

<u>No:</u>	BH2016/05908	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Outline Application Some Matter Reserved		
<u>Address:</u>	Land Off Overdown Rise And Mile Oak Road Portslade		
<u>Proposal:</u>	Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	08.11.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard Mr Daniel Frisby Gainsborough House, Pegler Way, Crawley RH11 7FZ		
<u>Applicant:</u>	Crest Strategic Projects Mr Jon Callcutt Pycroft Road, Chertsey, KT16 9GN		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

1.2 S106 Heads of Terms

- 40 percent affordable housing (55%/28 units for affordable rental and 45%/22 units for shared ownership),
- A contribution of £32,000 towards an Artistic Component / public realm
- A total education contribution of £705,908 towards the cost of providing nursery (£173,850), primary (£199,063), secondary (£275,534) and sixth form education (£57,460);
- A contribution of £51,300 towards the Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development,
- A Transport Contribution of £250,000 towards pedestrian and public transport infrastructure improvements within the vicinity of the site and towards the identified highway improvement works at the junction of the Hangleton Link Road/A27,
- A residential Travel Plan, to be provided for all first occupiers of the development,
- Walkways Agreement to agree a means of access and management of the pedestrians/cycle routes within the site,
- A long-term management and maintenance plan for the proposed/retained open space areas, and

- A contribution of £466, 229 towards open space and indoor sport.

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	2315-A-1000	Rev. B	31 October 2016

2. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) Layout;
- (ii) Scale;
- (iii) Appearance, and;
- (iv) Landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

4. Prior to submission of any reserved matters an Ecological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out details for the protection of the ecological interests of the application site before, during and after any archaeological investigation of the application site and the approved Strategy shall be carried out in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the ecological interests of the site before and during construction in accordance with retained Policies QD18 and NC4 of the Brighton and Hove Local Plan 2005.

5. Prior to submission of any reserved matters a programme of archaeological work shall be secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is imposed because it is necessary to ensure that the heritage assets are fully investigated and evaluated and subsequently where

necessary, safeguarded and recorded in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.

6. Applications for approval of reserved matters shall not be made until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This pre-commencement condition is imposed to ensure that the heritage assets of the site are safeguarded and recorded in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.

7. 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.

8. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed 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 dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

9. All habitable rooms shall be fitted with glazing that mitigate noise levels by at least 26dB Rw + C and ventilation that mitigates noise levels by at least 26dB Rw + C.

Reason: To ensure that an acceptable standard of accommodation is provided in terms of air quality, ventilation and noise attenuation to the occupiers of the residential units hereby approved and to comply with policies SU9; SU10 and QD27 of the Brighton & Hove Local Plan.

10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method

statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11. No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive, unless a qualified Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.
12. The buildings within the reserved matters submission shall not exceed 2 storeys in height.
Reason: To ensure the development integrates effectively with its surroundings including the setting of the South Downs National Park and to comply with policies SA4, SA5 and CP12 of the Brighton and Hove City Plan Part One.
13. The number of residential units shall not exceed 125 units.
Reason: For the avoidance of doubt over what has been approved.
14. The site access from both Mile Oak Road and Overdown Rise shall not be used until visibility splays of (enter visibility splays 2.4m X distance by 43m Y distance) are cleared of all obstructions exceeding 800mm in height and kept clear thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the site and to comply with policy TR7 Brighton & Hove Local Plan.
15. Prior to commencement of development, a Method Statement showing detailed design of foundations, piling configurations, drainage, services and the preservation of archaeological remains, shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved Method Statement.
Reason: This pre-commencement condition is imposed to ensure that the heritage assets of the site are safeguarded and recorded in context in order to comply with retained Policy HE12 of the Brighton & Hove Local Plan and Policy CP15 of the Brighton and Hove City Plan Part One.
16. No development shall 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.

17. Prior to commencement of development a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved detailed design and be available prior to first occupation of the development.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into the proposal in accordance with retained Policy SU3 in the Brighton & Hove Local Plan 2005 and Policy CP11 in the Brighton & Hove City Plan Part One.

18. Prior to commencement of development a detailed design and implementation plan of foul water disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

Reason: As this matter is fundamental to the acceptable delivery of the permission 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.

