

<u>No:</u>	BH2017/00662	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Downsman 189 Hangleton Way Hove BN3 8ES		
<u>Proposal:</u>	Demolition of former public house (A4) and erection of 33 dwellings (C3) comprising of 10 terraced houses and a block of 23 flats incorporating community space (D1) at ground floor level with associated access, parking and landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	17.03.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	16.06.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard LLP Mr Daniel Frisby Gainsborough House Pegler Way Crawley RH11 7FZ		
<u>Applicant:</u>	Southern Housing Group / Perth Securities Mr Colin Thomas And Mr John Bacon C/o DMH Stallard LLP Mr Daniel Frisby Gainsborough House Pegler Way Crawley RH11 7FZ		

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 heads of terms

The applicant has agreed to provide the following, should the application be approved:

- Affordable Housing: On site provision of 4no. 1 bedroom units, 6no. 2 bedroom units, and 3no. 3 bedroom units, of which 3 will be affordable rent and 10 will be intermediate.
- Open Space and Recreation; £94, 481 (Awaiting confirmation of identified spends)
- Education contribution of £42,919.80 for secondary school and sixth form provision at either Hove Park School or Blatchington Mill School;
- Local Employment Scheme of £11,100;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase;
- Sustainable Transport Contribution of £35,000 towards;
 - Accessible kerbs at Barnet Way north and southbound bus stops on Hangleton Way; and/or
 - Real time public transport information at Barnet Way southbound bus stop on Hangleton Way.
- Travel plan measures, including:

- Welcome pack including information on walking, cycling and public transport routes
- 6 and timetable information for each first household;
- Three month public transport voucher for each first household
- Construction Environmental Management Plan (CEMP);
- Community space plan for delivery and management

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
Elevations Proposed	Y0178-2002	B	18 August 2017
Elevations Proposed	Y0178-2001	B	18 August 2017
Floor Plans Proposed	Y0178-110	A	9 August 2017
Floor Plans Proposed	Y0178_111	A	9 August 2017
Floor Plans Proposed	Y0178_112	A	9 August 2017
Floor Plans Proposed	Y0178_113	A	9 August 2017
Floor Plans Proposed	Y0178-1204		24 February 2017
Roof Plan Proposed	Y0178-1205		24 February 2017
Elevations Proposed	Y0178-2000		24 February 2017
Elevations Proposed	Y0178-2003		24 February 2017
Elevations Proposed	Y0178-2004		24 February 2017
Location Plan			24 February 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. No development other than demolition works and works to trees 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 received on 17 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.

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.

4. Unless otherwise agreed in writing by the Local Planning Authority, the community space hereby approved shall not be occupied until a an EPC certificate demonstrating Energy performance Certificate 'B' rating as a minimum, has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the City Plan Part One.

- 5 No development shall take place (including and demolition, ground works, site clearance and archaeological investigations) until a method statement for the rescue and translocation of reptiles 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 works. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species identified in the ecological surveys from adverse impacts during construction.

- 6 No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity and protection of the adjacent woodland 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 the works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

- 7 No development shall commence until a scheme for the suitable treatment of all plant and machinery e.g. lift motors, against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 8 The community space shall not be occupied until a noise management plan to manage noise from the community space has been submitted to and approved in writing by the Local Planning Authority. The community space hereby permitted shall not be operational except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 9 The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- i) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring is to be submitted. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- ii) The development permitted shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (i) that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). If not otherwise agreed in writing by the local planning authority the verification report shall comprise: a) built drawings of the implemented scheme; b) photographs of the remediation works in progress; c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 10 a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then:

b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site. The development shall be carried out as approved and in accordance with the approved details.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 11 No development shall take place until the applicant has secured the implementation of a further programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning

Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

- 12 No development shall take place until detailed drawings of the access road and footway within the site to include 'rumble strips', minimum 1.5m footway width, dropped kerbs, tactile paving and street lighting have been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.
Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.
- 13 Prior to first occupation of the development hereby permitted, details of highway works to include the vehicle access serving the site access road, vehicle crossovers serving individual properties, reinstatement of the redundant vehicle crossover serving the existing public house, relocation of lamp column and footway resurfacing on Hangleton Road alongside the site boundary shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented and made available for use prior to the first occupation of the development.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 14 Prior to first occupation of the development hereby permitted, details of the car parking layout for the development hereby approved, including disabled parking, motorcycle parking and vehicle swept paths, shall have been submitted to and approved in writing by the Local Planning Authority. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
- 15 Prior to the occupation of the building hereby approved, a Car Park Management Plan outlining the management of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the parking space allocation and enforcement policies, including electric vehicle charging points and disabled parking. The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One

- 16 Prior to first occupation of the development hereby permitted, details of electric vehicle charging points for the occupants of, and visitors to, the development 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 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 to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14.
- 17 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 18 No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The Party Ceilings, Floors and Walls between the flats and flats and associated uses e.g. community space, bin/cycle stores should be designed to achieve airborne sound insulation values of at least 5dB higher and impact sound insulation values of at least 5dB lower than that required by Approved Document E performance standards. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 19 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. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
- 20 Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 21 No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) Samples of all hard surfacing materials
 - d) Samples of the proposed window, door and balcony treatments
 - e) Samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 22 The windows of the proposed flats in the north elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

- 23 The development hereby approved shall not be occupied until a scheme of privacy screening for the flat balconys hereby approved have been submitted to and approved in writing by the Local Planning Authority. 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: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 24 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One

- 25 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

- 26 No refuse and recycling collections shall take place on the site except between the hours of 07.00 and 19.00 on Monday to Sunday.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehl.environmentalprotection@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
4. Planning permission is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and it is quite feasible to have numerous planning consents in place and for this to still occur.
5. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2).

