

<b><u>No:</u></b>	<b>BH2021/00780</b>	<b><u>Ward:</u></b>	<b>North Portslade</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>Land At Junc Foredown Road Fox Way, Foredown Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Outline application with all matters reserved apart from access for erection of 14no. two and three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access.</b>		
<b><u>Officer:</u></b>	Russell Brown, tel: 293817	<b><u>Valid Date:</u></b>	04.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	03.06.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Paul Burgess Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Mike Stimpson Mike Stimpson Properties Ltd		

## 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 GRANT planning permission and the following Conditions and Informatives as set out hereunder.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	20234/11		4 March 2021
Location Plan	20234/99		4 March 2021
Proposed Drawing	20234/21	B	18 June 2021
Proposed Drawing	FWP/SR/2001	G	18 June 2021
Report/Statement	Reptile Presence/Absence Survey Report	Issue 1.0	4 March 2021

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

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

- 3.

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (i) layout;
  - (ii) scale;
  - (iii) appearance; and
  - (iv) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) The phases of the Proposed Development including the forecasted completion date
  - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound
  - (vi) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD 03 Construction and Demolition Waste.

5. No development shall take place until a scheme setting out highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:
  - New or improved footways will be a minimum 2m width as advised in the Department for Transport Manual for Streets with full height kerbs including the proposed footway along the western side of the old section of Foredown Road between existing dwellings and Fox Way and the proposed footway extension across the grass between new and old sections of Foredown Drive.
  - Full height kerbs will be reinstated along the eastern side of the old section of Foredown Road south of the existing community recycling centre and the area behind them will be reinstated with soil and grass.

- The applicant has proposed to create a new paved area to the east of the proposed community recycling centre and north of the existing community recycling centre and this will be kept in the design with dropped kerbs, paving and tactile paving if necessary as it is on the existing pedestrian desire line between the site and the existing Fox Way pedestrian crossing point.
- Dropped kerb crossings with paving and tactile paving will be provided either side of the new access to the site in the old section of Foredown Road.
- Dropped kerb crossings with paving and tactile paving will be provided between the end of the proposed footway extension and the appropriate footway section of the old Foredown Road.
- A footway across the existing verge and dropped kerb crossings with paving and tactile paving will be provided across the new section of Foredown Road immediately north of its junction with Flint Close to link the south-east to the site similar to how it is proposed to link the north-east to the site with the footway extension.
- Existing vehicular accesses onto the old section of Foredown Road are to be maintained except for the existing one marked on the submitted drawings as number 1 that will have its existing vehicle crossover extended to the new section of Foredown Road.
- Revised road layout design and construction to include as a minimum, appropriate widths, radii, gradients, surface water drainage, street lighting, signage, materials and methods of construction.
- The northern end of the old section of Foredown Road and its' environs is to be paved and landscaped so it creates an attractive and appropriate connection with the existing southern Fox Way footway.
- All redundant areas of road and footway to be reused, recycled or reduced by burial or removal from site as appropriate and reinstated with kerbs, soil and grass.

No part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

**Reason:** The prior to commencement of development requirement is necessary as the works are critical to providing safe access to the site, which is necessary for the proposals to be acceptable, and to ensure that suitable footway provision is provided to and from the development and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and DM33 of the emerging Brighton and Hove City Plan Part Two.

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

**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the emerging Brighton and Hove City Plan Part Two.

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

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with Policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the emerging Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that they must enter into a Section 278 Agreement with the Local Highway Authority prior to any works commencing on the adopted highway.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 7 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to an area of scrubland to the south side of Fox Way and to the west of its junction with the southern part of Foredown Road in Portslade. Badger Close, including 1-9 The Sett, is to the west, as is a pedestrian footpath, which is blocked off at the south western corner of the site. Immediately to the east is a service road for the 'gas governor Portakabin', telephone mast and recycling bins as well as grass mounds. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).
- 2.2. It is worth noting that the site is allocated for residential development (ten new houses) in Draft City Plan Part Two Policy H1 (Housing Sites & Mixed-Use

Sites) which can be given significant weight, and the 2019 update to the Strategic Housing Land Availability Assessment.

- 2.3. Outline planning permission with all matters reserved, apart from access, is sought for the erection of 14no. two- and three-bedroom houses (Use Class C3). The proposal also includes associated car and cycle parking as well as changes to vehicular and pedestrian access.
- 2.4. Whilst it is noted that the application is for outline permission with all but access reserved, a sufficiently detailed Feasibility Site Layout plan has been submitted. However, it has been agreed with the applicant that the drawing is “for illustrative purposes only” and it is therefore not formally part of the application.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/03603:** Outline application with some matters reserved for erection of 7no two bedroom houses and 2no three bedroom houses with associated car and cycle parking, changes to vehicular and pedestrian access and approval of reserved matters for access and layout. Refused 06.03.2020 for the following reasons:
  1. The proposal is an underdevelopment of the site, thereby failing to maximise its use for residential, it does not provide an affordable housing contribution and it does not provide a compliant unit mix. The proposal also fails to maintain some open space on the site. As such, it is contrary to Policies CP1, CP14, CP16, CP19 and CP20 of the Brighton & Hove City Plan Part One.
  2. The proposal results in unsafe and inadequate access in and out of the site that fails to be accessible by all, introducing highways safety concerns. As such, it is contrary to Policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

