

<u>No:</u>	BH2017/02869	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	10 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	14.09.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Atelier Six Architects 177 Havelock Road Brighton BN1 6GN		
<u>Applicant:</u>	Mr B Packham And Mrs A Rizzoni C/o Atelier Six Architects 177 Havelock Road Brighton BN1 6GN		

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 Planning Obligation and the Conditions and Informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 7 November 2018 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9. of this report:

1.2 S106 Heads of Terms

A contribution of £8,100 towards sustainable transport infrastructure improvements within the vicinity of the application site such as pedestrian facilities to include dropped kerbs and tactile paving on routes between the development site and local amenities e.g. Hove Park and nearby bus stop improvements on Shirley Drive

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	2017/02/01	A	14 September 2017
Proposed Site Plan	2017/02/01		24 August 2017
Proposed Section AA	2017/02/18		24 August 2018

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) appearance; and
- (ii) landscaping.

- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 4. The hard surface 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.

- 5. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 6. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 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 Brighton & Hove City Plan Part One.

- 7. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted

- completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP. Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

8. Prior to commencement of development a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in strict accordance with the approved detailed design prior to the development commencing.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into the proposal in accordance with retained Policy SU3 in the Brighton & Hove Local Plan and Policy CP11 in the Brighton & Hove City Plan Part One.
9. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
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 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

10. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
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 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
11. Prior to the commencement of the development details of all the proposed car parking areas shall be submitted and approved in writing by the Local Planning Authority and thereafter shall be implemented in strict accordance with the approved details. The vehicle parking areas shown 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.
12. 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.
13. The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
14. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Shirley Drive and The Drove way back to a footway/ grass verge by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
15. 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 & Hove City Plan Part One.

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

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

17. The development hereby permitted shall not be first occupied until
i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

23. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.

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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license 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 crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. 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

(2011)' 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: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application refers to a substantial detached property located on the western side of Shirley Drive, at the junction with The Droveaway. The site slopes down from east to west.
- 2.3 The property is a two storey single dwelling with rooms in the roofspace and a large lower ground floor area which includes a pool, home cinema, gym and spa. This is housed in an extension which is built hard up against the northern site boundary and takes up a large part of the rear garden. There is a garage to the rear with access from The Droveaway as well as a vehicular parking area to the front of the property.
- 2.4 The surrounding out of town location is predominantly residential in character, generally characterised by large detached properties with good sized gardens.
- 2.5 Outline planning permission is sought, for the principle of the demolition of the existing dwellinghouse and construction of 10 no. flats (4x one bed, 5x two bed, 1x three bed) with associated parking on the site. Matters of access, layout and scale will be assessed as part of this application, with matters of appearance and landscaping reserved for a later date.
- 2.6 The indicative plans incorporate a two-storey building plus accommodation to the lower ground floor and inset roof level. Each flat would have private outdoor amenity space and a private car parking space. The off-street car and cycle parking would be located to the rear curtilage.
- 2.7 The layout of the proposed building has been arranged with three flats on each floor and an inset penthouse unit on the top floor. The main pedestrian access from The Droveaway would give access to the ground floor in a manner similar to the existing house. Pedestrian level access would be provided to the lower ground floor via the new parking area.

3. RELEVANT HISTORY

BH2006/02036 Single storey rear extension to accommodate hydrotherapy pool and alterations to basement. Approved 29.09.2006

BH2004/03602/FP Demolition of existing two storey side extension and construction of two storey side extension and garden wall. Approved 03.05.2005

4. REPRESENTATIONS

4.1 Two hundred and twelve (212) letters have been received objecting to the proposed development for the following reasons:

- Too large
- Too tall
- Modern development
- Overdevelopment of site
- Design out of keeping with character of area
- Flatted development will change character of area
- High density
- Overshadowing
- Parking issues
- Increased traffic
- Increased noise
- Highway safety
- Overlooking and loss of privacy
- Impact from lighting
- No affordable housing
- Pressure on infrastructure and utilities
- Encourage similar applications
- Greed and profit
- Clause in covenants/ deeds preventing development of this nature
- Construction phase disruption
- Damage to grass verges
- Impact on property values

4.2 Hove Civic Society: Comment: support the principal of replacing large family homes with apartments in the area, however design is disappointing.

