigation planting to offset the loss of trees identified for removal, including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - d. details of all boundary treatments to include type, position, design, dimensions and materials;
  - e. details of revised access paths to the bin and cycle stores
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to enhance biodiversity comply with policies DM22 and DM37 of the Brighton & Hove City Plan Part 2 and CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. The details of the street design of the access route shall be carried out in accordance with the information approved under application BH2022/01347. The scheme shall be carried out in full as approved prior to first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies DM33 and DM36 of the Brighton and Hove City Plan Part 2 and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

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

**Reason:** To ensure that adequate parking provision is retained and to comply with policy DM36 of the Brighton & Hove City Plan Part 2.

13. The new crossover and access on Longhill Road shall be constructed prior to the first occupation of the development hereby permitted and retained as such throughout the use of the site for the development permitted.

**Reason:** In the interests of highway safety and to comply with policies DM33 and DM36 of the Brighton & Hove City Plan Part 2 and SA6, CP7, CP9, CP13 and CP15 of the City Plan Part One.

14. The development as a whole to include plots A-F shall be constructed in the external materials as approved under application BH2023/00319.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the City Plan Part One and DM18 of City Plan Part Two.

- 15.

i) No development of plots E-F of development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to first occupation.

ii) The sustainable drainage for plots A-D shall be carried out in accordance with the details approved under application BH2022/01347 prior to first occupation.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy DM43 of the Brighton and Hove City Plan Part 2.

- 16.

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

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

- ii) Lighting within Plots A-D shall be carried out and maintained in accordance with the lighting strategy approved under BH2022/01347.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This also ensures that the development complies with Policy CP10 of the Brighton and Hove City Plan Part One and policies DM37 and DM40 of the Brighton and Hove City Plan Part 2.

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

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the City Plan.

- 18. 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 DM20 of the Brighton and Hove City Plan Part 2.

- 19. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of the Brighton & Hove City Plan 2.

20. The residential units on plots A-D shall not 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.

21. 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.

22. At least one 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.

23. At least 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 and Policy DM37 of City Plan Part Two.

24. The development shall be carried out in accordance with the tree protection plan dated 02.05.2023 and arboricultural impact assessment and method statement Rev B dated May 2023.

**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 DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

25. The solar panels shown on the approved plans shall be implemented before first occupation of each dwelling and the dwellings within Plots E and F shall achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton and Hove City Plan Part 1.

Informatives:

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



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

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
3. The applicant is advised that requirement Part S of Building Regulation 44 "Infrastructure for the charging of electric vehicles" applies to this application. In general the requirement is for at least 1 no. Electric Vehicle Charging Point (EVCP) per residential dwelling, or that all parking spaces are made as EVCP if there are fewer spaces than dwellings.
4. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed in agreement with the Highway Authority. The applicant must contact the S278 Team (S278@brighton-hove.gov.uk ) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
7. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 requires residential units E and F to be built to achieved a 31% reduction in carbon emissions against Part L 2013.
8. The proposed elms to be removed from the site should be disposed of beyond city limits and any retained stumps debarked to ground level (to prevent further disease).
9. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements

should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

## **2. SITE LOCATION**

- 2.1. The application site is located on the east side of Longhill Road in Ovingdean. The development site extends behind the rear gardens of dwellings into a large 92m by 45m parcel of land to the rear of 22-36 (even numbers only) Longhill Road. The rear part of the site forms woodland on land that falls sharply down to properties on Elvin Crescent to the east.
- 2.2. The entrance to the site is via an access road between 28-30 Longhill Road and 26 Longhill Road.
- 2.3. The application site sits within a narrow strip of land that falls outside the defined built-up area of the city, the boundary of which runs long the common rear garden lines of Longhill Road and Elvin Crescent. The South Downs National Park sits approximately 150m to the south. The main part of the site falls within Site 43 of the Urban Fringe Assessment as defined in the City Plan and is a designated Nature Improvement Area.

