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| <u>No:</u> | BH2020/00002 | <u>Ward:</u> | Rottingdean Coastal Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Coombe Farm Westfield Avenue North Saltdean Brighton BN2 8HP | | |
| <u>Proposal:</u> | Demolition of existing buildings and erection of 72 dwelling houses with associated parking and landscaping. | | |
| <u>Officer:</u> | Henrietta Ashun, tel: | <u>Valid Date:</u> | 08.01.2020 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 08.04.2020 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | Mr Chris Frost | 2 Wardrobe Place | London EC4V 5AH |
| <u>Applicant:</u> | Gold (Saltdean) Ltd | C/o Future PD | 2 Wardrobe Place London EC4V 5AH |

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, and 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 24th February 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

Section 106 Head of Terms:

Affordable housing:

- Provision of **40%** affordable housing (29 units)
- Unit mix :
 - 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 55% Affordable Rent
- 45% Shared Ownership

Public art

- 1.2. Commissioning and installation of an Artistic Component to the value of **£53,400** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' for artistic influence in the public realm to incorporate an artistic component, the specification of which shall be agreed with the council prior to being formally commissioned.

Employment:

- 1.3. Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- 1.4. A financial contribution up to **£32,000** towards the Local Employment Scheme

Highway Works

- 1.5. Alterations to the public highway outside of the site to incorporate the development safely into the highway, including:
 - Introduction of new pedestrian crossing on the eastern arm of the junction of Westfield Avenue North and Coombe Vale
 - Footway improvements on the north and south side of Westfield Avenue North

Residential Travel Plan

- 1.6. A Residential Travel Plan document
- 1.7. Provision of a Travel Pack to each first new resident, which shall include information on local options for sustainable transport and arrangements to get support
- 1.8. Providing the first resident 2 free bus passes of 12 months duration or a voucher for £200 to be redeemed against the purchase of a bicycle

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 |
|--------------------------------------|------------------|----------------|----------------------|
| To be completed within the late list | | | |

- 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.
 - A. No works shall take place until a Demolition and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
 - (i) The phases of the Proposed Demolition Phases 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 Demolition until such consent has been obtained;

- (iii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress during the demolition phase and how any complaints will be dealt with reviewed and recorded;
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and the removal of waste from the site;
 - (v) Details of hours of operation;
 - (vi) Details of the measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles during the demolition and clearance of demolition waste phases;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site;
- B. Upon completion of Phase A, no construction or site preparatory works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
- (i) The Construction phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded;
 - (iii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (iv) Details of hours of construction forecast vehicular movements by vehicle category;
 - (v) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vi) A plan showing construction traffic routes;

- (vii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site;

The demolition and construction phases shall be carried out in accordance with the approved CEMPs

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.

- 4. No development shall commence (other than demolition works and enabling works, and works to trees), until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be retained. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;

Prior to first occupation:

- b. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
- c. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policy CP20 of the Brighton & Hove City Plan Part One.

- 5. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until agreed protection measures are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction. Protective measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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.

6. No development above ground floor slab level of the development hereby permitted shall take place until details of the construction maintenance and irrigation programme of the brown roofs for that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One
7. No development above ground floor slab level prior to commencement of that stage of works shall take place until full details of door(s) and window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. Details shall be implemented as approved.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
8. No development above ground floor slab level hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used,
 - c) samples 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,
 - f) details of supporting evidence of the durability and weathering of the proposed materialsThe development shall be carried out in accordance with the approved details. Thereafter the approved scheme shall be retained. .
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.
9. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:
 - I. Geometry and layout, including dimensions and visibility splays
 - II. Pavement constructions and surfacing, kerbs and edge restraints

- III. Levels and gradients
- IV. Lighting
- V. Drainage
- VI. Street furniture
- VII. Trees, other planting, growing media and planting aids
- VIII. Traffic signs and road markings.

The scheme shall include a completed Road Safety Audit up to stage 2 in accordance with the Highway Authority's standards at that time, with the Highway Authority acting as Overseeing Organisation. The Road Safety Audit Brief and Report, and all other road safety audit documents, shall be submitted with the scheme for approval.

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance On the Use of Tactile Paving Surfaces are not met then relevant disabled user groups (and/or national organisations representing them) shall be engaged as part of the design development process and the submitted scheme shall include both of the following.

- a) A Participative Inclusive Design Statement. This shall: explain the engagement undertaken with disabled user groups during the design development process; record their views and suggestions on the different options; and explain how these have shaped the submitted design proposals and other management plans. Where it has not been considered possible to accommodate views and suggestions in the submitted proposals and plans then the reasons for this shall be detailed.
- b) An Equality Assessment. As a minimum this shall identify and explain: each adverse impact arising from the proposals for different protected character groups; how these are known (which may be from appropriate consultation/engagement, research or guidance relevant to the protected character groups impacted); the alternatives considered to avoid or minimise these impacts; and, where some residual adverse impact remain, the objective justifications for why complete avoidance is not considered possible and why the scheme should nonetheless be considered acceptable.

The approved scheme shall be implemented prior to first occupation of the residential development and shall include the implementation of the recommendations of the stage 3 Road Safety Audit, with the Highway Authority acting as Overseeing Organisation. Thereafter the approved scheme shall be retained in use at all times, except that a further stage 4 Road Safety Audit shall be undertaken if any road traffic collisions are recorded within the 12 months of validated collision data available after scheme opening and the recommendations of that shall be implemented.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of active play and learning equipment to be provided in the equipped area/s of play shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed before the first occupation that phase of the development or its completion, whichever is sooner and thereafter retained.
Reason: To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with the provisions of policy HO5 the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

11. The development hereby permitted shall not be first occupied until details of any external lighting proposed has first been submitted to and approved in writing by the Local Planning Authority. This shall include certification on completion, from a competent person, to demonstrate that the lighting installation complies with the with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments.

External lighting for the development shall be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution including impact to wildlife habitats.
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.
- Have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site.

The lighting shall be implemented as approved and retained.

Reason: To protect the amenity of neighbouring occupiers and users of the surrounding area and in the interest of biodiversity, in accordance with policies QD25 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

12. The development hereby permitted shall not be first occupied until:

- (1) 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.
- (2) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part1 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 area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

13. Prior to occupation of any development a Scheme for Crime Prevention Measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.
Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.
14. Prior to first occupation details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained as such thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
15. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift, bat and bee bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
16. 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 for that phase of the development. 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.
17. Prior to first occupation of the development hereby permitted, details of all hard and soft surfacing and details of all boundary treatments (including the boundary between the proposed turning head at the north-eastern extent of the site and block C6 adjacent) shall have been submitted to and approved in writing by the Local Planning Authority. The hard surfaces shall be made of porous materials 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 site. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of each phase of the development.

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

18. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

19. Prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible 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 each phase of the development and shall thereafter be retained for use at all times.

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

20. Notwithstanding the submitted drawings prior to occupation 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. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight
- d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
- e. details of all proposed boundary treatments to include type, position, design, dimensions and materials (including the boundary between the

proposed turning head at the north-eastern extent of the site and block C6 adjacent);

- f. details, furniture and equipment for specific amenity areas
- g. details of food growing areas for residents
- h. details of a landscape maintenance programme

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 and Policy QD16 of the Local Plan.

21. Prior to any development above ground floor slab level details of secure, accessible and inclusive cycle parking facilities for the residents of the development and their visitors, and the management thereof, shall have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The cycle parking facilities shall be implemented in accordance with the approved scheme and made available for use prior to first occupation of the development. Thereafter they shall be retained in use at all times for residents and their visitors only and managed in accordance with the approved scheme.

Reason: To ensure that adequate cycle parking facilities are provided, to encourage travel by sustainable modes, and to comply with policy TR114 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton and Hove City Council City Plan Part One, SPD14 Parking Standards, and National Planning Policy Framework Paragraphs 108 and 110.

22. All separating walls and floors between the residential units, vehicle and cycle parking areas and the proposed turning head shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

23. Notwithstanding the submitted drawings prior to occupation of the development hereby permitted, the following shall be submitted and approved by the Local Planning Authority:

- a) A detailed landscape masterplan for the design and layout of the open spaces including detailed hard landscape and planting plans.
- b) That all plants which die in the first 5 years of establishment are replaced.
- c) A long-term landscape and ecological management plan to include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery should be provided, to ensure the successful establishment and longer term management of proposed habitats and landscape.

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 SA4, CP12 and CP13 of the Brighton & Hove City Plan Part One and Policy QD16 of the Local Plan.

24. No residential unit hereby approved shall be occupied until it 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.

25. No residential unit approved shall be occupied until it 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.

26. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

27. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans 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 CP12 of the Brighton & Hove City Plan Part One.

28. No burning of demolition/construction waste materials shall take place on site.

Reason: to protect the amenity of local residents from smoke, ash, odour and fumes to comply with policy QD27 of the Brighton and Hove Local Plan.

29. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this

permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that given the sensitive location of the site, permitted development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area including the setting of the South Downs National Park, and to comply with policy QD27 of the Brighton & Hove Local Plan and policies SA4, SA5 and CP12 of the Brighton and Hove City Plan Part One.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

31. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan

32. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This development lies in a sensitive location in terms of controlled waters as it is within a source protection zone 3 and on a principal aquifer. This condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

33. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the

risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: This development lies in a sensitive location in terms of controlled waters as it is within a source protection zone 3 and on a principal aquifer. This condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

34. No development shall take place until a feasibility study has been submitted to and approved in writing by the LPA (Local Planning Authority) for a communal or individual ground source heat pump or communal or individual air source heat pumps system to be used as the heating technology across the site. The agreed system shall be implemented within the development unless it can be proven not technically feasible or financially viable.

Reason: to comply with Policy CP8 (Sustainable buildings) of Brighton & Hove City Plan Part One.

35. The development hereby approved shall not be occupied until a comprehensive Management Plan for the site has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:

- i. Details of community liaison arrangements including contacts and complaints procedures.
 - ii. Details of management and access to outdoor communal facilities including The Common and Play Areas.
 - iii. Arrangements for public use of The Common area for events
- The agreed Management Plan shall be implemented as approved.

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

36. The development shall be carried out in accordance with the details, mitigation measures and recommendations in the Remediation Strategy document submitted by the applicant and prepared by Messrs Ashdown Site investigation Ltd report reference R14039 dated 16 January 2020.

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

37. The development shall be carried out in accordance with the details, mitigation measures and recommendations within the Contaminated Land assessment prepared by Messrs Ashdown Site Investigations Ltd dated December 2019

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

38. Compliance with existing detailed biodiversity method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out

in accordance with the details contained in the Ecological Impact Assessment (ReidEco Ltd, July 2020), the Construction and Environmental Management Plan (ReidEco Ltd, July 2020) and the Amended Landscape Masterplan (Landscape Perspective, revision O) 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 Policy CP10 of the BHCC City Plan Part One.

39. Notwithstanding the approved plans, the ground floor windows on the side elevations of the proposed properties shall be secondary windows and thereafter permanently retained as such.

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

40. Notwithstanding the approved plans, the first floor windows on the side elevations of the proposed properties of the development hereby permitted shall not be sole windows serving a habitable room and shall either be high-level windows positioned at least 1.7m above the floor of the room or obscurely glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

41. The development shall provide for 72 residential units (C3 use), within buildings of up to 2 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the ensuring an appropriate housing mix and density and to ensure the character and appearance of the area including wider strategic views and impact to on the South Downs National Park are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies, HO5, HO13, and QD27 of the Brighton & Hove Local Plan and SA4, CP1, CP2, CP3, CP14, and of the Brighton & Hove City Plan Part One.

Informatives.

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. All energy calculations should use SAP10 emissions Factors.
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](http://www.gov.uk)); 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 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 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' 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).
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
8. The applicants are advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop.
9. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a

criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop.

10. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
11. Swift bricks 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 swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
12. This decision includes a requirement to carry out highway works. These will require separate highways approval via a legal highway agreement, and other related regulatory approvals, before any works can commence. The Applicant is advised to contact the council's Highway Agreements team (s278@brighton-hove.gov.uk) at their earliest convenience to avoid potential later delay.
13. It is anticipated amongst other things that the proposed designs for the internal roads shall be modified before approval to include additional motor cycle parking spaces and to ensure that 1.2m access zones are provided to the front and both sides of all disabled parking spaces in accordance with BS 8300 requirements.
14. Street Design condition informative should be in line with Policy SPD14 and TR18 the Street Design condition will also need to include the following detail ensuring that they meet policy minimums:
 - Details of the layout of the bays and access for the car park, and any other motor vehicle parking areas, including provision of 5% of the total spaces for motor cycle use.
 - Details of electric charging bays, including arrangements to bring passive EVCB into active service.
 - Details of disabled parking bays.
15. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
16. 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 has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

2. SITE LOCATION

- 2.1. The proposal relates to a mainly rectangular shaped site measuring 3.31 hectares, on the eastern extent of Saltdean. The site is bound by South Downs National Park (SDNP) to the north west and east. To the south-west is an existing residential development comprising mainly semi-detached and detached properties. To the south-east of the site is a Site Important for Nature Conservation, also known as Coombe Meadow Local Wildlife Site. Access to the site is via Westfield Avenue North, to the south of the site, along which are other semi-detached and detached residential properties.
- 2.2. The site currently comprises the former buildings and yard of Coombe Farm (which is no longer used for agricultural purposes); a large slurry pit at the northern end of the site; the paddock adjacent to Coombe Bottom; the paddock adjacent to Coombe Meadow; and the strip of land between the dwelling known as Jesmond and the newly constructed house. Slopes to the north and north-west are predominantly used for horse grazing and slopes to the north-east are in agricultural use.
- 2.3. The former farm buildings/yard have been used for a variety of purposes including livery stables, vehicle repairs, caravan/motorhome storage, construction/scaffold storage; and are now mainly used for storage.
- 2.4. The site is sandwiched between the South Downs National Park and an existing residential area, and thus has been identified as an Urban Fringe Site, in the Brighton & Hove City Plan Part One 2016.
- 2.5. The site is situated in a valley known as 'Coombe Bottom' rises from a low point of 50m AOD in the south west corner to 60m AOD at the north and west boundary with the SDNP. Previous excavations to form the slurry pit, hardstanding and a cattle barn have resulted in 5m high exposed chalk faces on the north western boundary; a 7m deep slurry pit; and an 8m high exposed chalk face at the north east corner of the site.

3. RELEVANT HISTORY

- 3.1. **BH2016/01903** - Outline application for Demolition of existing farm buildings and erection of 60 family dwellings with public open space and approval of reserved matters for access and landscaping. Approved 13.06.2018. This consent expires in June 2021 and has not been implemented.
- 3.2. **SDNP/18/04566/FU** - Planning permission was granted by the South Down National Park Authority for a 40-stall horse stable block to the north east of the site. This is shown on the amended site plan.

- 3.3. **BH2005/05939** - Change of use of 332 square metres for the storage of skips and two skip lorries, and waste transfer station. (Retrospective) Refused 12.12.2005
- 3.4. **BH2001/01619/FP** - Proposed extension to existing cow housing. Approved 17.12.2001.
- 3.5. **BH2000/00880/OA** - Erection of detached agricultural dwelling and new vehicular access Refused 20.07.2000.
- 3.6. **95/0112/FP** - Construction of cattle yard to house dry cows (20) prior to calving and re-arrange access to building. Approved 18.05.1995

4. APPLICATION DESCRIPTION

- 4.1. The proposal is for the demolition of the existing buildings and the erection of 72 houses.
- 4.2. The existing access from Westfield Avenue North would be widened and improved. A network of internal roads and footways to facilitate the development is proposed.
- 4.3. To the north-east of the site home zones (shared surfaces) are proposed providing vehicular access, pedestrian access, landscaping and street furniture.
- 4.4. An open space area known as 'The Common' would be located on the north-west of the site.
- 4.5. Typologies:
- One-storey terraced houses
 - Two-storey terraced houses
 - Two-storey semi-detached houses
 - Two-storey detached houses
- 4.6. 3 main character areas:
- Westfield Avenue North
 - The Lane
 - The Yards (A, B & C)
- 4.7. Housing mix:
- 4 x 1 bed units
 - 16 x 2 bed units
 - 29 x 3-bed units
 - 23 x 4-bed units
- 4.8. Car and cycle parking:

- 105 parking spaces in total equating to circa 1.5 parking spaces per unit OR 1 parking spaces per unit (1:1) and 1 parking space for 2 visitors (2:1)
- 2 cycle spaces per unit
- 1 visitor cycle space per 3 units

Amended plans

- 4.9. Additional information and associated amended plans were received as follows:
- Transport information and assessments (including the provision of bound paving materials, additional crossing points, improving the legibility of carriageways and footways)
 - Associated revised Site Layout and External Lighting Layout
 - Site levels drawings (providing additional information on the proposed levels across the site),
 - Updated Landscape Scheme drawings,
 - Updated Tree information and drawings,
 - Biodiversity Construction Environmental Management Plan,
 - Updated Ecological Impact Assessment,
 - Updated Flood Risk Assessment & Drainage Strategy
 - Updated Remediation Strategy and Revised Ground Contamination
- 4.10. Further changes have been made following an initial Stage 1 Road Safety Audit to improve the highway safety within the vicinity including the provision of a turning head on the north-eastern extent of the site.
- 4.11. The additional information and amendments do not make any material changes to the scheme; however they seek to address objections raised, consultee comments and provide additional information where necessary.

Pre-Application History:

- 4.12. Following the approval of outline application BH2016/01903 for the redevelopment of the site, rather than satisfy the requirements of a reserved matters application; the applicant sought pre-application advice for a new development on the site. The applicant entered pre-application discussions with BHCC development management department resulting in 2 separate pre-application meetings.
- 4.13. In summary the applicants were provided with the following advice:

Officer response summary 1st pre application response sent 4th June 2019

- It is considered that any scheme in excess of 60 dwellings would need to demonstrate that a) the setting of the SDNP is protected; b) the development accords with the 'Urban Fringe' objectives; c) the ecological impacts can be mitigated; and d) the character and urban grain of the neighbouring residential properties are respected.
- No objection was raised to the increase in density throughout the site, on the basis that the other policies within the body of this letter are addressed;

however we consider that the area(s) bound by or adjacent to the SDNP should have a lower density.

- General support the layout of the development on the south-western and central part of the site, comprising detached and semi-detached properties.
- The proposed development to the north-eastern part of the site was not considered to be suitably sited on the basis that it would likely give rise to inappropriate development within the urban fringe and would fail to protect the setting of the adjacent to the SDNP.
- A less dense urban grain on the north-east of the site to respect the setting of the SDNP to provide a gradual transition between the existing residential properties and SDNP was recommended.

