

<u>No:</u>	BH2020/01742	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Meeting House Park Close Brighton BN1 9AJ		
<u>Proposal:</u>	Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	22.07.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	WSE Property Services Ltd C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 24th February 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

- Affordable housing – The S106 legal agreement will include a Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to a policy compliant level of affordable housing via an off-site financial contribution.
- Contribution of £3,100 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy

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	0313-P01	A	19 October 2020
Proposed Drawing	0313-P05	B	19 October 2020
Proposed Drawing	0313-P06	B	19 October 2020
Proposed Drawing	0313-P07	B	19 October 2020
Proposed Drawing	0313-P08	B	19 October 2020
Proposed Drawing	0313-P03	B	19 October 2020

Proposed Drawing	0313-P04	B	19 October 2020
Proposed Drawing	0313-P02	C	19 October 2020

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. Prior to first occupation of the development hereby approved, the 1.8 metre high side privacy screens to the first floor balconies shown on the approved plans, shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
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 and CP11 of the Brighton & Hove City Plan Part One.
5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within

the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. 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.

9. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat and Badger Survey Report, Urban Edge Environmental Consulting, May 2020, specifically recommendations R1 to R9, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. 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.

11. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

12. No development shall take place until an ecological design strategy (EDS) addressing protection of the adjacent South Downs National Park and Wild Park Local Nature Reserve (LNR), measures to reduce indirect impacts on the National Park and LNR, and measures to enhance the site for biodiversity, to include the provision of native species of known value to wildlife within the landscaping scheme and the provision of bird (including swift), bat and insect boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works;
- k) details of sustainable drainage system.

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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- Reason:** To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a Sustainable Drainage Report and/or Flood Risk Assessment report has been produced, including a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
- 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.
15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), notwithstanding the submitted Arboricultural Impact Assessment, 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. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS shall include details of a clerk of works schedule that specifies arboricultural supervision at appropriate stages of the development process. 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.

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

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scale (1:10 or 1:5) construction details of critical material junctions including verges and eaves, particularly in relation the dormers shown on the approved plans, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

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 Brighton & Hove City Plan Part One.

18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. 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.

21. 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.

22. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy 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 details of electric vehicle charging points 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 seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

25. The development hereby permitted shall not be occupied until the new/extended crossovers and access has been constructed.

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.

26. The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other ground floor dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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 advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. 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.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. 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.
6. 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.
7. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
8. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building

and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a converted Church located on the south side of Park Close, Coldean. The building has been in use as a single residential dwelling for over two decades, and is substantial in size in comparison to adjacent dwellings, with a hipped roof and projecting tower. There are a number of trees adjacent to the southeast.
- 2.2. It is understood, from previous applications, that the elevated position of the existing building relative to those adjacent is owing to the ground having been stabilised with concrete piles.
- 2.3. The surrounding area is residential in nature. The site is within an archaeological notification area and backs onto Wild Park to the rear, which sits within the South Downs National Park (SDNP) and is an identified Local Nature Reserve (LNR). Part of this land within the SDNP is in the ownership of the applicant, however, is not part of the development site.
- 2.4. Planning permission is sought for the demolition of the existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works.
- 2.5. Following discussions during the course of the application, amended plans have been received which included amendments to the parking area, additional planting, cycle parking provision, private amenity space provision, changes to internal layouts, additional windows providing cross-ventilation and minor changes to design/ materials.
- 2.6. The planning history of the site presents several proposals for higher density development. The most recent application (BH2017/00641) was refused and dismissed at appeal for reasons including design, character and appearance and potential harm to biodiversity and protected species by virtue of lack of surveys. However, the provision for a higher density residential development was accepted in principle.

3. RELEVANT HISTORY

- 3.1. **BH2017/00641** Demolition of existing house and erection of 5no four bedroom houses (C3) with provision of 6no vehicle parking spaces and associated crossovers. Refused 9.11.2017 for the following reasons:
 1. *The proposed development, by virtue of the mixture of forms and heights, varied roof forms, in addition to the mixed fenestration and three storey appearance to the rear elevation, represents a poorly designed and*

incongruous addition that lacks overall design cohesion and fails to satisfactorily integrate with, and reflect the positive characteristics of, the street, contrary to policy CP12 of the Brighton & Hove City Plan Part One.