## **3. RELEVANT HISTORY**

- 3.1. **BH2022/01993:** Erection of 2no. dwellings (C3). Withdrawn November 2022.
- 3.2. **BH2022/01347:** Approval of Details reserved by Conditions 4 (ground levels), 5 (ecological design strategy), 6 (Construction Environmental Management Plan (Biodiversity)), 7 (tree protection scheme), 8 (landscaping scheme), 9 (street design details), 13 (surface water drainage plan), 15 (lighting design strategy for biodiversity), 16 (archaeological scheme) (part only), 20 (energy efficiency) and 21 (water efficiency) of application BH2021/02805. Approved August 2022.
- 3.3. **BH2021/04254:** Application for approval of details reserved by conditions 5 (ecological design strategy), 6 (CEMP: biodiversity) and 8 (landscaping scheme) of application BH2020/02835. Approved March 2022.
- 3.4. **BH2021/02805:** Erection of 4no four-bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities. Approved November 2021.
- 3.5. **BH2020/02835:** Erection of 4no three-bedroom two storey houses with new vehicular access, car parking, cycle parking and refuse storage facilities. Approved March 2021.
- 3.6. **BH2019/00285** Demolition of existing dwelling house (C3), and erection of 5no detached 2 storey dwelling houses (C3), with new vehicle and pedestrian access, parking and landscaping. Withdrawn

- 3.7. **BH2015/04378** Demolition of existing dwelling at 28 Longhill Road and erection of 2no single dwellings. Approved July 2016
- 3.8. **BH2015/00483** Outline application with some matters reserved for the demolition of 28 Longhill Road and erection of 4no dwelling houses. Refused May 2015

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

- 4.1. Planning permission is sought for the erection of 6no. four-bedroom two storey houses (C3) with new vehicular access, landscaping, car parking, cycle parking and refuse storage facilities.
- 4.2. The site currently benefits from an extant permission for the construction of 4no detached dwellings, including the construction of a new vehicular access between No's 28-30 and 26 Longhill Road, approved in March 2021. Construction on these dwellings has already begun and works are currently at first floor level.
- 4.3. Two additional detached dwellings are now proposed to the rear of 32-36 Longhill Road, totalling six across the site as a whole.
- 4.4. The dwellings are to be of contemporary design with flat roofs and the use of buff brickwork and larch cladding externally.

#### **5. REPRESENTATIONS**

- 5.1. **Eleven (11)** letters of representation have been received objecting to the proposed development on the following grounds:
- Overdevelopment
  - Highways issues
  - Issues during construction
  - Noise disruption
  - Insufficient infrastructure
  - Lack of social facilities
  - Adverse impact on nature conservation and wildlife
  - Layout and density of buildings
  - Impacts on the landscape
  - Access road inappropriate for more houses
  - Dwellings are not affordable
  - Overshadowing
  - Lack of parking
  - Loss of trees
  - Inconsistencies between planning documents
  - New dwellings are too big
  - Loss of privacy
  - Overlooking

- Impact on property values

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

## 6. CONSULTATIONS

### External:

6.1. **Archaeologist:** No objection.

No significant archaeological remains were discovered during a recent archaeological trial-trench evaluation of the part of the site encompassing plots A-D. Therefore it is not considered that any significant archaeological remains are likely to be affected by these proposals.

6.2. **Brighton and Hove Archaeological society:** (Comment) The proposed development is in close proximity to the location of several important archaeological finds. It is recommended that the County Archaeologist is consulted.

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

The site is not designated for its nature conservation interest. Ovingdean Copse Local Wildlife Site (LWS) is adjacent to the rear boundary of the site and forms the majority of the off-site enhancement area that is included in the Biodiversity Net Gain Assessment.

6.4. The recommendation in the Preliminary Ecological Assessment to protect and buffer the LWS from any direct or indirect impacts from development is supported.

6.5. Measures to protect Ovingdean Copse LWS during the construction phase should be detailed in a Construction Environmental Management Plan (CEMP), required by condition.

6.6. Details of long-term management of the scrub and woodland forming part of the LWS and LWS buffer should be provided in a Landscape and Ecological Management Plan (LEMP), required by condition. In keeping with the consented scheme BH2020/02835

6.7. The remaining area of woodland should be retained, protected and enhanced to improve its biodiversity value, and to provide a suitable buffer to the LWS. Overall, the scheme will result in +1.39% habitat units and +100% hedgerow units. In addition a total of 600m<sup>2</sup> of biodiverse green roofs (including biosolar roofs) are proposed.