4.3 Two (2) letters have been received supporting the proposed development for the following reasons:

- Innovative design
- More sustainable
- Provides much needed smaller accommodation

4.4 Councillor Brown objects to the proposed development, Comments are attached.

5. CONSULTATIONS

5.1 External

Archaeology: No objection No significant below ground archaeological remains are likely to be affected.

- 5.2 Ecology:** No objection the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 5.3 Sussex Police:** No objection
- 5.4 Wealden District Council:** Objection based on concern about development's potential impact on the Ashdown Forest.
- Internal**
- 5.5 Environmental Health:** No objection subject to conditions re Construction Environmental Management Plan (CEMP), soundproofing, external lighting.
- 5.6 Planning Policy:** No objection following receipt of DVS report and amendments to scheme indicating outside amenity space and justification for housing mix.
- 5.7 Sustainable Transport:** No objection subject to conditions re cycle parking, retention of parking area, new crossover, reinstatement of redundant crossover to footpath and a S106 agreement of £8100 re trip generation.
- 5.8 Sustainable Drainage:** No objection
- 5.9 Economic Development:** No objection subject to the submission of an Employment and Training Strategy, and a developer contribution towards the delivery of the council's Local Employment Scheme.
- 5.10 Arboriculture:** No objection

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
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
CP19 Housing mix
CP20 Affordable housing

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

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
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

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees and Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)

8. CONSIDERATIONS & ASSESSMENT

8.1 Matters of appearance and landscaping are reserved and therefore the main considerations in the determination of this application relate to access, layout and scale of constructing 10 no. flats (4x one bed, 5x two bed, 1x three bed) with associated parking on the site.

8.2 Planning Policy:

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 2017 SHLAA Update (February 2018) which demonstrates a 5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.3 The application site is in a predominantly residential location characterised by large detached dwellings and it is acknowledged that there is concern from residents regarding the proposal for a higher density flatted development.
- 8.4 Policy CP14 states that development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal be of a high standard of design and respect the character of the neighbourhood; would include a mix of dwelling types, tenures and sizes that reflect identified local needs; is easily accessible by sustainable transport; is well served by local services and community facilities; provides for outdoor recreation space.
- 8.5 With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare. The proposal is for 10 residential units on a 0.08ha site which provides a density of 119dph which accords with policy, subject to on site design and amenity considerations.
- 8.6 Policy CP19 requires that proposals have 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. Additionally it is important to maximise opportunities to secure additional family sized housing on suitable sites.
- 8.7 The proposal would provide 4x one bed, 5x two bed, 1x three bed, a mix which includes 6 family sized units. The applicant has provided justification as to why a greater number of family sized units cannot be provided, given the location, constraints of the site and potential viability of the scheme. Given this, it is considered that the mix of unit sizes has been justified and the mix as submitted represents an optimum use of the land and provides for an appropriate mix of housing sizes.
- 8.8 Subject to other planning considerations, the scheme would provide for 9 (net) residential units, 6 of them suitable for family housing, and the development of the site is therefore supported as a means of increasing housing supply and making more effective use of the site in line with the requirements of City Plan Policy CP14 (Housing Density). A net increase of 9 dwellings would make a positive contribution towards the City's housing target as set out in City Plan Policy CP1 and the scheme is supported by the Council's Planning Policy and Economic Development teams.
- 8.9 Design and Appearance:**
The Outline application reserved matters of design and landscaping and so these are not considered in detail other than to confirm that the quantum of development sought could realistically be accommodated on site.

