

<b>No:</b>	<b>BH2016/06478</b>	<b>Ward:</b>	<b>WITHDEAN</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>1-6 Lions Gardens and The Coach House Withdean Avenue Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.</b>		
<b>Officer:</b>	Jonathan Puplett Tel 292525	<b>Valid Date:</b>	05/01/2017
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	06/04/2017
<b>Listed Building Grade:</b>	N/A		
<b>Agent:</b>	LCE Architects, 164-165 Western Road Brighton		
<b>Applicant:</b>	Brighton Lions Housing Society, Mr William Catchpole Lions Gate 95 Rowan Avenue Hove		

## 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 the receipt of no representations raising additional material considerations within the re-consultation period, a s106 agreement and the Conditions and Informatives as set out below:

### S106 Heads of Terms

- 100% affordable housing (26 affordable rent one-bedroom units),
- A contribution of £5,700 towards the Council's Local Employment Scheme,
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of £11,700 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A scheme of Travel Plan measures which should include:
  - Travel Information Pack for all residents including details of walking, cycling and public transport routes and timetables;
  - Two years' car club membership for each first household.
- A contribution of £46,937 towards open space and indoor sport provision.

### Conditions:

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

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

Plan Type	Reference	Version	Date Received
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SITE LOCATION PLAN	1000	A	09/06/2017
PROPOSED BLOCK PLAN	1001	A	09/06/2017
PROPOSED GROUND FLOOR PLAN	200	A	09/06/2017
PROPOSED FIRST FLOOR PLAN	201	A	09/06/2017
PROPOSED SECOND FLOOR PLAN	202	A	09/06/2017
PROPOSED ROOF PLAN	203	A	09/06/2017
PROPOSED ELEVATIONS	220	A	09/06/2017
PROPOSED ELEVATIONS	221	A	09/06/2017
PROPOSED OUTBUILDINGS	225	A	09/06/2017
PROPOSED SECTIONS	230	A	09/06/2017

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. Other than the balcony areas hereby approved, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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:

- a) Samples of all external wall and roof finishes (brick and tile);
- b) Full details of all hard surfacing materials;
- c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);

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

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

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;
- b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
- c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees.

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

6. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

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

7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any 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, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. 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 & CP11 of the Brighton & Hove City Plan Part One.

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings 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 HO13 of the Brighton & Hove Local Plan.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and 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 full details of the proposed solar photovoltaic array to the roof of the building have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details and the solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the details shown on the approved drawings, no dwelling shall be occupied until a revised site layout showing a revised pedestrian access and demarcated route within the car park, and a revised layout for disabled parking bays has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the revised approved scheme. The vehicle parking area shown on the revised

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

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

14. The development hereby permitted shall not be commenced until details of electric vehicle charging points within the car parking area hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
15. The development hereby permitted shall not be occupied until full details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.
17. 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 SU5 of the Brighton & Hove Local Plan.
18. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable

drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.

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

19. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:
- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
  - ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

20. No development shall commence until details of the arboricultural consultant to be employed during construction works, in accordance with the arboricultural method statement submitted with the application, have been submitted to, and approved in writing by, the Local Planning Authority,. Such details shall include the name, employer, contact details and monitoring programme for the consultant. The development shall be implemented in accordance with the approved details. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.

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

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 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. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. Sewer records show a public sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. An investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**2. SITE LOCATION & DESCRIPTION**

- 2.1 The application site is 2225m<sup>2</sup> and is currently occupied by 6 bungalows arranged in two rows of joined units and a separate two storey house 'The Coach House'. The bungalows are social rented units of accommodation, the house is market housing.
- 2.2 There is one vehicular access to the site, from Withdean Avenue. The Coach House is set in its own, enclosed garden occupying about a third of the application site. The bungalows are arranged in an 'L' shape- one arm lying east-west and a little off the northern boundary with the other arm running north-south and lying close to the eastern boundary. Between the two arms of the 'L' is a lawn with some soft planting. The vehicular access gives on to a small area of hardstanding.
- 2.3 The existing bungalows date from the 1970s and are all one- bedroom units. Each existing unit is approximately 95m<sup>2</sup>. The bungalows are of a conventional appearance with dual pitched roofs and with elevations in light buff brick and grey concrete roof tiles. The Coach House has 4 bedrooms and is in a neo-vernacular

style with red brick and red tile-hanging. The site is enclosed by close-boarded fencing to the west and south and a brick wall to the north and east.

- 2.4 The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. Some of these premises have vehicular access to Withdean Avenue, some do not. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side.
- 2.5 Immediately to the west and facing the whole of the west boundary is the site of a recent three storey residential building, comprising 8 flats- Ruston Heights. The building itself is approximately 4.5m off the boundary with Lions Gardens and runs for about half its length.
- 2.6 The northern boundary is to Hazeldene Meads- specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.

### 3. RELEVANT HISTORY

**BH2016/00803:** Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.

This application was recommended for refusal and an officer's report was published as part of the agenda for the Planning Committee meeting of the 3<sup>rd</sup> of August 2016. The applicant withdrew this application prior to the meeting taking place.