- 6 The planning permission granted includes alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate licence and application 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 highway works are required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a triangular shaped plot of land located towards the northern end of Hangleton Way. The site contains the Downsman public house, a 2-storey pitched roof building which is built on what used to be golf course land. The public house opened in 1956 with ancillary living accommodation in the first floor, and closed in 2014. The rest of the land within the site is underdeveloped and is classified as open space.
- 2.2 The site is predominately surrounded by residential development, with semi-detached properties and blocks of flats to the north-east on Chichester Close and Buckley Close, semi-detached properties to the west on Honey Croft, and also to the south on Hangleton Way.
- 2.3 To the immediate west adjoining the site is the public footpath on the old Dyke Railway Trail, which replaced the Dyke Railway which closed in 1938. There is also a car park at the bottom of the trail. Further to the west on Hangleton Way there is a parade of shops.
- 2.4 The wider Hangleton neighbourhood can be classified as downland fringe with a 20th Century residential suburb, part of which was planned as public housing and part of which has evolved over time, enveloping earlier villages and farmsteads. Low rise, low density houses have been arranged over a typical suburban layout.
- 2.5 Planning permission is sought for the demolition of former public house (A4) and erection of 33 dwellings (C3) comprising of 10 terraced houses and a block of 23 flats incorporating community space (D1) at ground floor level with associated access, parking and landscaping.
Since submission of the application, the proposal has been amended in the following ways:
- Removal of upper floor balconies on north elevation of block of flats, and revised fenestration.
 - Increased width of the footpath from Hangleton Way
 - Amendment of proposed affordable housing mix and tenure.

3. RELEVANT HISTORY

3.1 None

4. REPRESENTATIONS

4.1 One (1) letter of representation has been received objecting to the application for the following reasons:

- Too many properties squeezed into the area;
- Increase in traffic will be detrimental;
- Extra pressure on existing amenities such as schools and doctors.

4.2 Two (2) letters has been received commenting on the proposed development as follows:

- Want to be certain that the development will help local people find affordable rented accommodation;
- Would be keen to ensure that the proposed community facility would benefit residents;
- There is a significant lack of provision for young people in the area;
- It is hoped that the existing recycling facility at the south of the site should not be lost;
- Boundary fences and trees should provide privacy for existing neighbours on Chichester Close

5. CONSULTATIONS

5.1 **Children and Young Peoples Trust:** No objection

A contribution towards education infrastructure would be expected if this development was to proceed and the number of pupils that are likely to be generated by the development.

5.2 In this instance the most local primary schools have a considerable amount of surplus capacity and this is anticipated to continue for the foreseeable future and therefore a contribution towards primary provision is not sought for this development. With regard to the secondary provision, the development is in the current catchment area for Hove Park and Blatchington Mill. There are currently a few spare places in these schools at the present time, but this is not expected to continue to be the case. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time. At the present time the council is expecting that a new secondary school for the city will open in either 2018 or 2019 and at that time it will be necessary to revisit the catchment areas in the city. As a consequence the team would be seeking a contribution in respect of secondary provision and sixth form provision of £42,919.80 if this development was to proceed. The money would be spent at either Hove Park School or Blatchington Mill School.

5.3 **Brighton and Hove Archaeological Society:** No objection

Hangleton and the surrounding area has a number of archaeological records including being the site of some deserted medieval villages, and the location of

a Saxon burial. The Benfield valley was the subject of archaeological investigation prior to the creation of the Brighton bypass finding Bronze Age activities. The proposed development may possibly reveal some vestige of ancient archaeology

5.4 The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

5.5 **County Archaeology: Comment**

Initial comment -

The proposed development is of archaeological interest due to its location within an Archaeological Notification Area defining the medieval settlement of Hangleton. Indeed the important deserted medieval village of Hangleton was once centered immediately to the south-west of the proposed development site.

5.6 Unfortunately, the application does not include an appraisal of the archaeological / historical context of the development site or any assessment of the impact that the development proposals might have on below ground / buried archaeological remains, with particular reference to the potential survival of medieval archaeological features once associated with the medieval village of Hangleton (see the relevant National Planning Policy noted above).

5.7 Further comment -

An archaeological trial - trench evaluation of the above site has now been completed. This work has revealed a number of buried archaeological features (walls, ditches, a pit and in-situ medieval pot) clearly once associated with the now deserted medieval village of Hangleton.

5.8 Given the now confirmed potential for impacts to identified heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England)

5.9 **Sussex Police: No objection**

In general terms the proposals are supported in this application which seeks to redevelop this otherwise redundant site for residential use. The applicant is encouraged to give due consideration to appropriate measures to promote crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places.

5.10 These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

5.11 Economic Development: No objection

City Regeneration welcomes the housing provision and the potential employment opportunities this development will deliver. 33 dwellings, 40 % of which are indicated as intermediate housing, will contribute to the council's challenging housing targets and meets the council's needs and expectations for creating more balanced communities (Policy CP20) by providing accommodation of mixed tenure and size, accessible to local residents.

5.12 The site, in the heart of an established area of the council's housing stock, will have the potential to provide employment and training to local residents. In the event this proposal or any amended proposal is approved, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate due to the specialist nature of the works) and construction phase is required.

5.13 The council's Local Employment Scheme Co-ordinator is available to provide guidance in the production of the strategy and will be the council's key liaison and support during the life of the project with regards to monitoring of KPIs relating to employment and training. The strategy should be submitted one month in advance of site commencement and early contact with the council's Local Employment Scheme Co-ordinator is recommended to avoid any delays in site start.

5.14 The CITB (Construction Industry Training Board) Client-Based Approach should be referred to in the preparation of the strategy in respect of expected outputs to be included, for a development of this size. Also, if approved, in accordance with the council's Developer Contributions Technical Guidance, City Regeneration requests a contribution of £11,100 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contribution, in this instance, is based on the number of residential dwellings. There is no requirement for a contribution in respect of the community D1space as the sq meterage falls below the threshold.