Officer response summary 2nd pre application sent 14 November 2019

- 4.14. 'The principle of the development on the site is acceptable and would provide much needed housing within the City; the layout of the scheme is improved and may be considered appropriate subject to the resulting impact on landscape, ecology, the environment and transport, which is yet to be assessed.'
- 4.15. Further recommendations:
- Incorporation of Saltdean identity into proposals
 - Ensure the properties to the north-east extent of the site are not on higher ground than the existing properties.

Design Review Panel(s)

- 4.16. The applicants attended 1 Design Review Panel:
- 4.17. Summary of feedback:
- Higher density supported
 - Omission of alley ways
 - A Sustainable Urban Drainage Systems strategy to be provided
 - Saltdean identity to be incorporated
 - Review of access to stable block
 - Parking problematic
 - A reduction in hard standing
 - Tree planting strategy to be provided
 - Common – wetland to be removed
 - Softer natural response to landscaping- not so engineered
 - Review of vehicular movement throughout the site
 - Low maintenance common area
 - Integration of low carbon and energy strategy
 - Architectural style to be loosened and more
 - Larger windows
 - Rubble or chalk roofs
 - Architectural ways to incorporate species

Pre-application presentation to Members

- 4.18. A presentation to members of the Council's Planning Committee took place on 3rd September 2019. A summary of the feedback provided to the applicant by the Planning Committee Members is as follows:
1. Councillors welcomed the 'barn' design typology which they considered reflected the character of the area and was an improvement of the 'indicative' elevations shown in the approved outline scheme.
 2. The provision of 40% Affordable Housing on site was welcomed.
 3. Councillors were satisfied with the 1.5 parking spaces per unit parking provision through the site.
 4. The provision of bungalows on site to cater for those with differing housing needs was well-received .
 5. Councillors would like to understand how the management of the 'common' area will operate and whether or not it would be available for use by the wider public.
 6. It was raised that routes to and from the national park should be clearly demarcated.
 7. Concern was expressed regarding the potential impact the proposed development would have on the wider locality during the construction process and how this may be mitigated.
 8. Councillors wanted to ensure porous chalky/agricultural materials were used for the roads and shared surfacing within the site, that reflects the farming background of the site.

Statement of Community Involvement

- 4.19. Following the pre-application consultation meetings with the LPA and Design Review Panel, the applicant wrote to 213 properties close to the site, including homes in Westfield Avenue North, Coombe Vale and Westfield Rise, and those to the south and west, to invite local residents to a public exhibition of the proposed scheme in advance of the submission of a planning application.
- 4.20. A letter of invitation was also sent to the Ward Councillors and members of the Council's planning committee who had attended the earlier presentation. In addition, the Saltdean Residents' Association was sent an invitation letter.
- 4.21. The event took place at St Martin's Church Hall on Saturday 30 November 2019, with between 200-300 local residents in attendance.
- 4.22. Members of the project team, including the lead planning consultant, the architects and a representative of Gold (Saltdean) Ltd were also in attendance to discuss the scheme and answer questions from local residents.

5. REPRESENTATIONS

- 5.1. **Forty five (45)** letters have been received from adjoining occupiers objecting to the proposed development for the following reasons:

Design/Appearance

- Inappropriate height

Landscape

- Loss of trees
- Impact on SDNP
- SDNP Borders should be respected
- Loss of farmland
- Field on right hand site as you enter site is not currently built on and should not be developed

Transport

- Unadopted roads, on the proposed site, likely to lead to future problems
- Access by a road of single track which is not wide enough for 72 extra houses
- Access should be widened by removal /moving back to hedges
- An access road that is fit for purpose should be created
- Provision for emergency vehicles should be provided
- A two-way road is required
- An annual bus pass should be provided to all new residents, to encourage use of sustainable transport, rather than car usage
- Damage caused to both vehicles from buses trying to reverse
- South Coast Road is already extremely congested
- A259 at capacity
- Underestimation of traffic generation
- Bus service No 27 which would serve the new site is already under considerable strain during peak hours
- Shifting modes of travel from public transport to private cars has serious Ramifications for air quality and congestion

Amenity

- Loss of privacy
- Overshadowing
- Noise and disturbance

Use

- Strain on local resources
- Lack of infrastructure
- Too many houses
- Loss of tranquillity
- Saturation of doctors, dentists and schools
- The paddock should be left undeveloped
- Loss of existing community
- Ability to actually deliver 40% affordable housing
- Brownfield sites should be considered first prior to urban fringe sites

- Council has a duty to deliver a fair and sustainable future for the people of the City and Brighton and Hove.
- Housing developments of this nature have not met the Council's ambitions to deliver community-led development.

Ecology/Environmental

- Surface water flooding
- Inadequate sewer capacity
- The climate emergency we face must require all public bodies to assist in meeting the commitments made by National Government
- Habitats to protected bats and badgers, would be adversely affected by this work
- A wildlife safety run should be maintained between the back fences by the copse & the ends of new gardens enabling wildlife to continue using their ancient pathways
- Animal friendly fences should be provided
- Flaws identified in ecological assessment
- Sets a precedent for further applications in future
- Asbestos
- Soil contamination- from use as a car repair yard and dairy farm
- Light pollution
- Surface water drainage an issue already
- The build not to highest environmental standards
- Measures to reach carbon neutral targets in the future?
- Rottingdean High St is now often within legal pollution levels
- Cumulative impacts of other development in adjacent environs

Other considerations

- Impact on electricity cables
- Location of neighbouring cesspit
- Location of neighbouring electrical cables
- Insurance during construction stage
- Impact of digging on the mains electricity cables and sewage and potential for damage
- lack of community consultation led by the developer

5.2. **Three (3)** letters of support were received on the following grounds:

- Brownfield site allocated for housing under the Urban Fringe Assessment 2014
- The Council are under a legal obligation to provide more housing and are behind target
- Is there a better alternative site in Saltdean suitable for 72 houses, that would meet the legal obligations of the Council and criteria of the Planning Professionals who have identified this site?
- Every proposed development in the local area of Ovingdean, Rottingdean, Peacehaven etc has had the same objections raised

- We need houses but ‘not in my backyard’
- Superior solution to housing on this site than the previously approved outline application.
- Previous generic mass developer houses have been replaced with well-designed homes in a more interesting and welcoming arrangement
- The proposals respond to the site topography, it's proximity to the South Downs and the need to provide space for bio-diversity
- The increase from 60 to 72 homes a good solution towards Brighton & Hove's need for additional homes, and use of limited land resources, as this design does not reduce amenity space for future residents or look cramped
- Higher density, well designed housing in a more limited number of locations, is preferable than having many low-density sites.
- The crisp detailing, landscaping and sustainability measures realised in the final construction

5.3. **Councillor Mary Mears** has objected to the application on the following grounds:

- Overdevelopment
- Exceeds requirements of urban fringe assessment 2014
- Flooding
- Single storey properties at the end of the site would be susceptible to flooding and location would make it difficult for elderly to access public transport
- No easy access to public transport generally
- Impact and pressure on existing infrastructure
- Limited transport
- Pressure on community services

Copies of the representations are attached to the report.

6. CONSULTATIONS

External:

6.1. **Brighton and Hove Archaeological Society:**

The proposed development at Saltdean is in an area that has produced a number of important archaeological finds from the prehistoric to Saxon burials. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

6.2. **County Archaeologist: No objection**

The proposed development is situated south and west of an Archaeological Notification Area defining prehistoric and Romano-British archaeological interest. The application is accompanied by an archaeological heritage impact assessment (CBAS 1136) which is an updated version of an archaeological desk-based assessment submitted in support of BH2016/01903 (CBAS 0603).

- 6.3. For this earlier planning application, the site was the subject of an archaeological evaluation excavation in 2016 (CBAS 747), which revealed no archaeological features and a small assemblage of unstratified artefacts. The application site was also noted to have been significantly impacted by modern land use, significantly lessening the potential for significant archaeological remains to be present. Based on this information, the County Archaeologist (Greg Chuter) had no archaeological objection to the proposed housing scheme .
- 6.4. In light of the results of the fieldwork already undertaken and the similar development footprint of the current planning application I concur with my predecessor's view and recommend that no archaeological condition need be attached to the new planning application (BH2020/00002) and have no further recommendations to make in this instance.
- 6.5. **City Neighbourhood:** No comment.
- 6.6. **County Ecologist:** Comment
Revised comments received 15/09/2020
I have reviewed the amended documents (EclA, July 2020 and CEMP, July 2020) and offer the following comments.
- 6.7. The revised documents report that Coombe Farm Local Wildlife Site (LWS) will be used as the receptor site for reptiles from the application site. Surveys of the LWS found no current populations of reptiles there and measures have been taken to improve the carrying capacity for reptiles (minor scrub clearance and the installation of three hibernacula). This is supported.
- 6.8. I understand from a phone call with the ecologist on Monday that translocation has commenced and that approximately 40 days of trapping and been undertaken. As previously pointed out, it is not recommended that translocation begins before planning permission is granted. However, from the information available, the translocation exercise has followed best practice. Whilst 40 days does not yet meet the recommended minimum effort, trapping effort has been enhanced through habitat manipulation and there have been several trapping days with no captures. Furthermore, trapping is expected to continue for several days. Should it be the case that there are no further animals caught during this time, it is acceptable that a destructive search is carried out.
- 6.9. The revised EclA states that the receptor site will be managed by a management company arranged and funded by residents of the development and that a written agreement of management will be drawn up between the landowner and future residents. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery should

be provided. This could be included within the LEMP as that requires similar details.

- 6.10. The EclA and CEMP now include details of timescales for mitigation works and propose the provision of wildlife interpretation boards, litter bins within “The Common” and provision of a bat box prior to demolition of B2. These measures address the majority of issues previously raised. It is also noted that the proposed footpath through the LWS will be fenced to prevent recreational damage. Measures must be taken to ensure that the footpath and the associated fencing to not encroach on areas of red star-thistle.
- 6.11. The mitigation measures set out in the EclA and CEMP are acceptable and should be implemented and the proposed mitigation and enhancement measures have been carried through to the Landscape Masterplan. It is therefore recommended that the following condition is applied.
- 6.12. Compliance with existing detailed biodiversity method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (ReidEco Ltd, July 2020), the Construction and Environmental Management Plan (ReidEco Ltd, July 2020) and the Amended Landscape Masterplan (Landscape Perspective, revision O) 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 Policy CP10 of the BHCC City Plan Part One.
- Revised comments
- 6.13. With reference to your emails providing amended documents/additional information for the above application, I have now had the opportunity to consider the information and offer the following comments.
- 6.14. These comments are based on an assessment of the following documents:
- Ecological Impact Assessment (EclA) (ReidEco, April 2020)
 - Landscape and Ecological Management and Maintenance Plan (Landscape Perspective Ltd, December 2019, Rev A 23/03/2020)
 - CEMP (ReidEco, April 2020)
 - Proposed Site Layout (Inside Out, drawing no. P1901_P_101, Aug 2019, Rev H) + associated landscape drawings.
- I refer also to a site visit with the applicant’s ecologist on 19/03/2020.
- 6.15. The majority of the issues raised in comments made on the 16/02/2020 have been addressed, which is welcomed. The EclA follows best practice guidance, and sets out which measures are meant for mitigation, compensation and enhancement. The proposed development will result in the net loss of 1105m2

of habitats. However, the only habitat type that would be significantly reduced is tall ruderal vegetation and scrub. It is recognised that the habitats proposed in the landscaping scheme are likely to be of better wildlife value than those existing, and the documents propose management of those habitats in the long term which will ensure their maintenance in the long term. The proposed scheme, most notably the increase in areas of chalk grassland and native species rich hedgerows, in combination with the provision of bird and bat boxes, is considered likely to provide a net gain for biodiversity as well as mitigating impacts and compensating for loss.

- 6.16. The main outstanding issue relates to reptiles. The EclA states that it is not possible to retain reptiles on site, and proposes translocation to the adjacent Coombe Farm LWS, with a mitigation strategy secured by condition. The mitigation strategy outlined in Appendix 10 is written with two options: either to undertake reptile presence/absence surveys prior to translocation; or to mitigate for the presumed worst case scenario that there is a high population to be translocated. The latter option does not meet best practice guidance.
- 6.17. Best practice guidance is that suitable receptor sites should be local to the donor site, and as close as possible to it; not currently support a population of the species to be translocated, for known reasons, but be capable of supporting them given suitable remedial works if necessary (this is important because the translocation should result in no net loss of sites. Exceptions can be made for single/very low numbers of animals unlikely to form a viable breeding population if introduced to an unoccupied site. In this case, it may be appropriate to select receptor sites supporting only small numbers of the species, but being capable of supporting more given suitable remedial works); not subject to planning or other threats in the foreseeable future; be subject to a written, agreed and funded pre-and post-translocation management agreement; and be subject to a written, agreed and funded pre- and post-translocation monitoring programme.
- 6.18. The EclA recognises that the LWS supports a mosaic of habitats likely to provide shelter, hibernation, foraging and basking habitat for common lizard and slow worm (both species will require translocation). However, it is not known what size of population, if any, the LWS currently supports. If the LWS currently supports a low population, knowing that a low population requires translocation, it may be possible to undertake works to increase carrying capacity. However, if the site already supports large populations, then it would not be an appropriate receptor site. Also, if the site does not currently support reptiles for known reasons but could if appropriately managed, or if it could be enhanced to increase its carrying capacity, these works would need to be undertaken prior to translocation. If a reptile mitigation strategy is required by condition, but the LWS is not found to be a suitable site, or requires significant work to make it ready to receive translocated animals, this could lead to significant delays to the start of construction.

- 6.19. In light of the above, it is strongly recommended that an appropriate receptor site is identified in advance, including undertaking appropriate surveys.
- 6.20. Some further general comments regarding the EclA follow.
- The summary includes back gardens in the list of buffer habitats that will protect retained habitats (woodland), the National Park (NP) and the Local Wildlife Site (LWS). As there is no guarantee that back gardens will be maintained in a specific way by new residents, they cannot be included in calculations of mitigation or compensation. However, it is noted that back gardens are not referred to elsewhere in the document.
 - It is noted that bat boxes will be provided on site, likely integrated into new buildings. At least one box should be provided on site (e.g. on a mature tree within the retained deciduous woodland) prior to demolition of building B2 as a precaution in case bats are encountered given its low bat roost potential.
 - The EclA notes the potential for buildings on site for nesting barn owls. However, barn owls were not included in the previous ecological report and no barn owl surveys are reported in the current EclA. If it is considered that there is potential for barn owls, then a survey should be undertaken and appropriate mitigation proposed.
 - Information leaflets for new residents are proposed as part of the package of mitigation measures. Whilst these would be helpful, what would happen when properties change hands? It would be helpful if interpretation panels/boards were also provided in key locations. Boards are mentioned in the LEMP but little detail is provided as to how many and where they will be located.
 - In relation to the removal of existing species-poor hedgerows, it is stated that hedgerow bases will be checked for reptiles and hedgehogs and that any hibernating animals will be moved. Hedgerow bases should be grubbed out during the active period for reptiles and hedgehogs, but avoiding the bird nesting season if possible. Demolition of chalk outcrops/banks and removal of semi-improved grassland also needs to be coordinated with measures for other protected species as well as overwintering invertebrates.
 - It is proposed that at least 10 bird boxes should be incorporated into the development. This is welcomed. Additional swift boxes should be provided on the proposed blocks of flats. The EclA also recommends that boxes for kestrels and barn owls should be provided in areas of public open space/undeveloped areas (presumably "The Common"). This recommendation is supported, but is not incorporated into the LEMP.
 - The EclA states that the potential impact of increased recreational pressure on the LWS from the development will be mitigated through the provision of a large greenspace, couple with the fact that there is currently no access to the LWS. The Landscape Masterplan (appended to the EclA) shows a track (potentially a cycle track) leading into the LWS. This would not only have the potential to increase recreational pressure on the LWS, but could also lead to a change of current management of the LWS in that area in the future. The area where the track is proposed is the site of the

Red Star-thistle translocation. Red Star-thistle is dependent on grazing, and as such, it is essential that it remains grazed in the future.

- 6.21. In relation to the amended LEMP and CEMP, as above, the majority of previously raised issues have been addressed. Some general comments follow.

LEMP

- Paragraph 2.6 states that the LEMP will be sent to the County Ecologist every 5 years for review; the report should be sent to the LPA.
- Paragraph 5.1 should be updated to refer to the EclA.
- Paragraph 11.2: as previously stated, ragwort should not be considered a weed species as it offers multiple biodiversity benefits.
- Paragraph 12.1 states “distinct areas of short all ruderal vegetation have been provided...”. This is presumably a typo carried over from the EclA. I assume it should say “short and tall”.
- There is no mention of barn owl boxes as recommended in the EclA.

CEMP

- Timing for specific mitigation measures are now not mentioned at all in the amended CEMP. Previous provided comments on the timings of various works therefore remain valid.

- 6.22. **County Landscape Architect: Support**

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:
‘Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - b) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
 - c) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
2. There are views into the site from the South Downs National Park which forms the boundary to the site on three sides and NPPF paragraph 172 requires that:
Great weight should be given to conserving landscape and scenic beauty in National Parks.....which have the highest status of protection in relation to these issues.
3. Further to the above paragraph 172 requires that:
Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

4. The NPPF Section 12, Paragraph 130 requires that:
'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
5. The Landscape and Visual Impact Assessment, (LVIA) which has been submitted as part of the application provides an accurate assessment of the baseline landscape character and visual context of the site. The conclusions with regard to potential landscape and visual impacts of the scheme are not disputed.
6. The proposed layout of houses surrounding shared space landscape courtyards would be an opportunity to provide a high quality development with a strong sense of place. The Home Zone approach to the street layout and access roads is welcomed and will help to ensure that cars do not dominate the public realm.
7. The proposed public open space 'The Common' would provide a high quality open area which relates well to the wider open downland.
8. The proposed tree cover in the public areas of the streets, courts and The Common would help to break up and soften the proposed development in more distant views from the built-up area and the wider downland.
9. If the planning authority is minded to permit the development it is recommended that the following are required by condition:
 - a) A detailed landscape masterplan for the design and layout of the open spaces including detailed hard landscape and planting plans.
 - b) That all plants which die in the first 5 years of establishment are replaced.
 - c) A long term landscape and ecological management plan to ensure the successful establishment and longer term management of proposed habitats and landscape.
10. It is recommended that the proposed development can be supported subject to the imposition of landscape conditions as outlined above

6.23. **Environment Agency:** No objection subject to conditions.