2. *Insufficient information has been provided to assess and mitigate any potential impact of the development on protected species and biodiversity both within the site and within the adjacent Wild Park Local Nature Reserve, contrary to policies CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and SPD11 guidance.*
- 3.2. Appeal dismissed 20.7.2018 for reason of poor design leading to harm to the character and appearance of the area, and potential harm to biodiversity and protected species by virtue of lack of protected species surveys.
- 3.3. **BH2015/01130** Demolition of existing house (C3) and erection of 2no two bedroom houses and 4no four bedroom houses (C3). Refused 16.06.2015. Appeal dismissed 10.06.2016.
- 3.4. **BH2014/01905** Demolition of existing house (C3) and erection of 6no four bedroom houses (C3). Refused 21.08.2014.
- 3.5. **96/1013/FP** Installation of new and replacement windows and doors, erection of front boundary enclosures and gates, new roof lights, rear conservatory and verandah, carport on front elevation. (Part retrospective). Approved 16.01.1997.
- 3.6. **94/0488/FP** Alterations to change the use from church meeting rooms to house including disabled access and elevational alterations. Approved 27.06.1994.

4. REPRESENTATIONS

- 4.1. **Twenty-three (23)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
 - Flatted development not in keeping with area
 - Loss of existing building
 - Overdevelopment
 - High density development
 - Poor design
 - Inappropriate size and height
 - Increase in traffic
 - Impact on parking provision
 - Highway safety
 - Overlooking and loss of privacy
 - Close to boundaries
 - Overshadowing and loss of light
 - Noise
 - Impact on wildlife
 - Impact on Wild Park
 - Impact on trees
 - Lack of affordable housing

- Lack of refuse and recycling
- Size of dwellings
- Development may not be financially viable
- Impact on views
- Existing HMOs problematic
- Detrimental impact on property value
- Impact and inconvenience from construction
- Impact on neighbouring foundations

4.2. Following amended plans received in September 2020, a further **Eight (8)** letters have been received objecting to the amended development. Additional grounds for objection are as follows:

- Landslides possible
- Proposed materials not appropriate

5. CONSULTATIONS

5.1. Urban Designer:

Initial comments 14/08/20: No objections

Current proposals are generally well received; positively addressing context and some previous concerns, and providing a high quality of residential accommodation.

5.2. However, there are some concerns regarding:

- Impact of increased hard-standing and car parking on the character of the street;
- Lack of communal external amenity space;
- The scale of proposals against no. 65 Park Close;
- Lack of private external amenity to some dwelling units;
- A lack of innovation and cohesion in appearance and elevational composition.

14/10/20 following amendments:

5.3. Many of the concerns raised in my previous report have been addressed:

5.4. Site layout and landscape:

- The parking arrangement at the front of proposals has been further subdivided and punctuated with additional planting. This is considered to be an improvement;
- The inclusion of private amenity space to all proposed units and the addition of gated access to adjacent woodland has negated the requirement for communal amenity space.

5.5. Scale and massing:

- The additional visualisation has demonstrated that the relationship with 65 Park Close is acceptable

5.6. Orientation, Aspect and Internal Layout:

- The additional side window to lower ground floor units for cross ventilation is noted;
- Provision of private external amenity space to all units is noted;

5.7. However, there are some outstanding concerns below:

- No seating or space for socialising has been added to the entry lobbies as suggested. As no dedicated communal amenity space is proposed, opportunity for social interaction in communal spaces is even more important to ensure a sense of community.

5.8. Architectural Form, Composition and Materiality:

- The proposed cedar cladding to dormers does not negate the requirement of a fascia detail around the top, as was the reason for suggesting a terracotta rainscreen cladding. It was suggested that the use of timber cladding in dormers could be an accent, not the primary material.
- The timber screening to rear dormers has significantly increased their massing against the roofscape.

12/11/20 final comments following amendments:

5.9. The applicant has addressed previous concerns as follows:

- Benches have been added to communal entrances to enhance sociability;
- The scale of timber screening to rear dormers has been reduced, improving their proportion against the roofscape;
- The primary materiality of proposed dormers has been revised to match the clay-tile roof, which is considered to be appropriate.

5.10. As such, design proposals can be supported.

5.11. **Sustainable Transport:** No objection subject to a CIL contribution and conditions relating to retention of the parking area, construction of new crossovers, cycle parking provision, electric charging points, refuse and recycling scheme.

5.12. **Planning Policy:** No objection

The proposed 12 residential units would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030 and would help address the current five-year housing land supply shortfall. There is concern around the apparent lack of private amenity space for every unit which should be clarified in order to comply with policy HO5.