Application **BH2016/00803** was recommended for refusal for the following reasons:

- 1) *The proposed development, by reason of excessive footprint, scale, height and materials would constitute an inappropriate form of development that fails to respect the prevailing character of the surrounding area. The proposed development would therefore constitute an incongruous form of development that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.*
- 2) *The proposed building would, by virtue of its relationship with the boundary with 8 and 10 Hazeldene Meads to the north, give rise to a loss of amenity to the occupiers of those premises by means of:*
  - a) *The creation of an oppressive outlook, unable to be screened by planting due to the narrowness of the gap between the proposed building and boundary.*
  - b) *The creation of large second floor windows directly facing the gardens of 8 & 10 Hazeldene Meads giving rise to overlooking and the perception of overlooking, severely reducing the ability to enjoy the use of each garden.*

- c) *Giving rise to a loss of sunlight detrimental to the ability of the occupiers of 8 and 10 Hazeldene Meads to enjoy the use of each garden.*

*The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.*

- 3) *The proposed building would, by virtue of its relationship with Ruston Heights to the west give rise to the creation of an oppressive outlook for residential occupiers of that building, unable to be screened by planting due to the location of a mobility scooter and cycle storage facility in the intervening space. The proposal does not, therefore, comply with the requirements of policy QD27 of the Brighton & Hove Local Plan and policy CP14 of the Brighton and Hove City Plan Part One.*
- 4) *No planting details or analysis of the impact of the proposed building on trees in immediately surrounding premises has been submitted, in the absence of which the applicant is unable to demonstrate that adequate mitigation of impacts of the proposal on the appearance of the streetscene, residential amenities of neighbouring properties and nature conservation interests will be undertaken. The proposal does not, therefore comply with policy QD15 of the Brighton & Hove Local Plan.*

#### **4. THE APPLICATION**

- 4.1 The application has been submitted following the withdrawal of previous application **BH2016/00803**. Discussions between the applicant and officers took place at this time. The current scheme was not submitted for formal pre-application advice and was not presented to members at pre-application stage.
- 4.2 During the course of the application, amended drawings have been submitted in response to concerns raised by officers. These concerns related to the overall design of the buildings and their forms, and impacts upon neighbours to the north and east of the site (Hazeldene Meads and Withdean Road). The amendments submitted removed roof dormers proposed to the north and west facing roofslopes, reduced the first floor windows proposed to the north and east elevations, and reduced the north and east facing roof forms from flat roofs to pitched roof forms. Alterations to the detailed design and finished of the building have also been proposed such as the patterned brick area and the introduction of further green wall features.
- 4.3 Planning permission is sought for the demolition of the existing site buildings and the erection of a part two, part three storey residential building comprising 26 flats with associated landscaping, 14 parking spaces (including two disabled bays) and cycle and mobility scooter store. All the units would be 1 bedroom and all would be 'affordable rental'. There would not be any communal facilities except two small 'service' rooms. The applicants have advised that the criteria for consideration for a tenancy is:
- (i) Over 55 years of age.
  - (ii) Must have lived in Brighton & Hove for at least 5 years.
  - (iii) Must have less than £16,000 in savings or assets.

The rent for each property would be set at a maximum of 80% market rate.

- 4.4 The applicant, the Brighton Lions Housing Society is a Registered Provider (governed by the Homes & Communities Agency) - it is affiliated with Lions International- a members club of volunteers involved in carrying out a wide range of charitable causes world-wide. The charity has run a housing programme in the city since 1961 and advises that it currently has 111 flats and 6 bungalows in the city.
- 4.5 The floor plan of the proposed building is T shaped with smaller projections from the northern and eastern sides of the building. The building is two storeys with roof level accommodation proposed served by gable windows and roof dormers. The building has a tiled pitched roof form other than a small flat roofed link building. The walls would be finished in brick with patterned sections, windows and doors are grey framed. Dormers would be finished in standing seam zinc. A car park area and soft landscape areas are proposed.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

#### **Neighbours:**

**Thirty-six (36)** letters of representation have been received objecting to the application for the following reasons:

- The level of parking provision is insufficient to cater for occupants, visitors and carers, the development will result in overspill parking.
- The building would cause overlooking and loss of privacy,
- The building would cause overshadowing and loss of light to neighbouring residential premises including gardens,
- Noise and disturbance from increased traffic movements
- The appearance is out of character
- It would give rise to pedestrian safety issues and highway safety issues on Withdean Avenue given the current level of on-street parking.
- The proposal is out of scale / out of character with its surroundings
- The development is too close to the boundary with Hazeldene Meads and Ruston Heights
- Would be liable to harm trees in adjoining premises and therefore reduce screening of the proposed building.
- The proposed building is too large; it would harm the outlook from neighbouring properties / be overbearing.
- The proposal is an overdevelopment of the site.
- The proposed fencing and planting would not adequately screen the proposed building.
- The proposed additional access for mobility vehicles would be dangerous.
- Trees within the site along the western boundary were removed in 2016 prior to planning applications being submitted. These trees could have provided some screening between the proposed building and Ruston Heights.
- The submitted visualisation drawing showing a view from Hazeldene Meads is not accurate.

- The nearest GP surgery is very busy and is not currently accepting new patients.
- There is a historic boundary wall along the western side of the site and the proposed development may damage this wall or require its demolition; this is not acknowledged in the application submission.
- There are TPOed trees in the gardens of neighbouring properties which could be impacted by the development.

5.2 **One (1)** letter of representation has been received supporting the application

5.3 **Councillor Nick Taylor:** Objects to the application.

5.4 **Councillor Ann Norman and Ken Norman** jointly object to the application.

5.5 Copies of the letters are attached at the end of the report.

5.6 **Following the submission of amended drawings, neighbouring occupiers have been re-consulted. In response to this consultation;**

5.7 **Five (5) further letters of representation have been received objecting to the application for the following reasons:**

- The objections previously raised still stand.
- 26 flats is too many for the site; a smaller development of 10-12 flats would be more appropriate.
- The proposed development would harm the outlook from neighbouring properties.
- The proposed development would result in additional traffic; Withdean Avenue is already a busy cut through road which is narrow and there are already issues with parking. There is still inadequate parking both on site and in the adjoin roads.
- The appearance of the development is unattractive and will result in considerable loss of light and privacy on the adjoining Ruston Heights.
- The scale of the proposed building is inappropriate.
- The development would result in additional noise disturbance.
- The proposed front windows will result in additional overlooking neighbouring properties.
- The bin store should be located closer to the entrance as it is placed below the windows of the east side of Ruston Heights where there could be noise from depositing recycling and possible smells could drifting out, and that could free up two more parking spaces.
- The proposed flats will be small and cramped.
- The proposed building would be dominant when viewed from neighbouring properties.
- The proposed development will be challenging for emergency services to access.
- Approval of the proposed development would set an unwelcome precedent for the redevelopment of other plots in the area which could involve the loss of mature trees.