5.15 Southern Water: Comment

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

- 5.16 Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.17 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.
- 5.18 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.
- 5.19 **Arboriculture: No objection**
The Arboricultural team have no objection to this application as there are few trees on the site and those that were found are of only low amenity value only.
- 5.20 This application has been submitted with an arboricultural assessment, the content of which we are in agreement with. The few trees on site are all quite young and small and of relatively low public amenity. In view of the quality of the trees on site, from a design perspective it is perhaps best that these are not viewed as a material consideration and should not be permitted to impact upon any design parameters.
- 5.21 The need for new tree planting, landscaping and good building design should be seen as the priority for this site. Whilst the proposed layout does show some scope for useful landscaping some elements such as the "street trees" have been given minimal space and will have little potential for impact.
- 5.22 **Sustainable Drainage: No objection**
In principle, the Lead Local Flood Authority (LLFA) would have no objections to this development.
- 5.23 The LLFA note the inclusion of measures such as permeable paving, swales and soakaways as per the Flood Risk Assessment submitted in support of the application.
- 5.24 Recommended approval as the Lead Local Flood Authority has no objections in principle to this application subject to a condition.

- 5.25 **Ecology: No objection**
Slow worm and common lizard were recorded on site. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Surveys were carried out over a compressed period during a sub-optimal time of year. Whilst full survey results were not provided, six of the seven survey visits were carried out at temperatures above the recommended maximum. There is therefore the potential that populations may have been underestimated.
- 5.26 The proposed mitigation scheme is based on the assumption that low populations are present on site, when in fact a good population of slow worm and a low population of common lizard were recorded. The minimum recommended survey effort for a good population of slow worm is 90 suitable days. The mitigation strategy should be adjusted accordingly.
- 5.27 The proposed mitigation strategy suggests the use of round-up on site during the late summer/early autumn. Such an approach is not recommended. Habitat manipulation by phased cutting under ecological supervision may be used as part of the translocation exercise to enhance trapping effort.
- 5.28 A suitable receptor site must be identified and prepared prior to the start of translocation in line with best practice guidance. The site should be local to the donor site and should not currently support a population of the species to be translocated for known reasons, but be capable of supporting them given suitable remedial works if necessary. It is understood that the applicant is currently in discussion with City Parks to identify a suitable site.
- 5.29 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.30 The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.
- 5.31 In summary, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

- 5.32 **Sustainability: Comment**
Minimum energy and water efficiency standards as set out in City Plan Part One policy CP8 have been addressed by proposals. There are some positive sustainability measures proposed with the scheme. More could be done to improve the scheme.
- 5.33 A BREEAM Strategy Report has been submitted with the application which indicates that the community centre within the development has been targeted to achieve a BREEAM 'very good' rating. Whilst this is welcomed, the community centre will consist of an area of 151sqm and therefore falls below the threshold in policy CP8 where a BREEAM assessment would be required. (The non-major threshold for non-residential development other than retail is 236-1000sqm). In order to meet policy CP8 it is recommended that the applicant be encouraged to build to a minimum Energy performance Certificate standard of an EPC 'B' rating and this be secured by condition.
- 5.34 This approach has been implemented elsewhere e.g. BH2013/00710 where non-residential elements of a scheme fall below the minimum thresholds for BREEAM, in order to address CP8 policy para 2: (a), (b) and (c). e.g.
- 5.35 Preliminary energy assessments have been carried out on samples of the proposed new build flats and house types. This indicates that based on the proposed strategy for the new build units and the suggested renewable systems, there is the potential to provide a 30% improvement for the flats, and 36% improvement for the houses over the Building Regulations ADL1a 2013 minimum target. This will be achieved through passive design measures, energy efficient equipment and renewable technologies. Energy efficiency improvements are proposed, and minimum thresholds for the thermal elements are proposed to be improved from national Building Regulations (for elements such as windows, walls roof, etc)
- 5.36 It has been estimated that the flat roof space over the new build flats is capable of accommodating an array of mono-crystalline module panels offering a total output of 13kWp solar PV (75sqm), which could provide a 0.5kWp contribution to each of the newly built flats and 1.5kWp for the common ways and community space. It is also proposed that each of the new houses will also be fitted with 1.0kWp on their pitched roofs. Based on the potential for installing a PV system, the newly built flats could achieve a 19.3% reduction of CO2 emissions, and the new house will achieve a 25.4% reduction of CO2 emissions.
- 5.37 The Energy Strategy states that due to the scale of development, it is considered that community heating is not a viable option for practical and economic reasons. This is considered acceptable, as the industry rule of thumb suggests 50 units provide the threshold at which communal heating is likely to become viable. The proposed development is not in an area identified as having potential for a heat network, therefore capacity to connect is not required.
- 5.38 The Energy and Sustainability Report also states that the Minimum water efficiency standard will be met. In addition to the energy and water measures mentioned above, the submitted Sustainability Checklist indicates the following

measures to address Policy CP8: use of sustainable materials such as use of timber from certified sustainable sources; proposals for 20 trees to be planted on site; 49 cycle parking spaces.