19. No development 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:

- The phases of the Proposed Development including the forecasted completion date(s)
- 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
- 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)
- A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- Details of hours of construction including all associated vehicular movements
- Details of the construction compound
- A plan showing construction traffic routes
- An audit of all waste generated during construction works, to include

- a) The anticipated nature and volumes of waste that the development will generate,

- b) The steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities
- c) Any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

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.

20. No development shall commence until fences for the protection of trees to be retained within the site or adjacent to the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

21. (i) The development hereby permitted shall not be commenced until conditions 4, 5 and 6 have been formally discharged by the Local Planning Authority and until there has been submitted to and approved in writing by the Local Planning Authority:
- a) 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 BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - b) 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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (b) above 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 such verification shall comprise:

- a) As built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress; and
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (b).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site, to protect the ecological interests of the site, to safeguard and record the heritage assets of the site and to comply with policies SU11, QD18, NC4 and HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. The development within the reserved matters submission shall provide up to a maximum of 188 parking spaces.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that an appropriate level of parking provision is provided and to comply with policy CP9 of the Brighton & Hove City Plan Part One and Parking Standards SPD14.
23. No development shall be commenced until full design and layout, engineering, drainage, street lighting (including levels of luminance) and constructional design details, including full details of signing and lining and construction materials of the streets including footpaths proposed within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved highway works and external lighting have been carried out in accordance with the approved scheme.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the highways infrastructure serving the approved development, to safeguard the interests of users of the highway and to strike an acceptable balance between highway public safety and safeguarding the wider amenities of the urban fringe, including ecological interests and the nearby South Downs National Park and to comply with Policies TR7, CP9 and SA5 of the Brighton & Hove City Plan Part One and policies QD25 and QD27 of the Brighton & Hove Local Plan.
24. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the approved plans. The vehicle parking area 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.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

25. No development shall take place until a scheme setting out highway works to implement the proposed site vehicular and pedestrian accesses from Mile Oak Road and Overdown Rise and the creation of a left turn lane on the Fox Way arm of the Fox Way/A293 roundabout has been submitted to and approved in writing by the local planning authority. The access at Overdown Rise shall include the provision of a continuous footpath on both sides of the carriageway and the Mile Oak Road access a footpath on the eastern side of Mile Oak Road which connects the new development with the existing footpath on the western side of Mile Oak Road. The works to the Fox Way/A293 roundabout shall create a dedicated left turn approach lane on the Fox Way arm of the junction for a distance of 40m. No part of the development hereby approved shall be occupied until the approved highway works have been carried out and implemented in full accordance with the approved scheme.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that suitable vehicle and pedestrian access provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

26. Notwithstanding the Aspect Framework Ecological Management Plan submitted, no development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority prior. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP aims and objectives should include reference to the SNCI and its reason for designation. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure the long-term management of the ecological areas and to comply with policies QD18 and NC4 in 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.

27. Notwithstanding the Aspect Ecological Appraisal and Aspect Framework Ecological Management Plan submitted, no development shall take place until an Ecological Design strategy (EDS) addressing mitigation, compensation and enhancement, 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, eg 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: As this matter is fundamental to the acceptable delivery of the permission to ensure the protection and enhancement of the landscape and ecological interests of the site in accordance with policies QD18 and NC4 in 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.

28. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the development hereby approved shall be 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 City Plan Part One and SPD14 Parking Standards.

29. 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.

30. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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.

31. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

32. The development shall not include appliances for solid or liquid fuel burning and any boilers within the development should be ultra-low NOx gas boilers, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To mitigate the impact of the development on the Portslade Air Quality Management Area and to comply with policy SU9 of the Brighton & Hove Local Plan.

33. 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 TR14 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

34. Prior to first occupation of the development hereby permitted, details of disabled car parking provision 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 scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan, CP9 of the Brighton & Hove City Plan Part One 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' which can be accessed on the DCLG website (www.communities.gov.uk).

3. The applicant is advised that at the reserved matters stage regarding landscaping and layout the comments made by the County Landscape Architect regarding enhanced planting and a reduction of the extent of development on the west side should be noted. In addition the developer should have regard to the Council's Open Spaces Strategy.
4. The applicant is advised to note the recommendations by Southern Water (comments dated 2/12/2016) with regards to the diversion of any existing public sewers, required sewerage infrastructure for the development, The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk for further information/advice.
5. The applicant is advised that a formal application for connection to the water supply 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
6. To discharge the condition regarding surface water drainage the Lead Local Flood Authority would expect to see the following:
 - An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.
 - Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
 - The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development. Examples of suitable maintenance plans can be found at www.susdrain.org.

7. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.

8. 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.
9. Should the applicant wish the internal estate roads to be adopted they are advised that they should enter into a Section 38 Agreement with the Highway Authority prior to any works commencing on the construction of the internal estate roads. The applicant is advised to obtain technical approval for all estate road details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 23 of this consent.
10. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway. The applicant is advised to obtain technical approval for all highway works from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 25 of this consent.
11. The applicant is advised that the Construction Environment Management Plan should include commitments to implementing appropriate working practices and managing construction vehicle movements to that which avoid peak times and in particular the start and end of the school day for the nearby schools and college, wheel wash facilities are the site and other mitigation measures set out in the application submission.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Mile Oak is a predominantly residential suburb on the north-western outskirts of Brighton and Hove. Its development can be traced back to the 1920s with outlying housing development east of (what is now known as) Mile Oak Road. Major expansion came in the 1960s with Local Authority flats and houses as well as private, mainly bungalow, development resulting in coalescence with the historic core of Portslade village. Expansion northwards was checked in the 1990s by the by-pass but which also hindered access to Downland. The most recent developments have been denser infill schemes mainly on higher slopes to the east off Fox Way, which at the time was a new road linking Mile Oak to the Hangleton Link Road and the By-pass or Old Shoreham Road beyond Previous to this the main access to Mile Oak had been through Portslade village from Southern Cross which remains today.
- 2.2 To complement the housing Mile Oak has a Primary and a Secondary school with Sixth Form, sports centre, recreation ground, football club, community centre, churches, public library, two Medical Centres at Mile Oak and Portslade incorporating GP surgery (as at 05/02/2017 accepting new patients), convenience stores, post office counter, a pub, takeaways and other business

serving the local population. A Co-op store is under construction attached to the Mile Oak Inn and there are larger supermarkets further afield at Benfield Valley (Sainsbury's) to the east and at Holmbush (Tesco / M&S) to the west.

- 2.3 The nearest bus stop is located approximately 0.2mile/a 5 minute walk from the development site, and is served by the main services for the area, the 1 and 1A route which runs between Whitehawk and Mile Oak. These services serve Portslade Station, Portslade Old Village, Hove, central Brighton and the Royal Sussex County Hospital. During the day on Mondays to Saturdays there are 6-8 services per hour, reducing to a minimum of 4 an hour until 11pm.
- 2.4 The boundary of the South Downs National Park (SDNP) is located to the north of the A27. Access on foot to the SDNP is available via Southwick Hill as well as via two routes under the A27 close to the application site.
- 2.5 Mile Oak itself partly straddles a ridge rising to Cockroost Hill in the north and also occupies the valley between the higher ridges at Foredown Hill / Mount Zion to the east and Southwick Hill to the west. Cockroost Hill and Mount Zion ridges have been bisected by the By-Pass although it is in a tunnel beneath Southwick Hill.
- 2.6 Mile Oak is enclosed to the east and west by the SDNP which largely abuts back gardens. To the north the National Park is on the north side of the By-Pass but nevertheless this enclosure results in the Park being clearly visible in many views from within Mile Oak itself giving the area a semi-rural character and setting.
- 2.7 The planning application site is part of an area in the north of Mile Oak considered by the Urban Fringe Assessment (UFA) which has informed the City Plan process. The UFA divides the area into 6 plots numbered 4, 4a, 4b, 5, 5a and 6.
- 2.8 The planning application site is a combination of 4b, 5 and 5a comprising an area of 8.88 hectares which straddles the ridge rising to Cockroost Hill. It lies between the northern fringe of housing in Graham Avenue / Gorse Close / Overdown Rise and the By-pass and is roughly T-shaped. The westernmost slope is used for grazing with a field shelter facing Mile Oak Road (site 4b). The remainder of the application site is characterised by dense scrub with a thin woodland belt along the northern edge and hedging along the main western edge (site 5). There are clear paths worn into the central and eastern parts of the site although these are not public rights of way. On the other hand, although technically private land, these parts of the site are clearly used for informal recreation and unrestricted access is available via Overdown Rise, from the east off Ridge Close or from the Downs.
- 2.9 The outline proposal is to erect up to 125 dwellings with main vehicular access from Overdown Rise. There is a track between 21 Overdown Rise and 21 Gorse Close leading to the allotments (site 6) and which is proposed to be formalised as the main site access. A secondary access is also proposed from Mile Oak Road serving a handful of houses proposed to rise up the gradient on the

current grazing land (site 4b). This access would continue through the site as a pedestrian/cycle link.