5.8 **Sussex Police:** Comment

Summary of comments in respect of previous application **BH2016/00803**:

The scheme would allow good levels of observation across the development and boundary treatments delineating public and private space; note access control for the two main entrances. Suggest further security measures inc. video door entry, controlled gated entrance and enclosure of cycle/mobility scooter parking.

5.9 Comments on current application:

I have commented upon a previously withdrawn development for 28 dwellings at the above location within my comments of PE/B&H/16/038/A of 06th June 2016. These comments remain extant, however I would like to add the following.

5.10 I was pleased to note that the applicant or their agent has addressed my concerns about the open fronted cycle store and created a covered store with doors to the front. May I further ask that this facility is subdivided to create individual stores, as at present access is available to all internal areas from any of the front entry doors.

5.11 In order to provide the residents with private space to the rear of the building, I recommend that low bow topped railings complete with gates, are installed. This would clearly demarcate the private and semi-private space to visitors and assist in removing unauthorised access to vulnerable ground floor windows.

5.12 I recommend that lighting is installed around the communal entrances, parking and public areas and is to conform to the recommendations within BS 5489:2013.

5.13 **East Sussex Fire & Rescue Service: Comment**

Comment on previous application **BH2016/00803**: Ensure that access, in accordance with the Building Regulations be provided such that a pump appliance may be within 45m of each flat.

5.14 **Brighton & Hove Archaeological Society: Comment**

Local Roman and Palaeolithic finds and recommend county archaeologist advice sought.

5.15 **ESCC County Archaeologist: Comment**

Comments on previous scheme **BH2016/00803**: Advise that the site has archaeological potential and thus that any permission should be subject to a requirement for a programme of archaeological works to be undertaken.

5.16 **Southern Water: Comment**

Sewer records show a public sewer within the site (map provided). The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

5.17 Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer

- 5.18 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.19 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- 5.20 Specify the responsibilities of each party for the implementation of the SUDS scheme  
Specify a timetable for implementation  
Provide a management and maintenance plan for the lifetime of the development.  
This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.21 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- 5.22 **County Ecologist: Comment**  
Comment on previous application **BH2016/00803**: It is considered that the proposal is unlikely to impact on sites designated for nature conservation purposes and absence of records of notable or protected species on the site. Consider that opportunities for enhancement for nature conservation can be pursued through a landscaping scheme. Advise that works involving demolition or tree/scrub removal be carried out outside of the breeding season.
- 5.23 **Internal:**
- 5.24 **Arboriculture: Comment**  
The Proposal will require demolition, excavation and construction work within the root protection zones of a number of trees. Limited information or assessment of the likely impact of these works has been submitted with this application. Nevertheless the scheme appears to be technically possible and provided consent is granted subject to a number of conditions the Arboricultural Team have no objection to these proposals.
- 5.25 Recommend approval subject to conditions to secure an Arboricultural method statement and supervision of works.
- 5.26 **CityClean: Comment**

Comment on previous application BH2016/00803: The applicant should provide for 6 x 100 bins, the collection vehicles would be able to access the site.

**5.27 Sustainability: Comment**

As a major residential development, this scheme is expected under Policy CP8 Sustainable Buildings to achieve a minimum of 19% reduction in carbon emissions against a Part L 2013 compliant dwelling, and a water efficiency standard of 110lites/person/day. The application commits to achieving both of these standards and therefore in principle complies with the overarching building standards expected.

5.28 The application includes an Energy Statement and a complete Online Sustainability Checklist. Detail provided in these documents shows other aspects of sustainability policy have been reasonably well addressed.

5.29 Positive aspects of the approach to energy performance is primarily delivered through a fabric-first approach to design and the provision of renewable energy, proposals for a solar photovoltaic array of 11kWp (77sqm); natural, efficient building fabric and insulation standards; good levels of air tightness; efficient building services including community heating system using a gas based system; low-energy lighting.; and provision of 1 electric vehicle charging point.

5.30 The development is not in an area where opportunities for heat networks have been identified; therefore whilst the scheme includes a site-wide heating system, plans need not be expected to provide capacity for future connection to a heat network.

5.31 It is welcomed that the scheme includes some proposals for food growing. The Sustainability Checklist entries indicate this will include; a community food growing area of 60sqm; 9sqm of raised beds (shown on Landscape Masterplan; fruiting shrubs; soil prepared to BS Top Soil Standard; composting provision; and a gardener will oversee facilities. On closer inspection, there is little detail about food growing, and opportunities to include productive planting has not been followed through. The 'fruiting shrubs referred to, consist of proposals for just one blackcurrant bush. More edible planting could have been incorporated into tree, shrub and herb planting.

5.32 The scheme could be improved through greater use of sustainable materials in particular timber procured from certified sustainable sources.

5.33 The photovoltaic panels referred to in the Energy statement and the Sustainability Checklist do not appear to be shown on the roof plan or the south facing plans. It is therefore recommended that the applicant be asked to submit amended drawings identifying where these panels will be indicated.

5.34 It is recommended that any condition to secure the landscaping plans include reference to the raised beds shown on the landscape Masterplan. Standards conditions:

- Energy efficiency (19% reduction in CO2) and water efficiency standards (110l/p/day)

**5.35 Planning Policy: Comment**

The Policy comments made in respect of application BH2016/00803 still stand (as set out below).