- 5.39 Areas that the proposals have failed to address: incorporation of green roofs or walls; incorporation of rainwater harvesting or rainwater butts; integration of food growing/edible/productive planting into landscaping proposals; incorporation of ecological enhancements; provision of composting facilities on site.
- 5.40 **Environmental Health: Comment**
The acoustic report submitted by Impact Acoustics which is undated but bears the reference IMP4985-1. Having considered the report, it is not fit for purpose and needs to be rewritten in a clear and concise format and only referencing the applicable British Standards.
- 5.41 There are a number of issues in the report which are not correct and it lacks the required attention to detail. It is also unclear whether this has been subject to any quality check or oversight due to its incoherent approach.
- 5.42 In terms of land contamination, the submission of a Southern Testing report dated 23rd December 2016 reference J12832 is noted. Works have been carried out on site to attempt to quantify and characterise the site in terms of its contamination status, however it is apparent on reading the report, that whilst the end use is indeed residential with gardens, no site plans or proposed drawings have been offered at the time of the work being undertaken. The resultant effect of this is that the consultants have carried out work to try and spatially characterise the site, but this is not targeted to the end uses. It is therefore required that the conceptual site model be revised to include a more factual approach to the site including both where houses are located and additionally, the heights at which these will be built. This will allow a targeted investigation to be carried out. The height being referenced is important, as it is acknowledged in the report and from a site visit, that the site has been and will be subject to cut and fill works. So whilst samples might have been taken at 1.2m in one perhaps elevated position, this is likely to be irrelevant if the site is levelled. One needs an indication of what soil conditions are present in the garden areas at the end ground level which is where one might reasonably expect exposure pathways to humans to occur. It is also noted that the Southern Testing report seems to be cut short. This is apparent when examining the trial pit logs which finish at TP5, yet there were 7 trial pits dug on the site. It is unknown what other information might be missing. A phased potentially contaminated land condition is recommended which will ensure that the site is properly characterised and any intrusive works are targeted accordingly.
- 5.43 Further comments -
The proposal is in a residential area and a Construction Environment Management Plan (CEMP) will be required. The building to be demolished contains asbestos and a full ACM survey is needed. Additional attention to sound insulation in flats adjacent to community space, lift motor, bin/bike store. Acoustic report recommendations to be adopted. Contaminated land report to be developed to include a remediation strategy. This can be signed off providing

acceptable verification evidence is submitted when the remediation strategy is implemented in future. External lighting that is designed so that glare is not a problem for neighbours.

5.44 Housing: Objection

Initial comments -

Not fully supported for the following reasons

:

- Housing welcomes the inclusion of the policy compliant number of units as 13 (40%).
- Current tenure mix is for 100% Shared ownership when the greatest identified need is for Affordable Rented housing
- The scheme can only be fully supported by Housing if : Tenure mix meets the 55% Affordable/45% Intermediate Housing split in the AHB, Unit type mix is adjusted to more fully reflect the AHB, and Wheelchair housing requirements comply with the AHB.

5.45 Further comments following amendments to proposed affordable housing mix and tenure -

The proposal is still light on Affordable Rent which is absolute priority at present. No financial viability has been provided to support this mix. The statement refers more to the fact that there's plenty of rented in that area already - but there are plenty of people on the Housing Register too.

5.46 Further comment -

Our view is still that the policy compliant provision of 7 Affordable rent and 6 Shared ownership better meets the council's housing needs and that a reduction in the Affordable Rented units is not acceptable.

5.47 Planning Policy: No objection

Public houses are defined as community facilities in the NPPF, and Local Plan Policy HO20 relating to the retention of community facilities therefore applies. This policy states that planning permission will not be granted for proposals that involve the loss of these facilities unless one of four exception criteria are considered to apply. The applicant has submitted evidence to argue that criteria (d) applies in this instance, i.e. that it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use

5.48 The pub has been closed for a number of years and three years of accounts have been submitted to demonstrate its unprofitability prior to this point. The property was marketed specifically for ongoing public house use for a period of only four months, before the freehold was placed on the market for conditional sale as an opportunity for alternative development through with no restrictions on future use. Although evidence has been supplied that there were no expressions of interest in maintaining a public house use, this did not include the period when the premises was solely being offered as a pub. Evidence should be supplied in this regard.

5.49 The provision of 33 dwellings would make a useful contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One and part

of the site is identified in the 2017 SHLAA with an indicative provision of 30 dwellings, as 'Land east & north of 'The New Downsman PH' . The development of this part of the site is supported as a means of increasing housing supply and is identified as part of the council's five year supply of housing.

5.50 Following submission of further information - Information has now been provided which clarifies that local pub operators made enquiries in the period that the premises was being advertised for ongoing A4 use but did not express an interest in taking matters further.

5.51 **Sustainable Transport:** Comment
Pedestrian Access

The proposed development will have a main pedestrian and vehicle access from Hangleton Way with the proposed terrace houses fronting Hangleton Way having a direct pedestrian access to each property. The Highway Authority has no objections to the proposed pedestrian access arrangements in principle. ; however a footway of 1.2m is required to be provided alongside the access road. The Highway Authority generally specifies a width of 2m in accordance with Manual for Streets; however, given expected footfall, a reduction to 1.5m would be acceptable in this instance which would comply with the Department for Transport's (DfT) Inclusive Mobility requirement for a pedestrian and wheelchair user to pass. This can be achieved by condition.

5.52 Vehicle Access

The proposal includes an access road from Hangleton Way located to the north of the existing access together with vehicle crossovers serving each of the ten terraced properties. The Transport Statement indicates that visibility splays of 2.4m by 50m to the north and 2.4m by 32m to the south can be achieved. This is in excess of the 2.4m by 25m minimum recommended in Manual for Streets where speeds are 20mph.

5.53 The access road is 4.1m wide which is in accordance with that outlined in Manual for Streets for two cars to pass. Larger vehicles would not be expected to access the site on a frequent basis and as such this is considered suitable. Further comments in respect of deliveries and servicing are however provided below.

5.54 The Transport Statement includes swept paths which demonstrate that a standard car can access the car park; however, in order to access to bays 13/14, an area shown on the landscaping plan as planting would need to be overrun (NB. There is some inconsistency in bay numbering with the landscaping plan labelling these bays as 9/10). It is however, considered that there is scope to overcome this issue by extending the over-runnable/hardstanding area as necessary. It is recommended that this be addressed as part of the car park layout and access road conditions which should also secure measures to calm traffic entering the site (such as use of setts to create 'rumble strips') and lighting.

