

<u>No:</u>	BH2022/03810	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15-26 Lincoln Cottages Brighton BN2 9UJ		
<u>Proposal:</u>	Erection of 8no three bedroom, three storey dwellings (C3) and 1no one bedroom bungalow (C3) to replace existing garages/storage units and any associated works to include landscaping, cycle and bin storage.		
<u>Officer:</u>	Charlotte Bush, tel: 292193	<u>Valid Date:</u>	20.12.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.02.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Savills 33 Margaret Street London W1 G0JD		
<u>Applicant:</u>	Burlington Property Group C/O Savills 33 Margaret Street London W1 G0JD		

PREAMBLE:

An appeal against the non-determination of this application was submitted by the applicant on 3rd March 2023 (valid from the 13th June 2023). The decision on the application therefore now sits with the Planning Inspectorate. The following report seeks a view on the decision the Committee would have made, had the decision remained with them.

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that had the planning application come before the Committee for determination it would have been **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder:

Heads of Terms:

£586,800 affordable housing contribution, equivalent to 20%

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	1712-01		13 December 2022
Block Plan	1712-09		20 December 2022
Proposed Drawing	1712-15		13 December 2022
Proposed Drawing	1712-17		1 March 2023

Proposed Drawing	1712-13		1 March 2023
Proposed Drawing	1712-11		13 December 2022
Proposed Drawing	1712-18		1 March 2023
Proposed Drawing	1712-16		1 March 2023
Proposed Drawing	1712-10		1 March 2023
Proposed Drawing	1712-19		1 March 2023
Proposed Drawing	1712-20		13 December 2022
Proposed Drawing	1712-12		1 March 2023
Proposed Drawing	1712-22		1 March 2023
Proposed Drawing	1712-14		1 March 2023
Proposed Drawing	1712-21		13 December 2022
Proposed Drawing	1712-24		13 December 2022
Proposed Drawing	1712-23		20 December 2022
Proposed Drawing	1712-26		1 March 2023
Proposed Drawing	1712-27		1 March 2023
Proposed Drawing	2204470-002		13 December 2022
Proposed Drawing	Sunlight Amenity Study	SA01 01	2 February 2023
Proposed Drawing	Sunlight Amenity Study	SA02 02	2 February 2023
Detail	Shading markup		2 February 2023
Proposed Drawing	FIRE SAFETY STRATEGY		3 February 2023
Report/Statement	CONSTRUCTION TRAFFIC MANAGEMENT PLAN		3 February 2023
Report/Statement	ENERGY & SUSTAINABILITY REPORT		13 December 2022
Report/Statement	TRANSPORT ASSESSMENT		13 December 2022
Report/Statement	NOISE IMPACT ASSESSMENT		13 December 2022
Report/Statement	PHASE 1 GEO-ENVIRONMENTAL ASSESSMENT REPORT ? PART 1 - 7		13 December 2022
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY ? PART 1- 11		13 December 2022
Report/Statement	1712-DAS15		1 March 2023
Report/Statement	1712-DAS16		1 March 2023
Report/Statement	1712-DAS17		1 March 2023
Report/Statement	1712-DAS30		1 March 2023

Report/Statement	1712-DAS36		1 March 2023
Report/Statement	P125804-1000		22 June 2023
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL	11551 Pea Rev3	13 December 2023

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. Notwithstanding the details shown on the approved plans, 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) 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, 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 DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Phlorum, March 2023), 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, as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

5. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include the recommendations in the Preliminary Ecological Appraisal (Phlorum, March 2023) and the proposals in the Design and Access Statement (Chassay Studio Ltd, April 2023) 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.

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of City Plan Part Two.

- 6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A2:2017;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

- 7. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;

- c) certificates demonstrating that imported and/or material left in situ is suitable for use.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

8. 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.

9. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and thereafter retained.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable and retained thereafter.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 details and retained thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One

12. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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 further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

13. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.

14. 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 the 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 food-bearing plants, and 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 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 DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

16. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of City Plan Two.

17. No development, including demolition, shall take place until a Demolition & Construction Environmental Management Plan (D/CEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:

1. The phases (if applicable) of the development hereby permitted, including the forecasted completion date
2. A scheme setting out 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
3. Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway
4. Details of hours of demolition and construction including all associated vehicular movements
5. Details of the demolition and construction compound
6. A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these
7. Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works
8. Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
9. Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
10. Details of employee and contractor parking

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the emerging Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SPD03

18. At least one bee brick shall be incorporated within the external wall of each new unit hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
19. The development hereby permitted shall incorporate at least two (2) swift bricks/boxes within the external walls of each new unit hereby approved, and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development
20. The development hereby permitted shall not commence above slab level until full details of existing and proposed ground levels (referenced as Above 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 Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
21. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
22. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in plan 1712-19 RevA V14 and 1712-16 RevA V14 shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed and thereafter retained in accordance with the approved details.
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.
23. 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.

24. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development or rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

25. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs 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 DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition 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.
4. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

5. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>
6. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
9. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part.
10. In order to be in line with Policy DM33 Safe, Sustainable and Active Travel of City Plan Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, 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 will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
11. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
12. 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 of approximately 5 metres above ground level, 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 where appropriate.