5.13. **City Clean:** No objection

Storage, capacity and access for waste meets CityClean guidelines.

5.14. **Sustainability:**

Initial comments 26/8/20: No objection

It is recommended that sustainability standards relating to City Plan Policy CP8 be secured by planning conditions. It is recommended that alternative sources of heating and hot water, such as air source heat pumps, are considered.

Further details received: 5/11/20:

- 5.15. Larger windows facing south to benefit from solar gain. The willingness to explore the potential for solar thermal heating is welcome. The landscaping and biodiversity proposals are good and should help to enhance the existing mature tree growth to the rear of the property.
- 5.16. **Sustainable Drainage:** No objection subject to a condition relating to submission of a Sustainable Drainage Report and/or Flood Risk Assessment report and a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.17. **Arboriculture** Objection
In general the trees appear of low quality, however T2 Ash has been identified as B grade, BS 5837:2012 recommends retention of trees within this category wherever possible. Additionally, the site faces south east directly into woodland. Post development pressure to prune or remove these trees will be high. Significant compensatory planting, an Arboriculture Method Statement including a Tree Protection Plan should be secured by condition.
- 5.18. **Air Quality:** No objections
- 5.19. **County Archaeologist:** No objection
No significant archaeological remains are likely to be affected by these proposals.
- 5.20. **Southern Water:** No objections subject to a formal application for connection to the public sewerage system is required in order to service this development.
- 5.21. **County Ecologist:** No objections
Provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.
- 5.22. **South Downs National Park Authority:** No objections
The development would be located in an area where there is pre-existing residential development, and as such the development would likely result in minor impacts on the setting of the National Park. Due to intervening tree cover it is unlikely that the three-storey elevation could be viewed from the public footpath to the south of the site within the National Park.
- 5.23. **Sussex Police:** No objections

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);
 - Shoreham Harbour JAAP (adopted October 2019).
- 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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

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
SA5	The Setting of the South Downs National Park

Brighton and 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
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
NC3	Local Nature Reserves (LNRs)
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development of the site and the impact of the proposed dwellings on the character and appearance of the street and the surrounding area, and on the setting of the adjacent South Downs National Park. The standard of accommodation, sustainability and impact on neighbouring amenity, transport, trees, ecology and biodiversity are also material considerations.
- 8.2. Neighbour objections in relation to loss of view, impact on property value, impact from the construction phase and impact on neighbouring foundations are noted, however are not material planning considerations.
- 8.3. 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.
- 8.4. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Planning Policy:

- 8.5. The surrounding area comprises a cluster of development bordering the South Downs National Park. Park Close is comprised of a mixture of chalet bungalows, bungalows and larger detached properties.
- 8.6. It is recognised that the existing building has a unique character which contributes to the overall qualities of the streetscene. However, it is not listed nor a historic building within a sensitive location, therefore no objection is raised to the principle of its demolition. The gap it would form in the street would allow the new buildings to fit within the building line and general development pattern to the street.

8.7. Previous applications and appeal decisions have accepted the principle of a higher density development. Furthermore, the most recent application (BH2017/00641) was assessed under current policies and is therefore a material consideration to which weight has to be given. As such, a residential redevelopment of the site would not be resisted in principle.

Housing density and mix

8.8. When considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 12 no. residential units, 11 net increase, on the site would make a positive contribution towards meeting the City's housing target and would help address the current five-year housing land supply shortfall.

8.9. Currently the site of 0.09 hectares supports just one residential dwelling. With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare (dph), which on this site would be a minimum of 4.5 dph. Therefore, the proposal for 12 residential units would bring about a highly efficient residential use of the site, subject to other planning considerations.

8.10. 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.

8.11. The dwellings proposed would be one or two-bed. Local assessments indicate that the greatest demand for market housing is for two-bed units (34%). However, there is also demand for other sizes, including for one-bed units (24%) and three-bed units (31%). Therefore, the one and two bed units proposed would meet an identified demand and although, unfortunately, there is no provision for three-bed units in the scheme, it is recognised that this has not been included on the basis that it would not be financially viable as part of this development. Therefore, given the city's housing requirement and the current housing supply position, the additional housing proposed would be welcome and is supported by officers including Council's Planning Policy and City Regeneration officers as it would enable the construction of 12 no. new dwellings in a well-established residential area and would contribute to the council's challenging housing targets.