### 4. REPRESENTATIONS

- 4.1. **Thirty nine (39) objections**, eight (8) from properties directly affected, were received raising the following concerns:
  - The surrounding area is already overdeveloped.
  - Access to the A27 is already very congested and a huge accident risk.
  - It is inappropriate development due to the additional pressure on local infrastructure, shops, schools, doctors and road network.
  - Additional traffic on an already dangerous junction and limited access to the site.
  - Loss of green space, which is full of wildlife, including protected species
  - The wildlife report only considered the edges of the site close to human contact rather than further into the site.
  - Health and safety issues from vehicles potentially crashing into the gas chambers opposite.
  - Air and noise pollution, plus dust from the construction works

- Insufficient parking spaces on site generating overspill parking and potentially causing problems for emergency vehicle access.
- Brownfield sites should be developed in preference to wrecking established greenfield sites.
- This area is also very important archaeologically.
- The size of the proposed houses is really small.
- The transport report produced for this application is not fit for purpose and was undertaken in July 2020 at the height of a pandemic. The traffic survey statistics are therefore not representative of 'normal life'.
- Incorrect supporting detail
- The general strain on land resources like drainage from the proposal.
- It's not viable.
- A public bridle way would be infringed upon by the proposed development
- Loss of privacy / overlooking
- Overshadowing from the proposed properties
- 14 new properties is entirely inappropriate.
- The proposed access to and from this site appears to remain the same as the 2019 application.
- Chaos and disruption would be caused to the bus route and rubbish / recycling collection.
- There are already 125 homes being built in Mile Oak to create more homes in the community.
- The development would block out natural light, obscure views, create social friction and could devalue properties.
- The service road is not designed for through-traffic as it is only meant to serve the existing dwellings, the recycling point and pedestrians.
- The development would not result in a single benefit in the area.
- The existing fly tipping problem at the recycling point would be worsened by further residents.
- Only 10% of parking spaces with an electric charging point is surprising.

## 5. CONSULTATIONS

5.1. **Air Quality:** No objections

5.2. **City Regeneration / Economic Development:** No adverse comments, subject to a sum of £5,600 to support the Council's Local Employment Scheme and an Employment & Training Strategy.

5.3. **County Archaeology:** Recommend for refusal due to insufficient information

5.4. **Designing Out Crime Officer:** No detailed comment

5.5. **Planning Policy:** Approve with conditions

5.6. **Southern Water:** Require the applicant to make a formal application for a connection to the foul sewer; request engagement regarding the design for disposal of surface water; seek details of the proposed means of foul sewerage

and surface water disposal should be submitted to and approved in writing by the LPA in consultation with Southern Water, which should be added as an informative to any permission. Possibility that a public sewer could cross the development site. If one is found during construction works, an investigation into its ownership will be required before any further works commence on site.

5.7. **Sustainable Drainage:** No objection, subject to a condition securing a Surface Water Drainage Strategy and associated management and maintenance plan.

5.8. **Transport:** Seek amendments

- The outline application could be accepted subject to the proposed raised pedestrian crossing table being replaced by dropped kerbs and tactile paving and the recommended condition and informative.

## 6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP7 Infrastructure and developer contributions

CP9 Sustainable transport

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP16 Open space

CP19 Housing mix

CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development

QD27 Protection of amenity

Brighton & Hove City Plan Part 2:

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM19 - Maximising Development Potential

DM20 - Protection of Amenity

DM33 - Safe, Sustainable and Active Travel

DM37 Green Infrastructure and Nature Conservation

H1 Housing Sites and Mixed Use Sites

Other Documents

Open Space Study Update 2011

Urban Characterisation Study 2009

Developer Contributions Technical Guidance - June 2016

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development on the site and the site access.

### **Principle of development:**

- 8.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The Council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 8.3. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16 June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 8.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year



housing supply shortfall of 6,604 (equivalent to 2.2 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).

- 8.5. As previously noted, the site is a Residential Site Allocation within Table 5 of Draft City Plan Part Two Policy H1. The indicative number of residential units is 10. The proposed development would result in the gain of 14 units and would therefore make a small, but important contribution towards the Council's housing target given the importance of maximising the use of sites, which must be given significant weight.
- 8.6. Another matter regarding the principle of development is the loss of open space, which this site is considered to be. City Plan Part One Policy CP16 outlines that proposals that result in the loss of open space will only be granted subject to a number of criteria. In this case, criteria (a) applies since the loss results from a development allocation in a development allocation. However, regard must be had to maintaining some open space (physically or visually). This could be through outdoor play opportunities and community gardens that help to provide access to nature, local food growing and wellbeing benefits as well as social cohesion.
- 8.7. No such facilities are proposed in this scheme other than private gardens. However, since the layout plan is indicative only and layout and landscaping will be addressed through a reserved matters application, the lack of open space at this stage cannot form a reason for refusal. It is noted that the proximity of the South Downs National Park and children's play facilities will not be considered to be adequate justification for not maintaining some open space on site at the reserved matters stage. If open space is not provided on site then appropriate alternative provision or a financial contribution towards off-site provision will be required via a legal agreement.
- 8.8. As such, the principle of development is considered acceptable. The acceptability or otherwise of the scheme is subject to the unit mix, density and a satisfactory access. This is discussed below.