2. SITE LOCATION

- 2.1. The site is situated within the Hanover area of Brighton and currently contains buildings providing storage in 22 lock-ups/garages as well as small business uses in five studios and workshops. , The existing buildings are a mixture of one- and two storeys in height.
- 2.2. The site is constrained, being surrounded by terraced housing on the north-west, north-east and south-eastern sides, and further housing and the Hanover Community Centre to the south-west. The only access to the site is via an accessway measuring approximately 2.4m wide at its narrowest point and 21m long. The access route is situated at the northern end of the site.
- 2.3. The site has a distinct topography which inclines from north-east to south-west. The surrounding houses are predominantly two storeys plus basement (therefore appearing as three storeys from within the site), with many houses also building into the loft space. The site is not within a conservation area, nor is it a listed building or in the setting of one.
- 2.4. The site is c.012ha and is registered on the Brownfield Land Register Ref. SHLAA0075 "Land South of Lincoln Cottages 15-26 Lincoln Street." The site is designated for housing in City Plan Part 2 policy H1 for an indicative quantum of 18 units.

3. RELEVANT HISTORY

BH2023/01058

- 3.1. Erection of 5no three bedroom three storey dwellings, 3no two bedroom two storey dwellings and 1no one bedroom bungalow (C3) to replace existing garages/storage units and any associated works to include landscaping, cycle and bin storage (Amended Description). Under consideration

PRE2022/00174

- 3.2. Pre-application for 'Demolition of the existing buildings on the site and the construction of 9 residential dwellings. Follow up of PRE2022/00087.' Design changes suggested including changes to materials and features to add interest, and increased energy efficiency.

PRE2022/00087

- 3.3. Pre-application advice for 'Site clearance and erection of 9 houses.' Principle of residential redevelopment supported, but noted need for daylight/sunlight assessment, and that further details needed to consider acceptability of impact on amenity, highway, affordable housing provision and recommended community engagement.

4. APPLICATION DESCRIPTION

- 4.1. The applicant proposes to redevelop the site to provide 9 residential dwellings in a terrace to include 1 no. 1-bedroomed bungalow and 8 no 3-bedroomed houses. The existing buildings on site would be demolished and replaced with a terrace of eight narrow, flat-roofed, three storey dwellings, with a bungalow at the eastern end of the block.
- 4.2. The terraced dwellings would have an open plan lounge/kitchen/diner at ground floor along with a w/c, with two double bedrooms and a bathroom at first floor level, and a single bedroom at second floor. Each would have large windows at front and rear, with angled windows at first and second floor alongside obscure-glazed windows to minimise overlooking of neighbouring properties. Each property would have a small garden to front and rear.
- 4.3. The bungalow would extend along the eastern end of the site with a slightly larger footprint than the terrace, but with an asymmetrical pitched roof sloping up to adjoin the terrace. It would have a rooflight in the eastern roofslope serving the living room/kitchen/diner, along with a bay window to the front (south) serving the kitchen, and full height sliding doors to the rear (north) serving the bedroom.
- 4.4. The dwellings would have primarily brick frontages of varying colours to provide visual interest, with windows, doors and bike stores painted different colours on each house. The terraced dwellings would have a rendered third floor which would be set back from the front and rear to reduce the 'bulk' of the built form.
- 4.5. The site would be accessed via an existing driveway in the north-eastern corner which slopes upwards into the site and would be paved with small areas of garden alongside.
- 4.6. Cycle storage and bin storage would be provided on site, as well as landscaping to encourage play. No car parking would be provided on site.
- 4.7. The dwellings would be at closest 5.9m from the gardens of dwellings on Lincoln Street to the north-west and 10.5 from the rear facades; and 8.4m from the gardens of neighbouring dwellings to the south-east on Ewart Street, and 14.2m from the rear façades.
- 4.8. The applicant sought initial pre-application advice in August 2022 (PRE2022/00087) and again in December 2022 (PRE2022/00174), with various site densities and layouts proposed.

5. REPRESENTATIONS

- 5.1. In response to consultation, representations were received from **91 (ninety-one)** residents objecting to the proposed development for the following reasons:
 - Additional traffic
 - Noise and disturbance

- Car free development but would put pressure on parking
- Implications for proposed Low Traffic Neighbourhood (LTN)
- Access for emergency vehicles is limited
- Access for refuse and recycling vehicles is limited
- Land registry concerns- CT1 and Prescriptive Easement Applications made by properties on Lincoln Street
- Maintenance and adoption of highway and access roads
- Too close to boundaries
- Overdevelopment of the site
- Overbearing
- Inappropriate height
- Poor design - not in-keeping with Hanover
- Poor landscaping plan
- Out of character with area
- No maintenance plan for green roofs
- Overshadowing and loss of light
- Overlooking and loss of privacy
- Noise and disturbance
- Light pollution
- Restriction of view
- Impact from additional activity including refuse collection points
- Dust dirt and odour and impact on health
- Fly tipping
- Inadequate drainage
- Restricted access
- Poor outlook
- Poor natural light and ventilation
- Application should contain affordable housing
- Concerns over impact of Airbnb and student housing
- Loss of habitat
- Impact on birds
- Impact on climate change objectives
- Notice B should be served as title deed has not been transferred
- Loss of commercial floor space not recognised
- Traffic Management report refers to art studio but applications states the land is derelict
- Concerns over community engagement
- Construction Management Plan submitted late and unworkable and no reference to demolition
- Impact on property value
- Impact on working garage at the end of Lincoln Cottages
- Noise and disturbance through construction
- Impact on the local infrastructure in Hanover
- Structural damage to neighbouring properties through construction
- Existing and previous tenants have been subject to significant rent rises and pressures to leave site