- 5.36 The site lies within the built up area within an Archaeological Notification Area. It lies adjacent a number of sites covered by Tree Preservation Orders (TPO's). The proposal will demolish the existing 7 dwellings and replace with 28 one bed flats. The applicant indicates all units will be affordable housing for more mature residents (over 55's indicated).
- 5.37 City Plan Policy CP14 Housing Density seeks new residential development to make full, efficient and sustainable use of land. It expects residential development to achieve a minimum net density of 50 dwellings per hectare (dph) provided it contributes positively to creating or maintaining sustainable neighbourhoods and that the criteria specified in the policy can be satisfactorily met.
- 5.38 City Plan Policy CP20 Affordable Housing seeks at least 40% onsite affordable housing provision for schemes over 14 net units which should be of mixed tenure and size. Subject to the proposed 'affordable' provision meeting the definition of affordable housing the proposed provision of 100% affordable is something that can be supported in principle.
- 5.39 Policy CP20 also seeks a mix in affordable housing tenure and unit size (the latter is also sought via policies SA6, CP14 and CP19). There does not appear to be a proposed mix in affordable tenure, all units appear to be for rent at a maximum of 80% market rate. Whilst it is acknowledged the applicant proposes to provide accommodation for more mature/over 55 residents no substantive evidence has been submitted to justify why a mix in unit sizes is not proposed. Many older people may have family and carers requiring overnight accommodation and couples may prefer separate rooms. The merits of this scheme, especially in regard to the lack of mix in size and affordable tenure, should be checked with Private Sector Housing.
- 5.40 Within a new build scheme it is expected all units would be designed to have access to useable private amenity space. In general, this means as a minimum the provision of a private terrace or balcony that offer sufficient space to readily access and accommodate a table to two chairs with turning space for a wheelchair. Whilst it is acknowledged the proposal seeks to provide communal outdoor and potential food growing space and laundry facilities the lack of private amenity space for all units should be justified for this new build developments to ensure it appropriate regard is given to policy HO5.
- 5.41 In addition to private amenity space policies CP16 and CP17 require all new residential development to provide public open space commensurate to the demand generated by the development in accordance with the local open space standards. Where this cannot be provided on-site then alternative and/or contributions towards off-site provision is required. Depending on the minimum age of proposed occupants part or all of a 'generated' demand for children's equipped play space may not apply. However unless it can be demonstrated a demand will not be generated the development should seek to provide all other open space requirements (eg allotment/food growing; parks and gardens, sport, amenity greenspace, natural/semi-natural space).

- 5.42 The applicant indicates all units will meet lifetime home standards. It is important provision appropriately complies with policy HO13. Regard to biodiversity, archaeology, surrounding TPO's, design, amenity and transport in accordance with the respective planning policies should also be taken into account and will be subject to comment from other consultees and on-site assessment.
- 5.43 **Sustainable Transport: Comment**  
**Comments on the applications as originally submitted:**
- 5.44 **Pedestrian Access**  
A dedicated pedestrian access will be provided meaning that pedestrians are not required to share the main access with vehicles as is the case at present. It is noted that this is not on the desire line for those travelling from Dyke Road Avenue and the associated bus stops meaning that residents may consequently choose to use the vehicle access. However, as vehicle speeds will be low, the number of vehicles entering and exiting the car park is not expected to greatly increase over existing levels and a dedicated pedestrian access is provided for those who choose to use it, the proposal is considered acceptable.
- 5.45 The design of the pedestrian route once it meets the car park is unclear and no demarcation is shown on the submitted plans. It is recommended that a pedestrian route along the perimeter of the building be marked in a contrasting material to the main parking and vehicle circulation area. Although it is noted that vehicles are likely to overrun this space when manoeuvring in the car park, this will help to ensure that a complete pedestrian route is provided and that the presence of pedestrians is clear. It is recommended that such details be obtained by means of a car park layout condition.
- 5.46 In addition, it is recommended that a condition be attached to secure the proposed works on the public highway to construct a link between the on-site pedestrian route with the existing footway on Withdean Avenue. The applicant should also be informed that they will need to apply for a highway works licence before undertaking these works through which all detailed design details will be agreed.
- 5.47 Pedestrian routes between the development site and local facilities would benefit from additional dropped kerb provision in places whilst nearby bus stops on Dyke Road/ Dyke Road Avenue are not equipped with accessible kerbs. In addition, pedestrian access to and from the northbound stop at Woodruff Avenue is not ideal for mobility impaired users given the lack of dedicated crossing or pedestrian refuge with dropped kerbs in close proximity; however, the stop at Hazledene Meads is served by a crossing. Although the latter is slightly further from Withdean Avenue, it is considered that this is within walking distance of the site and provides a reasonable alternative.
- 5.48 **Vehicle Access**  
The existing vehicular access is to be retained and as such no works are required on the public highway in this respect. However, as noted above, the Highway Authority would recommend that further details of the design, particularly in respect of a demarcated pedestrian route within the car park are obtained by condition.