Affordable Housing:

8.12. City Plan Policy CP20 sets out an affordable housing target of 30% for developments of between 10 and 14 (net) new dwellings. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the requirement for a 30% offsite contribution (£546,750). Therefore, the application proposes no affordable housing.

8.13. The applicant's FVA has been independently assessed by the District Valuation Service (DVS). The DVS is in agreement with the overall conclusion within the FVA and considers that no commuted sum payment towards affordable housing

can be viably provided. It should be noted that the DVS assessment has taken into account the CIL liability payment of £74,700.

- 8.14. Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements.
- 8.15. However, the DVS notes that the sales values and construction costs would only need to vary slightly for a payment to be possible. Given this, plus current market uncertainty and the lack of similar comparable property sales prices within the area, a late stage review mechanism (re-appraisal of the scheme's viability) is recommended to ensure that the actual achieved sales values and construction costs can be reviewed and any uplift in development value is shared with the Council in the form of an affordable housing contribution. This is recommended as a Heads of Term and can be secured by S106 Legal Agreement.

Design and Appearance:

- 8.16. A 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 with design policies in the City Plan. The existing building sits on land that slopes sharply down at the rear of the site. A number of mature trees about the site at the embankment to the rear, with further semi-mature trees to the front and side. The adjacent properties are set considerably below street level. The site adjoins the South Downs National Park to the rear.
- 8.17. A feature of the streetscape is the prevalence of hipped pitched roofs, which are clearly visible along the street. The consistency in the roof form, together with the visual space between the buildings, helps to define the character and appearance of this suburban street.
- 8.18. The development is designed to give the visual appearance of a pair of semi-detached chalet bungalows within the streetscene, similar in style to adjacent properties. The scale of proposals appears appropriate to the suburban streetscape, appearing as a chalet bungalow from the front, although the ground would be excavated at the rear to create three storeys (provided via 2 storeys and accommodation in the roofscape), which is not considered to be out of keeping with other properties on in the road which have different levels and terraces.
- 8.19. The principle of two hipped pitched roof forms as a continuation of the prevailing house typology is considered to be contextually appropriate and sensitive to the character of the street. This approach has satisfied concerns with the previously refused application (BH2017/00641), in which the design including the roof forms was considered to be incongruous with the prevailing character and was a reason for refusal and later dismissal at appeal.

- 8.20. The proposed roof dormers to the front and rear are also considered to be acceptable within the immediate context. They are well positioned in the roofscape, have no large areas of cladding, and are of a size so as not to appear as a whole additional storey to the dwellings. Many of the surrounding properties exhibit long front dormers, including the properties on either side of the proposed development.
- 8.21. In terms of materials it is considered that sensitivity to context is achieved in the specification of red clay roof tiles and Sussex brick blends. The primary materiality of the proposed dormers has been revised to match the clay-tile roof, which is considered to be appropriate. Terracotta rainscreen cladding proposed to the dormer walls adds some modern elements. The Council's Urban Design officer supports the scheme subject to submission of material samples/ details which can be secured by condition.
- 8.22. The proposals include eight off-street car parking spaces and eighteen cycle spaces. Densification of the site to accommodate 12 dwelling units would inevitably result in higher numbers of parked vehicles. As a suburban area, it is recognised that on-site car parking provision is appropriate for the development, however it should be balanced against the visual impact of increased hard-standing and car numbers. In order to mitigate this; the application has proposed subdivision of the parking bays into sections and street trees and ground planting to naturalise and screen parking areas. This is considered to be acceptable.
- 8.23. In terms of the setting of the adjacent National Park, given the existing residential development, the proposal would result in minor impacts. Due to intervening tree cover it is unlikely that it could be viewed from the public footpath to the south of the site within the National Park. The South Downs National Park Authority have commented on the application and have not raised an objection.

Trees and Landscaping:

- 8.24. Policy QD16 requires that applications for new development should accurately identify existing trees, shrubs and hedgerows must seek to retain existing trees and hedgerows; and wherever feasible include new tree and hedge planting in the proposals. Development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.
- 8.25. Of the nine trees identified on the submitted Tree Survey, six are targeted for removal including two at the rear. In general, the trees appear of low quality, however T2 Ash at the rear has been identified as higher (B) grade. The Council's Arboriculture officer has advised that if this tree is lost, compensatory planting should be sought. This can be secured by condition.
- 8.26. The site occupies a plot that is relatively level with the adjacent highway, although drops away steeply to the rear. This slope is within the applicant's ownership although it does not form part of the development site. It is covered with mature woodland which merges into 'Wild Park' within the South Downs National Park. The proposed development would involve excavation in order to

facilitate the lower ground floor level into the slope including levelled courtyard areas to the rear.