6.8. All mitigation, compensation and enhancement measures should be detailed within an Ecological Design Strategy.

6.9. **Southern Water:** No objection

The supporting documents make reference to drainage using Sustainable Drainage Systems. Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Drainage details should be submitted to the Local Planning Authority.

- 6.10. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Internal:

- 6.11. **Arboriculture: No objection subject to condition**  
The trees within the northern part of the development are small overgrown ornamental shrubs/trees. Due to the species composition and low amenity value, whilst their loss is regrettable there is no objection to their removal.
- 6.12. Elm trees are proposed for felling, these must be removed from site and any retained stumps debarked to ground level.
- 6.13. **Environmental Health No objection subject to condition**  
The assessment references applicable policies, standards, and internationally accepted guideline noise values. It uses correct methodology, appropriate predictive noise modelling, and good acoustic practise in order to gather a sufficient amount of noise data at appropriate locations. These noise levels, including worst case scenarios, are fully examined and considered in the assessment.
- 6.14. There should be no detrimental impact upon the existing nearby noise sensitive receptors, and also end users of the development.
- 6.15. **Sustainable transport No objection subject to condition**  
The access road is considered acceptable in principle for this size and type of development. A new crossover is proposed on the public highway for the access road to the six dwellings. This, in principle, appears to be acceptable.
- 6.16. The applicant is proposing cycle parking within each of the integral garages that are larger than standard and have side access from the hallway of each dwelling. The cycle parking spaces appear to be convenient to access and therefore acceptable.
- 6.17. The City Council's parking Standards SPD14 state that the maximum car parking standard for dwellings with 3 plus bedrooms (within the Outer Area) is 1 space per dwelling plus 1 space per 2 dwellings for visitors. Therefore, a maximum of 9 spaces may be proposed. The applicant is proposing one space in each garage and 2 visitor parking spaces on the access drive. This is slightly below the maximum standard but considered acceptable.
- 6.18. It is not deemed that the increase in trips associated with six dwellings or additional cumulative impact from these could be deemed to amount to a severe impact on the surrounding highway network in this instance.

## 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 Joint Area Action Plan (adopted October 2019).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2

DM1	Housing Quality Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

#### 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

#### Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

## 9.      **CONSIDERATIONS & ASSESSMENT**

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

### **Principle of development**

- 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.      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 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4.      The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.5.      As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6.      The main part of the site falls within the Urban Fringe, being sandwiched between the defined built up area to the east and west, and by the National Park approximately 150m to the south.
- 9.7.      The application site falls within Site 43 of the Urban Fringe Assessment (UFA) in the City Plan, which allows for some development in principle, subject to constraints. Site 43 forms the entire band of urban fringe between Wanderdown Close to the north, the built-up area boundaries to the east and west, and the National Park to the south.

- 9.8. In order to assess the likely impact and acceptable extent of development within Urban Fringe sites, the UFA assessed all sites against five constraints: Ecology, Heritage, Open Space, Landscape and Flooding. The key constraints of site 43 are identified by the UFA as Heritage, Landscape and Flooding.
- 9.9. In granting previous permissions for residential development on part of this site it has been concluded that given the presence of other small back-land developments within Site 43, development within the application site was unlikely to give rise to impacts on heritage, landscaping or flood risk nor detrimentally harm the wider downland landscape. These are discussed within this report.
- 9.10. Application BH2020/02835 which proposed the erection of 4no residential properties on the main part of the site was considered and subsequently approved in March 2021. The approval of this application establishes that residential development on this site is acceptable in principle. This permission remains extant and hold significant weight. The additional 2 dwellings now sought are also within this wider Urban Fringe allocation and likewise would not compromise heritage, landscape or present a flood risk.
- 9.11. Therefore, the proposed residential development of this part of the urban fringe with six dwellings is considered acceptable in principle, in broad compliance with policy SA4 of the Brighton & Hove City Plan Part One and the NPPF. The proposal contributes new dwellings to the city's supply, and is thus given weight, and is welcomed in principle.