- 5.49 The vehicle access is less than the 4.1m recommended by Manual for Streets for two vehicles to pass (c.3m). This may mean that it is necessary for vehicles to reverse out on to the carriageway or into the car park should vehicles enter and exit simultaneously. This situation would not be ideal; however, it is noted that the access is existing and the relatively small number of parking bays (ten- see comments below) means that the likelihood of vehicles passing is reduced. On this basis, no objection is raised in this instance.
- 5.50 There is a central area within the car park which is shown on the submitted plans as hatched. This would provide an area for vehicles to turn without needing to reverse on to the public highway should they enter the car park when it is full.
- 5.51 **Servicing**  
Day-to-day servicing to a development of this nature is likely to be by smaller delivery vehicles. It is considered that the turning area referred to above would be sufficient to accommodate the majority of such activities on site.  
The submitted Transport Statement notes that refuse collection will take place from the highway. Whilst this is not opposed in principle, the bin stores are located some distance from the site access. It is therefore recommended that the case officer consult with City Clean on the proposals.
- 5.52 **Car Parking**  
The applicant is proposing ten parking spaces, two of which are allocated to disabled users. SPD14 does not provide a category for dwellings for the elderly. It is understood that the applicant is applying for residential units and therefore the C3 category could be applied. In this location, the following maximum provision would be permitted:
- 1 space per unit = 26
  - 1 space per two units for visitors = 13
  - Total = 39
- 5.53 However, it should be highlighted that this is a maximum and lower levels are permissible. In addition, whilst the units will be able to be occupied by those aged from 55, who may be more likely to own and use cars, it is understood that the typical age of residents would be substantially older than this. Therefore, there needs to be a balance between ensuring that an appropriate level of provision is provided to meet demand without providing excessive levels of parking. By means of comparison, were the C2 Residential Institutions category to be applied when assessing the level of car parking provision, the maximum permitted would be:
- 1 space per 3 staff = 0 (Planning Statement indicates no staff employed)
  - 1 space per 8 residents = 4
- 5.54 SPG4, which was the adopted standard at the time of the pre-application comments and recently withdrawn application (BH2016/00803), provided a standard for 'dwellings for the elderly'. This would have allowed one space per two units or 13 spaces in this instance. Whilst this standard is no longer applied, it does illustrate that the level of provision proposed by the applicant achieves an appropriate balance

between the C3 and C2 categories and is considered reasonable when taking account of the nature of the proposed development.

- 5.55 The applicant does not appear to have forecast likely future car ownership; however, 2011 Census data indicate that 20% of households within the Withdean ward do not have access to a car, with average car ownership levels of 1.2 per household. Taking flats alone, 35% of households do not have a car whilst 51% have access to one car. 14% have two or more cars, comparing to a ward average of 32%. It is reasonable to expect that retirement properties alone would have car ownership further below the ward average for flats and it is considered that multiple car ownership is less likely. Nevertheless, assuming that 51% of future households at the proposed development have one car would equate to a parking demand of 13 vehicles, three more than the number of proposed car parking spaces.
- 5.56 The applicant has submitted on-street parking surveys which have been undertaken in accordance with the Lambeth Methodology, repeated on two weeknights (March 2016). This is considered acceptable and in accordance with that applied by the Highway Authority. The survey indicates that there is spare capacity on roads surrounding the site of between 54% and 58%, amounting to between 37 and 34 available spaces. However, this includes some restricted spaces or parts of a Controlled Parking Zone which will not be available to future residents of the development. Taking the unrestricted spaces alone, spare capacity is approximately 45-52% (14-16 spaces). It is noted that some inconsiderate parking has been observed on Withdean Avenue and that this would obstruct the footway for mobility impaired users. However, whilst this would be the most likely location for overspill parking to occur, it is not considered that this would in itself be a reason for refusal as anyone causing an obstruction to the footway would be committing an offence which would be enforceable. The northern footway serving the development site is however unaffected by such parking. In summary, the Highway Authority would conclude that there is capacity to accommodate the forecast overspill of three cars, even if the spare capacity may in practice be less than that indicated upon first inspection of the survey data.
- 5.57 In addition, the applicant has committed to a scheme of Travel Plan measures, including travel information and car club membership for all households which will help to provide and promote alternatives to car ownership.
- 5.58 It should also be acknowledged that the National Planning Policy Framework (NPPF) states that applications should only be refused on transport grounds where the impacts are deemed to be 'severe'. The Highway Authority would not consider this to be the case when the above calculations and proposed mitigation are taken into account.
- 5.59 Disabled Car Parking For residential uses, SPD14 requires one space per wheelchair accessible unit or three bays for residential institutions. The applicant is proposing two spaces; however, there would appear to be scope to provide a third space, for example by relocating parking south and providing an access zone to the south of bay 1. It is therefore recommended that further details be obtained through the car park layout condition.

- 5.60 The proposed layout is compliant with Traffic Advisory Leaflet 5/95 applied by the Highway Authority which requires a 1.2m access zone on both sides of the bay.
- 5.61 **Electric Vehicle Parking**  
For residential uses with ten or more parking spaces, SPD14 requires 10% of spaces to have electric vehicle charging points and a further 10% to have passive provision to allow the installation of further charging points as required in future. It is therefore recommended that further details be obtained by condition.
- 5.62 Cycle Parking SPD14 requires one cycle parking space per dwelling, equivalent to 26 for the proposed development, plus one per three dwellings (nine) for visitors. The proposals indicate that nine spaces will be provided alongside mobility scooter storage. Lower levels of cycle parking than the SPD14 minimum for C3 residential uses may be appropriate in this instance given the nature of the proposed development and therefore no objections are raised on this occasion to the proposed level of provision. However, the design is unclear and it is therefore recommended that further details be obtained by condition.
- 5.63 In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.
- 5.64 Trip Generation  
The replacement of the existing development of seven dwellings (six bungalows) with 26 residential units for the over 55s would be expected to lead to an increase in the number of person trips.
- 5.65 Using the standard contributions methodology outlined in the council's Developer Contributions Technical Guidance, the sustainable transport contribution required would be £11,700. This will be allocated towards:
- Bus stop accessibility improvements at the Woodruff Avenue or Hazeldene Meads bus stops on Dyke Road/ Dyke Road Avenue; and/or
  - Pedestrian route improvements between the site and local facilities including, but not limited to, Preston Park Railway Station and Matlock Road shops. This is in order to serve the needs of those accessing the site on foot and by public transport in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9.
- 5.66 In addition, it is recommended that a scheme of Travel Plan measures be secured in order to mitigate the impacts of the development, including additional on-street parking demand, and to promote sustainable travel in accordance with Brighton & Hove Local Plan policy TR4. This should include:
- Travel Information Pack for all residents including details of walking, cycling and public transport routes and timetables;
  - Two years' car club membership for each first household.