- 2.10 The application seeks permission for access but all other matters; scale, layout, appearance and landscaping are reserved for future approval. Nevertheless the application is supported by a considerable amount of background information and reports. An indicative layout shows the vast majority of housing to be on the lower slopes of the central portion of the application site (UFA site 5), the eastern section (UFA site 5a) would be left undeveloped and the lower slope of the western portion of the site (UFA site 4b) indicates 5 houses rising up the slope served by a private cul-de-sac. Just under half the application site is proposed to be developed (4.07ha/46%) therefore just over half (4.81/54%) is to remain undeveloped in perpetuity and enhanced for biodiversity and recreational purposes through management agreement, the intention being to dedicate footpaths and cycle links within the site for public use.
- 2.11 Buildings are intended to be 2 storeys in height with a mix of 1 bed flats up to 4 bed semi and detached houses, 40% of which will be 'affordable'. Parking appears to be mostly off-street arranged in a combination of garaging, forecourt and communal areas. Layout reflects the site contours with a main crescent or 'boulevard' and central spine off this rising northwards up the ridge. Indicative landscaping is set out in a Masterplan which shows retention of hedging and scrub along the west and southern boundaries, new tree/hedge planting and green spaces within the housing layout, formalised links into the footpath network around the site and management and enhancement of the remaining SNCI in perpetuity.
- 2.12 A request that the proposals be screened under the EIA Regulations was received in February 2016 and the Council formally issued its opinion in April 2016, stating that EIA is not required.

3. RELEVANT PLANNING HISTORY

3.1 None identified.

3.2 Pre-Application

Proposals for the development of this Urban Fringe Site has been subject to a pre-application discussion with officers in early 2015 (for 150 dwellings) and late 2016 (for 120 dwellings) and assessed by the Design South East Review Panel in September 2016 (for 125 dwellings).

3.3 The 2016 pre-application officer response confirmed that the Urban Fringe Assessments (2014 and 2015) established the principle of some residential development on parts of the application site provided that appropriate mitigation and enhancement measures are properly incorporated to address the potential for adverse impacts particularly with respect to landscape, ecology, open space, flood risk and archaeology. A 'Masterplan' approach was stated to offer the best opportunity to bringing forward the relevant cluster of Urban Fringe Sites (sites 4, 4a, 4b, 5, 5a and 6) for a development of the quantity indicated in the Urban Fringe Assessments.

3.4 A Statement of Community Involvement was submitted as part of the application, in which it is stated that pre-application discussions have been undertaken with a Ward Councillor and that the proposal has been subject of a public exhibition (held September 2016).

4. REPRESENTATIONS

4.1 **Three hundred and sixty nine (369)** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

- The local road infrastructure is currently inadequate so additional traffic will aggravate existing problems
- Thornhill Rise will become a 'rat-run ' and should be closed off next to its junction with Ridge Close
- A new road to the By-Pass should be built
- The proposal threatens the well-being of the local community
- Flooding is an issue which will be made worse if the new houses go ahead
- The character of the area will be changed for ever by the development.
- Loss of Green Belt land which should not be developed
- Local services and facilities (schools, doctors, dentists, parks etc.) are already oversubscribed and cannot cope with new development
- Local wildlife will be destroyed as will local peace
- Overlooking to residents in Gorse Close / Graham Avenue
- Reduction in property values
- Loss of views
- Affordable housing will not be affordable
- The developer has already broken promises on other developments elsewhere in Brighton & Hove
- Proposal should be screened under EIA Regulations
- Additional noise
- Increased pollution
- Potential impacts on drinking water as this is a Source Protection Zone.
- The application should be withdrawn as it has upset so many residents
- Loss of tranquillity
- Loss of a very popular recreational area
- Proposal is too dense for the area and surroundings and will harm views from the National Park
- The land is protected from development following construction of the by-pass
- Conflicts with the NPPF which prohibits infill development
- The Urban Fringe Assessment relates to potential only; it is advisory only therefore has no status let alone being part of the development plan.
- Increased light pollution
- How will the remaining undeveloped area be enhanced ?
- The findings and recommendations of the Transport Assessment are not accepted
- Disruption during construction

- It is an unwelcome precedent for further development
 - Parking in the area is currently inadequately policed
 - This is not the right area for more housing
- 4.2 **Twenty one (21)** letters have been received from residents in the vicinity of the site, commenting on the proposal as follows:
- Housing (specially affordable) is desperately needed but must come with necessary infrastructure, particularly the roads
 - Traffic calming should be introduced
- 4.3 **Two (2)** letters have been received from residents in the vicinity of the site, supporting the proposed development for the following reason:
- Pleased to see new housing given the number of homeless and those in temporary accommodation
- 4.4 **Councillor Peter Atkinson:** Objects Comments attached.