### **Ecology**

- 9.12. 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.
- 9.13. Policy DM37 of the City Plan Part Two states that all development should seek to conserve and enhance biodiversity and geodiversity features ensuring a net gain in biodiversity is achieved; that recognised priority species and habitats are protected and supported; that appropriate and long-term management of new or existing habitats is secured.
- 9.14. The UFA highlights ecology as a potential constraint of the site. The application site itself is within a Nature Improvement Area (Policy CP10), and Ovingdean Copse Local Wildlife Site (LWS) is adjacent to the rear boundary. As already noted, the current application includes plots A-D which have already previously been approved, and development of that part of the site was deemed acceptable from an ecological perspective. These previous approvals on site carry significant weight as a material consideration. The additional 2 plots at E-F do not contain any further ecological sensitivity, and ecological mitigation and enhancement of these plots will follow the general approach for the site already agreed for the earlier adjacent plots. Since the original permission, City Plan Part 2 and Policy DM37 have been formally adopted, and this requires measurable Biodiversity Net Gain (BNG). As such, further ecological enhancements are also sought as part of the overall scheme.



- 9.15. The applicant's team have worked closely with the County Council's Ecologist in order to ensure sufficient mitigation and enhancement have been incorporated into the proposals in respect of biodiversity. Ecological information relating to the application includes a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment.
- 9.16. Ovingdean Copse LWS comprises a strip of semi-natural broadleaved woodland. The recommendation in the PEA to protect and buffer the LWS from any direct or indirect impacts from development is supported. An Ecological Design Strategy is secured by condition which will address the protection of the adjacent wildlife site and further enhancement of the site for biodiversity including those recommendations set out in the preliminary Ecological Appraisal report submitted as part of this application.
- 9.17. The majority of the off-site enhancement area incl BNG measures will fall within Ovingdean Copse LWS, which is controlled by the applicant, and will include replacement planting with native species, dense planting in open sections and native hedgerow planting.
- 9.18. Conditions sought include submission of a Landscape and Ecological Management Plan to ensure the long-term management of the woodland; a Construction Environment Management Plan (CEMP) which will set out the protective measures required for retaining habitats and protected species; measures such as bee and swift bricks, and ensuring that a sensitive lighting scheme is proposed.
- 9.19. This is in keeping with the consented scheme BH2020/02835 and approved condition 5 Ecological Design Strategy (BH2021/04254).
- 9.20. Overall, the scheme will result in +1.39% habitat units and +100% hedgerow units. This includes improvement to the off-site enhancement area that will safeguard Ovingdean Copse LWS.
- 9.21. Given the above, the proposal is considered to accord with policies CP10, SA4 and DM37.

### **Trees/Landscaping**

- 9.22. The UFA identifies landscape as a potential sensitivity of the site. The proposed plot comprises a large garden area with a steep woodland slope leading down to the eastern boundary. The woodland to the rear of the site is partially covered by a Tree Preservation Order (TPO) which includes the entirety of Eley and Elvin Crescent.
- 9.23. The previous application (BH2020/02835) accepted the loss of 15 trees within the site, subject to a condition requiring substantial mitigation planting to offset this loss, at a minimum 1:1 ratio.
- 9.24. Trees are to be retained fronting Longhill Road and a detailed method statement was submitted under an approval of details application following this earlier

approval. This ensured that suitable ground protection measures were installed prior to the commencement of the approved 4 units.

- 9.25. The additional 2 dwellings will also result in the loss of a number of additional trees as indicated on the tree protection plan (7 in total). These trees lie on flat ground which previously formed garden space. These trees comprise small overgrown ornamental shrubs and trees. The Arboricultural Officer considered that due to the species composition and low amenity value, whilst the loss of trees/hedging is regrettable it is not objected to. The arboricultural report does include the removal of an elm (T10), which is identified as having Dutch Elm Disease. An Informative is recommended to advise that this tree must be removed from site and that any retained stumps debarked to ground level, to prevent further disease.
- 9.26. The TPO trees to the rear will not be affected by the proposal and are protected by a tree protection barrier as secured under application BH2022/01347 in connection with the 4 approved dwellings, and this will be retained by condition for the larger site. In addition, a further condition is recommended requiring submission of a landscaping scheme for the site. The proposed dwellings would be of appropriate scale and height and would sit comfortably within the wider landscape, as detailed in the section below.
- 9.27. The proposal would thus accord with policies SA4 and DM22.