- 5.2. A letter from a planning consultancy on behalf of **62** residents has been received objecting to the application for the following reasons:
- Only tokenistic changes have been made to the scheme following the public consultation event, the fundamental concerns of the local community have not been addressed,
 - Whilst allocated for housing in CPP2, scheme as currently proposed is contrary to a number of material planning considerations set out in national and local policy,
 - Overdevelopment,
 - Design and appearance,
 - Detrimental impact on neighbouring amenity,
 - Loss of employment floorspace,
 - Traffic and transport,
 - Access,
 - Landscaping,
 - Drainage, and
 - Bin storage
- 5.3. **Caroline Lucas MP** has also raised the following concerns:
- The loss of existing employment space
 - The high density of the development
 - Overlooking
 - Increase in noise pollution
 - Increase in traffic and congestion
 - Impact on the existing parking arrangements in surrounding streets
 - The unadopted and narrow access road does not seem adequate for either the development itself, or access to the properties were they to be used by rubbish collection services and emergency services.
- 5.4. Following amendments to the scheme, representations from **46** residents were received objecting to the proposed development, raising the following additional issues:
- Bats have been seen on site
 - Amended plans do not address fundamental concerns
 - Amendments tokenistic and cosmetic only
 - Stress and mental health impacts from the development
 - Existing Lincoln cottages road has no foundations
 - More obscured glass reduces outlook for existing occupiers
 - Inaccuracies stated in the 'Existing Site' section as numerous tenants who have not been served with notice to vacate their garages and units as stated in the report.
 - Whilst contracts can be terminated at 28 days notice some tenancy protected under the 1954 Landlord and Tenants Act.
 - The claim that only one of the garages is used for vehicular parking untrue
 - Development goes against the Hanover Low Traffic Neighbourhood (LTN) pilot scheme
 - Fundamentally against the BHCC Climate Change Emergency which was declared in 2018

- The construction vehicles would need to park on pavements over basements which is a safety concern
- Parking displacement through construction not addressed
- Bin smell, noise and intrusion through collection. No permission to site the bins in the current position
- Impact on protected birds (sparrows)
- The development should include a line of evergreen trees
- The development area has been used for community space, meeting place and space to enjoy homes and gardens in the area
- Plenty of good affordable houses being built elsewhere in the city - this tokenistic contribution to housing supply

5.5. A letter from a planning consultancy on behalf of **62 occupiers** has been received objecting to the amended application for the following reasons:

- Amended plans do not overcome primary concerns.
- Submission of non-determination appeal demonstrates the applicant's refusal to engage with community.
- Changes do not respond to Urban Design concerns.
- Lack of visual permeability
- Angled windows are a compromised design feature.
- Lack of outlook for future residents.
- BRE Daylight and Sunlight Report should be verified.
- Additional information on traffic and parking do not address the fundamental concerns.

5.6. Letters of representation have been received from **Councillor Gibson, Powell and Hills** objecting to the proposed development. Copies of these representations are attached to the report.

6. CONSULTATIONS

Internal:

6.1. **Environmental Health: No objection**

We have looked at this site and reviewed the submitted Phase 1 Geoenvironmental Assessment Report from Brownfield Solutions Ltd. This report is generally acceptable for a planning desk study - however the report requires updating in regards to Radon gas. UKHSA launched the new radon map on 01/12/22 and levels in the site area using the new map are at 3-5 percent, not less than 1 percent. This impacts the potential protective measures that may be required.

6.2. We accept the main findings of the Desk Study and the recommendations for further work. Based upon this we recommend the following:

- 1) The standard contaminated land condition including a desk study, site investigation, a method statement for risk/remediation and verification.
- 2) An asbestos informative to ensure that potential asbestos within the buildings is addressed prior to demolition. This issue falls under the Health and Safety Executive.

(We appreciate that a desk study has been submitted- however it is included in the condition due to the need for the radon section to be updated.)

6.3. **Economic Development: No Comment**

6.4. **Planning Policy: No objection**

Updated comments received on 08/02/2023 to clarify position regarding employment use

Although it is acknowledged that there are some employment uses on part of the site, the principle of re-development of the site for residential use has been established through the allocation of the site in CPP2 policy H1 Housing Allocations and the loss of employment uses has been accepted. The applicant is therefore not required to justify the loss of other uses on the site. Residential development on this site is welcomed subject to other matters.

6.5. Previous comments (below) remain relevant.

Comments received 5 January 2023

- The site is allocated in CPP2 policy H1 for residential use; the principle of residential development has therefore been established.
- 9 dwellings would make a welcome contribution to the housing target; the proposed amount is considered acceptable for this site given the site constraints and characteristics of the wider neighbourhood.
- Provision of 9 dwellings would meet dwelling density targets set in CPP1 policy CP14.
- The provision of predominantly 3-bedroomed dwellings would help to meet the identified need for family housing.
- The financial contribution for affordable housing proposed is welcomed and should be secured by legal agreement.
- Requirements of DM1 appear to have been met
- Amenity impacts on neighbouring occupants require consideration.
- A car-free development with household and visitor cycle-parking is welcomed in this location.
- Various measures to enhance the biodiversity of the site are proposed and welcomed. The number of bird boxes/bricks provided should have regard to the Special Guidance A: Swift Boxes and Bricks and SPD11 Biodiversity and Nature Conservation. A Biodiversity Checklist should be requested.
- Soft-landscaping measures proposed, including productive planting, would significantly improve the green infrastructure on the site as well as providing opportunities for food production and biodiversity enhancements.
- Inclusion of opportunities for informal play within the shared public realm are welcomed.
- Proposed low/zero carbon energy measures are welcomed, as are measures to reduce water consumption. A Sustainability Checklist should be requested.
- Advice from the Lead Local Flood Officer should be sought in regard to the proposed SuDS strategy.
- New lighting should be the minimum necessary to ensure accordance with policy DM40.