5. CONSULTATIONS

5.1 External

- 5.2 **Brighton & Hove Archaeological Society:** Comment The site is close to the site of a Bronze Age settlement found prior to construction of the A27 by-pass. It is also close to Cockroost Hill which has produced Neolithic finds. The Society suggests the County Archaeologist is consulted.
- 5.3 **County Archaeologist:** Comment The proposed development is situated within an Archaeological Notification Area, defining an area of significant prehistoric activity, including settlement and human burials. The site has not been subject to archaeological fieldwork assessment, as required by section 128 of the NPPF when there is uncertainty regarding the existence and significance of heritage assets within a site; however understand that the site contains significant ecology that would be disturbed by intrusive pre-determination evaluation excavation.
- 5.4 The only solution therefore is to relocate the ecology, evaluate the site to identify archaeological potential and then for any areas of significant archaeology to be excluded from the developable area in order to achieve preservation in-situ. It is assumed that the applicant is aware of the risk of losing large sections of the developable area.
- 5.5 In the light of the potential for impacts on heritage assets on this site resulting from development areas affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.
- 5.6 **County Ecologist:** No objection Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.

- 5.7 The site lies within Mile Oak Fields Site of Nature Conservation Importance (SNCI), designated for its rough grassland, badger foraging and nesting skylark. Whilst the SNCI has habitat and species interest, its primary interest relates to its public accessibility and its recreational value. Some localised areas of chalk grassland are present in the northern part of the site, but the majority of the grassland is declining due to lack of management. Other than the chalk grassland, the habitats of greatest significance are woodland along the northern edge and the bands of scrub within the site which are largely constrained to the peripheral areas.
- 5.8 The indicative development will lead to the permanent loss of approximately 45% of the SNCI. However, the woodland belt to the north and the grassland in the northern half of the site, including the chalk grassland will be retained and brought into positive management that will encourage the spread of the priority chalk grassland habitat. It is proposed that an additional area of grassland habitat adjacent to the western boundary, currently outside the SNCI, will be provided. In light of the above, and given the proposed mitigation described in the Ecological Appraisal, the loss of part of the SNCI is considered acceptable.
- 5.9 The site supports a low population of adder, a good population of common lizard and an exceptional population of slow worm. Grass snake is also present on site. As such, the site is described as a Key Reptile Site. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. A robust mitigation strategy for reptiles will therefore be required.
- 5.10 The reptile mitigation strategy described in the Ecological Appraisal is broadly acceptable although it is recommended that a detailed method statement should be provided. Further detail regarding the proportion of animals to be retained on site and to be translocated is required.
- 5.11 Adders return to the same hibernacula over many years so destruction of such sites can have significant negative impacts on populations. The majority of habitat likely to be used for hibernation (woodland and scrub) is to be retained and protected. If any areas of scrub that could provide hibernacula are identified for removal, these should first be subject to a spring survey, and if hibernacula are identified, the scrub should be retained and protected.
- 5.12 Bats were recorded foraging and commuting across the site, albeit in low numbers. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species.
- 5.13 Artificial light can negatively impact on bats through, for example, causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance. In particular, the woodland at the northern boundary should be unlit and any footpaths through the northern portion of the site should be unlit.