5.55 The vehicle crossovers are in some cases wider than is necessary to serve the on-plot parking spaces and for a single parking space, the maximum crossover

width that would be permitted by the council's crossover guidance would be 2.75m excluding the tapered kerbs. Review of the site layout to minimise the number of crossovers required by sharing these between adjacent properties would be preferred though refusal would not be recommended on these grounds. It is also likely to be necessary to relocate a lamp column which will need to be agreed with the Highway Authority and all costs funded by the applicant. It is recommended that full details of the off-site works (main site access and vehicle crossovers) be secured through the recommended highway works condition. Implementation would then be subject to agreement of the detailed design and granting of relevant highway works/ crossover licences.

5.56 Deliveries and Servicing

The submitted Transport Statement indicates that it is possible for a fire appliance and refuse vehicle to access the site and turn in order to enter and exit in forward gear. The Highway Authority has no objections in principle; however, it is noted that the submitted vehicle swept paths show a refuse vehicle and fire appliance over hanging an area shown on the landscaping plan as a ramped access to rear of the flats/ community centre. It is therefore recommended that the case officer seek clarification that this would be possible with the proposed ramp as indicated in the swept path diagrams and consult City Clean and East Sussex Fire and Rescue as necessary.

5.57 Car Parking

The proposals include one parking space for each of the proposed residential dwellings (33). This is less than the maximum of one space plus one space per two dwellings that would be permitted by SPD14 in this location (50 spaces); however, it should be noted that lower levels of parking are also permitted.

5.58 The 2011 Census indicates an average car ownership of 1.1 per household for the super 3 output area covering the site (Brighton & Hove 006). Of the proposed dwellings, it could be expected that 27.0% (9) of households will have no car, 45.6% (15) will have one car, 21.7% (7) will have two cars and 5.6% (2) will have three or more cars. This equates to approximately 35 cars. Car ownership will however typically be lower for residents in flats.

5.59 It would be preferable for spaces within the courtyard parking area to be unallocated. This will allow a more efficient use of parking spaces with two car households and visitors able to use spaces that would otherwise remain empty if allocated to non-car owning households. This would reduce the likelihood of additional on-street parking demand, and allow access to electric vehicle charging points as required by residents/ visitors. It is recommended that details of how the car park will be managed, including allocation and enforcement policies, be secured by condition.

5.60 This will not be the case with the proposed on-plot parking for the houses however and it is likely that all households owning two or more cars would result in additional demand for onstreet parking. Based on the above car ownership levels, a worst-case level of overspill parking by 8-10 vehicles would be expected, though taking the houses alone this would reduce to 2-4 vehicles. This lower level would be expected if parking spaces for the flats were

unallocated and taking account of expected lower car ownership for these. It is also requested that a scheme of Travel Plan measures to include public transport vouchers and welcome packs for each first household be secured by condition to mitigate the impact of additional parking demand.

- 5.61 In addition, it is noted that the provision of vehicle crossovers along the majority of the site frontage will remove opportunities for on-street parking on the west side of Hangleton Way. However, as the road effectively provides capacity for parking on one side only at present, this is not expected to significantly reduce capacity in practice.
- 5.62 Although it would have been beneficial for residential parking surveys to have been submitted, taking account of the requested mitigation in the form of the Car Park Management Plan and Travel Plan measures, it is not considered that the likely level of overspill parking would be of a level that could be deemed to amount to a 'severe' impact upon the highway. Therefore, refusal would not be warranted on these grounds under the National Planning Policy Framework.
- 5.63 Additional parking may be generated for the small community facility (127 sqm D1 use) which has no allocated parking. However, given that this would be expected to meet a predominantly local need, it is not expected that associated parking demand would be substantial.
- 5.64 The layout of parking is generally acceptable; however, as noted in the vehicle access comments above, additional overrun areas may be required compared to those currently shown on the landscape plan. The bay immediately north of the proposed site access however is not ideal as it is likely to obstruct visibility of the footway for vehicles exiting the site and would preferably be set back, although it is noted that this may result in the slight reduction of parking. This could be addressed as part of the recommended car park layout and access road conditions.
- 5.65 Disabled Parking
Three disabled parking spaces are proposed. SPD14 requires one space per wheelchair accessible unit (3) plus 50% (2). The proposed development includes four disabled parking spaces which would be sufficient to meet the needs of the wheelchair accessible flats. It is recommended that the fourth space be unallocated so as to provide for the needs of all 4 visitors to the development, including the community use. This should be addressed as part of the recommended Car Park Management Plan condition.
- 5.66 Three of the proposed disabled parking bays are located parallel to the access road. This is not ideal as access is possible from one side only. The layout is however in accordance with the DfT's Traffic Advisory Leaflet (TAL) 5/95 with longer bays provided. TAL 5/95 recommends that where it is not possible to access the footway, bays are widened to 3.3m to allow safe access to and from vehicles alongside passing traffic. However, in this instance, it is recognised that traffic flows will be light and measures have been recommended by condition to calm traffic entering the site. No objections are therefore raised in principle to the proposed layout, though in order to address other comments, the applicant

may wish to consider relocating all disabled bays to the main car park. Although a 1.2m access zone is required on both sides, this can be shared between adjacent bays.

5.67 It is also noted that there is inconsistency between the submitted landscape plan and site plans with the number and location of disabled bays varying. It is therefore recommended that details be confirmed by means of the recommended car park layout condition.

5.68 As previously noted, the access road condition should include full details of provision for pedestrians, including dropped kerbs so as that disabled users are able to travel between parking areas and the proposed flats/ community use.

5.69 Electric Vehicles

The applicant has indicated that electric vehicle parking will be provided in accordance with SPD14. For residential uses, the minimum required is 10% of all car parking spaces plus a further 10% to have passive provision, equivalent to four spaces for each in this instance (SPD14 states that the number of spaces should be rounded up so 3.3= four spaces as opposed to the three stated). It is recommended that full details be secured by condition.

5.70 Motorcycle Parking

The Transport Statement indicates that two motorcycle parking places will be provided. This provides 5% provision in accordance with SPD14 and it is recommended that full details be secured as part of the recommended car park layout condition.