- A Site Waste Management Plan should be secured by condition.
- 6.6. **Sustainable Drainage: No objection**
We can recommend this application for conditional approval at this time. The requested information should be provided and found to be satisfactory for the proposed Condition(s) to be discharged.
- 6.7. Recommended conditions:
- Confirmation of the parties responsible for carrying out the proposed maintenance.
 - Existing predevelopment runoff levels and supporting calculations.
 - Confirmation of final drainage details, particularly the capacity of the proposed geocellular storage.
 - Further details of the foul drainage proposals; confirmation of the on-site sewer's connection capacity and condition, and that a gravity connection will be feasible, a CCTV survey may be used to gather evidence for this, and evidence that Section 106 approval has been applied for, and granted by Southern Water.
- 6.8. **Sustainable Transport: No objection**
Further comments received on 24/03/2023 in response to amended plans and additional information
- 6.9. The proposal can be supported subject to the stated conditions and informatives.
- 6.10. Recommended conditions
- Cycle Parking
 - Construction Environmental Management Plan (CEMP)
- Comments received on the 22/02/2023
- 6.11. Further information required on the following items:
- wheelchair accessibility of the regraded access path
 - ambulance vehicle access
 - TRICS servicing data
 - Clarification of the current use of the lock-up garages
- 6.12. The proposal can be supported subject to the submission of satisfactory evidence on the above points and subject to the stated conditions and informatives
- 6.13. **Urban Design: Seek Amendments**
Amended comments received 29/03/2023
Most recent revisions include revised drawings, Design and Access Statement and a letter response inclusive of an urban design response. It is considered that some of the concerns raised previously have been addressed, however, there remains some outstanding concerns which require further development in order for this scheme to be fully supported from an urban design perspective.

- 6.14. Proposals continue to present a number of positive design attributes including:
- High aspirations for a well-considered landscape strategy with the potential for biodiversity net gains;
 - An overall appearance that has been informed by a local character study;
 - A zero car scheme and number of cycle parking that exceeds policy which encourages active travel;
 - A playful overall appearance which makes reference to the surrounding Hanover area without trying to replicate it.
- 6.15. However there remains a number of significant concerns with the proposed development:
- The site strategy and layout should be better optimised to respond to site constraints and opportunities;
 - The built form and massing should better respond to site constraints which the mews typology does not necessarily do effectively, and visual permeability should be increased through the site in relation to the built form and massing; - Daylight / sunlight levels in the living rooms of most properties falling below 50 percent of target requirements;
 - A low-carbon approach should be part of the development vision and sustainability strategy, inclusive of information on whole life carbon analysis and circular economy principles. Additional information was previously requested in this regard.
- 6.16. There are some less significant concerns as follows:
- The housing mix is not considered diverse which limits the housing offer
 - Little consideration of providing wider community benefit beyond the site boundary.

Comments received on the 08/02/2023

- 6.17. It is understood that pre-application advice has previously been sought but that formal urban design advice was not provided during pre-application stage.
- 6.18. There are some positive attributes to the proposals, as follows:
- High aspirations for well-considered landscape strategy with the potential for biodiversity net gains;
 - An overall appearance that has been informed by a local character study;
 - A zero car scheme and number of cycle parking that exceeds policy which encourages active travel.
- 6.19. However there are a number of concerns with the proposed development:
- The site strategy and layout should be better optimised to respond to site constraints and opportunities;
 - The housing mix is not considered diverse which limits the housing offer;
 - The built form and massing should better respond to site constraints which the mews typology does not do effectively, and visual permeability should be increased through the site;
 - Little consideration of providing wider community benefit beyond the site boundary.

- External:
- 6.20. **County Ecologist:** No objection subject to on-site ecological mitigation/compensation/enhancement being secured.
Site of relatively low biodiversity interest. Buildings offer negligible bat roost potential but could become more suitable over time so a precautionary approach recommended with re-inspection prior to demolition; nesting bird check prior to clearance if during March-August nesting season; and securing wildflower green roofs, extensive green roofs incorporating bird, bat and invertebrate boxes, loggeries and timber piles and landscape planting.
- 6.21. **East Sussex Fire & Rescue Service Objection**
Updated comments received 25/04/2023
Following receipt of additional information detailed within Part 4 of the Design and Access Statement (February 2023) and the proposal to provide a compliant residential sprinkler or watermist system, access for fire appliances appears to be satisfactory.
- 6.22. The weight of fire appliances currently in use in East Sussex exceed the minimum carrying capacity for vehicle access routes specified in Table 8, Section 11, Part B5 of the Building Regulations, (Volume 1). The minimum carrying capacities should be increased to 17 tonnes for pumping appliances and 20 tonnes for high reach appliances with 27 tonnes for bridges or similar structure.
- Comments received 12/01/2023
- 6.23. The proposals detailed in the Design & Access Statement Part 4 (Fire Strategy) involve the installation of a horizontal dry fire main for fire access and firefighting purposes. East Sussex Fire and Rescue Service do not accept horizontal fire mains as an acceptable solution to restricted access.
- 6.24. When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS EN 16925, BS 9251 & BS EN 12845.
- 6.25. **Southern Water Comment**
The exact position of the existing public combined sewer must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- 6.26. 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.
- 6.27. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

- 6.28. The developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

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 City Plan Part Two (adopted October 2022);
 - 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).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP3 Employment land
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
CP16 Open space
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM26 Conservation Areas
DM33 Safe, sustainable and active travel
DM36 Parking and servicing
DM37 Green Infrastructure and Nature Conservation
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development on the character and appearance of the street scene, the standard of accommodation provided and any potential impact on the amenities of neighbouring properties, in addition, whether the scheme would result in any transport and sustainability issues.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. 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. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.3. 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).
- 9.4. The site is allocated in CPP2 policy H1 for residential use and the principle of residential development has therefore been established. The addition of no.8 3-bedroom family dwellings and No.1 1-bedroom dwelling would be a benefit of

significant weight, making a relatively small, but important contribution towards the Council's housing target given the importance of making efficient use of sites.