- 5.14 The site supports breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.15 No badger setts were recorded on site and there were no signs of foraging. However, one badger was recorded commuting along the northern boundary and the SNCI citation includes badger foraging habitat. Badgers are protected under the Protection of Badgers Act 1992. Best practice working methods should be employed to ensure protection of badgers during construction. Boundaries within the development should also be made permeable to wildlife.
- 5.16 Hedgehogs are present on site. The hedgehog is a Species of Principle Importance under Section 41 of the NERC Act. Mitigation for badgers should also benefit hedgehogs.
- 5.17 There are several records of rare and notable invertebrates from the site. The proposed mitigation, i.e. restoration of chalk grassland, is likely to benefit some of these.
- 5.18 The proposed development is considered unlikely to have any impacts on any other protected species and therefore no specific mitigation is required. If protected species are encountered, works should stop and advice should be sought from an ecologist on how to proceed.
- 5.19 The mitigation measures described in the Ecological Appraisal report are considered appropriate and should be implemented. It is also recommended that the woodland block to the east of the allotments is brought into positive management. The site offers opportunities for enhancement that will help the City Council address its duties and responsibilities under the NPPF and the NERC Act. The enhancements listed in the report are supported. Consideration should also be given to green (chalk grassland) roofs.
- 5.20 With regards to grassland within the development, given the site's location within the Biosphere, a chalk grassland mix should be used. The location of bat boxes must take account of external lighting to ensure flight paths to and from the boxes remain unlit. The provision of house sparrow and starling boxes within the development is welcomed. Boxes should also target swifts.
- 5.21 The Framework Ecological Management Plan is broadly acceptable. It is recommended that an Ecological Design Strategy (EDS) and a Landscape and Ecology Management Plan (LEMP) are required by condition. Aims and objectives should include reference to the SNCI and its reasons for designation.

- 5.22 In summary, provided the recommended mitigation measures are implemented the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act. Conditions for a Reptile
- 5.23 Mitigation Strategy, Ecological Design Strategy and Landscape and Ecological Management Plan should be attached to any permission.
- 5.24 **County Landscape Architect:** No objection
- 5.25 Impact on Local Landscape character The submitted Landscape Character and Visual Impact Assessment (LVIA) provides an accurate detailed description of the landscape context and landscape character of the site and surroundings and an accurate assessment of the visual context of the site including longer distance views from the wider downland in the South Downs National Park (SDNP).
- 5.26 The LVIA concludes that the proposed development would have a substantial beneficial effect on the site itself (referred to as Landscape Character Area 1). It is assumed that this is based on the entire area within the red line boundary. It is feasible that bringing the undeveloped part of the site into positive management would have a beneficial effect on this part of the site. However the loss of green field land to built development would not have a beneficial effect on the developed part of the site. The effect would be more likely to be neutral once the landscape mitigation has matured. It is acknowledged that the development would provide an opportunity to create a new softer landscaped transition to the settlement edge than currently exists. Importantly the open spaces will be brought into positive management and should be protected from development in perpetuity. Some modifications to the detailed design and mitigation are suggested to ensure that these benefits are optimised.
- 5.27 The overall conclusion that the development would have a neutral effect on the character of the SDNP by year 15, once the tree planting has matured, is a fair assessment. This will be more successful if the additional planting mitigation measures suggested below are included in the masterplan.
- 5.28 Visual Impact The visual impact assessment concludes that views from surrounding residential areas would benefit with the development in place and once the associated landscape treatment has matured. It is difficult to agree that this would be the case as the green field site would be lost to development. However the visual effects from local residential areas do need to be considered in the context of the existing built up area of Mile Oak. It is considered that the long term visual effects of the development would be minor or negligible from surrounding residential areas.
- 5.29 The views from the wider downland in the north would be against the background of the built up area of Mile Oak. The proposed mitigation planting and landscape buffer to the north of the development would ensure that these visual impacts are negligible over time. This will be more successful if the

additional planting mitigation measures suggested are included in the masterplan.

