

<u>No:</u>	BH2021/02701	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Meeting House Park Close Brighton BN1 9AJ		
<u>Proposal:</u>	Application for Variation of condition 26 of application BH2020/01742 (Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works) which requires provision of a wheelchair accessible dwelling and ground floor dwellings to be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	03.08.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	02.11.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mohsin Cooper Limited 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	WSE Property Services Ltd The Meeting House Park Close Brighton BN1 9AJ		

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 subject to the following Conditions and Informatives:

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
Proposed Drawing	0313-P-32		11 August 2021
Proposed Drawing	0313-P-30		11 August 2021
Proposed Drawing	0313-P02	E	3 September 2021
Proposed Drawing	0313-P-31		11 August 2021
Report/Statement	UE0355_Meeting Hse_Bat&Badger_0_200528	Bat and Badger Survey	29 June 2020
Location and block plan	0313-P01	A	19 October 2020
Proposed Drawing	0313-P05	B	19 October 2020
Proposed Drawing	0313-P06	B	19 October 2020
Proposed Drawing	0313-P07	B	19 October 2020
Proposed Drawing	0313-P08	B	19 October 2020
Proposed Drawing	0313-P03	B	19 October 2020

Proposed Drawing	0313-P04	B	19 October 2020
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2. The development hereby permitted shall be commenced before 15 April 2024.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Prior to first occupation of the development hereby approved, the 1.8 metre high side privacy screens to the first floor balconies shown on the approved plans, shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One.

5. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

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

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

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

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

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

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

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

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

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

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

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a Sustainable Drainage Report and/or Flood Risk Assessment report has been produced, including a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), notwithstanding the submitted Arboricultural Impact Assessment, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS shall include details of a clerk of works schedule that specifies Arboricultural supervision at appropriate stages of the development process. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove

Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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

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

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

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

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

18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton &

Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

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

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

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

23. The development hereby permitted shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
24. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
25. The development hereby permitted shall not be occupied until the new/extended crossovers and access has been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
26. The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided to block B in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. The remaining ground floor flat in block B 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. Notwithstanding the approved plans, the development hereby permitted shall not be first occupied until 1 no. on-site disabled car parking space has been implemented and made available for use. The disabled parking facilities shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled occupants and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

8. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including cycle stores and "bunkers".
10. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a converted church located on the south side of Park Close, Coldean. The building has been in use as a single residential dwelling for over two decades and is substantial in size in comparison to adjacent dwellings, with a hipped roof and projecting tower. The surrounding area is residential in nature. The site backs onto Wild Park to the rear, which sits within the South Downs National Park (SDNP) and is an identified Local Nature Reserve (LNR).
- 2.2. Planning permission (BH2020/01742) was granted earlier this year for the demolition of the existing dwelling to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3).
- 2.3. The permission included a condition (26) to secure the provision of one wheelchair-accessible dwelling, and for the ground floor dwellings to be accessible and adaptable, in compliance with Building Regulations Optional Requirement M4(2).
- 2.4. Condition 26 of planning permission BH2020/01742 reads as follows:
The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other ground floor dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the

appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

- 2.5. Planning permission is sought under Section 73 of The Town and Country Planning Act for the variation of the above condition.

3. RELEVANT HISTORY

- 3.1. **BH2020/01742** Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works. Approved 15.04.2021.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received which makes no mention of the proposal to vary the condition, rather objects to the wider approved scheme (overdevelopment, not in keeping with area, parking issues).

5. CONSULTATIONS

- 5.1. **Building Control:** No objection Support amendment of the condition. One unit would be wheelchair accessible in accordance with M4(3) – as required by condition. Remaining ground floor flat would satisfy requirement to be accessible/adaptable (M4(2)). Remaining two ground floor flats would not be accessible for a wheelchair user due to need for stepped access as a result of the land sloping along the entrance elevation, but internal layout will be M4(2) [accessible/adaptable dwellings] compliant. Concur that level/ramped access is likely to be impractical to block A ground floor flats and that the condition could be modified to reflect the actual situation that will be possible.

- 5.2. **Sustainable Transport:** No objection

6. MATERIAL CONSIDERATIONS

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

- 6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

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

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing
SA5	The Setting of the South Downs National Park

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local Nature Reserves (LNRs)

HE12 Scheduled ancient monuments and other important archaeological sites

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 key CPP2 policies considered in determining this application is set out below where applicable.