Existing uses

- 9.5. Although it is acknowledged that there are some employment uses on part of the site, the principle of re-development of the site for residential use has been established through the allocation of the site in CPP2 policy H1 Housing Allocations, and the loss of employment uses has been accepted. The applicant is therefore not required to justify the loss of other uses on the site. Notwithstanding this conclusion, the site is primarily used for lock-up storage, with five small studio/workshop units provided. While these do provide some employment use, it is limited, and on such a constrained site in a residential area the potential market for these units is small and it is considered better use could be made of the land for residential purposes, particularly noting the need for housing in the city.
- 9.6. Residential development on this site is welcomed, subject to consideration of other matters, as set out below.

Housing mix and affordable housing

- 9.7. Policy CP19 of CPP1 seeks to 'improve housing choice and ensure that the appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city'. The scheme would be somewhat homogeneous in that it would provide an one-bedroom dwelling (11%) and eight three-bedroom dwellings (89%). While this is predominantly larger units, the city does have an identified need for family sized dwellings with annual monitoring indicating that smaller one- and two-bedroom dwellings form the predominant size of dwelling being brought forward across the city, largely due to flatted schemes coming forward. Therefore, whilst the scheme would not provide a particularly mixed range of dwelling types the scheme is small, and it would cater to those seeking larger homes. For these reasons, the delivery of a scheme providing predominantly three-bedroom units is welcomed and is considered to accord with CP19.
- 9.8. The applicant has submitted an affordable housing statement. This indicates that a financial contribution equivalent to 20 percent affordable housing will be provided which would accord with the requirements of CPP1 policy CP20. This is welcomed and would be secured by legal agreement if the appeal was allowed.

Density:

- 9.9. It is acknowledged that policy H1 allocates the site for an indicative 18 units and that a scheme providing 9 units is proposed so the density of the proposed scheme would be lower than that of the allocation. The Planning Statement and Design & Access Statement submitted by the applicant indicate that alternative options to provide a higher quantum of housing were considered, with options rejected due to potential for design and amenity issues. The applicant states that the massing and scale of the proposal, as well as the type of housing to be provided, are more reflective of the character of the wider neighbourhood. This is accepted and the potential impacts of a denser scheme acknowledged.

Further, the provision of nine dwellings on this site would result in a density of 75 dwellings per hectare (dph) which exceeds the 50dph minimum density required by CPP1 policy CP14.

- 9.10. In this instance therefore, the provision of a lower amount of housing than the indicative amount identified in policy H1 is considered acceptable and to also maximise the development potential of the site, as required by CPP2 policy DM19.

Site layout and scale of development

- 9.11. As previously stated, the application site is highly constrained by existing residential development to all sides. Policy DM19 of CPP2 seeks to 'maximise opportunities for the development and use of land to ensure the efficient and effective use of available sites' through demonstrating that there is an appropriate mix of uses, residential density is optimised, building layout and design achieves efficient use of the site, and efficient use is made of land to provide for effective open space, amenity space, access and car parking.
- 9.12. The site measures some 25m in width X 42m in depth (excluding the access road). The proposed dwellings would be some 11m in depth, positioned around 6m from the north-western site boundary and 8m from the south-eastern, with front/rear gardens, the access and communal areas in between.
- 9.13. The submitted scheme follows a number of iterations during pre-application discussions including different site layouts, changes to materials and additional landscaping, in response to issues raised by planning and urban design officers. As noted above, Urban Design Officers still have concerns that the site strategy and layout could be 'better optimised to respond to site constraints and opportunities'.
- 9.14. However, on balance, eight family dwellings and one single unit would be provided on the site, along with private outdoor amenity space and a communal landscaped area, while minimising the impact on neighbours. It is considered that this represents an optimal use of the site that would make efficient use of the land to provide much-needed housing in this popular location, while providing sufficient amenity space, cycle parking and bin storage.

Design and Appearance:

- 9.15. The existing building is not of any historic or architectural merit. As such, its demolition to make way for a replacement building is considered acceptable.
- 9.16. The development proposed is a back-land development, surrounded by existing residential property on all sides, which is comprised predominantly of two storey dwellings with basements, appearing as three story when standing within the application site. Several of the surrounding properties have been further extended into the loft space. The site is visible from these neighbouring properties.
- 9.17. The surrounding properties are late Victorian era terraced houses. The houses on Lincoln Cottages have a mixture of plain facing brick or painted brick

frontages. Where the bricks are painted, a variety of colours have been used, which is representative of the wider Hanover area.