Revised comments following discussion with applicant:

This development is sited on head deposits overlying the chalk which is designated a principal aquifer and within a source protection zone 3. This development lies in a very sensitive location in terms of controlled waters. The previous use of the proposed development site as farm, presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters and by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters.

Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

- 6.24. The previous uses of the proposed development site including a vehicle repair workshop, former slurry area and waste storage area present a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located in a source protection zone 3 and upon a principal aquifer.
- 6.25. We have no objection to the proposed development as submitted, subject to the inclusion of the following 5 conditions, in any permission granted.
- 6.26. We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. We have reviewed the email dated 17 June and the additional details submitted. Based on the comments included we are happy to remove the pre commencement condition (Condition 1 – Development on Land Affected by Contamination) It has been confirmed that there is no reason to suspect contamination in the area identified as ‘area to the SE of Westfield Avenue’ and therefore we can remove this. However we would like to highlight the need for a detailed and robust discovery strategy should any unidentified contamination be encountered during construction works as detailed in condition 3.
- 6.27. **Fire Brigade:** No comment.
- 6.28. **Lewes District Council:** No comment.
- 6.29. **Natural England:** Comment.
Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 6.30. **South Downs National Park Authority:** Comment
The statutory purposes and duty of the National Park are:
- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
 - Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
 - Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

- 6.31. The development is proposed to be sited to the northeast of Saltdean, immediately adjacent to the National Park boundary. The site is highly sensitive due to its proximity to the boundary of the National Park which is particularly important to defend from the impact of development. It is therefore considered that the development has the potential to significantly impact on the setting of the National Park. The SDNPA makes no comment on the principle of development, however would recommend that consideration be given to the design of the development, which should be appropriate to its sensitive, edge of settlement location in terms of height, scale and density.
- 6.32. Consideration should also be given to the status of the National Park as a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The SDNPA would encourage a sensitive approach to lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects. Any lighting should also take into account the biodiversity sensitivities of the site and not disturb or harm wildlife. The Council's biodiversity officer should be able to advise further on this.
- 6.33. Consideration should also be given to the creation of links between the development and the National Park to encourage public enjoyment and amenity of public rights of way where possible. The recent permission SDNP/18/04566/FUL for the provision of a new sand school and stables on the land immediately to the south east of the site (which falls within the National Park) should also be considered in terms of facilitating access without the potential for conflicts of use.
- 6.34. **South Downs Society:** No comment
- 6.35. **Sussex Police:** Comment
- 6.36. **Southern Water:** Comment
The attached plan shows that the proposed development will lie over an existing public water main, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.37. We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and

Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

- 6.38. In order to protect water and sewer apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main and sewer. Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.39. A formal application for connection to the public sewerage system is required in order to service this development,
- 6.40. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
- 6.41. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 6.42. **UK Power Networks:** No comment.

Internal

Please note that the majority of internal comments were submitted prior to the implementation of the Community Infrastructure, which in part took over the s106 planning obligation requirements.

- 6.43. **Aboriculture:** Support
Vegetation on site although individually poor as a whole had conservation value, significant landscaping would be required to offset the planned removals. On the whole the landscape proposal is good, however the multi usage home zone area was lacking information on pit construction or tree protection measures, (including both physical separation and soil protection measures). It appears from the submission dual usage, with car parking and large vehicle access (refuse / recycling collection, resident deliveries etc).
- 6.44. **Art:** Comment:

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

- 6.45. This is arrived at after the internal gross area of the development (in this instance approximately 7,315 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 6.46. It is suggested that the Artistic Component element for this application is to the value of **£53,400**. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 6.47. **Air Quality:** No comment.
- 6.48. **City Clean:** No comment.
- 6.49. **City Early Years:** No comment.
- 6.50. **City Parks:** Comment.
Locations for section 106 investment.
- 6.51. Children and Young People play space
- Saltdean Oval, skatepark, ballcourt
- 6.52. Amenity Green Space
- Large roadside grassed areas within 2km of the site, The South Down gateways within 3km of the site, street trees within 3km of the site
- 6.53. Outdoor sports facilities
- Saltdean ball court and skate park
- 6.54. Parks and Gardens
- Saltdean Oval, Kipling Gardens, other public parks within 2km
- 6.55. Natural and Semi-Natural
- Large roadside grassed areas within 2km of the site, The South Down gateways within 3km of the site, street trees within 3km of the site
- 6.56. Allotments
- Rottingdean Allotments

- 6.57. City parks priorities as guided by the Open Spaces Strategy consultation will focus on investing in:
- Income generating items such as car parks
 - Accessibility such as improving gates and widening path
 - Playgrounds apparatus
 - Wildlife improvement which are more sustainable
 - Outdoor Sports provision for the widest audience and hard to reach groups.
- 6.58. **Education: Comment.**
 In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of **£213,546.00** towards the cost of secondary provision if this development was to proceed. With regard to the secondary provision, the development is in the catchment area for Longhill High School . At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Longhill High School.
- 6.59. **Housing Strategy: Support.**
Summary of Comments
 This application is for 72 dwellings. The proposal provides a combination of barn-style terraces (including single storey wheelchair accessible houses), detached and semi-detached houses. The dwelling mix comprises 4x 1 bedroom, 16x 2 bed-room, 29x 3-bedroom and 23x 4-bedroom houses.
- 6.60. Council policy CP20 – Affordable Housing requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net). The applicant proposes to deliver 29 dwellings as affordable housing , which is a 40% provision in line with the policy.
- 6.61. Housing support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing
- Main Comments
- 6.62. The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for affordable rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city. Housing will work positively with developers to answer housing need.
- 6.63. This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20.

- 6.64. Brighton and Hove is a growing city with 290,395 people with the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the city. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 6.65. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 dwellings. Developers are required to prove where it is not viable for them to meet this policy provision. Offsite provision via a commuted sum payment is considered in schemes with exceptional circumstances.
- 6.66. Affordable housing in the city is usually provided by the council or by a Registered Provider partner who develop a mix of housing for affordable rent and shared ownership. The council also works with community-led housing partners where possible and viable. Affordable rented housing remains the priority for the council with affordable rent capped at a maximum level of local housing allowance (including any service charges).
- 6.67. In terms of need for affordable rented accommodation in the city: We have 9,100 people listed on the joint housing register - 75% of whom are in demonstrable need - Bands A to C [as of December 2019]. We also had 1,772 households in Temporary Accommodation [as of Dec 2019].

Tenure

- 6.68. Our published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:
- 55% Social Rent or Affordable Rent
 - 45% Intermediate e.g. Shared Ownership
- 6.69. The proposal here is for 29 affordable housing properties with a split of 55% as affordable rent (16 properties) and 45% (13 properties) for shared ownership sale, which is a compliant tenure split.
- 6.70. Family housing for affordable rent is also particularly welcome.

Wheelchair / accessible provision

- 6.71. Policy HO13 requires 10% of any affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. In this case the affordable housing should include at least three properties. Within this scheme four of the homes are wheelchair accessible (14%). Affordable rent is the preferred tenure for wheelchair housing provided as part of the affordable housing provision, and this has been confirmed in this application.

Design and size of units

- 6.72. The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable

and fit for purpose, our Affordable Housing Brief expects self-contained homes to meet the new nationally described space standards where possible. The proposed units meet or exceed nationally described space standards.

| Property type | No of units | AHB space standard M2 | Coombe Farm | Compliant with AHB |
|------------------------------------|-------------|-----------------------|--------------|--------------------|
| 1 bed 2 person house (2 storeys) | 4 | 58m | 60.45m | Complies |
| 2 bed 3 person house (2 storeys) | 3 | 70m | 71.21/84.54m | Complies |
| 2 bed 3 person bungalow (1 storey) | 4 | 61m | 71.21m | Complies |
| 3 bed 4 person house (2 storeys) | 18 | 84m | 94.77/95.03m | Complies |

Unit mix

- 6.73. The proposed scheme will provide 72 homes of which 29 will be for affordable housing. The affordable housing provision will be:
- 4 x 1 bed 14%
 - 7 x 2 bed 24%
 - 18 x 3 bed 62%
- 6.74. Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the preferred affordable housing brief mix has been set on this basis, as follows:
- 30% one bed units
 - 45% two bed units
 - 25% three + bed units
- 6.75. This scheme provides a range of accommodation with a large proportion being 3 beds (62% of the affordable housing). Whilst this is not in line with the preferred mix in the affordable housing brief it is acknowledged this is a scheme that is delivering houses. Affordable family housing is welcome, and therefore this unit mix is acceptable at this scheme. Housing support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing.
- 6.76. **Environmental Health: Support.**
Environmental Protection Act 1990

The Remediation Strategy document submitted by the applicant and prepared by Messrs Ashdown Site investigation Ltd report reference R14039 dated 16 January 2020 is an adequate response to the conditions on this site.

- 6.77. All measures relating to remediation including discovery and reporting shall be strictly adhered to.
- 6.78. **Planning Policy: Support**
Summary of Comments:
The application site is already subject to an extant outline planning permission (BH2016/01903) for 60 dwellings granted in 2018. In addition the site has similar boundaries to land proposed for housing allocation in the draft CPP2 Policy H2 which reflects the recommendations of the 2014 and 2015 Urban Fringe Assessments. Effectively therefore the principle of housing development on this site has been established, subject to detailed consideration of potential development impacts.
- 6.79. As an urban fringe housing site, the impacts of development will need to be assessed carefully against Policies SA4 and SA5 and should also be assessed against the emerging CPP2 Policy H2. Compared with the extant outline permission, the current application would provide an increased number of dwellings but with a substantially different layout across the site involving higher density housing and a much greater area of open space. The increased housing numbers would contribute to meeting the overall City Plan housing target and five year housing supply shortfall.
- 6.80. The landscape/visual impacts will need to be assessed in detail against Policy SA4(1) and also Policy SA5 which requires that the development must respect and not significantly harm the National Park and its setting. The views of the County Landscape Architect will be important in determining whether the proposed extent and layout of the development is acceptable.
- 6.81. The site lies adjacent to the Coombe Meadow SNCI/Local Wildlife Site. The UFA 2014 concluded that the developable area should be restricted to no more than 75% of the site in order to avoid significant net loss of greenspace and significant adverse ecological effects. The County Ecologist will need to assess the potential ecology impacts and consider any requirement for mitigation and enhancement, including the potential for habitat enhancement and biodiversity net gains
- 6.82. The proposed mix of housing would provide 72% 3+ bedroom units, which is substantially higher than the indicative proportion of 50% 3+ bedroom units for this site in draft CPP2 Policy H2. However, since the majority of housing sites in the city are better suited to provide smaller units (1 and 2 bed), it may be justifiable to allow a higher proportion of family houses (3+ bedroom) on this site.

- 6.83. The application is proposing 40% of the units to be provided as affordable housing, of which 55% would be affordable rent and 45% shared ownership, which would meet the requirements in Policy CP20 and the Council's Affordable Housing Brief. The proposed size mix of affordable housing would provide a much higher proportion of 3-bed units (62%) compared to the preferred mix sought across the city in Policy CP20. The views of the Housing Strategy team should inform the size mix of affordable units to be provided.
- 6.84. The provision of onsite open space and green infrastructure would broadly meet the objectives of draft CPP2 Policy H2, however consideration should also be given to local food growing opportunities. Policy H2 also requires that the proposals should improve linkages and access to the SDNP and surrounding areas where feasible. Financial contributions would be required towards off-site provision of open space and sports provision in line with Policies CP16 and CP17.
- 6.85. There is a high risk of surface water flooding within some areas of the site. The site also lies within a Groundwater Source Protection Zone. The application and supporting evidence should be assessed against Policy CP11 and SPD16 Sustainable Drainage.
- 6.86. In accordance with draft CPP2 Policy H2 appropriate regard should also be given to opportunities for renewable energy provision.
- 6.87. Similarly with reference to Policy H2, the possibility of providing some of the housing as self/custom build plots should be discussed with the applicant.

Context

- 6.88. The application site covers 3.31 ha and is currently occupied by agricultural uses, comprising farm buildings with areas of concrete hardstanding and paddocks. It is an urban fringe location situated outside the built up area boundary on the north-eastern edge of Saltdean, immediately adjacent to the South Downs National Park boundary. The submitted plans include two small areas which are inside the SDNP boundary (at the northern extremity of the site and on the south-eastern edge south of Westfield Avenue North). However, these areas are proposed as landscaping not development and are not included within the application boundary itself.
- 6.89. Outline planning permission (BH2016/01903) was granted in June 2018 for 60 family dwellings on a site broadly similar to the current application. The application site also corresponds broadly with land identified as suitable for residential development in the 2014 and 2015 Urban Fringe Assessments (UFA) which is now proposed as a housing allocation in the draft CPP2 (Policy H2). The current application has been submitted following pre-application consultation with the Council (including a Design Panel Review) and a public exhibition of the proposals held in Nov 2019.

Principle of development

- 6.90. Policy SA4 sets five objectives for the use and management of land on the urban fringe. These relate to protection and enhancement of wider landscape; better management and environmental improvements; enhancement of the green network; protection of groundwater source protection zones; and the creation of 'gateway' facilities for the National Park. More specifically Policy SA4 states that development within the urban fringe will not be permitted, except where:
- a) a site has been allocated for development in a development plan document; or
 - b) a countryside location can be justified; and where it can be clearly demonstrated that:
 - c) the proposal has had regard to the downland landscape setting of the city;
 - d) any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; and
 - e) where appropriate, the proposal helps to achieve the policy objectives set out above.
- 6.91. The policy also states that should proposals for development come forward prior to the adoption of Part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of applications for residential development within the urban fringe.
- 6.92. Policy CP1 makes provision for at least 13,200 homes over the plan period, of which 1,060 homes are to be built on land in the 'Urban Fringe'. The suitability of sites for residential development has been examined in detail in the 2014 and 2015 Urban Fringe Assessments (UFA). The UFA studies recommended that the site (including the adjacent Saltdean Boarding Kennels which is not included in this application) had potential for some low and medium density residential development limited to 55 residential dwellings. The UFA conclusions and recommendations for the site are set out further below.
- 6.93. Based on the UFA recommendations, the majority of the application site (with some minor differences in the boundaries) is proposed as a housing allocation in draft CPP2 Policy H2 for an indicative total of 65 dwellings. The higher housing figure compared to the UFA recommendation reflected the outline permission granted for 60 dwellings in 2018 (allowing for small amount of additional housing on the land at Saltdean Boarding Kennels).
- 6.94. The principle of housing development on the site has also been established through the granting of outline planning permission for 60 dwellings in 2018. That permission covered an equivalent area to the current application, except where it extended further south to include more of the steeply sloping land at Coombe Meadow). Effectively therefore the principle of housing development on this site has been established, subject to detailed consideration of the potential development impacts. These are considered in more detail below.

Urban Fringe Assessments

- 6.95. The application site covers the majority of UFA Site 48 (Land at Coombe Farm), plus the northern half of Site 48a (Land north of Westfield Rise) and a small part of Site 48b (Land at Westfield Avenue North). The application does not include any of Site 48c (Land at Saltdean Boarding Kennels) which was also included in the UFA assessments and forms part of the proposed CPP2 housing allocation.
- 6.96. The 2014 UFA considered the potential for residential development against five criteria (landscape, open space, historic environment, ecology and environment) and assessed the scope for mitigation of any potential adverse impacts. Most of the land within Sites 48/48a/48b/48c was identified as having potential for low-density residential development, avoiding only the more elevated fringes of the area and an area already occupied by dwellings and a woodland block. The identified housing potential on these sites was as follows:
- Site 48 – low density, 2.0ha (50 dwellings)
 - Site 48a – medium density, 0.3ha (12 dwellings)
 - Site 48b – low density, 0.2ha (2 dwellings)
 - Site 48c – low density, 0.3ha (7 dwellings)
- 6.97. However, the 2014 UFA concluded that:
“Taken as a whole, sites 48, 48a, 48b and 48c represent a cluster of sites all of which have potential for development. However, in order to develop dwellings in some sites, mitigation and enhancement measures are required in others. If all the sites were developed there would be a significant net loss of trees, and greenspace with significant adverse ecological effects. Therefore, the number of dwellings that could be developed across the cluster has been limited to 75% of the sum total of all the developable sites so that the necessary mitigation and enhancement measures required to develop dwellings within this area of the urban fringe can be accommodated.”
- 6.98. Reflecting these comments, the UFA identified an overall potential of 55 dwellings across the four sites, limited to a development area of 2.1ha. Further more detailed landscape and ecology assessments were undertaken as part of the UFA 2015. Overall the UFA 2015 broadly supported the conclusions of UFA 2014, concluding that housing could be delivered at certain parts of the land without significant impacts on landscape and ecology, on the assumption that:
- New development is sensitively located, to avoid the upper slopes of Sites 48a, 48b and 48c.
 - Avoidance of impacts on retained habitats within the Study Area and the adjacent Coombe Farm SNCI, including implementation of best construction practice and measures to address potential increases in recreational pressure.
 - Implementation of mitigation measures to address potential impacts on protected species.

- 6.99. There was also considered to be potential to enhance the site for ecology through the incorporation of green infrastructure and wildlife habitat within proposals.
- 6.100. Draft CPP2 policy requirements As noted, the site is proposed as a housing allocation in Policy H2 in the draft CPP2. CPP2 was subject to public consultation under Reg 18 of the T&CPA in Summer 2018 and the Council is intending to publish the proposed Submission version of CPP2 for Reg 19 consultation in May/June 2020. Although CPP2 carries limited planning weight at this stage of the planning process, Policy H2 indicates the Council's aspirations for the future development of the site.
- 6.101. Policy H2 allocates UFA Sites 48, 48a, 48b and 48c for 65 dwellings subject to several criteria:
- Provision is made for 35% 3+ bed family sized dwellings (as indicated in CPP2
 - Table 7)
 - Opportunities to secure additional and/or improved public open space
 - Green infrastructure and local food growing opportunities
 - Improved linkages and access to SDNP and surrounding areas
- Appropriate regard is given to local community facilities and renewable energy.
- 6.102. The draft policy also states that provision of land for self/custom build serviced plots will be encouraged.
- 6.103. The Policies Map accompanying the draft define the Urban Fringe site shows the extent of the proposed Policy H2 housing allocation (a more detailed map is also included in Appendix 4 of the Draft CPP2 document). The criteria listed in the draft policy and other key policy requirements are considered in the comments below.