5.71 Cycle Parking

SPD14 requires the following cycle parking provision:

- One space per 1-2 bed unit = 27 units = 27 spaces;
- Two spaces per 3 bed unit = 6 units = 12 spaces;
- One space per three units for visitors = 11 spaces;
- Two spaces plus one per 350 sqm for D1 use = 3 spaces Total = 53 spaces

5.72 The applicant is proposing 68 spaces which is in excess of the minimum required and welcomed. These are split between a communal store for the flats, visitor provision and individual secure stores for the proposed houses.

In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered. The proposals include Sheffield stands in an acceptable layout for the communal store and visitor cycle parking. However, details of the proposed cycle storage for the houses are requested by condition. Individual cycle lockers/ sheds as proposed are acceptable in principle where cycle parking is not communal as is the case in this instance.

5.73 Trip Generation

The submitted Transport Statement includes a trip generation exercise undertaken using the TRICS national trip rate database. The site parameters applied are acceptable, though it is recognised that there are limited similar

public house sites within the database. The applicant's transport consultant has presented figures for the latter, though not included these in the net impact assessment on the basis the estimated figures are likely to be an over representation of the trips that were likely to have been generated by the relatively local facility when it was in use. Trips associated with the proposed community use have also not been included in the forecast though this is offset by not deducting trips for the existing pub. In total, 179 person trips are forecast per day, of which approximately 25 trips are forecast to occur in the morning development peak and 17 in the evening. 14 vehicle trips are forecast in the morning development peak and eight in the evening.

5.74 In order to mitigate the impact of the proposed development and provide improved opportunities for travel by sustainable modes, a sustainable transport Section 106 contribution of £35,000 is requested in order to fund the below measures:

- Accessible kerbs at Barnet Way north and southbound bus stops on Hangleton Way; and/or
- Real time public transport information at Barnet Way southbound bus stop on Hangleton Way.

5.75 This is in order to provide for the needs of future residents and visitors of all abilities travelling to the development and encourage the use of sustainable modes in accordance with Brighton & Hove Local Plan policies CP7 and CP9. In addition, to encourage travel by sustainable modes in accordance with Brighton & Hove Local Plan policy TR4 and mitigate the potential for overspill car parking, it is also recommended that a public transport voucher and welcome pack for each household be secured as part of the S106 agreement.

6. MATERIAL CONSIDERATIONS

6.1 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

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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- 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
- CP19 Housing mix
- CP20 Affordable housing

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development and its impacts on the visual amenities of the site and surrounding area, the proposed access arrangements and related

traffic implications, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts.

8.2 Planning Policy:

Loss of existing use:

The National Planning Policy Framework (paragraph 70) and the emerging City Plan (Policy SA6) indicate that public houses can be considered to be community facilities.

8.3 The existing public house (class use A4) is registered as an Asset of Community Value (AVC) since July 2015. As the building is listed as an ACV, it is a material planning consideration of some weight as it reasonably demonstrates that the public house provides a valued community facility within the locality and in particular a demand that those facilities should be provided on the subject site.

8.4 Community facilities are protected under HO20 of the Brighton and Hove Local Plan which is fully consistent with the NPPF. The policy states that planning permission will not be granted that involves the loss of community facilities. Exceptions may apply when:

- a) The community use is incorporated, or replaced within a new development; or
- b) The community use is relocated to a location which improves its accessibility to its users; or
- c) Existing nearby facilities are to be improved to accommodate the loss; or
- d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

8.5 Policy HO20 states that where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes.

8.6 The applicant has submitted a planning statement which includes marketing information. The public house has been closed since 2014, and no public objections have been received during the application to the loss of the public house, which would indicate some indifference to its loss. Accounts have been submitted covering a three year period which indicate very small profits or loss between 2011-2013

8.7 The submitted marketing information clarifies that the premises was marketed for ongoing use as a pub for four months in 2014, and then marketed for a wider opportunity as an alternative development site for a further three months before the sale was completed in March 2015. Feedback from the marketing period suggests that very little interest was shown in the site for the continued use as a public house, and it wasn't until it was marketed as a development site that interest was shown which lead to the eventual sale.

8.8 There are two other public houses within reasonable walking distance (1km) of the site. This indicates that there is not a high level provision of public houses in this area, however it is recognised that the surround residential area is relatively

low density which means that there is less potential customer base for a high provision of public houses in the area. Given the lack of objection to its loss, the marketing and accounts information, and the reasonable alternatives available, it is considered that the public house is not needed in this instance.

- 8.9 Criteria (d) of HO20 also requires it to be demonstrated that the site is not needed for alternative community uses, and no detailed information has been received in support of this. However it is noted that there is an existing community use in close proximity to the site (Hangleton Community Centre which is within 3 minutes walk).
- 8.10 A material consideration is that the proposed development includes 127m² of replacement multi-functional community space within the ground floor of the flatted block. The proposed D1 space would be for general community use which could be booked for use as meeting rooms or use by local groups. It is intended that the applicant would manage the community provision in a similar way to other similar types of community space, the nearest example in the city being in Pankhurst Avenue. Given this provision, and taking into account the above circumstances, it is considered that the proposed development is in accordance with criteria (d) of HO20.
- 8.11 Other than the public house, the rest of the site is identified as an area of open space. Policy CP16 seeks to retain public and private open space unless it can be justified through the criteria. Criteria d) indicates that it would be acceptable where the site is physically incapable of meeting the city's wider open space needs, is not part of the beach or a playing field (current or historical), and is of a poor quality without potential for improvement and there is an identified surplus in all types of open space within the locality.
- 8.12 The applicant states that the open space has been associated with the public house for around 30 years and during that time has been underused, occasionally used for ancillary outdoor space for the public house. It has been indicated that the open space around the public house in the past has not been used frequently by the public, and has in the more recent past been boarded up to prohibit entry to the site.
- 8.13 The land as existing provides some contribution in that it is an open land and is underdeveloped which provides a visual gap between existing residential houses. However the site appears to have a low level of quality in terms of recreational value. No objections have been received to its loss. The existing west edges of the site provide a foliage buffer to the public path adjoining the site. The proposal provides landscaping with trees in the south and north-west corners of the site which would provide the retention of natural screening between the residential development and the adjoining public path.
- 8.14 It is considered that the locality in this instance is not deficient of open space, with Hangleton Park and St Helen's Park within walking distance, as well as the adjoining footpath that leads to the South Downs National Park. It is considered that in this instance the benefits of the development would outweigh the loss of the open space.