- 9.18. The dwellings on Lincoln Street, Southover Street and Ewart Street have predominantly painted render frontages, again in a variety of colours. However, 89 - 91 Lincoln Street has a full width brick wall ranging from approximately 1.5m high to 2.5 m high adjacent to the roadside, and the Hanover Centre on Southover Street is also a large brick-built building.
- 9.19. The proposed development is for 9 units comprising 8 three-storey buildings (with the third storey being recessed) with flat roofs and one one-storey dwelling with a mono-pitched roof. Amendments have been made over the lifespan of the application. This includes adding decorative brickwork in contrasting colour across the upper levels of the end elevations. These elevations are largely obscured at ground floor level by existing fencing to neighbouring properties. The decorative brickwork goes some way to enhancing the end elevations and breaking up its mass. It is not considered appropriate to add features such as windows to these elevations due to the resulting increase in overlooking. It is therefore considered that the decorative brickwork would be a useful feature on these buildings and helps to minimise the bulk of the side elevations.
- 9.20. All of the proposed units would be constructed using facing bricks. Two colours of brick are proposed to be used on alternate houses to break-up the mass and bulk of the terrace. The windows, front doors and bike stores would be painted a different colour on each house to create a sense of individual identity to each home, while also providing a visual link to the colour scheme used in the surrounding houses and wider Hanover area.
- 9.21. The use of facing brick and coloured features is considered appropriate in the context of the local streetscenes and wider Hanover area. Further details of the colour palette for the apertures and bin stores, and the two proposed facing bricks should be secured by condition if the overall scheme is considered acceptable.
- 9.22. The third floor of the three-story dwellings would be rendered, with a pale buff-coloured wash. This third storey is set back from the main front and rear elevation which breaks up the front and rear façade to minimise the 'bulkiness' of the development.
- 9.23. The windows to the first and second floor are asymmetrical which create a somewhat awkward, utilitarian appearance. Although these asymmetrical windows do not necessarily enhance the appearance of the proposed development, they do have a practical purpose of allowing natural light into the proposed dwellings, while minimising the views into neighbouring properties. Further, it is noted that the dwellings would not be visible from the public realm so would have no impact on the streetscene or character of the area.
- 9.24. The single-storey mono-pitched bungalow has been designed to minimise the impact on neighbouring properties on Lincoln Cottages which have sunken gardens. The mono-pitch roofline will reduce overshadowing to the gardens,

while still providing a good standard of living accommodation to future occupants of the proposed dwelling.

- 9.25. On this basis, therefore, while there have been some compromises in terms of the design of the scheme it is considered the benefits of these to the amenity of neighbouring residents would outweigh any impact the design of the buildings may have, noting that it is screened from offsite view.

Standard of accommodation:

- 9.26. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units to meet the Nationally Described Space Standards (NDSS).
- 9.27. The scheme would provide eight, 3-bedroom dwellings for four persons, and one, 1-bed two-person dwelling.
- 9.28. The accommodation for the three-bed houses would comprise an entrance hallway, open-plan kitchen/lounge/diner, and separate W.C to the ground floor. The first floor would comprise a double bedroom plus ensuite, single bedroom, family bathroom, and storage. The second floor would comprise a single bedroom.
- 9.29. The one-bedroom unit is comprised of an open plan lounge/kitchen/diner measuring 27.3sqm, bathroom, storage and bedroom measuring 13sqm.
- 9.30. The proposed residential units would therefore comply with this policy and meet the minimum floor areas required by the NDSS. More broadly, the living conditions provided are considered to be acceptable, with appropriate storage, circulation space and communal areas, and windows to all bedrooms and living spaces providing light and some outlook, albeit obliquely at upper levels due to the angled windows. This is an accepted approach to minimising the loss of privacy to neighbouring residents, while ensuring future residents are afforded views, so is considered acceptable.

Private Amenity Space

- 9.31. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
- 9.32. Each unit has its own private rear garden. Although these gardens are smaller than ideal, they are of a similar size to the rear gardens of the surrounding units and are considered appropriate in the context of this densely built-up area. Additionally, each of the units have access to the communal landscaped areas which are designed to encourage play.

Internal light:

- 9.33. On the whole, the scheme performs reasonably well in respect of daylight and sunlight for a scheme situated in a densely built-up area for future occupiers of the development.

- 9.34. External consultants BRE reviewed the daylight and sunlight studies ref 5171-R03 SA01 and 5171-R03 SA02 submitted by the applicant.
- 9.35. The BRE review concluded that all of the habitable rooms would meet the Average Daylight Factor (ADF) recommendations, which must be given significant weight, but that there may be some overheating/heat loss issues in the bedrooms if appropriate glazing/framing is not used. It is considered this would be adequately addressed at the Building Regulations stage in relation to energy efficiency requirements. Overall therefore the scheme is considered acceptable in terms of daylight/sunlight to future residents, particularly noting that Paragraph 125 of the NPPF advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards, which is the case).

Landscaping:

- 9.36. The site is currently comprised of hardstanding and buildings and contains no green infrastructure. The re-development therefore provides an opportunity to significantly improve green infrastructure on site. The Design & Access Statement sets out the various measures that will be incorporated including green roofs, trees and shrubs, all of which will enhance and improve the site, as required by CPP2 policy DM22, and are considered to contribute to the existing green infrastructure network, as required by CPP2 policy DM37. The planting selected also includes a range of edible species including crab apple trees, blackcurrant bushes and various herbs, with a detailed landscaping scheme to be secured by condition. This is welcomed and helps meet the requirements of CPP1 policy CP8(p) and CPP2 policy DM22(g). It is noted that the species selected for landscape planting include native and wildlife/pollinator-friendly species, as required by CPP2 policy DM22.
- 9.37. It is noted and welcomed that the hard-landscaping proposed includes some playable elements providing opportunities for informal play, helping to meet the requirements of DM22(g) and DM19(d) in relation to making an effective use of open space.