- 5.67 The Transport Statement confirms that the applicant is agreeable to the above measures and a draft Travel Information Pack has been submitted.
- 5.68 **Additional comments following the submission of an amended scheme submitted 9 June 2017:** Awaiting comments.
- 5.69 **Environmental Health: Comment**  
There is no contamination shown on our database associated with this site. Controls should be devised and agreed prior to commencement to ensure that noise and dust from demolition and construction is minimised and compliant with the Control of Pollution Act 1974; the applicant may wish to apply for a Section 61 permit to work prior. BS8233:2014 should also be used to ensure Best Practicable Means are adopted in relation to environmental controls. Please note that dust controls are also enforced by the Environmental Protection team using the Environmental protection Act 1990 sections 79 & 80.
- 5.70 **Private Sector Housing: Comment.**  
Comment on previous application BH2016/00803: Overall Housing support this scheme subject to the Nominations Agreement / Local lettings Plan being put in place through a S106 Agreement, and provision of wheelchair accessible units to the correct standard.
- 5.71 **Education: Comment**  
This is a development of 1 bedroom apartments for people aged over 55. Consequently it is unlikely that there will be any impact on the school age population as a result of this development.
- 5.72 **City Regeneration: Comment**  
City Regeneration supports this application as the development of 26 dwellings (actual gain of 19 dwellings following demolition) intended for independent living for mature residents, will contribute to addressing the city's challenging housing targets and needs. If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £5,700 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance. The developer should also commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory).
- 5.73 **Flood Risk Management Officer: Comment**  
Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition below: No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing. To ensure that the principles of sustainable drainage are incorporated into this proposal.
- 5.74 **Public Art: Comment**  
No contribution is sought in this case due to the scale of the development proposed.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP16 Open space
- CP17 Sports provision
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure

QD5 Design - street frontages  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO9 Residential conversions and the retention of smaller dwellings  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.

### **8.2 Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

### **8.3 Principle of Development**

The existing six bungalows are of a prosaic 1970s design and there is no architectural or historic building rationale to seek their retention. The Coach House is a pleasant 20<sup>th</sup> Century building but of no particular merit and there is no reason to seek to keep it in the context of a redevelopment scheme.

8.4 The surroundings to the application site are wholly residential and there are no planning policy reasons why the principle of residential redevelopment here should not be acceptable. The form of development in the vicinity is a typical range of suburban types including bungalows, detached, semi-detached and terraced housing. Whilst there are not a great number of flatted developments there are some, including the neighbouring development to the west, Ruston Heights, a three storey building comprising 8 flats approved in 2004. It is not considered that there would be a legitimate 'character' rationale to object to apartments on this site.

- 8.5 City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited brownfield 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 a list of other criteria. These in synopsis are: 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.
- 8.6 The development is 116 dph, clearly well above the 50 dph minimum sought and certainly above the prevailing densities of adjoining sites. The policy does not include a maximum quantitative density to be sought. The criteria set out under this policy are considered under the relevant sections in this report for amenity, standard of accommodation etc. The proposed dph is in itself is not unacceptable in its context, it is however of importance to consider the proposal with regard to criteria set out in Policy CP14.
- 8.7 Policy CP20 requires the provision of a minimum of 40% on-site affordable housing for developments of 15 or more units. In this case the applicant is a registered provider and would be offering all the units at an affordable rent- which is defined in the City Plan as being rent control requiring the rental level not to exceed 80% of market rent.
- 8.8 Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city, albeit a flatted development in a city centre / close to centre location would be expected to deliver a greater proportion of smaller units. In this case 26 one-bedroom flats are proposed which is not a profile of unit sizes which would usually be supported. The accommodation proposed however does meet a specified need as set out in the applicant's supporting documents.
- 8.9 The housing is targeted at 'early retirees' would may look to downsize but wish to retain the independence of self-contained accommodation and who do not require substantial support. A need for this type of accommodation is identified in the Council's Objectively Assessed Need for Housing Report (June 2015):
- 8.10 *'Within the different models and assumptions made regarding the future need for specialist retirement housing (normally defined as a form of congregate housing designed exclusively for older people which usually offers some form of communal space, community alarm service and access to support and care if required), there may for example be an option to substitute some of this specialist provision with a mix of one and two bedroomed housing aimed to attract 'early retired' older people which could be designated as age specific or not. Such housing could be part of the general mix of one and two bedroom homes but built to Lifetime Homes standards in order to attract retired older people looking to 'down size' but perhaps not wanting to live in specialist retirement housing.'*

- 8.11 There is therefore considered to be a need for one and two bedroom units of this type. This profile of unit mix contrasts with market housing needs where a priority for delivering two and three bedroom units has been identified.
- 8.12 Overall the proposal for one-bedroom units only is of concern as this does not reflect the housing needs of the city and in regard to a typical housing scheme would not be supported, and even in a retirement age targeted development a mix of one and two bedroom units would be sought. In this case however, substantial weight is given to the fact that the provider is proposing 100% affordable housing provision. Therefore, whilst a typical development, with at least 60% market housing would be expected to deliver a mix of housing unit sizes, in this case, as an overall assessment, giving weight to the 100% affordable provision proposed, a scheme of 26 one-bedroom flats is considered to be acceptable.
- 8.13 **Design & Appearance**  
The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.14 The character of Withdean Avenue is not so much defined by its buildings as by its rather arcadian appearance. The south side of the road is the ends of gardens (bar Missenden Lodge at the Dyke Road end) and the north side has a grass verge and mature street trees. The existing properties on the north side are all well set back from the road frontage and all have significant planting lining the back edge of pavement.
- 8.15 The proposed application building is set back a minimum of 14m from the road. Substantial planting is in situ to the southern end of the site which would screen / soften the appearance of the proposed building to some extent and a full landscaping scheme which would include new planting is recommended to be secured by planning condition. The front of the proposed building has a 2 / 3 storey appearance with a large section of glazing to the gable of the roof. The proposed main building is a T-shape with smaller additional projections to the north and east elevation. Proposed materials are brick faced walls with patterned brick areas, tiled roofs, standing seam zinc faced dormers, and grey framed windows and doors. The building is two storey in character with some roof level accommodation proposed in the gable-end roof forms served by dormers to south and west facing roof slopes.
- 8.16 The scheme previously proposed (under application BH2016/00803) was a bolder design with partially metal clad walls and a number of staggered mono-pitch roof forms. This scheme also had a substantial three storey element. It is considered that the current proposal would sit more in keeping with the prevailing character of the surrounding area due to the forms and materials proposed. The proposed building is of a greater scale than many of the dwellings in the surrounding area, it would however be set back substantially from the street frontage which helps a building of such scale sit comfortably in the Withdean Avenue street scene. The Rushton

Heights building to the west of the application site has a similar relationship with the street frontage.