#### **Design and appearance**

- 9.28. City Plan Part 1 Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction. Policy CP14 allows for infill development within the city when a high standard of design is achieved, and the resulting development would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 9.29. The proposed dwellings are considered to form a suitable addition to the site. The six dwellings would be single storey in height when viewed from the rear of the adjacent dwellings on Longhill Road, with a lower floor level facing towards the woodland to the rear/east.
- 9.30. The dwellings would be set on a relatively flat area of land some 11m from the rear boundaries of 22-36 Longhill Road. Consequently, the dwellings would sit comfortably within the plot and be in keeping with the spacious setting of the other principal and back land dwellings that characterise the area. The proposal would have no impact on the setting of heritage assets, such as Ovingdean Conservation Area, given the distance away and the context of the site. It is acknowledged that plots E and F would have less separation distance between them however, this relationship would not be visible from within the streetscene on Longhill Road. The plan form of plots E and F vary to those already approved on the site with a reversed L shape plan form proposed.

- 9.31. There is a restricted covenant over part of plot F. This covenant precludes building on the sliver of land highlighted on the drawings but does not preclude it being part of a garden to the proposed new dwelling on this plot. The plan form of this unit has therefore been designed in response to this covenant.
- 9.32. The appearance of the proposed dwellings is considered suitable in the context of the wider area as considered by earlier applications. Properties along Longhill Road are not uniform in character. Further, the single storey nature of the dwellings when viewed from Longhill Road ensures they remain subservient to the dwellings that front Longhill Road.
- 9.33. The contemporary finish and design of the dwellings was considered acceptable under the previous approvals. The proposed material finish of the dwellings is shown on the elevation plans and consists of brick and larch cladding.
- 9.34. The external finish and overall design of plots E and F matches the approved units (A-D) to ensure a cohesive appearance across the development as a whole.
- 9.35. As per earlier approvals 'Permitted development' rights are to be removed by condition to ensure no additional impact is caused to the visual amenities of Longhill Road and to protect the external amenity spaces and wildlife site to the rear.
- 9.36. Taking into account the earlier approvals and extant permission, the number of units proposed, layout, form and finish of the proposed dwellings is considered appropriate within its context, in accordance with policies CP12, CP14 and SA4 of the Brighton & Hove City Plan Part One and Policy DM18 of the City Plan Part two.

**Standard of accommodation and mix**

- 9.37. In line with policy DM1 of the Brighton and Hove City Plan Part 2, the council seeks the delivery of high-quality homes. All new dwellings are expected to comply with National described space standards (NDSS). Policies CP12 and DM1 seek a varied mix of size of units within schemes.
- 9.38. Each unit proposed is laid over two floors of accommodation and comprise 4 bedrooms. The overall footprint of each property would provide ample space for a variety of communal uses, which would allow a high standard of accommodation in terms of total floor area, usable circulation space and outlook. The proposal complies with the NDSS.
- 9.39. The proposed development would provide private external amenity space appropriate to the scale of the proposal to the rear of each property by way of large rear garden and patio areas, backing onto woodland.
- 9.40. Whilst all the dwellings would be the same size (4-bed), on balance this is considered acceptable given that this is a small scheme and this area is characterised by family sized dwellings.

- 9.41. Overall, it is considered that the proposed dwellings would provide a high standard of accommodation for future occupiers and would therefore accord with the aims of policy DM20 of the Brighton and Hove Local Plan and DM1 of City Plan Part 2.

**Affordable housing**

- 9.42. In line with Policy CP20 of the Brighton and Hove City Plan Part One, the Council will require the provision of affordable housing. On sites of between 5 and 9 (net) dwellings a financial contribution equivalent to 20% affordable housing will be secured.
- 9.43. For this development the contribution required is £291,100. Within the application documents the agent has confirmed agreement to this amount. As such the application will be subject to a Section 106 agreement in relation to affordable housing contributions.