Impact on Amenity:

- 9.38. Policy DM20 of the CPP2 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.
- 9.39. A number of existing residential properties in the immediate vicinity have the potential to be impacted by the proposed development. These include:
- 61 - 87 (odd) Lincoln Street to the north of the application site
 - 10 - 14 Lincoln Cottage to the north-east of the application site
 - 13 - 39 (odd) Ewart Street to the south-east of the application site

Impact on light

- 9.40. As noted above, the proposed dwellings would be set back within the site, with the rear of dwellings on Lincoln Street to the north-west being some 10.5m away, and Ewart Street to the south-east some 14.2m away.
- 9.41. The BRE were instructed to review the daylight/sunlight report provided by the applicant as part of the application submission. They concluded that:
- 9.42. 61 - 87 (odd) Lincoln Street: the dwellings are north-west of the application site. A total of five rooms would be below the daylight distribution guideline if the scheme is granted. However, two of the five rooms are bedrooms and therefore less important for daylight distribution, while the other impacted rooms are two living rooms and one kitchen area. The impact on the three rooms ranges between minor and moderate. Overall, BRE have confirmed that the loss of sunlight resulting would accord with BRE guidelines.
- 9.43. 10 - 14 Lincoln Cottage - All but one of the habitable rooms would meet the daylight distribution guidelines. The one room is a kitchen at No.12 Lincoln Cottages which would be marginally below the 0.8 times the area of direct skylight it currently receives (before/after ratio of 0.79), so the BRE guidelines would be met.
- 9.44. 13 - 39 (odd) Ewart Street - four basement level kitchen/dining spaces at 23,25,27 and 29 Ewart Street would be below the daylight distribution guidelines. However, the impact is assessed as minor – i.e. would meet BRE guidelines.
- 9.45. In summary, a total of ten rooms are considered to be affected by a reduction in daylight due to the proposed development. The impact on all but one of these rooms is considered to be minor, so would fall within BRE Guideline limits, and the one room more severely affected would have a minor to moderate reduction in daylight, but overall the impact falls within BRE Guidelines.
- 9.46. It is unlikely that any development in a site as constrained as this would not have an impact on natural light to adjoining properties. However, this proposal has been designed in a way to minimise loss of light through the setting back of the built development within the site and minimising its bulk, and it is considered successful in this regard.
- 9.47. Attention is once again brought to Paragraph 125 of the NPPF which advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Overshadowing of gardens

- 9.48. The scheme has the potential to result in the loss of light to adjacent residential gardens, particularly at Lincoln Cottages, given its location to the north-west. BRE guidelines recommend that at least half the area of a garden or amenity space should receive at least 2 hours of sunlight on March 21. If, in an existing outdoor space, the area receiving at least two hours of sunlight is less than this and less than 0.8 times the former area, then the loss of sunlight is significant.

- 9.49. No. 87, 81 and 79 Lincoln Street to the north-west of the application site would be below these BRE guidelines. However, no. 87 and 81 Lincoln Street have only a small area able to receive at least two hours of sunlight on 21 March currently and are therefore the impact is considered to be minor. At 79 Lincoln Street the impact is assessed as moderate.
- 9.50. Assessment of the gardens to the northeast of the proposal at Lincoln Cottages was not presented but the gardens to these properties are more likely to receive more sunlight than those in Lincoln Street due to their more easterly aspect.
- 9.51. The reduction of sunlight to the gardens of these three properties is unfortunately. However, as only one of the gardens will be moderately impacted, it is considered that on balance the overall benefits of the scheme outweigh this moderate harm to one property.

Overlooking

- 9.52. A degree of overlooking is to be expected in a site such as this which is surrounded by residential buildings and would have been considered when the site was designated for development.
- 9.53. Asymmetrical bay windows are proposed to minimize the level of overlooking. The large, fixed element of the window would be obscure glazed, whereas a smaller opening window would be angled at 60 degrees to the neighbours, so the sightlines are longer.
- 9.54. Although there would be some loss of privacy when compared with the existing, as can be expected with the introduction of residential development on the site, it would not be to a degree that would be unexpected in a densely built-up residential area such as Hanover. As such, the impact would not be considered to warrant refusal of the application and does not outweigh the benefits of the scheme.

Other Matters

- 9.55. Concerns raised in public objections regarding noise and disturbance during construction are acknowledged. It is recommended that a Demolition and Construction Environmental Management Plan (CEMP) is secured by condition. The Council also has powers under separate legislation to respond to complaints regarding unreasonable noise or disturbance.
- 9.56. Concerns were raised more generally over increased noise, disturbance and light pollution. However, the site is allocated for residential use so the principle of this, and the resulting disturbance, has already been considered acceptable. While there would be some increase in these impacts, this is not considered so significant as to warrant refusal of the application, particularly when compared with the existing permitted employment use of the site.

Sustainable Transport:

- 9.57. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented

or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).

- 9.58. Access to the site is limited to pedestrian only, which is considered acceptable. A series of small ramps approximately 3m long with a gradient of 1:12, separated by 1.2m flat areas would address the steep topography of the site and enable access to the site for those with mobility impairment.
- 9.59. No parking is provided on site for this development. SPD14 states that the maximum car parking standard for 3 bedroom dwellings within 'Key Public Transport Corridor' is 1 space per dwelling and 0.5 spaces per 1 bed dwelling, plus 1 space per 2 dwellings for visitors. No on-site car parking is proposed, so the lack of parking is policy compliant.
- 9.60. Concerns have been raised by local residents regarding the impact on parking. The site is situated within Controlled Parking Zone (CPZ) V, which restricts on-street parking from 9am to 8pm every day for those without resident permits. This would already act to control overspill parking in the area, and has an average permit uptake of 90.2 percent, indicating there is limited on-street capacity within the zone.
- 9.61. It is not considered appropriate to impose the car-free condition requested by the LHA because parking in the local area, and limiting the issue of parking permits is already covered through the management of the Controlled Parking Zone and the transport team can issue an amendment to the TRO to restrict the issuing of permits separate to the planning process. It is recommended an informative is attached to the permission advising of this.
- 9.62. There are a number of Disabled bays in the vicinity and any visitors who are Blue Badge holders would be able to park on double yellow lines for up to 3 hours, as well as in shared use and pay & display bays.
- 9.63. It is considered unlikely that the development will generate an excessive increase in deliveries across the day, and there will be minimal impact on the highways network.
- 9.64. Enterprise Car Club operates in the area. The nearest car club bay is on Ewart Street which is within 300m (4 min walk).
- 9.65. The site is located within the Key Public Transport Corridor Area and is therefore considered to generally have very good access/connectivity to public transport services.
- 9.66. Cycle parking is provided for each of the proposed dwellings, which is considered acceptable. However, further details are required and a condition to secure these details is recommended.
- 9.67. Individual wheel bins would be transferred on the day of collection to a temporary storage area on the flank wall of 14 Lincoln Cottages for collection within a few

meters of the public highway where the refuse lorry will stop. This strategy is considered acceptable.