Landscape and visual impact

- 6.104. The application is supported by the original LVIA undertaken for the previous outline permission together with a LVIA Addendum, which considers the impact of the current application proposals. The site is generally fairly visually contained from long distance views by its location within a steep sided valley. The LVIA indicates that the application proposals would result in no significant adverse visual effects for users of public footpaths or the road network, but that there would be short-term adverse visual impacts affecting some adjoining residential properties, although these would not be extensive.
- 6.105. The LVIA Addendum concludes that the current application would not cause harm to the landscape of the site or the surrounding area and would lead to reduced effects relative to the consented outline permission. The current application proposes a significantly greater proportion of the site as public open space (c1ha) which would be located to the north and west of the site providing an enhanced landscape interfacing the SDNP. The current application would not extend development as high on the southern slopes of the valley on the land east of Coombe Meadow. The inclusion of one-storey

housing units and units with a dark timber finish in the eastern part of the site would also contribute to a reduced visual impact. The landscape/visual impacts will need to be assessed in detail against Policy SA4(1) and also Policy SA5 which requires that the development must respect and not significantly harm the National Park and its setting. The views of the County Landscape Architect will be important in determining whether the proposed extent and layout of the development is appropriate.

Ecology and biodiversity

- 6.106. The applicant's Planning Statement states that site is not covered by any nature conservation designations, although adjacent to the Coombe Meadow SNCI (the submitted plans indicate that the site includes a small area of the SNCI (within the SDNP) although this area is not proposed for development. It should be noted that the UFA 2014 concluded that the developable area should be restricted to no more than 75% of the site in order to avoid significant net loss of greenspace and significant adverse ecological effects.
- 6.107. The current application would retain significantly more greenspace than the extant permission, which may offer greater potential for habitat enhancement and biodiversity net gains, however the potential impact of the increased housing numbers will also need to be considered. The application is supported by a combined Preliminary Ecological Appraisal, Protected Species and Botanical Survey Report. This evidence and the proposed biodiversity and habitat enhancements will need to be assessed against Policy CP10. The County Ecologist will need to assess the potential ecology impacts and potential for mitigation and enhancement.

Housing provision

- 6.108. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010- 2030, which includes provision for 1,060 dwellings on urban fringe sites. The Council's most recent housing land supply figures (published in February 2018) show a five year housing shortfall of 576 dwellings (4.5 years housing supply). The proposed development would make a significant contribution towards meeting the City Plan housing target and potentially help to alleviate the current five year housing shortfall.
(Please note these observations were provided prior to the change in the housing supply to 4 years).

Density and design

- 6.109. The design and layout of the proposed scheme is discussed in detail in the applicant's Design and Access Statement. The proposed density for the site as a whole is low at 21.75 dwellings/ha, which largely reflects the sensitive location of the site directly adjacent to and within the setting of the SDNP. Policy CP14 sets a general requirement for new residential development to achieve a minimum net density of 50 dwellings/ha, however as noted above the 2014 and 2015 UFA recommended 'low density' development (i.e 25 dwellings/ha) for the majority of the site (except for Site 48a where medium density (i.e 50 dwellings/ha) was considered appropriate).

6.110. The proposed development density is not uniform, with larger numbers of units clustered in the north-east of the site and lower densities around the proposed greenspace in the north-west of the site. The proposed layout and density will need to be assessed in terms of landscape and ecology, and the ability to achieve flood mitigation/drainage on the site (see below).

Housing mix and affordable housing

6.111. This application proposes a mix of 4x 1 bed, 16x 2 bed, 29 3-bed and 23x 4-bed houses, of which 40% will be affordable. The proposed mix would provide 72% 3+ bedroom houses, which is substantially higher than the indicative proportion of 50% 3+ bedroom units suggested for this site in draft CPP2 Policy H2.

6.112. However, there is a substantial demand/need for 3 and 4+ bed properties across the city (assessed as 42% of the total housing mix in City Plan Part One Para 4.213), whereas the majority of potential housing sites in the city are better suited to provide smaller units (1 and 2 bed). In these circumstances, it may be justifiable to support a higher proportion of family houses (3+ bedrooms) on this site.

6.113. The application is proposing 40% of the units to be provided as affordable housing (29 units out of 72) which meets the requirement in Policy CP20. The applicant's Affordable Housing Statement states that 16 (55%) of the units are proposed for affordable rent and 13 (45%) of the units for shared ownership which accords with the Council's Affordable Housing Brief. The proposed mix for the affordable housing is 4 1-bed units (14%), 7 2-bed (24%) and 18 3-bed units (62%). Policy CP20 specifies a preferred affordable housing mix of 30% 1-bed, 45% 2-bed and 25% 3+ bed units to be achieved across the city but also states that the preferred mix on individual sites will be determined through negotiation informed by up to date assessments of local housing needs and site/neighbourhood characteristics. The views of the Housing Strategy team should inform the size mix of affordable units to be provided.

6.114. All the units have been designed to meet or exceed the Nationally Described Space Standards. The application proposes that 14% of the affordable units (and 5% of all units) would be M4(3) standard (wheelchair user dwellings) and the remaining units would meet M4(2) accessibility/adaptability standards. This would meet and exceed the requirements in saved Local Plan Policy HO13. All the houses are proposed to include private gardens which would meet the requirement in saved Policy HO5 for new residential development to provide adequate private useable amenity space.

6.115. Draft CPP2 Policy H2 states that the provision of land for self and/or custom build serviced plots will be encouraged on urban fringe housing sites. The potential to include an element of the housing in the form of self/custom build plots should be discussed with the applicant.

Open space/green infrastructure

- 6.116. The proposed layout includes a large informal area of open space (c1 ha), which would be given over largely to wildflower meadow, which would be available for use by the wider community and would include a children's equipped play area (LEAP), informal open space and landscaping.
- 6.117. The proposed open space would broadly meet the objectives of draft CPP2 Policy H2 which requires that urban fringe housing developments should consider opportunities to secure additional and/or improved public open space and green infrastructure. However, to comply with Policy H2, consideration should also be given to providing local food growing opportunities within the greenspace.
- 6.118. Policy H2 also requires development proposals to provide improved linkages and access to the SDNP and surrounding areas where feasible. The applicant's Design and Access Statement states that the proposals seek to strengthen and formalise these connections to the National Park and PROW network. Pedestrian/cycle and green network improvements should be discussed and clarified with the applicant.
- 6.119. In addition to the onsite open space, financial contributions would be required towards off-site provision of open space and sports provision in line with Policies CP16 and CP17.

Flood risk/drainage

- 6.120. The UFA identifies Site 48 as having a high risk of surface water flooding. The Environment Agency Surface Water Flood Risk Map shows a high risk of surface water flooding on northern part of site, with medium to low risk on some other parts of the site. The site also lies within a Groundwater Source Protection Zone. The application is supported by a Flood Risk Assessment (FRA) and a surface water drainage strategy, which should be assessed against Policy CP11 and SPD16 Sustainable Drainage.

Other considerations

- 6.121. The application is supported by a Sustainability Checklist and an Energy Statement and includes measures to achieve the energy and water efficiency standards set out in Policy CP8. In accordance with draft CPP2 Policy H2 appropriate regard should also be given to opportunities for renewable energy provision.
- 6.122. The site is close to an Archaeological Notification Area and therefore should be assessed against Policy HE12 which states that development proposals must preserve and enhance sites with known and potential archaeological interest and their setting. An updated Heritage Impact Assessment has been submitted with the application.

Waste management

6.123. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A development of scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan should be required by condition. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy . Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised.

6.124. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.

Recommendation:

6.125. The broad principle of housing development in this location is already established, but the application will need to be assessed in detail in terms of landscape, ecology, flood risk/drainage etc as detailed above.

6.126. **Sports Facilities:** No comment.

6.127. **Sustainable Drainage:** No objection.

Revised Comments

Site is located at the base of a valley. Applicant has stated mitigation of the surface water runoff from adjacent fields will be address at detailed design stage. This is accepted. Satisfied with calculations submitted at this stage of design. Applicant has indicated the proposed site will have a reduction of hardstanding area – agree this is the case, but they should state what the existing area is instead of the assumed 100% hard standing.

6.128. Satisfied with the Soakaways calculations. Maintenance plan submitted is sufficient. Satisfied that the applicant submitted both a clearly labelled plan of the assets which corresponds to its accompanying calculation sheet and a table which represents the size of contribution area to each proposed asset.

6.129. There are no further requirements from the applicant. The LLFA have no objections to the application.

Initial Comments

6.130. Site is located at the base of a valley. Applicant has stated mitigation of the surface water runoff from adjacent fields will be address at detailed design stage. This is accepted. Satisfied with calculations submitted at this stage of design. Applicant has indicated the proposed site will have a reduction of hardstanding area – agree this is the case, but they should state what the existing area is instead of the assumed 100% hard standing.

6.131. Soakaways proposed in SPZ3– applicant is required to undertake ground investigation to determine feasibility of proposed drainage strategy. Maintenance plan submitted is sufficient. Given the size of development and number of proposed SuDS, recommend that the applicant submits both a clearly labelled plan of the assets which corresponds to its accompanying calculation sheet and a table which represents the size of contribution area to each proposed asset.

Main Comment:

6.132. Infiltration test required to determine feasibility of proposed soakaway strategy. Detailed design stage required to address and mitigate overland flow from adjacent fields to site.

Recommendation:

6.133. Recommended approval as the Lead Local Flood Authority (LLFA) has no objections to this application subject to the inclusion of the condition related to detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

6.134. **Sustainable Transport: Objection.**
FULL COMMENTS ARE AVAILABLE ON THE PUBLIC REGISTER.

Date 06.11.20: Revised Comments

6.135. In the fourth response only previously outstanding concerns and any new issues that have risen are considered (e.g. because of changes to the proposals). We do not consider again matters that were previously acceptable and which remain so.

6.136. Two significant matters remained outstanding from our previous response:

- A road safety audit needed to be completed to our satisfaction to confirm that the highway and street design proposals were safe. Unfortunately an earlier audit had raised safety issues that required revisions and re-audit.
- agreement to an obligation we had proposed to secure a suitable DEMP/CEMP to mitigate the construction traffic impacts of the proposals.

6.137. Because of these outstanding matters we had objected to the application and recommended refusal, for reasons of highway safety, amenity and access. However, we were hopeful that the concerns could be overcome.

6.138. Since then some further information and correspondence has been received. We consider each of the previously outstanding matters below in view of this.

Comments

Road Safety and Highways

6.139. In response to the significant issues raised in the previous stage 1 RSA, the Applicant has amended aspects of their highway design proposals and provided additional supporting information. Key areas of change include around the fork junction just after entry to the site and to the existing cul-de-

sac leading off of this. These seek to provide a suitable turning area in the cul-de-sac (including for the benefit of existing properties at the end of this), simplify refuse and level pedestrian access to properties along it, and respond to concerns about conflict between large vehicles as they approach and pass through that junction. Other minor changes have been made elsewhere too.

6.140. The amended designs were submitted for a repeat stage 1 RSA with our approval. In the resulting audit report, the RSA team have continued to raise some concerns and recommend changes. Some of these relate to matters of detailed design that can be considered later in stage 2 audit of detailed proposals. However, as before a few relate to more fundamental layout issues that rightly need to be resolved at this stage. Those concerns include:

1. Potential vehicle conflict with opposing larger vehicles as they pass along the priority road at the fork junction. This is because the large vehicles will need to partly overrun the opposing lane at times. They have recommended widening the road through the junction to overcome this.
2. Potential vehicle conflict with opposing larger vehicles passing through the 90degree bend in the Lane at the south-west corner of the green. This is due to large vehicles needing to partly overrun the opposing lane whilst turning through the bend. Though the audit team recognised that vehicles speeds would likely be low they nonetheless proposed increasing the corner radii on the bend to make passing without conflict possible.
3. Excessive manoeuvring by larger vehicles (e.g. refuse vehicles) at the north-west end of the Lane in order to turn and exit. This is because of the lack of a turning head there. Whilst the audit team recognised that the frequency of such movements is likely to low they nonetheless recommended introducing a turning head.

6.141. The Applicant's designers have not agreed with the RSA team's recommendations on these matters and have proposed to leave their proposals unamended. As the Overseeing Organisation we are responsible for instructing the final outcomes of the audit. After consideration our S278 Highway Engineer has determined the following.

1. The designer's justification is accepted. Their proposals are also accepted as they are. Further potential road widening may prove counterproductive given the low traffic flows and instances of larger vehicles, by allowing smaller vehicles to travel faster. However, minor changes should be made at stage 2 to introduce measures to prevent vehicle overrun of the grass verges adjoining the carriageway.
2. The designer's justification is accepted. Their proposals are also accepted as they are. Widening of the bend may prove counterproductive given the low traffic flows and instances of larger vehicles, by allowing smaller vehicles to travel faster round this. However, minor changes should be considered at stage 2 to ensure low traffic speeds and corresponding uninterrupted forward visibility is maintained, including if necessary, to prevent obstruction of visibility splays by landscaping and other features.

3. The designer's justification is accepted. Their proposals are also accepted as they are. A turning head is available a short distance to the south at the 90degree bend in the Lane. Occasional reversing by large vehicles to or from this is considered acceptable given the low traffic flows and design speeds, the small number of properties served, the low frequency of larger vehicles, and the lack of a through route. However, the geometry of that turning head is to be reviewed at stage 2 to ensure large vehicles can turn without overrunning surrounding footways etc...
- 6.142. This resolves our concerns around highway safety. We are therefore now satisfied that the proposed operational design for the internal roads complies with policy TR7. However, we should highlight that one of the other issues raised by the RSA Team relates to the vertical alignment of the internal roads. They have recommended that this matter should be check at stage 2 when alignments complying with common highway standards should be provided. The designers have accepted this recommendation, as have we. However, if it not be possible for them to achieve suitably safe profiles when they come to do so then it may be necessary to vary the approved stage 1 layout significantly. This may require the scheme to seek reapproval for planning purposes.
- 6.143. Whilst there remain a few other issues with the proposed internal road design (like the lack of necessary motorcycle parking spaces and some disabled parking spaces not including 1.2m access zones to all sides in accordance with BS 8300) we are satisfied that these can be resolved through minor changes as part of future approval of details applications. To support this we have recommend that the street design condition for the internal roads is secured in a 'Plans Notwithstanding' format.

Demolition/Construction Traffic Impacts

- 6.144. Since our previous response the Applicant has contacted us to confirm that they are happy to accept an obligation based on the terms we'd proposed. With the applicant now in agreement, we have contacted the LPA again to confirm if they are now satisfied too (or to discuss mutually acceptable alternative condition wording). However, they have preferred not to do so.
- 6.145. As explained in our previous responses, we do not consider that the simple conditions that the LPA has recently secured on other majors applications (which have been contrary to our recommendations) are sufficient to safely mitigate demolition/construction traffic impacts. This site has very particular challenges because of the very narrow access route into it and related phasing implications. This will mean that both construction vehicles and operational foot and vehicle traffic (from both this development and existing properties) will need to share the narrow route for a long period of time. To add to the complexity, it will also be subject to highway improvement works at various stages. Therefore we must unfortunately maintain our previous objection and recommendation to refuse on grounds of highway safety and residential amenity (NPPF para 109, policy TR7, policy QD27). However, we would like

to emphasise again that this objection is very easy to overcome. It can be quickly lifted should the obligation and heads of terms we recommended be accepted. We also remain happy to consider any condition-based alternative that the LPA may wish to propose in replication of those terms.

- 6.146. Lastly, for the avoidance of doubt we'd like to make clear that our highway enforcement powers do not provide an alternative means of preventing unacceptable demolition and construction impacts from arising. This is because they only permit retrospective enforcement action after problems arise. Even then the powers and sanctions at our disposal are fairly minimal and require a significant degree of evidence. By comparison, the obligation that we are seeking would prevent development activity from commencing until safe and satisfactory management arrangements and commitments are agreed and in place.

Equality

- 6.147. The Equality Act 2010 places a range of duties on the Council. Amongst others these require decision makers to be aware of the potential impacts of their decisions (at the point when they take them) on people with characteristics that are protected by the Act. There must be a reasonable evidence base for this. If there are likely to be any negative impacts then, amongst other things, the decision maker must be satisfied that there is a reasonable 'objective justification' for these.
- 6.148. In our previous comments we highlighted adverse impacts about the design of disabled parking bays, some of which lacked access zones to all sides as required by BS8300. To address this we've recommended securing the street design condition in a 'Plans Notwithstanding' format so changes can be required under future approval of details application.
- 6.149. We also highlighted pedestrian access issues along the cul-de-sac length of Westfield Avenue North, beyond the fork junction. The Applicant has now resolved these but has acknowledged another area of concern approximately half way along the stretch of Westfield between this junction and that with Coombe Value. The footway gradients there exceed those allowed under BS 8300. This could make access to the site difficult and potentially unsafe for the mobility impaired, which is of concern since this is the main route in and out (and to the nearest bus stop). The Applicant has looked at this closely and explored various configurations in an attempt to achieve a compliant design. Whilst they have not succeeded in doing so, they have managed to reduce the slope notably to less than or in the vicinity of 1:20 in most places (albeit without landings every 500mm rise in all places). The gradient is locally steeper at 1:16 in one place, but this is because of the constraint posed by an access to an existing property. As such, whilst an adverse impact remains and must be acknowledged, we now feel there is an objective justification for this and that the design here has been optimised within reason and existing constraints. Nevertheless, as mentioned elsewhere, a related issue was raised in the RSA with a recommendation to review vertical alignments at the detailed design

stage, when a further RSA will be required. It may prove possible then to achieve some further improvements to gradients here. If so then the 'Plans Notwithstanding' street design condition that we've recommended will allow changes to the plans to be made at that time.

RECOMMENDATION

- 6.150. Recommend refusal and object due to highway safety and amenity impacts associated with demolition and construction traffic movements (noting that recent conditions secured for other major applications have not been satisfactory in our view to mitigate these). However, should the obligation that we recommend below on this matter (and the detailed terms thereof) be accepted then we will be happy to be happy to lift this. Alternatively we will be happy to consider alternative condition-based wording that may be proposed in replication of those terms and – if this is suitable – may lift our objection on that basis.

Date :22.09.20: *Third Response*

- 6.151. This is our third response, which should be read in accordance with the Local Highway Authorities (LHA) observation submitted on 10th September 2020, areas which have already been agreed are not covered in this report and we will only cover areas that have changed or are still outstanding in the below report.
- 6.152. In our previous response we welcomed many aspects of the proposals for this site as positive, particularly the response to our earlier concerns about balancing the shared space proposals for the courtyard with inclusive access requirements. Unfortunately, we nonetheless had to place a holding objection. This was because at that time -
- an independent road safety audit was yet to be received to confirm that the new street layouts and proposed highway access works were safe; and
 - we required both the LPA's and applicant's acceptance of our proposed heads of terms for a detailed S106 DEMP/CEMP obligation to control the very particular safety challenges that this constrained site will pose. Amongst other things this will require both construction vehicles, existing residents, and residents of early phases to share the long and very narrow access route into the site whilst highway works and later phases of development are built out. We also indicated our willingness to consider proposals to replicate these through condition(s) instead should the LPA be able to recommend wording that satisfied us.
- 6.153. We also had concerns about some aspects of the proposed cycle parking arrangements for residents of the new site, however we feel that this last point can be agreed through the discharge of a condition.