- 8.27. The Arboriculture officer considers that, given that the proposed balconies and courtyards would be in close proximity to existing vegetation, the enjoyment of these areas by future residents may lead to post development pressure to prune or remove this vegetation, and as a result has objected to the proposals.
- 8.28. Whilst it is noted that the trees may overshadow the rear courtyards and the rear windows of the proposed properties this is not considered to be to such an extent that would cause unacceptable harm to living conditions.
- 8.29. It is acknowledged that the Council's Arboriculture officer had the aforementioned concerns in relation to the 2017 application. However, the LPA did not refuse the application for this reason, and the Inspector did not consider works to trees to facilitate the development to be unacceptable and therefore did not dismiss the appeal for this reason, stating:
On the evidence before me I agree that, on balance, the effect of the development on nearby trees could be managed through the use of planning conditions, including conditions requiring new planting.
- 8.30. Whilst the value of the existing trees is acknowledged, given the above and that the trees are not currently protected, it is considered that the potential pruning of this vegetation in the future would not warrant refusal of the application. The arboriculture officer has advised that an Arboriculture Method Statement including a detailed Tree Protection Plan should be sought; this can be secured by condition.

Standard Of Accommodation:

- 8.31. 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).
- 8.32. The Government has published room and unit sizes which it considers to represent the minimum acceptable size for rooms and units, in the form of 'Technical housing standards - nationally described space standard' (NDSS), March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standards of accommodation. They provide a useful reference point in assessing dwelling size and no. of occupants. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.33. The proposed dwellings would measure as follows:
- LGF: 50 sq metres for 2 person one-bed unit x4
 - GF: 66 sq metres for 3 person two-bed unit x 4
 - FF: 61 sq metres for 3 person two-bed unit x4
- 8.34. All units would comply with the nationally described minimum space standards (50 sq metres for a 2 person one-bed and 61 sq metres for a 3 person two-bed)

, which are referenced in the draft CPP2 Policy DM1, and would benefit from good levels of light, outlook and internal circulation. The submitted section drawings show that units in the roof space would benefit from sufficient head height.

- 8.35. It is proposed that each dwelling would have some private outdoor amenity space in the form of a rear courtyard to the lower ground floor units and a balcony to the upper units. Additionally, a side gate would provide occupants access to the woodland area to the rear. This would provide further access to open space for the residents.
- 8.36. Appropriate refuse and recycling provision is proposed in timber enclosures to the front of the buildings. The bins can be positioned in the front gardens on collection days.

Impact on Amenity:

- 8.37. 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.
- 8.38. The neighbouring property to the southwest, no. 14 Park Close, forms one half of a pair of semi-detached chalet bungalows set considerably below street level. As existing, the single storey side wings of the application property project approximately 5m beyond the rear elevation of no.14 at a separation of under 1m, however are largely disguised by boundary fencing set on a wall approximately 1m high.
- 8.39. The built form of the proposed south eastern building would be set on a similar footprint as the existing building; however, its hipped roof would be sited closer to the shared boundary. When considered against the form of the neighbouring building, it is not considered that the additional bulk at this boundary would cause an overbearing impact. There is an existing side roof window to no. 14 from which the proposed roof would be visible. However, it appears to be a secondary window and there would still be an 8m separation distance from the proposed roof from. Therefore, it is not considered that a harmful loss of light would occur.
- 8.40. To the north-east, no. 65 Park Road forms a semi-detached house set considerably below street level, and approximately 2.9m below the ground level of the proposed buildings. There would be a distance of 6m to 7m between the proposed north eastern building and the existing built form of no. 65. The new development would project approximately 4m beyond the rear elevation to no. 65.
- 8.41. The proposed built form would project considerably closer no. 65 which is significantly lower in height than the proposal. However, the gap between the properties would be entirely in character with the area and it would provide a sufficient distance to avoid any material harm to living conditions. Given this, and the extent of the existing building and the prevalence of vegetation (both existing and proposed) it is not considered that the resultant impact would warrant refusal

of the scheme. The submitted visualisation has demonstrated that the relationship with no. 65 Park Close would not be overbearing. Furthermore no. 65 would retain its main outlook to the rear as well as the substantial rear decking.