DM1	Housing Quality, Choice and Mix
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The principle of the development was found to be acceptable through the approval of the original scheme under Planning Permission BH2020/01742. Subject to conditions, and following discussion by the Planning Committee, it was considered that the development was appropriate in terms of design, scale and impact on amenity, highways, trees, biodiversity and the adjacent National Park and Local Nature Reserve. It would provide twelve (11 net) new dwellings for the City, of a good size and standard.
- 8.2. This scheme therefore has approval, and only the acceptability of the variation of condition 26 can be considered.
- 8.3. The application seeks the variation of condition 26, which was applied to the permission to secure satisfactory provision of homes for people with disabilities. The submission documents state that site and design constraints would impact on the ability to provide full, ramped accessibility from all parking spaces to all ground floor units for wheelchair users.
- 8.4. However, step-free, level access would be provided to one of the ground-floor flats, from disabled parking spaces. Therefore, the requirements of Part M4(3) would be met for this units, and one unit would be fully wheelchair accessible.

- 8.5. Another of the ground floor units would meet the requirements of Part M4(2) by virtue of being accessible/adaptable.
- 8.6. The remaining two ground floor units would not meet either requirement because of the land slope.
- 8.7. To fully comply with the requirements of Part M4(3), significant works would be required, including large, ramped structures in front of the dwellings. There is a vertical level change of approximately 0.75m between the public footway the front doorways of two of the ground floor units which would necessitate a ramp of at least 11 metres in length. Intermediate landings would also be required, with the ramp doubling back on itself twice, using a large portion of the frontage, leading to a loss of car/ cycle parking spaces and a resulting impact on appearance and landscaping
- 8.8. Notwithstanding the above, it is noted that there would be the following provision:
- Internal layouts of all flats would meet most of the provisions of M4(2) and also M4(3) as a minimum in terms of correctly sized door widths, corridors and room sizes being provided throughout. Space requirements around beds would also comply, along with space in front of WC's;
 - Internal staircases would comply with the requirements of M4(1) Visitable Dwellings and with the provisions of Part K of the Building Regs;
 - The proposed external steps would comply with the requirements of Part M(3) for external steps forming part of an entrance route. They would have a minimum tread size of 280mm and risers of between 150-170mm. Widths of 1.2m are proposed in excess of minimum clear widths (900mm).

Conclusion :

- 8.9. Emerging Policy DM1 of City Plan Part 2 (which can be given significant weight) requires that 5% of residential units on schemes providing more than 10 units are suitable for occupation by a wheelchair user. Similarly, Policy HO13 of the Local Plan required that 'a proportion' of dwellings on sites of more than 10 dwellings are wheelchair accessible, but clarifies in the supporting text that this should be approximately 5% overall.
- 8.10. In this case, 12 flats are proposed, so one flat should be wheelchair accessible. As noted above, one unit would be wheelchair accessible, thereby meeting this requirement.
- 8.11. Although full compliance with Part M4(3) would not be achieved, the scheme would therefore be compliant with the relevant development plan policies, and would provide accessible accommodation for a range of people with different mobility needs.
- 8.12. Further, another unit would meet the requirements of Part M(2) by virtue of being accessible/adaptable, and the remaining units would include measures to ensure those with less mobility could comfortably manoeuvre around them.
- 8.13. For the above reasons it is considered that the variation of condition 26 is acceptable in this instance.

Conditions and Obligations:

- 8.14. The other conditions, as agreed by committee and as per the extant permission, are still relevant and would be re-applied to the new decision notice.
- 8.15. The previous application was subject to a Section 106 agreement to secure £3,100 plus the submission of an employment and training strategy in respect of the demolition and construction phases of the development, and an Affordable Housing Review Mechanism of Viability The obligations in the agreement would remain in full force and effect so far as this Section 73 consent is concerned.

9. COMMUNITY INFRASTRUCTURE LEVY

- 9.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ £74,476 as per the previous application. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

10. EQUALITIES

- 10.1. As noted above, the scheme would provide one wheelchair accessible unit out of the twelve units to be provided on site, which is considered positive in terms of meeting the needs of a range of people with differing mobility. The remaining units would include measures to provide better accessibility for those with mobility issues, which would help to ensure equal access for all.