Date 02.04.20: *Second Response*

SUMMARY

- 6.154. The applicant has worked positively with us to address our previous concerns and to develop a scheme that seeks to resolve these whilst still honouring their vision of high-quality public spaces and highways. The applicant has submitted a number of plans for consideration starting from a very plain application which relied on large areas of shared space for access to the site and across it. Responding to our concerns and comments has resulted in more detailed and carefully choreographed connections, links and open spaces. We requested particular that the applicant ensures that all people's needs are considered, that access for all persons of different abilities such as those who are blind or wheelchair users are met. While at the same time creating an interesting and safe place for the inhabiting residents to enjoy, play and interact. We feel this has now been achieved through phased use of shared space, pedestrian safe areas and green space. The focus for this development is on sustainable transport, while still providing areas for vehicles to travel at slow speeds to access the site. It would have been desirable to provide a more direct pedestrian link across the site to the nearest bus stops. Unfortunately this was not possible due to third party land preventing the connection being established. However, we feel this development offers high quality cycle parking across the site, dedicated footways allowing for easy pedestrian access to the site and nearby public transport.
- 6.155. The revised layout demonstrates how, through careful design, streets can be configured to meet the needs of all users - by providing shared areas for those who are willing and able to do so but also retaining direct and well delineated pedestrian-only routes alongside these for those who are not - whilst still delivering good placemaking outcomes. This sensitive and considered integration of movement, equality and landscaping is welcome and should serve as an inspiration to future applications that involve new streets, whether in urban or rural settings.
- 6.156. There are objections to this application from local residents to the developer's initial approach of only using shared space. Whilst we were sympathetic to these and they reflected some of our own, as above, the applicant has since worked positively to address these. Subject to Road Safety Audit (see below) we feel they have evolved this scheme into a positive contributor in the area.
- 6.157. There are still a few minor aspects of the current layout external layout proposals which need improvement and alteration to meet requirements, such as the design of a few disabled parking bays which don't meet design standards (e.g. lacking access zones to both sides of vehicles). However, these issues can be addressed by setting appropriate conditions in Plans Notwithstanding formats to allow minor changes to be secured via future Approval of Details applications.
- 6.158. Notwithstanding our overall positive view of the revised layout, one major outstanding issue with this is that we have not yet received the results of a mandatory independent Road Safety Audit. This is essential to demonstrate that the scheme is safe for the purposes of policy TR7 and NPPF para 109,

the latter of which sites road safety concerns as a stand-alone reason for refusing schemes. While we are keen to recommend this application for approval, we must first receive the results of this independent assessment and be satisfied that any issues raised have or can be resolved to our satisfaction. The audit is in progress and we will confirm whether or not it does in a future response, if necessary via the late list.

- 6.159. The applicant have assessed the long-term traffic impact of this site primarily using the national standard TRICS® system. Whilst we have some concern about the data sets used to measure the impact we feel that we have found the most accurate set using the limited number of options available. While this development will inevitably increase the number of vehicle trips to and from the site due to its remote location, we do not feel these daily trips of 728 with a peak hourly rate of 38 will have a significant impact on the highway with the mitigation measure we have request in place.
- 6.160. The applicant is not proposing that the new internal streets and spaces be adopted as highway. This is acceptable subject to suitable obligations removing the rights of future frontagiers to petition for adoption and providing for our checking of the technical designs to be satisfied that they are adequately designed and constructed (including related fees to cover officer time). The works within the existing highway are minimal due to the site being mostly set back from it. Some improvements to the mouth of the access road of Westfield Avenue North are required, along with installation of a north/south crossing to protect pedestrians from the increased flow in vehicles. These can be secured via a planning obligation. Though the initial entry road into the site beyond this is narrow and require sections of effective shuttle-working, we are satisfied (subject to road safety audit) that this is reasonable given the modest peak hour flows and the tidal nature of these for what is a residential only site.
- 6.161. Whilst we note concerns by others that this development will lead to parking overspill, we have assessed this application based on local average numbers of car ownership and can see that sufficient parking is provided to meet forecast demand while at the same time remaining within B&HCC parking maximums as outlined in SPD14.
- 6.162. The cycle parking provided across the site offers each individual units their own private secured lockable facility to offer easy access to bicycles and makes cycling an easy alternative mode of transport.
- 6.163. Based on the net increase in daily all-mode trips, a Sustainable Transport Contribution of £145,600 is required to mitigate the impact of this development. This would be put towards:
- Bus stop infrastructure improvements to stops on Coombe Vale and or Westfield Avenue North.
 - Improvements and support to bus services servicing the site and to address causes of delay along their routes to the east of the city.
 - Improvements to local visitor cycle parking.

- Improvements to the footway reaching from Westfield Avenue North and public transport infrastructure.
- Improvements to Local cycling infrastructure and connections to Brighton and Hove City Centre.

6.164. Asides from the outstanding road safety audit, the only other significant concern we have is the need to secure an appropriate Construction & Environmental Management Plan (CEMP) to offset the safety, traffic and amenity impacts of construction. This will be important as the proposed build length is very long at 192, weeks encompassing 9 phases. The fact that occupants of early phases will need to walk/cycle down the same single, narrow access route as will be used by on-going construction traffic adds further complexity. Whilst this is readily resolvable through a planning obligation requiring an appropriately detailed CEMP to be submitted before development begins we note that the local planning authority has recently preferred not to secure these, notwithstanding our recommendations. Unfortunately we do not consider the brief conditions that they recently preferred to secure to be adequate to address impacts. Therefore, in anticipation that a similar insufficient (in our view) condition would be recommended by the LPA again, we must place a holding objection until such time as an obligation or condition(s) that address our concerns is agreed with us by the LPA and applicant. We have proposed an obligation and set out the detailed HoT that this should include, for further elaboration in the S106 agreement. Whilst we are open to considering alternatives, including condition(s), they will need to be adequately worded to secure the same detail as we have sought to be acceptable. We stress that this should be a very simple matter to resolve.

6.165. In summary, though we are positive about the new layout and commend the applicant's engagement to address previous concerns, we must maintain a holding objection whilst awaiting both the outcome of the road safety audit of this and agreement of a satisfactory CEMP condition or obligation to mitigate the construction impacts of the scheme.

Date: 07.02.20 First response

SUMMARY

6.166. We are currently unable to determine this application, other than for refusal as we are not able to fully assess the impact of the development. This application is currently unacceptable and should not be approved as it stands, as only a Transport Statement (TS) has been submitted to support it, for a development of this size a full Transport Assessment (TA) is required to measure the full impact of the development (a requirement of NPPF para 111). We ask that the applicant engage with us to agree full scope for which the TA should cover and to meet after submission of the TA to discuss the proposals.

6.167. The TS only includes an assessment of the daily vehicle trip rates from 07:00 to 19:00, however we required a full multi-modal assessment for a 24 hour period to gage the full impact of the scheme and to enable us to calculate the

Sustainable Transport Contribution. we also do not accept the parameters for the submitted TRICs assessment concerns include:

- Use of mixed private/affordance housing rate only acceptable where mix closely approximates the proposed split. Otherwise need to establish separate rates for private and affordable homes.
- Dwelling size range = 66-188 vs proposed 66 units. Smaller sites should be used whilst upper range too high. Two of the proposed sites are acceptable at 80/67 units. However, ES-03-M-04 is too big at 188 units.
- ES-03-M-04 surveyed on a Friday so unacceptable. Its also too old at over 6 years (ES-03-M-04). However, as above that would be excluded anyway on size grounds anyway.
- Excluding ES-03-M-04 leaves only 2 sites which is unacceptably low bearing in mind none of the remaining are in B&H or nearby.
- Local populations also appear too low which excludes the other 2 sites.
- No details of cross-test variation % provided to demonstrate rates are representative.

6.168. We ask that prior to further required trip generation that the applicant engages with the Local Highway Authority to agree parameters as suggested in the TRICs Good Practice Guidance. Applicant to base proposed criteria/ranges and on a characterisation of the local area and proposed development, to be submitted alongside their proposals.

6.169. Notwithstanding the above, forecast development vehicle trips already exceed 30 in peak hours. This is the threshold in the 2007 DfT TA Guide for requiring a full TA. As advised at the pre-app stage this must be provided. It should distribute trips to local roads and assess impacts across different analysis periods and scenarios. Where necessary there may require junction modelling, however we reserve judgement until an acceptable trip generation has been agreed and submitted.

Public Transport Accessibility

6.170. The walking distance from some parts of the site to the nearest existing bus stop exceed the normal recommended 400m and at it's longest exceeds 600metres. I think I'm also correct in saying that some proposed routes to/from this would be fairly steep (please check). I therefore suggest that you highlight this as a concern, noting also the further complication lent by the fact that many of the routes would be via shared surfaces.

6.171. Planning for Walking (CIHT 2015, p.30) advises that, "The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400m has traditionally been regarded as a cut-off point, in town centres, 200m." This should be taken into account when considering how likely it is that residents will use public transport and alteration to the scheme should be considered to recommended traveling distances. It also needs to be considered the gradient of the paths travelled, in terms of accessibility this may also have an equality impact on users of the site.

Cycle Parking

- 6.172. No details have been provided as to the design, type or level of cycle parking provision. At pre-application phase significant notes were provided; please refer to these for further guidance. A full assessment of these facilities will be required as part of the above requested TA.

Highway design

- 6.173. The application includes numerous shared surfaces, including areas where the DAS makes clear that apparent footways are designed to be overrun due to unrealistically low carriageway widths. As advised at the pre-application stage, we welcome carefully shared space schemes in the right circumstances. However, where they include shared/level surface element this is subject to careful design development and evidencing. This is because of their potential negative impact on people with characteristics protected under Equality Act including in particular visually impaired people. NPPF para 110b requires development to meet the transport related needs of such people and others with disabilities/reduced mobility. Amongst other things -
- An EqlA is required to demonstrate due consideration of impacts and to provide objective justification for why it has not been possible to design out any remaining impacts.
 - To satisfy guidance in 'Manual for Streets' and 'Guidance on the Use of Tactile paving Surfaces' this should be supported by evidence of engagement with disabled people and/or advocacy organisations to show how they have been involved in shaping the proposals and the efforts made to address their reasonable concerns.
- 6.174. Unfortunately neither has been provided. Further, we have not yet been approached to discuss a stage 1 road safety audit of the challenging proposals. This will be necessary to demonstrate compliance with policy TR7 (noting the difference between safety and equality). It must be completed in strict accordance with DMRB G119, noting that this requires us to approve the Audit Team and Brief in advance.
- 6.175. The information provided therefore isn't yet sufficient for assessing the likely impacts of the street design proposals. Notwithstanding, we note that the site is sufficiently large such that there should be no need to discriminate by only providing shared areas (with no alternative traffic free routes for people who are not able/comfortable sharing). In view of this, the current proposals suggest a potential reason for objection and refusal, noting amongst other things policy TR7 and NPPF 110b requirements.

RECOMMENDATION

- 6.176. Unsuitable for determination due to lack of information to assess likely impacts from some aspects. We will wish to be formally re-consulted should additional information be submitted. Conditions and obligations will be recommended in a further response, if appropriate, in view of additional information. The applicant should engage with us into scoping meetings to understand what is required to support this application.

6.177. **Sustainability Team: Support**

Summary of Comments:

The development will just meet the CP8 target, but only through installing large amounts of PV. The “be lean, be clean, be green” energy hierarchy prioritises reduction of energy demand through improvements in building fabric, before application of renewable energy. This development has taken the opposite approach of including only minimal improvements in the building fabric, no improvement in carbon emissions from heating, and then including PV to make up the difference.

6.178. While the PV is very welcome, more attention needs to be applied to the building fabric and especially the heating strategy to improve the overall carbon efficiency performance of the development. It is strongly recommended that the heating and hot water strategy is reviewed and updated to consider particularly air source or ground source heat pumps. Conditions are proposed on heat technology and green roofs.

Main Comment:

6.179. The following is proposed in the Energy Statement:

Carbon emissions reduction

6.180. The residential development is expected to just meet the energy targets set out in CP8 of the City Plan Part One.

6.181. Building fabric

- U-values: proposed: External Wall 0.18, Floor 0.15, Roof 0.15, Openings 1.4
- No info on thermal mass or thermal bridging

6.182. Ventilation and overheating

- Cross ventilation, openable windows.
- Air permeability proposed 4m³/(hm²)@50Pa
- The SAP report shows a ‘slight’ risk of overheating in most units.

6.183. Heating and hot water

- Gas boiler to each dwelling with zoned time and temperature controls to provide *heat and hot water*
- No connection to a district heating system

6.184. Lighting and day-light

- 100% “low-energy” light fittings, not specified if these will be LEDs or CFLs.

6.185. Renewable energy

- Analysis of the potential for a range of renewable energy technologies
- Proposed: Roof designed to accommodate installation of roof-mounted solar PV. Roofs are pitched and facing south west and south east which is ideal for PV. In total across all the dwellings an array of 356.4 sq m PV

delivering 55.8 kWp is proposed. There will be 3 PV panels per dwelling, in total 216 panels.

6.186. Water

- Dwellings will achieve efficiency standard of 110 litres /person /day; water consumption analysis provided.

6.187. Biodiversity

- 180sq m Brown roofs on carports (vegetated shingle)
- 300sq m children's play space and extensive amenity land
- A landscape masterplan and tree planting strategy is provided

Main Comments

Reduction in carbon emissions

6.188. The development will just meet the CP8 target, but only through installing large amounts of PV. The "be lean, be clean, be green" energy hierarchy prioritises reduction of energy demand through improvements in building fabric, before application of renewable energy. This development has taken the opposite approach of including only minimal improvements in the building fabric, no improvement in carbon emissions from heating, and then including PV to make up the difference.

6.189. While the PV is very welcome, more attention needs to be applied to the building fabric and especially the heating strategy to improve the overall carbon efficiency performance of the development.

6.190. Moreover, it is noted that SAP2012 is used to calculate the carbon emissions from the buildings. It is likely that a different result would be obtained if SAP10 is used, as it includes up to date carbon emission factors which give a lower weighting to electricity (relative to gas) than previously.

Building fabric

6.191. The U-values for walls, roof and floor are not exceptional, as is the air-tightness of 4m3/m2/hr. Further detailing of the thermal bridging should aim for the lowest possible value. Overheating is not considered to be a risk.

Heating and hot water

6.192. It is very disappointing that the standard solution of gas boilers is proposed for heating and hot water. Gas boilers are familiar and cheap, but they do not support the City's Sustainability Objectives to use large scale low or zero carbon energy technologies as stated in City Plan Part One CP8 point 2c. This development is spacious and has ample green space around the houses so that other heating solutions could be considered. In this situation either ground source or air source heat pumps, combined with the generous PV allocation, would reduce carbon emissions greatly while also being cost effective in operation. This would also help to future-proof the development against changes in building regulations and the introduction of the Future Homes

Standard, expected later in 2020. More information is provided in the emerging City Plan Part 2: Policy DM46.

Connection to a heat network

- 6.193. It is noted that connection to a future heat network is not proposed. In this location, this is acceptable.

Renewable energy

- 6.194. The generous application of PV on the roof top is welcomed. The Energy Statement mentions government incentives which, for PV, have come to an end. It may be possible to negotiate an export guarantee with the local electricity supplier.

Green roof and biodiversity

- 6.195. The ample green space and gardens along with the tree planting strategy should help to enhance biodiversity as long as a variety of nectar-rich native species are specified in the planting schedule. The brown roof for the car ports are also noted and will help the application meet Brighton & Hove City Plan Part One policy CP8 Sustainable Buildings point 2 h and j.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Considerations and Assessment' section of the report

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove 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).

- 7.3. 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.

8. 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 |
| SA4 | Urban Fringe |
| SA5 | The Setting of the South Downs National Park |
| SA6 | Sustainable Neighbourhoods |
| CP1 | Housing delivery |
| CP2 | Sustainable economic development |
| CP7 | Infrastructure and developer contributions |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP11 | Flood risk |
| CP12 | Urban design |
| CP13 | Public streets and spaces |
| CP16 | Open space |
| CP17 | Sports provision |
| CP18 | Healthy city |
| CP19 | Housing mix |
| CP20 | Affordable housing |

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

| | |
|------|---|
| TR4 | Travel plans |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| TR18 | Parking for people with a mobility related disability] |
| SU3 | Water resources and their quality |
| SU5 | Surface water and foul sewage disposal infrastructure |
| SU9 | Pollution and nuisance control |
| SU10 | Noise Nuisance |
| QD5 | Design - street frontages |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD18 | Species protection |
| QD25 | External lighting |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |
| SU3 | Water resources and their quality |
| SU5 | Surface water and foul sewerage disposal infrastructure |
| SU9 | Pollution and Noise Control |

Supplementary Planning Guidance/Planning Documents:

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

Further Guidance:

Developer Contributions Technical Guidance (March 2017).

9. CONSIDERATION & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, impact of the development on the character and appearance of the locality, the setting of the South Downs National Park, neighbouring amenity, landscaping and trees, sustainable transport impacts, environmental matters and contribution to other objectives of the development plan.

Planning Policy Context and Principle of Development:

- 9.2. The site is allocated for housing development in the Council's 2014 Urban Fringe Assessment and recent outline planning consent for a residential development for 60 houses was granted on the 13th June 2018; therefore the principle of the demolition of the existing properties and redevelopment for a residential scheme has been established and is supported from a planning perspective subject to detailed consideration within the body of this report.

Planning History

- 9.3. Outline planning consent for the site was granted application reference BH2016/01903 [referred to as the 'extant scheme'] for the demolition of existing farm buildings and the erection of 60 family dwellings with public open space and approval of reserved matters for access and landscaping. This consent is extant and is a material consideration in the assessment of this scheme.
- 9.4. Below are key headlines in relation to the extant scheme:
- 60 houses approved (detached in style)
 - Low density - 16 u/ha
 - 40% Affordable housing (48:52 split)
 - Fixed two-storey height parameter
- 9.5. The current proposed scheme seeks 12 more dwellings and provides 3.4 times more open space, than the extant scheme. The site area is slightly smaller than the approved scheme as the red line boundary no longer includes land to the southern-most extent of the former application site.