- 8.15 Principle of Housing:
Policy SA6 (part 8) seeks to deliver balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, and a mix of dwelling sizes and tenure types.
- 8.16 City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Part c of the policy states that sites coming forward as 'windfall' development, as in this case, will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.17 Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.18 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 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.19 Given the acceptability of the existing use, the proposed development would provide a welcome provision of housing in this predominantly residential area.
- 8.20 Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively). The proposal is for 12 x 1-bed, 15 x 2-bed, and 6 x 3-bed units, which is considered to be a broad mix.
- 8.21 Policy CP20 requires all sites of 15 or more units to provide 40% affordable housing on site. The preferred unit size mix is 30% for 1 bedroom units, 45% for 2 bedroom units, and 25% 3+ bedroom units. The proposal includes 40% affordable housing forming part of the development, which would be 13 units in this instance. The submitted Housing Statement indicates that the proposed unit mix would be 4 x 1 beds (30%) , 6 x 2 beds (45%) and 3 x 3 beds(25%), which is considered acceptable.

- 8.22 The preferred tenure mix as set out in the Affordable Housing Brief is 55% Affordable Rent and 45% intermediate, which would be 7 rented and 6 intermediate. The proposal is providing 13 no. affordable units, 3(23%) as affordable rent and 10(77%) as intermediate. The proposed development therefore does not meet the preferred tenure mix in this instance and the Housing Strategy Team has objected on this basis. In the submitted Housing Statement, the applicant sets out their belief that the tenure mix meets the right balance for the local area, as the majority of the housing is affordable rented accommodation. The applicant suggests that a provision of a higher proportion of intermediate housing would complement and balance the existing housing stock in this location. Given the acceptability of the proposal in all other respects, which would result in 33 no. residential units that would contribute to the housing supply, including 40% affordable housing units, on balance it is considered that the tenure mix is acceptable in this instance.
- 8.23 According to the Affordable Housing Brief, 10% of the affordable units would be required to be wheelchair accessible, which would be 1 unit in this instance.
- 8.24 Developer contributions:
Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in 13 OFFRPT accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.25 The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Sustainable transport contribution of £35,000 for highway improvements;
 - Education contribution of £42,919.80 for secondary school provision;
 - Employment contribution of £11,100 for the delivery of the council's Local Employment Scheme;
 - Open Space contribution of £94,481.
- 8.26 The applicant has agreed to these contributions.
- 8.27 **Design and 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.
- 8.28 The immediate surrounding area is predominantly characterised by two storey dwellings and some low rise residential blocks with communal landscaping to the north of the site. The nearby houses are mostly brick built with pitched roofs. To the west of the site there is a parade of shops within a row of two storey

terraced properties, which have roof dormers that create a three storey appearance to these properties.

- 8.29 The existing public house building has limited architectural merit, and does not significantly contribute to the character of the area. Therefore its demolition is considered acceptable.
- 8.30 The proposed terraced houses would be located along the south-east boundary of the site fronting onto Hangleton Way. The row would have a similar form to that of neighbouring houses in the vicinity. It is considered that the design of the proposed terraced houses would fit in with the context of the surrounding residential development.
- 8.31 The proposed block of flats would be higher than the buildings in the immediate area. However it would be set within a lower part of the site, in the north-west. Given the sloping of the land, and that the proposed block would not be located fronting the street, it is considered that the proposed height of the building would not be overly prominent.
- 8.32 The proposed flat roof is not characteristic of the area, and the block would be a bold addition to the locality. The square block design offers a simple and functional overall appearance. Whilst the proposed flat roof of the block of flats differs from the appearance and character of the existing built form in the locality, as it would not form part of a street frontage, there is no objection in principle to this design in this instance.
- 8.33 The proposed brick walls would reflect the tone and palette of the surrounding area. Turquoise tiles are proposed for cladding to the top floor of the block of flats, as well as detailing to the terraced houses. The proposed would stand out amongst the rest of the design which is quite conventional. The intention is to relate to the existing public house roof, and some of the neighbouring houses to the south of the site on Hangleton Way have a similar coloured detail. It is considered that the proposed material palette would respect the locality and provide interest to the functional design and is considered acceptable.
- 8.34 It is considered the demolition of the existing building and the development of appropriately designed terraced houses and a block of flats would not detract from the character and appearance of the street scene and wider area, and overall the proposal is considered acceptable.
- 8.35 Landscaping:
Whilst the large expanse of car-parking to the north of the site detracts visually in comparison with the existing green open space, it is acknowledged that a certain level of car-parking is necessary and also that developing this space with buildings would likely result in amenity issues for neighbouring residents. The development provides three separate communal garden spaces which would have a mixture of soft and hard surfaces. Trees would be located on the boundaries which would acceptably soften the appearance of the development, especially in the western corners of the site adjoining the public path.