Sustainability:

- 9.68. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. Energy and water efficiency standards in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

Other Matters

- 9.69. A number of neighbours have contacted the Local Planning Authority stating that bats had been seen on site.
- 9.70. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 9.71. The County Ecologist has reviewed the Preliminary Ecological Appraisal (PEA, Phlorum, March 2023) and concluded that the buildings currently offer negligible bat roost potential, although it is noted that some current potential roost features that are sub-optimal, could become more suitable for bats over time.
- 9.72. A precautionary approach is therefore recommended to minimise any residual (considered to be very low) risk to bats. If the Committee grants permission for this scheme, then a condition is recommended for re-inspection of the site prior to demolition by a suitably qualified ecologist (SQE) and stripped under an ecological watching brief.
- 9.73. Concerns have been raised as to the impact of the proposed development on the structural integrity of existing buildings. This is not a material planning consideration and would be covered another regulatory regime (the Party Wall Act).
- 9.74. A condition is recommended to remove certain 'permitted development' rights to ensure that future alterations to the buildings are carried out with full consideration of the appearance of the site and any impact upon neighbours.
- 9.75. The space provided on the flat roofs would be limited by the proposed solar panels. However, a condition is recommended to ensure that access to the areas of flat roof is for maintenance/emergency purposes only and to prevent this area from being used as a roof terrace or similar, which would give rise to potentially significant harm to the amenity of neighbours.
- 9.76. A condition to secure an updated contaminated land desk top study is recommended. The current submitted report requires updating in regards to Radon gas.
- 9.77. Concerns have been raised regarding land ownership, but this is not a material consideration in the planning process.

- 9.78. A number of representations have highlighted concerns over the consultation process undertaken by the applicant. While consultation is encouraged as part of the planning process, it is not required, though it is noted that in this instance the applicant did carry out public engagement.

10. CONCLUSION

- 10.1. The proposal would bring forward a redevelopment of the site to provide nine dwellings, with the provision of housing for the city to be given increased weight in determining the application. Eight of the nine dwellings would have three-bedrooms, which would address an identified need in the city, where many of the schemes coming forward are for smaller flatted accommodation.
- 10.2. While the site is small and tightly constrained, it is considered that the development proposed would make an efficient use of the site, without unacceptable impacts on neighbours. The built footprint would be set back from the site boundaries, and the scheme would be predominantly two storeys in height, with a smaller third storey set back from the roofline. This would help to minimise impacts on neighbours, with angled windows helping to reduce the actual and perceived risk of overlooking from the site. While the design of the buildings is simple and not necessarily of the highest quality, the constraints of the site are acknowledged, and they would not be visible from the public realm. Various elements have been incorporated into the scheme to increase the biodiversity of the site, which is beneficial, given its current coverage with hardstanding and buildings.
- 10.3. The development would result in a change in outlook for neighbouring residents, including some loss of light and increase in disturbance. However, as is set out above, this is not considered sufficient to warrant refusal of the application, and would be the case with any efficient redevelopment of the site to accord with its allocation for residential development.
- 10.4. On balance therefore, the approval of the application is recommended, if the Planning Committee had the power to make the decision.

11. EQUALITIES

- 11.1. All the proposed dwelling would be 'Accessible and Adaptable' to the standards of Building Regulation M4(2). As the site is located on a steep slope. A series of lightly inclined ramps with a level platform to the front of each dwelling is therefore proposed to facilitate wheelchair access.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. Policy DM37: Green Infrastructure and Nature Conservation of the CPP2 states that 'development proposals will be required to demonstrate that they safeguard

or and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.'

- 12.2. The policy goes on to state that 'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'
- 12.3. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 12.4. The site is not designated for its nature conservation interest but lies within the Brighton to Lewes Downs Biosphere UNESCO Reserve. The site lies within the impact risk zones of Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI) and Castle Hill SSSI, but does not contain supporting habitat for either SSSI, or the Biosphere. Whitehawk/Race Hill Local Nature Reserve (LNR) lies c. 947m west, Stevenson Road Quarry Local Wildlife Site (LWS) lies c. 674m south east, Brighton Greenway LWS lies c. 819m west, Woodvale, Extra-mural and Downs Cemeteries LWS lies c. 902m north east and London Road Station LWS lies c. 981m north west. Given the nature, scale and location of the proposed developments, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest.
- 12.5. The site is dominated by buildings (garages) and hard standing, with small amounts of emergent ruderal vegetation around the boundaries and across some of the hard standing. Overall, the site is of relatively low biodiversity interest, although there is some potential for protected species.
- 12.6. Various measures have been incorporated into the proposal to enhance the biodiversity value of the site, including wildflower green roofs, native trees and shrubs, wildlife/pollinator friendly planting, hedgehog highways, loggeries, and bird and bat boxes/bricks.
- 12.7. The use of heat pumps and solar panels further reduce reliance on fossil fuels and further improve the environmental credentials of this scheme.
- 12.8. Overall, these measures are welcomed and help to meet requirements of CPP1 policies CP10.2(c) and CP8.2(j), and CPP2 policy DM37 and would improve the biodiversity of the site.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. 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

£31,344.16. 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.