Urban Fringe

- 9.6. The site is classed as an urban fringe site and is located between the defined built up area boundary of the City and the boundary of the South Downs National Park. The urban fringe is made up of ‘pockets’ of residual green space within the City.
- 9.7. City Plan Policy SA4 (Urban Fringe) directly relates to the use of urban fringe sites. Policy SA4 refers to a set of 5 principle objectives for the use and management of land on the urban fringe including the following:
- 1) the protection and enhancement of wider landscape
 - 2) environmental improvements
 - 3) incorporation of a green network
 - 4) the protection of groundwater source protection zones and
 - 5) the creation of gateway facilities.
- 9.8. Development within the urban fringe will only be permitted where a site has been allocated for development in a development plan document; or a countryside location can be justified. Where development is accepted in principle it must have regard to the downland landscape setting of the city and any adverse impacts of development should be minimised and appropriately mitigated and/or compensated for.
- 9.9. Of note, policy SA4 states “should proposals for development come forward prior to the adoption of Part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of applications for residential development within the urban fringe”. Given that the site is allocated in the Urban Fringe Assessment (UFA), this is a material consideration in determining development on the proposed site.
- 9.10. The proposed development meets the provisions of policy SA4 of the City Plan Part One in terms of meeting the 5 principle objectives above which are discussed within this report; including having regard to the downland setting through a comprehensive robust landscape strategy which is supported by the County Landscape Architect; and providing sufficient mitigation and compensation for potential adverse impacts such as contamination and flooding.
- Housing Supply
- 9.11. Policy CP1 (Housing Delivery) of the City Plan Part One sets a target to deliver at least 13,200 new homes over the period 2010- 2030, which includes provision for 1,060 dwellings on urban fringe sites.
- 9.12. 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). Please note

that the Planning Policy Officer comments within the consultee section of this report were provided prior to the change in the Council's housing supply from 4.5 years to 4.0 years.

- 9.13. In the context of Brighton & Hove, the proposed development is considered to be a large-scale residential development proposal. The provision of 72 residential units represents a significant proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle.

Urban Fringe Assessment 2014

- 9.14. The Urban Fringe Assessments (UFA's) provide an indication of the overall potential for housing within each of the City's identified urban fringe sites. They were commissioned and carried out independently. As noted by the Planning Policy Officer, the suitability of sites for residential development has been examined in detail in the 2014 and 2015 Urban Fringe Assessments. The UFA studies recommended that the site (including the adjacent Saltdean Boarding Kennels, which is not included in this application) had potential for some low and medium density residential development limited to 55 residential dwellings'.
- 9.15. The UFAs identify four parcels of land around Coombe Farm which are referred to as Sites 48, 48a, 48b and 48c and were known as Study Area L18/E15. The application site covers the majority of UFA Site 48 (Land at Coombe Farm), part of Site 48a (Land north of Westfield Rise) and part of Site 48b (Land at Westfield Avenue North), however the application does not include any of Site 48c (Land at Saltdean Boarding Kennels).
- 9.16. High level reviews within the UFA indicated that any development on the site should follow the principles set out below:
- A masterplan approach is recommended for sites 48, 48a, 48b and 48c
 - New dwellings should not be elevated above existing residential properties
 - Upper slopes should not be developed
 - Development should not exceed 55 dwellings on site 48, 48a, 48b and 48c
- 9.17. The 2014 UFA considered the potential for residential development against five criteria comprising landscape, open space, historic environment, ecology environment and assessed the scope for mitigation of any potential adverse impacts. Most of the land within Sites 48/48a/48b/48c were identified as having potential for low-density residential development, avoiding only the more elevated fringes of the area and an area already occupied by dwellings and a woodland block.
- 9.18. In conclusion, the UFA identified an overall potential of 55 dwellings across the four sites.

Urban fringe Assessment 2015

- 9.19. The UFA 2015 included further landscape and ecological assessments. Overall, the UFA 2015 broadly supported the conclusions of UFA 2014, summarising that housing could be delivered at certain parts of the land without significant impacts on landscape and ecology, on the assumption that the following would be taken into account:
- Avoidance of impacts on retained habitats within the Study Area and the adjacent
 - Coombe Farm SNCI, including implementation of best construction practice and
 - measures to address potential increases in recreational pressure
 - Implementation of mitigation measures to address potential impacts on protected species
- 9.20. The site is allocated within the UFA's which are a material consideration in the determination of this application. Whilst it is recognised that the addition of 12 dwellings would be an increase of the high-level number of units on the site, housing development on the site is wholly appropriate and is considered acceptable. The proposed development has comprehensively considered the site sensitivities identified in the UFA's which are considered in more detail within the body of this report.

Emerging Policy H2 (Housing Sites- Urban Fringe)

- 9.21. Emerging Policy H2 (Housing Sites- Urban Fringe) of the City Plan Part Two lists developable areas in the urban fringe that are allocated for housing development which includes the Coombe Farm site.
- 9.22. The consolidated site area is 5.65 hectares and 3.47 hectares of this is considered developable (including the Saltdean Kennels). This area is considered to have a 'potential number of dwelling units' of 66, providing an 'indicative percentage of family sized housing – 3 bedroom plus, of 50% . Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration. The key site considerations identified are archaeology, landscaping, ecology, flooding and wastewater.
- 9.23. Draft policy H2 states that planning permission will be granted for developments identified which consider the site considerations and indicative development requirements, together with all of the following criteria:
- a) Provision for family housing
 - b) Opportunities to secured publicly accessible open space provision
 - c) Green infrastructure and local food growing opportunities
 - d) Mitigation of any adverse impacts
 - e) Sustainable transport infrastructure improvements
 - f) Improved linkages and access to the SDNP, where feasible
 - g) Appropriate regard to community facilities
 - h) Greater reductions in CO2 emissions

- 9.24. In the first instance, the proposed development proposes a high proportion of family housing. The open space provision is extensive and available to the public for events and would provide amenity and play space for the inhabitants of the dwellings. Extensive green infrastructure is provided within the scheme including open space provision, native planting, additional trees and brown roofs. In addition, a landscaping condition has been imposed for food growing opportunities to be provided. Adverse impacts would be mitigated against and compensated for through various strategies, remediation, and the provision of necessary financial obligations and the Community Infrastructure Levy. Sustainable transport infrastructure improvements are provided within the development, secured by legal agreement through the provision of local highway works and necessary conditions. The existing linkages to the SDNP will be retained and enhanced as part of the development. Appropriate regard has been made to community facilities for the community that would inhabit the site. The provision of a high-quality public realm and 'The Common', would facilitate community wide functions and amenities. The energy strategy for the site will ensure that there is a reduction in CO2 emissions and renewable energy sources are provided.
- 9.25. Draft Policy H2 also states that the provision of land for self and/or custom build serviced plots will be encouraged on urban fringe housing sites. The potential to include an element of the housing in the form of self/custom build plots was discussed with the applicant; however this was not a considered to be a viable option and was not pursued either within the extant outline scheme.
- 9.26. In conclusion, the site is also allocated within emerging Policy H2 which demonstrates the Council's direction of travel. As such consideration has been made to emerging Policy H2 of the City Plan Part Two, and the scheme meets the selected criteria stipulated by this draft policy.

Density:

- 9.27. The Policy Officer considers that ' the proposed density for the site as a whole is low at 21.75 dwellings/ha, which largely reflects the sensitive location of the site directly adjacent to and within the setting of the SDNP'. City Plan Part One policy CP14 (Housing Density) seeks to ensure that housing density is appropriate to the locality. As minimum, a net density of 50 dwellings per hectare should be achieved in the city. A lower density will be accepted where it can be adequately demonstrated that the development would reflect the neighbourhood's positive characteristics, would meet the housing needs of a particular group or groups within the community and would better contribute towards creating a sustainable neighbourhood. The UFA recommends a low density development (i.e. 25 dwellings/ha) within the site and a medium density for site 48a of 50 dwellings/ha. The extant scheme has a density of 16 dwellings per hectare.
- 9.28. The extant scheme originally proposed 67 units, which was amended to 60 units, on the basis that 7 dwellings would need be removed as they would be too visible from the SDNP. These changes were made following consultation

with the County Ecologist and County Landscape Architect. The current scheme has reviewed this situation and sought to further minimise the impact on the SDNP and provide ecological mitigation. Albeit, it is acknowledged that the proposed development density is not uniform, with larger numbers of units clustered in the north-east of the site and lower densities around the proposed greenspace in the south-west of the site. As noted in the report, notwithstanding previous concerns within the extant scheme, the County Landscape Architect supports the current scheme for 72 dwellings on the site and does not consider that the development would detract from the setting of the SDNP. A higher density was also supported by the design review panel.

- 9.29. Therefore it is considered that the overall density is higher than the extant scheme, but within the density parameters of the UFA recommendations (less than 25 dwellings per hectare) and is appropriate for the site. The proposed density is also below the threshold of 50 dwellings per hectare as set by Policy CP14 of the City Plan Part One, which is entirely appropriate given the sensitive location of the site adjacent to the SDNP and the need to take into account site constraints and provide adequate mitigation. As such it is considered that the proposed development accords with the provisions of Policy CP14 of the City Plan Part One.

Housing Mix:

- 9.30. Policy CP19 of the City Plan Part One requires all new residential development to have regard to the characteristics of existing neighbourhoods and communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two requires residential development to incorporate a range of dwelling types, tenures and sizes which respond to the City's identified housing need; and to make provision for a range and mix of housing formats subject to the character, location and context.
- 9.31. These policies require the provision of an appropriate mix of housing (in terms of type, size and tenure), including affordable housing, that will contribute towards meeting the city's identified housing needs and will deliver balanced communities.
- 9.32. Within the extant outline scheme, the appearance, scale and layout of the scheme were reserved matters. However the indicative housing mix comprised the following:
- 6 x 2-bed units
 - 37 x 3 bed units
 - 14 x 4 bed units
 - 3 x 5 bed units
- 9.33. The proposed unit mix comprises the following:
- 4 x 1 bed units

- 16 x 2 bed units
- 29 x 3 bed units
- 23 x 4 bed units

- 9.34. Compared to the extant scheme, the current proposal introduces the provision of 1-bedroom units, significantly more 2-bedroom units and no longer provides 5 bedroom units. However, the majority of units are 3-bedroom units, similar in mix to the extant scheme.
- 9.35. The proposed mix would provide 72% 3+bedroom houses, whereas draft Policy H2 expects circa 50% family housing. However as noted by the Planning Policy Officer 'there is a substantial demand/need for 3 and 4+ bed properties across the city whereas the majority of potential housing sites in the city are better suited to provide smaller units (1 and 2 bed). In these circumstances, it may be justifiable to support a higher proportion of family houses (3+ bedrooms) on this site'.
- 9.36. Notwithstanding the need for accommodation and the lack of 5-year housing land supply; overall it is considered that the proposed development is ideally located for family housing and can accommodate housing whilst remaining at a low density (less than 25 dwellings per hectare). The development would provide very much needed family accommodation within the City and is supported. It is also observed that the development would provide 1 and 2 bedroom houses (rather than flats) which are also a welcome addition in the City. As such the proposed housing mix is considered acceptable.

Affordable Housing:

- 9.37. City Plan Policy CP20 (Affordable Housing) requires housing development of over 15 units to provide 40% affordable housing. The applicant proposes to deliver 29 dwellings as affordable housing, which is a 40% provision in line with the policy. The extant scheme offered 24 units of affordable housing. The Housing Strategy Team support the provision of the affordable homes as outlined which is in line with council policy CP20 Affordable Housing. As observed by the Housing Strategy Team, there are 9,100 people listed on the joint housing register, 75% of whom are in demonstrable need. In addition 1,772 households were identified in temporary accommodation as of December 2019. Therefore, the City has a pressing need for affordable housing.

Tenure split

- 9.38. Affordable Housing Brief sets out the following broad tenure split as a Citywide objective:
- 55% Social Rent or Affordable Rent
 - 45% Intermediate (e.g. Shared Ownership)
- 9.39. The applicant proposes 55% of the affordable housing units as affordable rent (16 properties) and 45% (13 properties) for shared ownership sale, which is a

compliant tenure split. As stated by the Housing Strategy Team ‘family housing for affordable rent is also particularly welcome’.

- 9.40. The preferred affordable housing brief mix has been set on this basis, as follows:
- 30% 1 bed units
 - 45% 2 bed units
 - 25% 3+ bed units
- 9.41. However, the unit mix for the affordable housing as proposed would provide a differing mix as follows:
- 14% x 1 bed units
 - 24% x 2 bed units
 - 62% x 3 bed units
- 9.42. Essentially, there is an overprovision of larger units and lesser proportion of smaller units. Whilst this is not in line with the preferred mix in the affordable housing brief, the Housing Strategy Team acknowledge that this scheme that is delivering affordable family *housing*, which is welcome, and therefore this unit mix is acceptable.
- 9.43. The affordable housing will be secured by legal agreement. Conditions are recommended to provide details including the numbers, type, tenure and location; the timing of the construction of the affordable housing and transfer of the affordable housing to an affordable housing provider and the occupancy criteria.
- 9.44. The affordable housing provision complies with Policy CP20 in terms of its quantum, standard of accommodation and tenure split; and is strongly welcomed. The affordable provision will provide a significant number of very much needed affordable homes in the City. Whilst the unit mix does not comply with the affordable housing brief in general terms, the scheme would provide family housing which is needed in the City and is supported by the Housing Strategy Team.

Visual Impact:

- 9.45. The site is located within a sensitive location and is bound by the SDNP on three sides, therefore Policy SA5 (Setting of the South Downs National Park) of the City Plan Part One would apply, to ensure that the setting of the SDNP is respected and not significantly harmed.

South Downs National Park (SDNP)

- 9.46. Paragraph 172 of the NPPF states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty”.
- 9.47. The South Downs National Park Authority (SDNPA) have been consulted. The SDNPA made no comment on the principle of development, however they

recommended that consideration be given to the design of the development in terms of height, scale and density. The design of the development is duly considered in the 'design and appearance' section of the report.

- 9.48. The SDNPA also advised that consideration should be given to the recent permission SDNP/18/04566/FUL for the provision of a new sand school and stables on the land immediately to the south east of the site (which falls within the National Park) to facilitating access without the potential for conflicts of use. Access to the new sand school has been provided, facilitated and considered as part of the application. A clear route through has been made in the masterplan as shown on the north-east extent of the site. The proposed site plan has been amended to show the location and context of this development.
- 9.49. Paragraphs 98 and 170 of the NPPF highlight the important of public rights of way and access. One of the purposes of the SDNP is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. The applicant seeks to strengthen and formalise the existing connections to the National Park and PROW network. However, it is apparent that the existing site provides no formal access to the National Park. The PCOW route from Westfield Avenue North to the brow of Tenant Hill is gated and the main area of the farm is private. Notwithstanding the current situation, the applicant proposes to remove the gates and make it accessible to the public, although it will remain in private ownership. This also accords with policy SA4 (Urban Fringe) which also seeks to secure safe public access to the countryside.

LVIA

- 9.50. Views are afforded into the site from the SDNP, as such, a Landscape and Visual Impact Assessment (LVIA) was submitted with the application and sets out 6 key viewpoints. The LVIA concludes:
- On completion and in the long-term, no significant direct or indirect adverse effects would occur on on-site landscape features or on the character of the surrounding landscape.
 - No significant effects would arise on the landscape character of the SDNP at any changes.
 - In the long-term, no significant adverse visual effects would arise for users of the public footpaths or recreational landscape, or for those using the road network.
 - The proposal would have an enhanced interface with the landscape of the SDNP to the north and east of the site (compared to the extant scheme).
 - There would be a slight reduction in visual effects for views seen from the SDNP from the south of the site (compared to the extant scheme).
 - Overall, the same conclusion is reached for the proposal as the extant scheme in that the proposal would not cause harm to the landscape of the site or surrounding area.

- 9.51. Whilst short-term adverse landscape and visual effects would arise during construction and on completion, these effects are not extensive due to the visual containment of the site provided by the valley location, existing settlement pattern, landscaping, and a high-quality masterplan.
- 9.52. The specialist views of The County Landscape Architect were sought regarding the assessment of the LVIA, impact on the SDNP and landscaping proposals. The County Landscape Architect considers that that LVIA provided an “accurate assessment of the baseline landscape character and visual context of the site” and does not dispute these conclusions.
- 9.53. The County Landscape Architect considered that ‘The Common’ would provide a high-quality open area which relates well to the wider open downland. It was also considered that the tree cover would soften the proposed development in more distant views from the built-up areas and wider downland. Overall the proposed development is supported by the County Landscape Architect subject to landscape conditions, which have been recommended.
- 9.54. As ecological changes have evolved through the scheme, the County Landscape Architect has considered amendments alongside the County Ecologist. In conclusion, the County Landscape Architect considered that the amendments to the scheme was “acceptable from a landscape perspective”. As such the scheme complies with the provisions of Policy SA5 of the City Plan Part One.

Dark Sky Reserve

- 9.55. The South Downs National Park is a designated International Dark Sky Reserve and dark skies. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The scheme is located outside of the SDNP, however it has the potential to affect the designation. As such a lighting scheme has been duly conditioned so due consideration is given as advised by the SDNPA.

Design and Appearance:

- 9.56. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 9.57. Policy CP12 (Urban Design) sets that development should meet certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city’s identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city’s built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;

- Be inclusive, adaptable and accessible; and
- Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm.

Design Review Panel Process

- 9.58. The applicant team attended a design review panel which resulted in many changes to the scheme prior to submission including a more traditional and extensive material palette; the removal of a wetland pond feature in ‘The Common’, the removal of alley ways; the provision of a SuDS strategy; a reduction in hard standing; the provision of more landscaping; a review of access to the stable block outside of the site, which is now included and shown in the plans; larger windows which are present in the elevations; and a looser informal arrangement within the masterplan, which is shown in terms of the detailing, materials and arrangement of the units. It should also be noted the design review panel also supported a higher density of the site.
- 9.59. The design review panel also advised the applicant to consider incorporating the identity of Saltdean within the development proposals. This has been achieved through the simple elevational treatment, low-scale development, gable-ends and proposed materials and detailing.
- 9.60. The applicant team have worked constructively with the LPA to produce a scheme which provides a new sustainable residential development within a high-quality public realm. Each property has been considered in detail in terms of the internal layout and external appearance.

Masterplan

- 9.61. The masterplan ethos is based on a contemporary take on traditional houses and barns. The masterplan for the site is divided into three main parts:
1. Westfield Avenue North – detached and semi-detached properties with driveways.
 2. The Lane – semi-detached properties with side garage additions facing ‘The Common’ and link detached houses with driveways and garages.
 3. The Yards (A, B & C) – short blocks of terraces arranged within home zone shared surfaces.