8.17 Overall it considered that the proposed development would have a positive impact upon the Withdean Avenue street scene and would meet the design objective of local and national planning policy. In particular the requirements of policy CP14 in respect of development which is of a higher densities than those typically found in the locality, it is considered that the development would be of a high standard of design and would help to maintain a coherent townscape, and would respect the character of the neighbourhood and contribute positively to its sense of place

8.18 **Standard of Accommodation**

The proposed one-bedroom flats provide a kitchen / living room area, bedroom and bathroom. All are of adequate size and would provide usable living areas and circulation space. The flats would benefit from good quality outlook and natural light levels. It is noted that all of the flats meet or exceed the minimum size (50m<sup>2</sup>) set out in Government's 'Technical housing standards – nationally described space standard' document (March 2015). The flats have been designed to meet lifetime homes standards and whilst these standards are now obsolete, optional building regulation access standards are recommended to be secured by planning condition along with the provision of at least 5% wheelchair accessible units.

8.19 Retained Brighton & Hove Local Plan policy HO5 seeks that new residential developments provide private useable amenity space 'where appropriate to the scale and character of the development'. The ground floor units proposed have direct access to garden space; the precise layout of these spaces and whether they would be formally delineated would form part of a detailed landscaping scheme which it is recommended be secured by planning condition. A communal garden area is proposed to the southern end of the site which would be of benefit to all future occupiers. The first and second floor units proposed do not have private outdoor amenity space, in this case however features such as usable balcony areas and terraces could cause harm to the privacy of neighbouring occupiers and would not therefore be appropriate.

8.20 Refuse, cycle and scooter storage are proposed to be located in single storey structures accessed from the car park area of the development.

8.21 Overall it is considered that the proposed development would provide an acceptable standard of accommodation in compliance with Policy QD27 and the core planning principles of the NPPF.

8.22 **Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan 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.

- 8.23 It is noted that representations in relation to this application have been received from occupiers from each of the adjoining sides of the application site and it is appropriate to look at each.
- 8.24 Tivoli Crescent North is the road parallel to Withdean Avenue, whose gardens back on to that road- and to its south. The nearest habitable rooms in premises here are approximately 28m from the application site boundary to Withdean Avenue. The proposed building is 14m to the rear of this. Several of the upper floors of these two storey houses have views over the site and the view would be materially altered by the proposed building. However a view per se cannot be protected and the distances between houses here and the proposed building are such that whilst some additional overlooking would be caused; significant harm would not result.
- 8.25 To the east the application site is bounded by the ends of gardens of five Withdean Road properties. The gardens are comparatively long, the shortest building rear elevation to site boundary distance being 23m. Some of these properties benefit from tree screening to the rear of their gardens; others are more exposed such as no. 3 Withdean Road. The scheme as originally submitted under this application proposed a two storey flat roof structure projecting towards these properties, the end of the structure had two windows proposed. Roof dormers were also proposed facing towards these properties. The amended scheme now proposed reduces the flat roof to a pitched roof form, the windows to the end of the projection have been removed, the roof dormers have been removed, and the first floor windows to the main building have been reduced. Overall, whilst the proposed building will have a substantial visual impact and will result in some additional overlooking, it is considered that significant harm would not be caused to these neighbouring occupiers.
- 8.26 The application site is bounded to the west by the site of Ruston Heights a part three, part two storey apartment block comprising 8 flats. Its east elevation facing the application site is in a single plane and faces the site for a length of 31m. The building is mainly 3 storey, but with a two storey section at the north end. Ruston Heights is 5m from the mutual boundary. At its nearest point the proposed building is 3.2m from the boundary- this is the three storey part. There is a substantial amount of fenestration on the upper levels of Ruston Heights facing the application site, including large windows clearly serving habitable rooms.
- 8.27 The proposed development contains a substantial number of windows facing west and this will result in a reciprocation of the current relationship where windows of the Rushton Heights block face into the application site. Overall as the resultant situation would be mutual overlooking between the properties, and the flank of the main building proposed is set at a significant distance (16 metres) from the flank of Rushton Heights, it is considered that significant harm to privacy would not be caused. The first and second floor windows to the end of the side projection from the main building proposed are high levels windows which would not harm privacy.
- 8.28 The bulk of the main building proposed, at a 16 metre distance, would not have an overbearing impact upon residents of Rushton Heights. The side projection proposed is set closer at 8 metres distance, however given this distance and the size of the proposed structure (2 storey with a gable end roof) it is again considered that an overbearing impact would not result.