- 8.36 **Standard of Accommodation:**
The new build properties are all designed in accordance with the nationally described space standards and have acceptable internal layouts with sufficient light and outlook, and access to outside space.
- 8.37 There would be a certain level of mutual overlooking between the residential properties themselves, though this is to be expected within a scheme of this nature and the levels of privacy for future occupiers is considered to be acceptable.
- 8.38 The proposed community use would be located below residential units which has the potential to cause noise and disturbance to future occupiers. An acoustic report has been submitted, which the Environmental Health agree with the contents and have recommended sound insulation in flats adjacent to community space, lifts, and bin/bike storage areas. This is required by condition.
- 8.39 All occupiers of the terraced houses would benefit from private rear gardens and access to communal gardens. Occupiers of the flat units would have private balconies and/or access to communal garden. The proposal is considered to provide sufficient outdoor amenity space for future occupants.
- 8.40 Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.41 **Impact on Neighbouring 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.
- 8.42 The neighbouring properties most likely to be affected by the proposed block of flats are Flats 2-8(even) within the block of flats to the north on Buckley Close. The rear windows of this block face directly towards the proposed block. The proposed development has been designed with consideration to protecting amenity to these neighbouring properties. Although the block of flats would have four storeys, the top floor would be set back to limit the impact of loss of light and overshadowing. The applicant has submitted a Daylight and Sunlight Assessment. It concludes that although some daylight would be lost from the windows that face the site, this would not be a significant impact.
- 8.43 The provision of balconies on the proposed block has the potential to result in overlooking and loss of privacy to these neighbouring properties. Screens to prevent overlooking are required by condition. The north elevation windows are proposed to be obscure glazed which will further limit opportunity of overlooking towards the north.
- 8.44 The neighbouring houses on Chichester Close to the east of the site would also be affected by the proposal. However the proposed buildings would be

sufficiently set away from these neighbouring properties so as not to be significantly affected by them. These properties would be closer to the proposed trees which will offer some screening from the proposed car park. The car park would result in some noise and disturbance from vehicles; however it is considered that this would not be so significant as to warrant refusal of the application on this basis.

- 8.45 Replacement boundary treatment is proposed along the boundary of the site, which will offer some privacy for neighbouring occupiers, as well as future occupiers of the development. Details are required by condition.
- 8.46 The properties to the south on Hangleton Way would experience an acceptable front-to-front relationship with the new terraced houses.
- 8.47 Concerns have been raised over the potential for the loss of the existing recycling facility at the south of the site. However this is outside the boundary of the site and so cannot be considered here.
- 8.48 Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.49 **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.
- 8.50 The proposal includes an access road from Hangleton Way located to the north of the existing access. The access to the site, including that of the individual vehicle crossovers for the terraced properties on Hangleton Way is considered acceptable. A proposed access footway is proposed wither side of the access road, however this would need to be increase in width from 1.2m to 1.5m in order to provide appropriate access. A Transport Statement has also been submitted which includes swept paths. Due to some inconsistencies over the landscaping and size of paths and crossovers, a car park layout condition is required. Disabled parking spaces are proposed, further details of their location and use are required by condition. Details of off-site works, including relocating a lamp column, are also required by condition.
- 8.51 One parking space per residential dwelling is proposed, which equates to 33 no. parking spaces. This level of parking is below the maximum standards within SPD14 and is considered acceptable. Details of how the car park will be managed, including allocation, are required by condition. Despite the provision, the development is likely to result in some additional demand for on-street parking. It is however not considered that the likely level of overspill parking would be of a level that would result in a significant detrimental impact on the highway. The proposed community use may in some instances create additional demand for off-street parking, however given that this is promoted for local use, it is considered that parking demand would not be substantial for this. A Travel

Plan is required by condition to mitigate the impact of additional parking demand in this instance.

- 8.52 The proposal would provide 68 no. cycle parking spaces, which is considered acceptable, subject to further details required by condition.
- 8.53 The submitted Transport Statement includes a trip generation exercise. In order to mitigate the impact of the proposed development and provide improved opportunities for travel by sustainable modes, a sustainable transport Section 106 contribution is required for local transport improvements.
- 8.54 **Ecology:**
The site mostly comprises species-poor grassland, however slow worms and common lizards have been recorded on site. A submitted mitigation scheme has been submitted, however further information is required for the rescue and translocation of species, which can be provided by condition.
- 8.55 Protection of breeding birds and to adjacent woodland is also required during works.
- 8.56 **Sustainability:**
In accordance with Policy CP8 the proposed new build residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition.
- 8.57 **Land Contamination:**
The land is potentially contaminated, and so the applicant has submitted a Contaminated Land Report. Verification evidence is required as part of a remediation strategy to be implanted on site. The Environmental Health Team has recommended a phased potentially contaminated land condition.
- 8.58 The existing building contains asbestos, and so a full asbestos survey is required by condition.
- 8.59 **Flooding:**
A Flood Risk Assessment and Drainage Strategy has been submitted which concludes the site is at a low risk of flooding, and identifies measures to limit increase run off. A detailed design and associated management and maintenance plan of surface water drainage for the site is required by condition.
- 8.60 **Archaeology:**
The site is of archaeological interest and consequently is within an Archaeological Notification Area. The applicant has commenced an archaeological trial and has revealed features of interest. The County Archaeologist recommends a condition for a full programme of archaeological works.

9. EQUALITIES

- 9.1 The new build properties will be conditioned to be constructed to the optional Building Regulations access standards.

10. CONCLUSION:

- 10.1 The principle of the loss of the existing community use is considered acceptable, and the proposed development would provide a replacement community space. The proposed development would deliver 33 new residential units. 40% affordable housing is proposed (23% of which is affordable rent, 77% of which is intermediate), which will meet an identified need in the city. Giving the contribution to the housing supply which would include 40% affordable housing units, the provision of tenure mix is considered to be acceptable in this case.
- 10.2 It is considered that the proposed building design will sit comfortably in the Hangleton Way 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.
- 10.3 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.
- 10.4 The proposed buildings would result in some additional overshadowing and overlooking of neighbouring properties however, subject to conditions for obscure glazing and details of balcony screening, significant harm would not be caused.
- 10.5 Other matters such as sustainability measures, tree protection measures and ecology are recommended to be secured by condition.
- 10.6 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.