Layout and siting

- 9.62. The properties proposed on Westfield Avenue North, infill the areas between the Kennels and the properties on Westfield Avenue North. Their scale and siting would respect the existing adjacent properties in terms of their massing, footprint and separation distances.
- 9.63. ‘The Yards’ contain linear barn like type buildings centred around 3 shared spaces. The buildings derive from a farmstead typology which is a typical building identified in the SDNP. The County Landscape Architect considers that “the proposed layout of the houses surrounding shared space landscape courtyards would be an opportunity to provide a high-quality development with

a strong sense of place”. The home zone approach would ensure cars do not dominate the public realm.

- 9.64. ‘The Lane’ comprises a meandering country lane to take advantage of the existing topography. The properties overlook ‘The Common’ and the use of gable-ends and informal fenestration provide rhythm and articulation.

Height

- 9.65. The buildings do not extend beyond two storeys in height and no accommodation is provided within the roof spaces. A condition has been imposed to remove permitted development rights from the properties to ensure that any further development is reviewed through the planning process. The two-storey height is in keeping with the outline parameter within the extant scheme. Of note the proposed scheme proposes single storey dwellings, on the upper slopes to ensure that the height of the buildings do not exceed the upper parts of the slopes, as recommended in the UFA.
- 9.66. Due to the topography of the site, sloping upwards at the periphery of the site boundaries; it is important to have regard to level changes, as such the applicant has proposed details of site levels to accompany the proposed scheme.

Massing

- 9.67. The properties when viewed from Westfield Avenue North would purposely continue the established pattern of development and siting. The remainder of the development would be located within the valley which would provide scope for a differing pattern of development. The semi-detached properties on The Lane are staggered in terms of their front building line, with front facing gable ends so they would appear to be detached whilst providing necessary housing provision, in the form of semi-detached housing.
- 9.68. Although some of the development would comprise short elongated terraced blocks, it is acknowledged that the footprint of the existing buildings are substantial warehouse/barn type elongated properties. These properties would be removed and replaced with much smaller properties, which are more in keeping with the prevalent urban grain.
- 9.69. During the initial pre-application, the applicant was advised to reverse the layout of the scheme so the higher density areas (The Yards) would be closer to the existing built up area to the south-west of the site and the detached and semi-detached properties were located closer to the SDNP. These changes were not made, however given that the development is within a valley and partially screened, there is an opportunity to diversify the built form from the extant scheme. In addition, dark treated timber cladding is proposed on the north-eastern slope to blend in with the SDNP and minimise any visual impact and the County Landscape Architect supports the scheme and considers that the impact on the SDNP is appropriate. Moreover, the LVIA identifies that the

proposed scheme would have a lesser impact on the SDNP than the current proposal.

Detailing and Materials

- 9.70. The applicant has proposed 5 different material palettes for the roofing, windows, walls and reveals. These comprise different groups of the following:
- grey variegated brick (a modern version of knapped flint walls)
 - red brick
 - slate
 - clay
- 9.71. Window frames and rainwater goods are proposed in aluminium (mainly light grey), rather than plastic, as suggested in English Heritage's 'Guide to Barn Conversions'.
- 9.72. The buildings are intended to read as a collection and the materials are based on the typology and relationship to each other and the landscape, which is considered appropriate and contributes to the sense of place and new character of the area.
- 9.73. A necessary condition is imposed to ensure the finished materials for the buildings, hardstanding and boundary treatment are submitted and duly approved by the Local Planning Authority.
- 9.74. The detailing is provided through simple articulation including large punched through fenestration, inset entrances which provide defensible space, staggers and differing gable roof orientations.

Public Realm

- 9.75. The proposed layout includes a large informal area of open space, which would be available for use by the wider community and would include a children's equipped play area informal open space and landscaping.
- 9.76. Brown roofs are proposed above the car parking area to the east of the site, which provide green infrastructure and contribute to sustainability objectives.
- 9.77. 'The Common' has been designed as a large communal amenity space for residents and visitors to use and will also be accessible to members of the public. A network of self-binding gravel footpaths is provided within the space, and 2 natural play spaces (300 m²), large areas of species rich grassland, stands of trees and wooded copses, ruderal vegetation areas, and two soil and chalk bunds of bare ground for invertebrates. The open space provision is at least 3 times more than the approved outline scheme and would potentially provide further opportunity for ecological enhancement and recreation for residents. Within the extant scheme this area was centralised, however the location has shifted further north of the site, which enhances the down land views.

- 9.78. The Yards proposed in the north-east of the site are created around home zone areas. Home zones are an urban design method which intends to enhance the public realm and remove traffic barriers 'to improve the quality of life of residents by removing the traffic barriers that mitigate against neighbourliness'. Seating and planting will be provided in these shared spaces to encourage interaction. The principles adopted include the following:
- Pedestrian environment, should feel like visitors
 - Reduce or remove the dominance of the car in residential streets
 - Foster a sense of community
 - Reduce social isolation
 - Increase opportunities for active and creative children's play
 - Increase natural surveillance
 - Improve the quality of the built environment
- 9.79. The proposed design of scheme meets the criteria for Policies CP12 of the City Plan Part One by providing a high-quality of design, creating a strong sense of place whilst protecting the setting of the SDNP and views into the site. The design of the external spaces and landscaping strategy is a successful fundamental part of the development proposals.
- Trees:**
- 9.80. Policy QD16 of the Local Plan requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated in to proposals.
- 9.81. There are no Tree Preservation Orders on the site and the trees are sited sporadically across the site. The existing trees are all of small size and stature with limited landscape value. The Tree Officer observed that "vegetation on site although individually poor as a whole has conservation value and significant landscaping would be required to offset the planned removal".
- 9.82. 4 category C groups are proposed to be removed to facilitate the development, which would total 20 individual trees comprising Elder, Sycamore, Poplar and Beech species. These removal of these trees will facilitate 'The Common' area, and the proposed houses on Westfield Avenue North.
- 9.83. 140 specimen trees are proposed to be planted throughout the streets, Yards and 'The Common', (6 x semi mature, 46 x 16-18cm girth, 25 x 14-16cm girth trees, 53x 12-14cm girth, 10 x multi stemmed trees). 52 trees are also proposed to be planted in the copses. In total 192 new trees are proposed.
- 9.84. A considerable number of native trees are proposed to reinstate the traditional 'wooded valley' landscape character that the site would historically have had. The trees will also provide screening between properties, visual amenity, landscape back drops, rain water attenuation and habitats for nesting birds and bats. Disease resistant Elm trees (Hillier) will also form part of the tree replanting strategy.

- 9.85. Deciduous woodland, a Habitat of Principal Importance under Section 41 of the NERC Act lies adjacent to the north-east and south-west boundaries. The County Ecologist considers that the recommended precautionary measures to protect the off-site woodland which include undeveloped vegetated buffers, are acceptable.
- 9.86. It is considered that although a number of trees will be removed to facilitate the development, a significant number of high-quality trees will be replanted on the site. As such the development accords with Policy QD16 of the Local Plan.
- Ecology:**
- 9.87. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site is not covered by any designations, statutory or non-statutory, for nature conservation interest however, Coombe Farm/Coombe Meadow Local Wildlife Site (LWS or Site of Nature Conservation Importance) lies adjacent to the south-eastern boundary of the site. As defined by the County Ecologist ‘the site currently comprises buildings and hard standing, tall ruderal vegetation, dense and scattered scrub, scattered broad-leaved trees, amenity grassland, introduced shrubs, semi-improved grassland and a species-poor intact hedge. The site has high potential for breeding birds and invertebrates and is known to support reptiles.
- 9.88. Necessary surveys were carried out by the applicant team, which were duly reviewed by the County Ecologist who considered that insufficient information was provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Since, there has been a constant productive dialogue and an on-site meeting between the applicant team and County Ecologist to provide the necessary additional information and address concerns raised.
- 9.89. In June 2020 the County Ecologist considered that most of the issues raised on submission of the application had been addressed. Overall, it was considered that “the proposed development would result in the net loss of 1105m² of habitats. However, the only habitat type that would be significantly reduced is tall ruderal vegetation and scrub. It was also recognised that the habitats proposed in the landscaping scheme are likely to be of better wildlife value than those existing, and the documents propose management of those habitats in the long term which will ensure their maintenance in the long term”. In conclusion “the proposed scheme, most notably the increase in areas of chalk grassland and native species rich hedgerows, in combination with the provision of bird and bat boxes, is considered likely to provide a net gain for biodiversity as well as mitigating impacts and compensating for loss”.
- 9.90. Further information was submitted and in September 2020, the County Ecologist confirmed that “the mitigation measures set out in the EclA and

CEMP are acceptable and should be implemented and the proposed mitigation and enhancement measures have been carried through to the Landscape Masterplan". This has been duly conditioned.

- 9.91. Below sets out the status of protected species on site and the measures to ensure mitigation, as considered by the County Ecologist.

Badgers.

- 9.92. The site is used for foraging and commuting. Two disused setts were identified on site, the measures set out in the CEMP (Biodiversity) to ensure protection of badgers during construction are acceptable.

Bats

- 9.93. There is no evidence of roosting bats. It is considered that the risk of bats being present is low. As such, no further surveys are required, but a precautionary approach should be taken to demolition of the building. The proposals set out in the CEMP for a sensitive lighting scheme are acceptable.

Breeding Birds

- 9.94. The site has high potential to support breeding birds and several species of Conservation Concern were recorded on site. As such, it will be necessary to have limited demolition/clearance and a nesting bird check.

Reptiles

- 9.95. Low populations of common lizard and slow worms are present on site. The revised documents report that Coombe Farm Local Wildlife Site will be used as the receptor site for reptiles from the application site. Surveys of the LWS found no current populations of reptiles there and measures have been taken to improve the carrying capacity for reptiles which is supported by the County Ecologist.

- 9.96. If protected species are encountered during development, work should stop in accordance with the relevant legislation and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

Other Species

- 9.97. The site has high potential to support a range of invertebrates including bees, wasps and butterflies. The hedgehog is listed as a Species of Principal Importance. The site has potential to support hedgehogs. Protection measures and mitigation are considered appropriate.

- 9.98. Several measures are proposed to create a net increase in biodiversity on the site through the provision of the following:

- Native plant species
- Native tree species
- Scattered scrub
- Exposed bare earth in the common
- Buffer zones along site boundaries

- Brown roof
- Bee bricks
- Hedgehog corridors
- Typically low timber posts with wire fences

9.99. Overall, the proposal would provide a net gain in biodiversity and mitigation measures in accordance with Policy CP10 of the City Plan Part One.

Impact on Amenity:

9.100. 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.

9.101. The properties most affected by the proposed development are residential properties to the south and south-west of the site include Coombe Farm Cottages, Grenofen and Jesmond; and properties to the south–west of the site on Coombe Vale and properties on Westfield Avenue North.

Overlooking & Loss of privacy

9.102. The proposed dwellings have been designed with consideration to the existing neighbouring dwellings and are generally located away from main window walls to these properties.

9.103. The following key separation distances from the proposed development to the properties in close proximity are as follows:

- 26.5 metres between the proposed rear building lines and habitable windows in and the rear flank wall of properties in Coombe Vale
- 25.5 metres between the proposed rear building lines and habitable windows from the Coombe Farm Cottages
- 26.5 to 27 metres between the proposed rear building line and habitable windows and the rear flank wall of the two detached houses on Westfield Avenue North (west of the entrance into Coombe Farm and adjacent to Coombe Farm Cottages)
- 18 to 9 metres between the side flank wall and windows in the proposed development and the side wall of Grenofen. The proposed properties would not project beyond the rear building line of Grenofen.
- 3.6 to 4.9 metres between the side flank wall and windows in the proposed development and the side wall of Jesmond. The rear projection beyond the existing rear building line of Jesmond would measure 0.815m.

9.104. Boundary treatment is proposed to all the properties on the sides and rear, which will be duly conditioned. In addition, adjacent to the south-eastern end of the site lies an area of woodland which also screens a large part of the site from the neighbouring houses. Together with the separation distances no loss of privacy would occur.

Outlook/daylight & sunlight

- 9.105. The application is supported by a Daylight and Sunlight Report, which confirms that there would be no harmful impact to surrounding properties in terms of either daylight or sunlight. The applicant has sought to maintain separation distances of circa 21 metres between habitable room windows. The back-to-back separation distances from the proposed G1 houses to adjacent properties in Coombe Vale are a minimum of 26 metres. The proposed properties on Westfield Avenue North seek align with the rear building footprint of the existing properties and maintain a distance to the shared boundaries.
- 9.106. The siting, height, projection and separation distances afforded between the proposed units and existing houses are adequate to ensure there would be no undue loss of daylight or sunlight.

Noise & Disturbance

- 9.107. Policy SU10 of the Local Plan requires proposals for new development to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. Given that the only use would be residential in nature, this would be in keeping with the locality. Construction noise would be controlled by a pre-commencement Construction Environmental Management Plan. A lighting scheme will be conditioned to ensure no undue light pollution would occur.
- 9.108. Therefore, it is unlikely that the proposed development would directly detract from the amenities of the neighbouring occupiers. Overall the scheme complies with Policies QD27 and SU10 of the Local Plan.

Standard of accommodation

- 9.109. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards has been used. All of the proposed dwellings are self-contained have been designed to meet or comfortably exceed the Nationally Described Space Standards (NDSS), as also verified by the Planning Policy Officer and Housing Strategy Team.
- 9.110. The separation distances afforded between facing habitable room windows within the proposed development itself are satisfactory at between circa 18-21m and would provide a pleasant environment. Generous sized windows are proposed which would provide adequate ventilation and daylight and sunlight provision into habitable rooms. In addition, the proposed houses are typically either dual or triple aspect and provide views to amenity areas or the SDNP.
- 9.111. A floor-to-floor height of 2775mm ensures good internal proportions without the need for dormer windows, loft conversions or additions.
- 9.112. The application proposes that 14% of the affordable units (and 6% of all units) would be M4(3) standard (wheelchair user dwellings) and the remaining units

would meet M4(2) accessibility/adaptability standards, which exceed the requirements in saved Local Plan Policy HO13.

- 9.113. It is acknowledged that there were a number of issues identified with the outline scheme, which would make it hard to build; albeit the reserved matters were yet to be approved. This included steep embankments, poor outlook from rear habitable room windows, steep gradients for some driveways, steep footway paths and some homes not meeting M4(2) requirements. It is considered that the proposed scheme has sought to address these issues and as a result provides a more successful user-friendly development.
- 9.114. There is a single unit (D3.1) which cannot meet the M4(2) requirement for a living area within the entrance storey. It is considered that this unit in isolation is acceptable taking into account the difficulties of the site topography.
- 9.115. Local Plan Policy HO5 (Amenity Space) seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two requires all new residential development to provide useable private outdoor amenity space which is appropriate to the scale and character of the development. Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration.
- 9.116. Each property has a private rear garden, laid to lawn, some planted with trees, and each garden is divided by a combination of fences and walls. In some cases retaining walls are necessary due to level changes. The applicant has proposed to screen these with timber cribs walls and trellis' to soften any potential impact and improve outlook. Generally, garden depths have been increased during the course of pre-application discussions, to improve the overall outlook and provide sufficient amenity space.
- 9.117. The depths of the gardens proposed respect the size and depth of the gardens in the surrounding locality and are appropriate to the sizes of the proposed unit.
- 9.118. The creation of a necessary turning head at the north-eastern side of the side has resulted in the proposed garden for the adjacent C6 semi-detached unit to be slightly reduced in width. It is considered that the resultant garden area would be sufficient to provide private amenity for this property and conditions are recommended to ensure the proposed boundary treatment and acoustic measures would protect the amenity of the future residents.
- 9.119. The Yards would provide communal amenity areas with planting and seating; and 'The Common' would provide communal open space with 2 play areas.

- 9.120. It is considered that the proposed development would provide a high standard of accommodation for future occupiers.

Sustainable Transport:

- 9.121. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 9.122. There has been significant input from the Highways Authority on this application who have provided 4 separate sets of comments, attended numerous meetings and subsequent correspondence with the applicant team during the life of the application. The development includes new road, parking spaces, footways and green space which have been amended since submission to include changes recommended by the Highways Authority including a turning head, markers and segregated footways and carriageways to enable safe movements around the site for all including vulnerable pedestrians. As noted by the Highways Authority “the applicant has worked positively with us to address our previous concerns and to develop a scheme that seeks to resolve these whilst still honouring their vision of high-quality public spaces and highway”. The focus for this development is on sustainable transport, while still providing areas for vehicles to travel at slow speeds to access the site.

Access

- 9.123. Access to the site remains as existing via Westfield Avenue North. The current narrow path that connects the site to Westfield Avenue North will be widened to include a 5.5m carriageway and 2m footway on one or both sides of the carriageway where possible. It should be noted that loose aggregate materials were initially proposed, however following concerns from the Highways Authority these were changed to bound aggregate.
- 9.124. A network of internal roads are proposed to access the residential development. Policy SA4 (Urban Fringe) seeks to secure safe public access to the countryside through sustainable means. While new private streets are proposed as part of this development a permissive paths agreement with the applicant is proposed by way of a legal agreement in order to ensure the general public are allowed access onto and across the site.
- 9.125. Instead of a circular route as proposed in the outline extant scheme, the vehicular access is split into branches which act to reduce traffic flow to each part of the site and create a more pedestrian friendly environment.
- 9.126. Access to the newly approved stables outside of the site is provided to the east and along the back of The Yards and allowance has been included for the occasional use of the access road to allow farm vehicles access to the land to the north east of the site. A swept path analysis has been undertaken to

demonstrate that horse boxes and tractors with hay wagons can enter and exit the site.

- 9.127. A crushed chalk access track following an existing route is proposed along the northern boundary of the site to allow maintenance access to the adjoining fields.

Trip generation

- 9.128. The Highways Authority acknowledge that the development increases the number of vehicle trips to and from the site due to its remote location, however they do not consider that these daily trips of 728 with a peak hourly rate of 38 would have a significant impact on the highway, given the requested mitigation measures. As such the Highways Authority consider that the proposed development will not cause a significant impact on the public highway or local junctions and do not seek for additional traffic distribution assessments or junction modelling.

Visibility Splays

- 9.129. Visibility splays are provided at driveways and forward visibility on bends. These demonstrate forward visibility of 25m. However, it is anticipated that actual speeds on site will be low and less forward visibility would be required. The site is designed to discourage speeds above 10mph. Signage will be provided advising drivers of the speed restriction and further traffic calming measures will be put in place as part of the detailed design. Where visibility crosses over landscaping, this would be kept to a height below 600mm in any area affecting visibility.