**Impact on Amenity**

- 9.44. Policy DM20 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.45. The objections regarding amenity raised by neighbours is noted. No concerns were raised in response to the extant permission (BH2020/02835) regarding to the impact of back-land development upon the amenities of neighbouring properties. As such with regards to plots A-D, no different consideration is had to that previously taken. No changes are proposed to these dwellings which would impact on the amenities of neighbouring properties.
- 9.46. The properties would be stepped into the sloping land and would therefore appear as single storey above ground level from the properties that front Longhill Road (No's 22 -36). Given the separation distance to the rear boundary of these neighbouring properties, and the distance between the dwellings, no significant loss of light, outlook or privacy would result from the creation of plots E and F.
- 9.47. Plot F would lay adjacent to rear garden areas of neighbouring properties. However, owing to site topography the dwellings would appear as single storey, resulting in an acceptable level of massing. Only a single floor ground floor window is proposed providing views across the north-west. This window would however serve a landing area and not a habitable room. Existing shared boundary treatments will further reduce views of the new dwellings.
- 9.48. Owing to the increased use of the access road between 28-30 Longhill Road and 26 Longhill Road as a result of an increase in the number of units, the application is supported by a Noise Impact assessment.
- 9.49. The submitted Noise Impact Assessment considered whether any additional harm would result to neighbouring properties from increased use of the proposed access road from 4 to 6 residential dwellings. The submitted report assessed the development on the basis of a worst-case scenario. The report

confirms that no significant harm would result to neighbouring properties in light of the access, turning and parking facilities proposed. The findings of the report are not disputed by the council's Environmental Health officer, who raise no objection to the proposal.

- 9.50. It is acknowledged that in order to set the main form of the property away from existing neighbours, the main bulk of plot F is set close to the boundary with plot E. It is acknowledged that this dwelling will result in a more enclosed feel towards plot E however given that the dwellings are to come forward as part of the same scheme this is not considered to cause significant harm. Further whilst some overshadowing will occur to the courtyard space of plot E, this is not the only external amenity space and the occupiers will still have access to a rear garden area to the east.
- 9.51. The proposed redevelopment of the site is not considered to result in harmful amenity impact to neighbouring properties subject to the conditions set out above. As such the development is in accordance with Policy DM20 of the Brighton and Hove City Plan Part 2.

#### **Sustainable transport and highways**

- 9.52. Local residents concerns regarding highways are noted, however, the proposed vehicle access has already been approved under earlier schemes. This access includes a delineated 1.2m pedestrian route along this access route for safety.
- 9.53. It is not deemed that the increase in trips associated with six dwellings or additional cumulative impact from these could be deemed to amount to a severe impact on the surrounding highway network in this instance.
- 9.54. The application proposes cycle parking within each of the integral garages that are larger than standard and have side access from the hallway of each dwelling. The cycle parking spaces appear to be convenient to access and therefore acceptable and the implementation condition is requested to be attached.
- 9.55. The application proposes one car parking space in each garage and 2 visitor parking spaces on the access drive. This is considered acceptable.
- 9.56. The Transport Team raise no objection to the proposal, subject to condition. The proposal would accord with policies CP9, DM33 and DM39.

#### **Sustainability**

- 9.57. 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, and it is considered that the proposal accords with this policy.
- 9.58. It is acknowledged that the extant approval for the 4 dwellings (plots A-D) was conditioned to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. Given that these units are partially constructed this is reapplied for plots A-D. However, in respect of plots E and F, policy CP8 has been superseded by updated building regulations in 2022 which now states new dwellings should provide a 31% reduction against part L. As

such relevant conditions are sought to secure these measures. An EPC rating of 'B' is also now sought for Plots E and F.

- 9.59. Solar panels are now proposed to the most eastern flat roof of each residential unit and these will be secured by condition, as per policy DM44. This represents an improvement over the earlier scheme. Water efficiency conditions are recommended. Sustainable drainage systems will be conditioned and can ensure any flood risk is satisfactorily addressed.

#### **Community Infrastructure Levy**

- 9.60. 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. The CIL liability figure will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

### **10. EQUALITIES**

- 10.1. Policy DM1 requires all new dwellings to be accessible, adaptable and inclusive. From the plans submitted it would appear that the dwellings would be capable of complying with Building Regulation M4(2) in this regard, and this is to be conditioned.

### **11. S106 AGREEMENT**

- 11.1. In the event that the draft S106 agreement has not been signed by all parties by 27th September 2023, the application shall be refused for the following reason:
1. The proposed development fails to provide affordable housing by way of a commuted sum as required by policies CP7 and CP20 of the Brighton and Hove City Plan Part 1.