- 8.29 At the north end the site is adjoined by 8 and 10 Hazeldene Meads, two storey houses, whose gardens directly abut the site boundary. At its nearest the house at no.8 is 14m from the boundary and for no. 10 the distance is 21m. The main building proposed is 11m from the boundary of the site with the rear projection closer at 5 metres. The scheme as originally submitted under this application proposed a two storey flat roof structure projecting towards these properties, the end of the structure had four windows proposed. Roof dormers were also proposed facing towards these properties. The amended scheme now proposed reduces the flat roof to a pitched roof form, the windows to the end of the projection have been removed, the roof dormers have been removed, and the first floor windows to the main building have been reduced. Overall, whilst the proposed building will have a substantial visual impact and will result in some additional overlooking, it is considered that significant harm would not be caused to these neighbouring occupiers.
- 8.30 Overall, it is acknowledged that the proposed building due to its scale will have a substantial visual impact, some additional overlooking and overshadowing would result. The occupancy of the proposed development would result in an increased level of activity. It is however considered that the level of activity would not be beyond that reasonably expected in a residential setting, and as detailed above the direct impacts of the proposed building upon neighbouring occupiers have been fully assessed and it is considered that significant harm would not be caused.
- 8.31 **Trees, Landscaping & Ecology**  
There are no protected trees on the application site, but it does contain a number of ornamental trees, mainly in the grounds of the Coach House. It is proposed that some small specimens would be removed; this loss could however be mitigated through a landscaping scheme which is recommended be secured by condition. There are protected trees in neighbouring sites; the Arboriculturalist has however confirmed that these trees would not be harmed by the proposed development. The trees on site which are to be retained and the trees in neighbouring sites alongside the boundary can be protected during construction works and full details of protection measures are recommended to be secured by condition.
- 8.32 The overall landscaping approach is considered acceptable subject to a detailed scheme and all boundary treatments being secured by condition. The County Ecologist has not identified any particular conservation interest on this site but commends that nature conservation measures be incorporated into a landscaping scheme. This is considered acceptable as a condition in the event of an approval.
- 8.33 **Sustainable Transport**  
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.34 The site is in a well-connected location with the town centre and links to outside of the city in close proximity. Bus services to the city centre are available on Dyke Road.

- 8.35 In regard to parking demand, the proposed criteria for occupancy, in particular the age and means restrictions have some bearing on likely behaviour including car ownership. It is understood that although the threshold age for occupancy is over 55 that the average age of occupiers of their existing properties is considerably higher. It might be noted that whilst there are census figures for car ownership at a local level these are not broken down by age of owner.
- 8.36 The amended scheme submitted proposed 14 parking spaces 2 of which are disabled spaces. Cycle and scooter parking is also proposed. The Transport Officer's comments on the scheme as originally submitted under this application, which comprised 10 parking spaces 2 of which were disabled bays, were supportive. On-street parking surveys have been submitted by the applicant and whilst they are night-time surveys (as per standard methodology), and do not therefore take account of daytime demand, these surveys demonstrated some capacity in surrounding streets. Furthermore the projected overspill parking associated with the original scheme would be accommodated within the additional spaces now proposed. Projected car ownership is 13 vehicles and 14 spaces are now proposed.
- 8.37 The proposed development would result in additional trip generation and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. These are recommended to be secured by legal agreement as set out in section 10 below.
- 8.39 Full details of the proposed car parking layout, disabled bays, pedestrian access and route through the car park, and cycle storage are recommended to be secure by condition.
- 8.40 **Sustainability**  
In accordance with Policy CP8 the proposed residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. An installation of photovoltaic panels to the roof of the building is proposed; full details of this array its implementation are recommended to be secured by planning condition.

## **9. CONCLUSION**

- 9.1 The proposed development would deliver a net increase in housing units of 19 units. The six bungalows and large house currently in situ would be replaced by 26 one-bedroom flats. In general a proposal comprising one-bedroom flats only would not be acceptable as this does not provide a mix of units which reflects the needs of the city, as in developments which include market housing there is a priority to secure two and three bedroom units. In this case however significant weight is given to the fact that 100% affordable housing (affordable rent) is proposed, and also to the fact that the type of housing proposed, aimed at younger retirees, will meet an identified need in the city. Giving weight to these factors, the provision of one-bedroom units rather than a mix more reflective of the city's needs is considered to be acceptable in this case.
- 9.2 It is considered that the proposed building design will sit comfortably in the Withead Avenue street scene, and subject to matters such as full details of landscaping and

materials being secured by condition, an appropriate appearance would result in compliance with local plan policies.

- 9.3 The proposed cycle and parking provision are acceptable subject to full details being secured by condition. It is projected that significant overspill parking will not result given the amount of parking proposed on site.
- 9.4 The proposed building would result in some additional overshadowing and overlooking of neighbouring properties however significant harm would not be caused.
- 9.5 Other matters such as sustainability measures, tree protection measures and biodiversity enhancements are recommended to be secured by condition.
- 9.6 Overall it is considered that the scheme would deliver substantial benefits and significant harm would not be caused. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

## **10. EQUALITIES**

- 10.1 The scheme provides 100% affordable housing (affordable rent). Conditions are recommended to secure 10% of affordable units and 5% of units overall as wheelchair accessible, the remaining units to be constructed to optional Building Regulations access standards.

### **10.2 Developer Contributions**

- 10.3 Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £11,700 contribution to sustainable transport infrastructure to be allocated towards the following:

- Bus stop accessibility improvements at the Woodruff Avenue or Hazeldene Meads bus stops on Dyke Road/ Dyke Road Avenue; and/or
- Pedestrian route improvements between the site and local facilities including, but not limited to Preston Park Railway Station and Matlock Road shops.

- 10.4 Open space and indoor sport: Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £46,937 towards the following:

- 10.5 Awaiting confirmation of identified spends

- Parks – Hove Park and/or Hove Recreation Ground, Three Cornered Copse
- Play – Hove Park and/or Dyke Park, Hove Lagoon
- Sports – Hove Park and/or Nevill, Withdean Leisure Complex, King Alfred, Hove Recreation Ground

- Amenity/Natural Semi Natural – Three Cornered Copse And/or Hove Park, Hove Recreation Ground
- Allotments – Weald and/or North Nevill

10.6 Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £5,700 plus a commitment to 20% local employment for the demolition and construction phases.