Car Parking

- 9.130. The car parking for the units would be within the maximum set standards in SPD14. The Highways Authority assessed the scheme based on local average numbers of car ownership and consider sufficient parking is provided to meet forecast demand while at the same time remaining within B&HCC parking maximums as outlined in SPD14. This would be set at 1 space per dwelling and 1 visitor space per 2 dwellings for visitors. This is the equivalent to circa 1.5 parking spaces per unit. 105 parking spaces are proposed including a surplus of 8 spaces which would provide a sufficient margin of error should further spaces be required; therefore it is unlikely that any overspill parking would occur.
- 9.131. Parking for the units are proposed within driveways, bays and dedicated parking areas for The Yards, which is broken down as follows:
1. Westfield Avenue North – driveway parking provided
 2. Yard A – 6 disabled bays adjacent to the M4(3) units within the yard and the remaining spaces serving this area provided within a dedicated parking area
 3. Yard B –spaces provided within a dedicated parking area
 4. Yard C –spaces provided in the central parking area

5. The Lane – driveway parking provided, and visitor spaces grouped at the end of The Lane.
- 9.132. As explained in more detail within the ‘Design and Appearance’ section, the home zone shared spaces are pedestrian focused, therefore car parking for Yards A and B are provided for by a row of landscaped parking adjacent to the site. However, the disabled parking is located in close proximity to the disabled units.
- 9.133. The Highways Authority have recommended that electrical charging points are secured by way of condition. All parking spaces will have Electric Vehicle Charging Points (EVCP), as will 10% of the communal spaces and a further 10% passive provision has been designed into the scheme. This is shown on the submitted plans within a parking strategy, which will form part of the approved plans as secured by condition, therefore a bespoke condition would not be necessary.
- 9.134. Outstanding issues relate to disabled parking (the proposed layout of spaces does not include a 1.2m access zone on both sides) and motorcycle parking (not included in the plans and 5 spaces are required). It is considered that there is available space within the site to address these issues adequately. In addition, the building regulations would ensure that the disabled parking spaces meet minimum requirements.

Sustainable Transport Options

- 9.135. 2 secure, covered cycle parking spaces are provided for each dwelling within the following locations.
- Secure cycle parking within garages
 - Secure cycle parking within bike lockers where direct garden access is available
 - Secure cycle parking within planted bike lockers in areas where direct garden access is unavailable
- 9.136. 1 secure visitor cycle parking space is proposed per 3 units. This is in the form of Sheffield stands, dispersed appropriately through the site.
- 9.137. It is noted that some of the units will be further than 400m from the nearest bus stop. The applicant considered providing an alternative, shorter, walking route to the bus stop. However they have stated that this was not possible due to third party land preventing the connection being established. Nevertheless, it is observed that the extant scheme included dwellings located at a greater distance from the bus stop than the current application. In addition, the Highways Authority consider that the proposed development offers high quality cycle parking across the site, dedicated footways allowing for easy pedestrian access to the site and nearby public transport. Disabled car parking is provided adjacent to the wheelchair accessible housing in accordance with relevant guidance. As such this element of the scheme is considered acceptable.

Inclusive Access

- 9.138. The applicant has committed to an inclusive access strategy through the site including wayfinding markers to guide people through the site, which is particularly important for vulnerable pedestrians such as wheelchair users, people with buggies, the blind or partially sighted. The following has also been incorporated into the scheme:
- Levels across the site will be graded to ensure that changes in level are achieved gradually and ease of pedestrian movement will be facilitated by avoiding steep gradients
 - Level rest points at every 0.5 metre rise
 - 1.8-metre-wide pavement along The Lane
 - 2-metre-wide pavement along Westfield Avenue North
 - Level pavement adjacent to each dwelling entrance on The Lane
 - 1.8 to 2-metre-wide pedestrian only routes demarcated and protected by planting, bollards and street furniture within The Yards
 - Tactile surfacing at all designated crossing points
- 9.139. As mentioned in the Highway comments, there is an area on Westfield Avenue North where footway gradients are more excessive than desired due to the location of existing properties. The applicant has worked on reducing the slope in this area and although this area is less than ideal, the Highways Authority have acknowledged that there is an objective justification for this and that the design here has been optimised within reason and existing constraints.

Travel Plan

- 9.140. Local plan policy TR4 promotes the use of Travel Plans. A Travel Plan is proposed to mirror the obligations within the extant approval to support the application details of which will be secured by way of a section 106 legal agreement.

Highway works

- 9.141. The Highways Authority recommend the following highway works:
- Comprehensive improvements and alterations to the junction of Westfield Avenue North and Coombe Vale to provide safe and suitable pedestrian and vehicle access to/from the proposed development and through the junction in general. Amongst other things this should include pedestrian crossings to reach the nearby bus stop on Coombe Vale from the development, street lighting enhancements, and continuity improvements to the southern footway of Westfield Avenue North through the vehicle crossings to no. 82 and 84 (where deviations and kerb upstands currently obstruct level access)
 - Comprehensive improvements and alterations to the length of Westfield Avenue North that extends from the above into site, to provide safe and suitable pedestrian and vehicle access to/from the proposed development and other existing properties along and beyond this, including inter alia street lighting enhancements.

- 9.142. In accordance with the Developer Contributions Technical Guidance (June 2020), it is considered that the following highway works would be appropriate to be secured by s106 agreement and a 278 agreement as follows:
- 9.143. A scheme of improvement works to the existing adopted highway. The works will be outside of the site and will include the following provisions:
- Introduction of new pedestrian crossing on the eastern arm of the junction of Westfield Avenue North and Coombe Vale
 - Footway improvements on the north and south side of Westfield Avenue North
- 9.144. These measures are proposed to protect pedestrians from the increased flow in vehicles. Further measures have recently been recommended by the Highways Authority which are yet to be agreed.

Potential CIL funded transport infrastructure improvements

- 9.145. The Highways Authority have highlighted priorities for *potential* CIL-funded off-site transport infrastructure improvements to go towards the following:
1. Bus stop improvements
Improvements (including potential relocation) of the existing nearest bus stop to the site on Coombe Vale, including provision of a shelter and seating, flag, accessible kerb, real time public transport information, cage strengthening and local pedestrian access improvements from the site.
 2. Brighton & Hove Bike Share Scheme
Expansion of the Brighton & Hove Bike Share scheme on the corridor between the city centre and this development. Given the distance from the city centre and topography this should have a particular focus on providing electric bikes.
 3. Surfacing, drainage, and other accessibility improvements to PROWS and other private footpaths connecting with the development and - in the case of any private footpaths – securing dedication or permissive path agreements to allow use by the public.

Construction Environmental Management Plan (CEMP)

- 9.146. The applicant submitted a CEMP with the application, which was agreed in principle by the Environmental Health Team. The applicant has sought to engage with the Highways Authority to deal with CEMP requirements at application stage, however the Highways Authority wish to deal with this post decision. As such a pre-commencement condition is proposed for the demolition and construction phases.
- 9.147. Concerns have been raised by residents concerning the impact of construction on properties and infrastructure. The applicant has stated that they seek to minimise disruption to local residents and the highway network during construction and a Residents Liaison Group will be set up to advise local residents of the works underway and to seek residents' opinions and feedback on the management of the works. The applicant has also stated within their submission that 'all construction works will be undertaken in consultation with

qualified structural engineers to ensure that there will be no harmful impact from the development'

- 9.148. The Highways Authority raise an objection against the scheme based on the LPA's method of dealing with the CEMP as a standard condition and consider that the CEMP should be secured by section 106 legal agreement or by way of a bespoke condition; on the grounds that the site is considered challenging due to the access route and phasing. As such they recommend refusal on grounds of highway safety and residential amenity, solely in relation to the CEMP. However, securing the CEMP by condition is in accordance with guidance within the NPPG, which states that where conditions can secure the information this should be used. The LPA are ultimately the decision maker on how to secure the information and in line with government guidance, a condition is considered sufficient. Moreover, this is consistent with the extant approval.

Road Safety Audit (RSA)

- 9.149. The initial RSA raised some concerns in relation to highway safety, some of which could have been dealt with at detailed design stage, however insufficient turning facilities at the far north-eastern end of Westfield Avenue North was identified to be detrimental to highway safety. Therefore the applicant made the following changes and a subsequent Stage 1 RSA was undertaken:
- A turning head for a refuse or delivery vehicle on the right-hand spur of Westfield Avenue North, near the kennels.
- 9.150. Following the most recent RSA the applicant has also agreed to the following within the site:
- Visibility splays with no obstruction (remove some landscaping)
 - Adequate lighting (to be secured by condition)
- 9.151. Some technical issues arose in the RSA that the applicant did not agree with and the Highways Authority as the Overseeing Organisation accepted the applicant's justification. Accordingly, the Highways Authority are now satisfied that the proposed operational design for the internal roads complies with policy TR7. Other matters raised can also be dealt with a Stage 2 of the road design.

Conclusion

- 9.152. As observed by the Highways Authority we have worked with the applicant to develop a high-quality space with a variety of integrated transport facilities, creation of excellent spaces. Overall, it is considered that the proposed development is underpinned by a successful sustainable transport strategy and would not cause any undue impact on the surrounding highway network in accordance with Policy.

Air Quality:

- 9.153. Policy SU9 of the Local Plan relates to pollution and nuisance control. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The Site is approximately 2.5kms to the Air Quality

Management Area (AQMA) 2 which includes Rottingdean High St from the A259 junction to the T-junction with Vicarage Lane.

- 9.154. The applicant submitted an air quality report, which also assesses the impact of the operation of the new development on the Rottingdean High Street. The proposed residential development is in an area where the existing air quality is currently well below the relevant Air Quality Objective. The findings of the report concluded that the existing air quality in the vicinity of the proposed development is not expected to be elevated, and future users of the proposed new residential units would not be exposed to poor air quality.
- 9.155. As such it is considered that the proposed development accords with the provisions of Policy SU9 of the Local Plan.

Sustainability:

- 9.156. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features.
- 9.157. In order to achieve this target, the following is proposed:
- A generous application of photo-voltaic panels
 - 180 sq m of Brown roofs (on car ports)
 - 180 sq m Brown roofs on carports (vegetated shingle)
- 9.158. The development meets the energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations and water efficiency standards of 110 litres/person/day.
- 9.159. The Sustainability Officer supports the application and recommends the energy strategy for approval, however a condition is recommended for the heating and hot water strategy to be reviewed and updated to consider particularly air source or ground source heat pumps; and details of the proposed brown roofs. This has been duly recommended.
- 9.160. It is noted that connection to a future heat network is not proposed. In this location, this is considered acceptable by the Sustainability Officer. As such the development meets the requirements of Policy CP8 of the City Plan Part One.

Other Considerations:

Sustainable Urban Drainage / Flood Risk:

- 9.161. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.

- 9.162. The site lies within Flood Zone 1 for which residential development is deemed appropriate for Flood Zone 1 as stated within the NPPF. However, the UFA identifies Site 48 as having a high risk of surface water flooding. The Environment Agency Surface Water Flood Risk Map shows a high risk of surface water flooding on northern part of site, with medium to low risk on some other parts of the site. The north-east part of the site rises steeply however and may be considered to have the highest risk of flooding on the site. The bottom of this area has less vulnerable development (i.e. parking bays and access road, which are paved with permeable surfacing).
- 9.163. The proposed Sustainable Urban Drainage Strategy (SUDs) is based on infiltration due to the permeability of the chalk geology this will comprise:
- Permeable paving
 - Bespoke Soakaways
 - Filter drains
 - Permeable paving
 - Landscaping
 - Green roofs
- 9.164. New pathway drainage is proposed to prevent flooding, as per the SuDS 'to mitigate the potential risk of overland runoff affecting vulnerable areas of the development, final external levels have been designed so that conveyance routes are formed to manage flows around and away from buildings. The addition of sub-surface land drainage offers further resilience from exceedance events and residual risk which provide positive drainage connected to infiltration SuDS systems across the site'.
- 9.165. During the course of the application the applicant subsequently submitted additional information to satisfy all concerns and prevent the need for further information to be submitted at a later date. The Drainage Team is satisfied with the calculations and maintenance plan submitted is sufficient.
- 9.166. The site would have a reduction in the amount of hardstanding on the site which would contribute to the sustainable drainage strategy and decrease surface run-off. Essentially, it is identified that the design of SuDS systems manages any surface flows originating from off-site sources.

Security:

- 9.167. Policy CP12 seeks all development to incorporate design features which deter crime or disorder and the fear of crime. Sussex Police have commented on the proposed application detailed of which have been shared with the applicant. Secure by Design details will be secured by condition.

Waste:

- 9.168. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice

Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy. Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised.

- 9.169. A development of this scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan is sought as advised by the Policy Officer and is duly recommended.
- 9.170. Of note, to minimise waste during the excavation and demolition, the applicant has proposed that waste/rubble will be recycled throughout the project in foundations such as for aggregate and retaining walls.

Contamination:

- 9.171. The site lies within a Groundwater Source Protection Zone. As advised by the Environment Agency the site lies on head deposits overlying the chalk which is designated a principal aquifer and within a source protection zone 3. In addition, the previous use of the farm presents a medium risk of contamination. As such it is integral to ensure that the waters are not contaminated, nor the use of the land.
- 9.172. The applicant has submitted significant amount of assessments to ascertain the extent of the contamination and the required work to be undertaken to mitigate this. The Environment Agency are satisfied that there is no reason to suspect contamination on the site however they have requested for a detailed and robust discovery strategy should any unidentified contamination be encountered during construction works and a verification report is required prior to occupation.
- 9.173. There were concerns relating to asbestos raised in the objection letters. A number of buildings were identified to have suspected asbestos cement roof panels; however no asbestos was identified in any of the exploratory holes or samples. Where identified, the asbestos will be removed appropriately by licensed contractors and asbestos materials disposed of in accordance with legal requirements prior to demolition or other works in order to avoid contaminating soils at the site.

Local Skills & Employment:

- 9.174. Should this application be approved and the s106 agreement be completed there will be a requirement for the developer or designated contractors to submit an Employment & Training Strategy (with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development are provided for local people) to the Council in writing for approval, at least one month before the intended date of Commencement of Development. There will also be a requirement for a contribution towards the delivery of the council's Local Employment Scheme for construction. The contribution will be for a sum of £32,000 be submitted prior to commencement and will be included in the S106 agreement.

Public Art:

- 9.175. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement for the sum of £ 53,400 on the basis that the s106 agreement be completed prior to the implementation of CIL.

10. CONCLUSION

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied. The proposal would provide a significant contribution of 72 residential units (including 40% affordable housing) against the shortfall of housing in the City.
- 10.3. The site is also identified in the UFA and emerging City Plan Part 2, Policy H2 – Table 7 which identifies the site as being able to accommodate a residential development. The density has increased from the extant scheme; however it is considered that the site can accommodate this and the proposed density is still below 25 dwellings per hectare and is thus considered to be low and reflects the sensitivity of the site. The proposed scheme would result in a greater contribution to housing supply in the City.
- 10.4. The development offers 29 affordable units, 4 more affordable units than the extant scheme and 14% of the affordable housing would meet M4(3) wheelchair accessible requirements, which is in excess of the minimum requirements.
- 10.5. The housing mix would be orientated towards family housing which would contribute to the substantial need for 3 and 4+ bed properties across the city.
- 10.6. The scheme is fully supported by the County Landscape Architect and would not detrimentally impact on the setting of the South Downs National Park. Furthermore, the proposed development would provide an improved visual impact when compared to the extant scheme and existing links into the South Downs National Park will be protected.

- 10.7. The proposed tree cover would soften the proposed development and provide a high-quality landscape setting adjacent to the SDNP and would contribute to biodiversity and sustainability objectives.
- 10.8. 'The Common' provides 3 times more open space than the extant scheme and would provide high-quality open space which relates well to the wider open downland whilst providing communal amenity and children's play areas for the future occupiers. 'The Yards' would provide a shared community focussed landscaped shared space with seating.
- 10.9. The design principles are sound and stem from the local vernacular and SDNP identity. The masterplan fosters an increased sense of community and sense of place whilst providing a high-quality living environment for future occupiers, within a well-functioning sustainable neighbourhood. The three key design concepts within the scheme are interlinked by the high-quality detailing, materials, public realm and carefully considered landscaping.
- 10.10. The standard of accommodation is of a high-quality and all of the units meet the minimum nationally described space standards; each unit provides for suitable private amenity space; and the windows for each property are generously sized and ideally located with dual or triple aspects. The resultant scheme would create a high-quality residential scheme where people want to live.
- 10.11. A number of measures have been proposed and secured to mitigate the environmental impact of the development.
- 10.12. Given the separation distances afforded, no undue harm would be posed to adjoining occupiers as a result of the development. It is acknowledged that there may be a degree of harm experienced during the construction period which will be temporary.
- 10.13. While the proposed scheme will result in an increase in traffic movements from the site the impact of the increased movements on the local road network has been carefully assessed and the Highways Authority have confirmed that the proposed trips will not have a significant impact on the highway, subject to mitigation measures. However it is acknowledged that the Highways Authority have objected against the scheme on the grounds that the CEMP is not secured in a manner that they consider appropriate. Nevertheless, when assessing the scheme before us, in applying the planning balance and the tilted balance in favour of housing provision (incl. affordable housing) this objection does not warrant the refusal of the proposed development. Moreover, an adequate condition is recommended to mitigate the impacts of construction in accordance with relevant planning guidance.
- 10.14. Highways works are also proposed to be secured by legal agreement outside of the site which would contribute to the wider public realm and improve existing highways infrastructure.

- 10.15. An Ecological Management and Mitigation Plan has been prepared which incorporates ecological enhancements to ensure biodiversity net gain as a result of the development.
- 10.16. A contribution will be sought towards local skills and employment, and the creation of full time equivalent and indirect jobs during the construction phase of the proposed development and public art. A significant contribution will also result from the Community Infrastructure Levy.
- 10.17. The scheme complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

11. Community Infrastructure Levy

- 11.1. 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. 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. At present there are two potential CIL calculations on the site, which are dependent on whether the existing floorspace to be demolished is deducted from the CIL calculations as follows:
- Version 1 - Demolished floorspace of outbuildings deducted (evidence of lawful use provided), part deduction for affordable housing (off-set against demolition deduction) - £335,682.68
 - Version 2 – Demolished floorspace not deducted (evidence of lawful use not provided), full deduction for affordable housing - £788,926.50

12. EQUALITIES

- 12.1. Accessible units and disabled parking spaces are proposed.

13. DEVELOPER CONTRIBUTION

- 13.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons as a minimum:
1. The development fails to satisfactorily provide affordable housing and the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.

2. The proposed development fails to provide highway works contrary to the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
4. 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 construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.