**Unit mix:**

- 8.9. An equal mix of two- and three-bed dwellinghouses are proposed, namely seven of each. A unit mix compliant with the demographic analysis of the demand / need (for both market and affordable homes) for homes in the city undertaken by the Council would be three x 1 bed dwellings, five x 2 bed dwellings, four x 3 bed dwellings and two x 4 bed.
- 8.10. However, it is considered that the provision of one-bedroom dwellings has historically exceeded the predicted needs of the city, whereas there remains a significant shortfall in meeting the requirement for family sized dwellings. Further, with regards to market housing two- and three-bed dwellings are in most demand within the city, and this site is close to the National Park and

children's play facilities, with stated aims of being a family friendly development. On this basis, the lack of one-bed dwellings is considered acceptable.

- 8.11. In terms of not providing four-bed dwellings, future occupiers would reasonably expect a substantial private garden and more than one private car parking space, neither of which could be achieved on this site without comprising other objectives. As such, the unit mix is considered acceptable and would help to meet the need in the city to provide more family-sized housing.

**Density:**

- 8.12. City Plan Part 1 Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.

- 8.13. In this case, the gross density of the Mile Oak & Portslade Village neighbourhood, in which this site falls, is approximately 23 dwellings per hectare (dph). The proposed development would have a density of 56 dph. New residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the criteria within Policy CP14 can be satisfactorily met, as discussed below.

- 8.14. Matters of design, impact on the character of the neighbourhood, type and size of dwelling and outdoor recreation space will be dealt with at reserved matters stage. However, it is evident that the site is easily accessible by sustainable transport given it is 7 minutes by bike, 12 minutes by bus and 21 minutes by foot from Portslade train station and six minutes, less than 20 minutes and 23 minutes respectively from Fishersgate train station. It is also 1-2 minute walk to the nearest bus stops served by a total of four routes. In terms of local services and community facilities, primary schools, Portslade high street, Portslade Sports Centre and Village Hall are all a short distance away.

- 8.15. As such, the proposed density is considered to be acceptable and broadly in compliance with Policy CP14, taking into account the outline nature of the application and the ability to achieve compliance at the reserved matters stage.

**Access:**

- 8.16. This site is solely proposed to be accessed via a new access from the service road towards the end of the northern section of Foredown Road.

- 8.17. The independent Stage 1 Road Safety Audit undertaken found no issues or problems with the proposed access. As part of this audit, vehicle swept path analysis (shown on drawings) was carried out for a fire tender, a recycling van and a refuse vehicle entering and exiting the site. Both of these indicate that the site access is acceptable. It is also noted that this proposed access could also benefit vehicles serving the community recycling point in terms of them turning and leaving the area in a forward gear.

- 8.1. A raised pedestrian crossing table was previously proposed but would have adversely affected parking and stopping vehicles in that section of the proposed access, caused problems for emergency service vehicles and caused road safety and maintenance problems. It has therefore been removed and replaced with dropped kerbs and tactile paving. This is considered acceptable.
- 8.2. The inclusion of an additional section of footway in this application is welcomed in order to provide a connection between the existing footways in Foredown Road and Fox Way. The installation of this can be secured through a Section 278 (of the Highways Act 1980) Agreement.
- 8.3. Although outside the remit of this application, it is noted that the Local Highway Authority are satisfied with the amount of car parking spaces and the forecasted vehicle trip movements, which would not overwhelm the existing highway network.

**Other matters:**

- 8.4. Matters of health and safety, construction works, drainage capacity, public bridle ways, bus route and waste collection disruption, loss of a view, 'social friction', property values and fly tipping are not relevant planning considerations and have not been taken into account in the determination of this application. The detailed design, size of houses, window placement, electric charging point and archaeological matters will be considered at reserved matters stage.

## **9. CONCLUSIONS**

- 9.1. The proposed development would provide 14 units of residential accommodation in Portslade and would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; which are relatively significant benefits of the proposal. Following revisions made to this proposal, the LPA can support the provision of 14 dwellings in this location since they would not have an adverse impact on highways safety. The proposed development is therefore recommended for approval.

## **10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. 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 amount of CIL liability for C3 use in Charging Zone 3 is £75/sqm. The exact amount will be confirmed at reserved matters stage.

## **11. EQUALITIES**

- 11.1. The provision of dropped kerbs and tactile paving would help make site access possible for the mobility and visually impaired as well as update and improve pedestrian access.