- 8.42. It is noted that the proposed balconies to the eastern end of the proposed development could allow for oblique overlooking of the rear garden of no. 65 Park Road. However, the first-floor balconies would have a 1.8m privacy screen to the side, the installation and retention of which can be secured via condition, and the ground floor balconies are inset, limiting views to the side.
- 8.43. No windows are proposed to the upper floor side elevations, limiting overlooking. The proposal would have no significant impact on properties opposite, which are on higher ground level and there are no properties to the rear of the site.

Sustainable Transport:

- 8.44. With regard to cycle parking provision SPD14 requires sixteen spaces for the proposed development, twelve covered long stay spaces and four short stay spaces for visitors. The application proposes twelve covered and six uncovered cycle parking spaces (eighteen in total); this is acceptable and can be secured by condition.
- 8.45. Eight car parking spaces are proposed for twelve flats which is in line with the City Council's maximum parking standards. Census data suggests that this amount is near to the average car parking ownership amount in the Hollingdean and Stanmer ward. Additionally, the Council's Highways officer reports that developments which comprise of solely flats can potentially require less parking provision.
- 8.46. Parking in the street is unrestricted, apart from on match day and events at the nearby Falmer stadium. However, most of the neighbour representations refer to parking issues within the street. This is noted, however the Council's Highways officer has advised that if some overspill parking did occur, this is likely to be minimal and would not be deemed to amount to a severe impact or warrant a reason for refusal under the National Planning Policy Framework.
- 8.47. The applicant is proposing two electric vehicle charging point bays. These are welcomed however further specifications are required and can be secured by condition, as can provision for the new/extended crossovers.
- 8.48. The Highways Officer has recommended funding is secured for improvements to the surrounding transport infrastructure. This is noted, however off-site items such as sustainable transport initiatives would now be paid for through CIL, a city-wide charge which will fund agreed infrastructure projects in accordance with priorities.

Sustainability:

- 8.49. 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.

- 8.50. The Council's Sustainability officer has advised that the submitted information gives confidence that these standards can be met; they can be secured by condition, as can a site waste management plan to minimise and manage waste produced during construction, demolition and excavation.

Ecology and Biodiversity:

- 8.51. The proposed development site is not designated for its nature conservation interest, however the South Downs National Park and Wild Park Local Nature Reserve (LNR) adjoin the southern boundary. A Badger Survey Report and Preliminary Ecological Appraisal have been submitted.
- 8.52. The County Ecologist has recommended that measures to protect the adjacent National Park and Local Nature Reserve as well as protected species (such as badgers, bats, breeding birds and reptiles) and to provide a net gain for biodiversity should be set out in a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS). The EDS should include the provision of bird (including swift), bat and insect boxes. The mitigation measures set out in the submitted Bat and Badger Survey Report should be implemented, and a sensitive lighting strategy is required to ensure no light spill onto the adjacent woodland. These measures can be secured by condition.
- 8.53. It is noted that one (low quality) tree identified for removal is within the LNR and National Park. The EDS recommended above should ensure that the impact on the woodland is mitigated through the planting of appropriate native species on site, and that measures are taken to protect the LNR and SDNP, and to reduce indirect impacts. Given this, the loss of this tree would not warrant refusal of the application in this case.
- 8.54. The County Ecologist has confirmed that provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Conclusion:

- 8.55. Given the prevailing character of the streetscene it is considered that the scale and design of the proposed development would not appear out of context or character with the site and the surroundings. The proposed building is unlikely to have an unacceptably overbearing impact on its neighbours and has been carefully designed to take account of overlooking and privacy issues. Subject to conditions it is therefore considered that the development is appropriate in terms of design, scale and impact on amenity, highways, trees, biodiversity and the adjacent National Park and Local Nature Reserve, and would provide 12 (11 net) new dwellings for the City, of a good size and standard.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £74,700. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. DEVELOPER CONTRIBUTIONS

- 10.1. Affordable housing Review Mechanism of viability
- 10.2. Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £3,100 plus the submission of an employment and training strategy in respect of the demolition and construction phases of the development.
- 10.3. **In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission**, the Head of Planning is authorised to refuse the application for the following reasons:
1. The proposed development fails provide a Review Mechanism to assess the provision of affordable housing contribution with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
 2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the demolition and construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

11. EQUALITIES

- 11.1. 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 ground floor (new-build) dwellings appears to be achievable; segregated, level access from Park Close proposed.
- 11.2. Policy HO13 states that a proportion (5%) of all new dwellings on larger sites should be built to a wheelchair accessible standard. This is secured by condition