- 5.30 The view from Southwick Hill across the development site is the most sensitive of views to the site from the SDNP. The sinuous edge to the proposed development is supported as this will help to break up the impact in views from Southwick Hill. It is recommended that the proposed building line be pulled back further on the west side of the development to further reduce potential impacts on views from Southwick Hill. In this context it is suggested that the three or four houses in the north west corner be omitted.
- 5.31
- 5.32 Proposed Mitigation There would appear to be two blocks of flats in the south east corner of the site adjacent to the balancing pond. These should be no higher than 2 storeys to ensure that the development is in character with the surrounding residential area.
- 5.33 The proposed tree planting is quite sparse across the development. This is not out of character with the existing housing areas, however these lack adequate tree cover to soften the built up area. The transition from the built up edge to countryside would be more successful if additional planting is incorporated into the scheme.
- 5.34 It is understood that the ecologists have suggested that the small block of woodland to the east of the allotments be brought into positive management as part of this scheme. The public footpath around the edge of this wood is currently overgrown and intimidating and enhancement to this would be a positive compensatory measure for the proposed development.
- 5.35 It is recommended that the application can be supported in principal subject to consideration of the reduction of the extent on the west side and enhanced planting proposals as outlined.
- 5.36 **Natural England:** Advises that the proposal is unlikely to affect any statutorily protected sites.
- 5.37 **Sussex Police Crime Prevention Design Adviser:** Comment In view of the application being in outline with detailed layout reserved, broad comments are offered with more in-depth advice to be made at reserved matters stage.
- 5.38 **Highways England:** No objection Highways England concerns itself with proposals that have potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A27 trunk road.
- 5.39 Whilst do not entirely agree with the methodology in the applicant's Transport Assessment, are satisfied that that development applied for would not in its own right have a severe impact on the safe operation of the SRN.
- 5.40 However as the site is urban fringe and will cumulatively contribute traffic impacts on the A27 junctions which have been identified for mitigation as part of CPP1 the City Council should seek an appropriate contribution towards agreed

A27 junction improvements required to deliver CPP1. On this basis Highways England has no objection to the proposals.

- 5.41 **Southern Water:** Comment There is a combined public sewer crossing the site, the exact position of which must be determined before any proposed layout is finalised. It might be possible to divert and this would be at the developer's expense and to Southern Water's satisfaction. There is also a decommissioned water trunk mains within the site.
- 5.42 An initial desk top study indicates that Southern Water currently cannot accommodate the needs of this proposal without additional local infrastructure being provided. The proposal would increase flows into the wastewater sewerage system as a result increase risk of flooding in and around the area contrary to NPPF paragraph 109.
- 5.43 Should the Council be minded to grant, request conditions be attached to secure agreement for the means of foul and surface water disposal.
- 5.44 Following initial investigations, Southern Water can provide a water supply to the site.
- 5.45 The site is within a Source Protection Zone. As such Southern Water will rely on consultations with the Environment Agency to ensure protection of the public water supply.
- 5.46 **Environment Agency:** No comment as the proposal does not fall within its checklist by virtue of the type of development proposed.
- 5.47 **Internal:**
- 5.48 **City Clean** Comment Normal roads appear to be shown so refuse trucks should be fine to access. May need to be consulted when plans for bin storage are made as this is where issues may come up and need to know if they are within the required collection distance etc.
- 5.49 **City Regeneration:** Comment City Regeneration supports the proposal from the perspective that the development will provide up to 125 much needed dwellings, 40% of which will be affordable housing. This will make a significant contribution to the city's challenging housing targets.
- 5.50 Should the application be approved, through a S106 Agreement, an Employment and Training Strategy will be required, to be submitted at least 1 month before commencement.
- 5.51 In addition to the Employment and Training Strategy, in accordance with the Developer Contributions Technical Guidance, requests a contribution through a S106 agreement for the payment of up to £51,300 towards the City Council's Local Employment Scheme.
- 5.52 **Environmental Health Officer:** 15/02/2017 Comment there is insufficient information with regards to acoustic data.

- 5.53 28/02/2016 Comments following receipt of further information Recommend approval with conditions.
- 5.54 **Environmental Health Air Quality Officer:** Recommends approval subject to conditions.
- 5.55 **S106 Officer:** Comment In terms of education a total sum of £705, 908 has been calculated. The sum has been assessed scoped on the full provision across all education years and based on 125 units. The sum will be reassessed at Reserved Matters where the contribution sought will be justified depending on two factors in terms of scale and impact, being the actual final numbers of residential units being provided as well as necessity due to lack of existing capacity across each education provision at that time.
- 5.56 **Sustainability Officer:** Comment The proposal includes some sustainable elements, e.g. compliance with minimum energy and water performance standards, tree planting, sustainable drainage and Home Quality Mark) but is silent on other features, e.g. passive design, renewable technologies, climate change, recycling, composting etc. In terms of sustainability the proposals therefore go some way to satisfy relevant CPP1 policies including SA4 but does not appear to maximise opportunities on this greenfield site and should go much further as more details are worked up.
- 5.57 **Planning Policy:**
10/01/2017 Objection The 2014 and 2015 Urban Fringe studies indicate that residential development can be delivered within parts of the potential development areas identified at Mile Oak Hill (urban fringe sites 4, 4a, 4b, 5, 5a and 6) provided that appropriate mitigation and enhancement measures are properly incorporated to address the potential for adverse impacts particularly with respect to landscape, ecology, open space, flood risk and archaeology.
- 5.58 Policy CP1 (Housing Delivery) in Part One of the City Plan includes a broad figure (1,060 units) for the urban fringe to contribute to the city's housing requirement of 13,200 new dwellings. Policy SA4 Urban Fringe indicates that the 2014 Urban Fringe Assessment will be a material consideration in the determination of planning applications submitted and determined ahead of site allocations made through City Plan Part Two.
- 5.59 It is noted that this is an outline application and the final scale and design of the houses would be subject to a reserved matters application.
- 5.60 The proposals put forward would make a welcome contribution to the city's housing requirements and five year supply. However, in assessing the acceptability of the proposals at this outline application stage, it will be important to seek detailed input from the County Landscape Architect and the County Ecologist regarding the extent and siting of the proposed development, likely impacts, requirements for further detailed studies and proposals for mitigation. Furthermore, a view on potential for flood risk and appropriate mitigation should also be sought. The 2015 Further Assessment of Urban Fringe Sites