This section of Shirley Drive is not entirely uniform in appearance and there is a mix of styles, albeit mainly traditional two storey residential dwellings. However there are some common features such as hipped brown/ red tiled roofs with hipped or gable ended front projections. Most appear to be single dwellinghouses; very few properties in this area have been subdivided, and there is no modern flatted development within the vicinity.

- 8.10 As previously mentioned the principle of additional residential dwellings on this site is supported in policy terms. However the resulting development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. Successful higher density development will depend upon a 'design-led' approach that respects its local context and minimises impacts on its surroundings. A new development in this area would therefore need to fit in with local vernacular in terms of design and appearance.
- 8.11 The indicative plans show that the proposed development would not be dissimilar in terms of footprint, scale and height to the existing building. The proposed scale and layout is therefore considered acceptable.
- 8.12 However it is considered that the indicative design of a modern style building in brick with a zinc roof, aluminium windows and brick boundary treatments would result in an overly-imposing, block-like development with very little visual relief, that would not pick up on the positive qualities of the neighbourhood and would appear incongruous and out of character within the streetscene. By virtue of this, the design would be harmful to the visual amenities of the streetscene and wider area. Therefore the design as shown on the illustrative drawings is not acceptable and any approval does not signify the LPA's acceptance of the design/external appearance.
- 8.13 Additionally, contrary to what is stated in the submission documents, there are trees and shrubs within the application site which provide visual amenity value in the streetscene. It is not clear whether these trees/ shrubs are to be retained; this should be clarified as part of the landscaping scheme secured by condition. There are also lime trees on the public highway which could be affected by the development.
- 8.14 'Appearance' and 'landscaping' need to be addressed as part of a reserved matters application.
- 8.15 Standard of accommodation:
Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy do require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally

described space standard' , March 2015. Whilst the Council does not seek to enforce these standards, they do clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units.

8.16 From the indicative plans the proposed units would comply with the above government standards and would provide good levels of light, outlook and circulation space. Local Plan Policy H05 requires a provision of private usable amenity space in new residential development appropriate to the scale and character of the development. It is noted that the lower ground floor apartments would have access to a private terrace, and the apartments on the upper floors would benefit from a balcony; this provision is considered appropriate.

8.17 Affordable Housing:

Policy CP20 applies to the proposed development, which proposes 9 (net) dwellings. Policy CP20 seeks 20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwelling (based on 2x two bed flats in Zone 1 which would equate to £477,500). The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City.

8.18 Developers are required to prove where it is not viable for them to meet this policy provision. In this case the applicant has submitted a viability report outlining the site constraints. This, along with the LPA's policy position, was submitted to the District Valuer Services (DVS). The DVS has concluded that the scheme is unviable and cannot provide an Affordable Housing contribution.

8.19 Given the DVS conclusion, it is considered that, as 9 (net) residential units of a good standard would be provided for the City, the revised position of nil affordable housing provision is acceptable in this case.

8.20 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.

8.21 The property most likely to be impacted by the proposal is no. 12 Shirley Dive, on the adjoining site to the north. This neighbouring property has only a couple of secondary and / or obscure glazed windows to its southern side elevation. Therefore the side windows of the indicative drawings would not overlook into the habitable rooms of no. 12.

8.22 The rear windows and proposed penthouse balcony of the indicative drawings would give rise to overlooking of the rear garden of no. 12 and of no. 45 Bishops Road, which at a lower ground level to the rear. Although the views would be identical to the existing situation, it is acknowledged that, given the

increase in the number of units, there could be a real and perceived intensification of overlooking of neighbouring gardens.

- 8.23 However in view of the distances involved and the good size of the neighbouring gardens it is considered that the development could be designed to limit the impact, such as the provision of an inset balcony and privacy screens, so that significant harm does not arise. This should be factored into the design at reserved matters stage.
- 8.24 Given that the proposed development would not be dissimilar in terms of footprint, scale and height to the existing building, it is considered that the proposal would be unlikely to cause significant harm to neighbouring amenity through loss of light or outlook, or overbearing impact. The applicant has submitted a daylight/ sunlight assessment by Building Research Establishment Ltd (BRE). The report has used the BRE's Guide to Good Practice Layout Planning for Daylight and Sunlight and concludes that the loss of daylight and sunlight to the windows of 12 Shirley Drive has been analysed and would be well within the BRE guidelines in all cases.
- 8.25 A new residential development in what is already a residential location would not be expected to create harmful levels of noise or disturbance. It is noted that there would be a parking area created on the boundary with no. 45 Bishops Road. However as the neighbouring property has a good sized garden with a garage at the rear, shielding the property from the rear of the application site, the intensification of the parking area is not considered to warrant refusal of the application.
- 8.26 The Council's Environmental Health officer has requested details of the outside lighting scheme to ensure that the artificial light would not cause nuisance to the residents or neighbouring properties. This can be secured by condition.

8.27 Sustainable Transport:

There have been concerns from local residents regarding highway safety. However the Council's Highways team has no objection to the scheme as follows:

Parking

The application proposed 10 car parking spaces (including one disabled space). This is acceptable and within the City Councils maximum car parking standards (SPD14). The car parking layout is deemed satisfactory.

With regard to cycle parking SPD14 requires a minimum of 1 space per flat and 1 space per three flats for visitors. Therefore for this development a minimum of 14 spaces should be provided. It is noted that only 10 spaces have been proposed and there is adequate space on site for a further 4 to be accommodated; therefore further details are requested (including shelter for at least ten of the cycle parking spaces). This can be secured by condition.

Vehicular Access

The vehicular access on The Drove way is being relocated several metres east of its existing location which is deemed acceptable in highway terms. The proposed relocation of the new entrance and crossover on the Drove way means that the existing entrances/crossovers on both The Drove way and Shirley Drive are to become redundant; they should be removed and the footway, kerb edge and grass verge reconstructed and reinstated. This can be secured by condition.

Pedestrian & Mobility & Visually Impaired Access

The site's main pedestrian access includes a number of steps and this does mean that access to the flats may be difficult or not possible for some. It is recommended that the applicant should consider implementing alternative step-free access at design stage.

Trip Generation

This proposed development is likely to generate an increase in trips to the site. Given that there is a need for pedestrian route and bus stop improvements in the surrounding area, it is recommended that a sustainable transport contribution of £8,100 is sought in order to provide for the needs of future occupants of all abilities accessing the site on foot.

8.28 Sustainability:

Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. This can be secured by condition.

8.29 Developer Contributions:

Although the development is for 10 residential units, the net gain is 9 dwellings. Therefore having regard to the Developer Contributions Technical Guidance, the LPA cannot request contributions in respect of Education, Employment/ Training or Open Space.

8.30 Other Considerations:

There is a considerable amount of construction proposed, in very close proximity to local residents. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. It is therefore recommended that a Demolition Management Plan and a Construction Environmental Management Plan (CEMP) is requested via condition.

8.31 Wealden District Council has raised an objection to this application based on concern about its potential impact on the Ashdown Forest (European) site which is a material planning consideration in the determination of this application. This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Ashdown Forest (European) site. A pre-screening exercise has been undertaken to assess the potential in combination with other development for "likely significant effects" on the Ashdown Forest. This has

concluded that there is no potential for "likely significant effects" on the Ashdown Forest (European) site and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations".

- 8.32 Matters raised in neighbour representations relating to greed/ profit, deeds, covenants, impact on property values are not material planning considerations.

9. S106 AGREEMENT

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. Proposed development fails to address the additional impacts on sustainable transport infrastructure which the proposed development would cause, contrary to policies CP7 and CP9 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable; wheelchair access is provided by a fully accessible lift which serves each floor and there would be level access from the car parking area.
- 10.2 Policy HO13 states that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard. However as this is 9 net dwellings this does not apply.