(Archaeology) identifies high potential for archaeology and indicates risk of significant impact from residential development particularly affecting the higher parts of the site so this also needs to be considered.

- 5.61 However, the density of the proposals is stated to be 30dph. Whilst this is slightly higher than the level included in the pre-application submission, it is still significantly short of the 50 dph indicated for the site in the 2014 UFA. The failure to achieve a higher density is a significant concern as making full use of key housing sites is essential to enabling the city housing target set out in City Plan Policy CP1 to be met.
- 5.62 An offer of 50 affordable dwellings is made which is equivalent to 40% of the total development proposed (125). This is welcomed and is in line with the requirements of City Plan Part One CP20. The mix of both affordable and market housing is weighted towards family sized housing (2 and 3 bed units) and this is considered appropriate for the site and location, and in accordance with CP19 and SA6 of City Plan Part One.
Overall the proposal is not supported due to the low density of the maximum proposed development.
- 5.63 Comments 28/02/2017 following receipt of further density justification information The additional information to justify the density of the development is noted and it is accepted that, in this instance, a lower density of than that required by policy CP14 can be accepted.
- 5.64 **Housing Strategy:**
Comments 1/12/2016 Welcome the inclusion of the policy compliant number of affordable housing units as 50 (40%). However the scheme can only be fully supported if the tenure mix is also met, which is yet to be confirmed. In addition provision of wheelchair housing and unit sizes need to comply with the Council's Affordable Housing Brief to gain full Housing support.
- 5.65 Comments 2/03/2017 following receipt of further information The developer has confirmed that the number and tenure of units will be policy compliant. The mix of unit sizes, while not fully compliant, is an acceptable mix. Provision of wheelchair housing and the size of units needs to be confirmed.
- 5.66 **Sustainable Transport:**
14/02/2017 No objection in principle subject to the inclusion of conditions in relation to cycle parking, disabled parking, electric vehicle charging points, internal access roads, retention of parking areas, visibility splays, S278 highway works, in addition to the applicant entering into a S106 agreement which includes a financial contribution of £250,000 towards public and pedestrian improvements within the vicinity of the site and towards the identified highway improvements works at the junction of the Hangleton Link Road/A27.
- 5.67 However prior to determination would look for the following matters to be addressed;

- The necessary amendments should be provided to the pedestrian and vehicular
- access arrangements on Mile Oak Road and Overdown Rise, as detailed,
- The Highway Authority would look for the applicant to confirm how they intend the future maintenance of the carriageway and footpaths to be managed. Are they to remain private or is the applicant seeking adoption of the roads? And
- Confirmation should be provided on the proposed level of car parking to be provided. There is conflicting information within the Transport Assessment and Sustainability Checklist.

5.68 Comments 15/03/2017 following receipt of further information No objection subject to the inclusion of conditions, informatives and S106.

5.69 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding the detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

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 (CPP1) (adopted March 2016)
- Brighton & Hove Local Plan 2005 (BHLP) (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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 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
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing
SA5 The Setting of the National Park

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU3 Surface Water Drainage
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
NC4 Sites of Nature Conservation Importance

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 – Policy WMP3d

Supplementary Planning Documents:

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

Urban Fringe Assessment 2014

Urban Fringe Further Assessment 2015

Brighton and Hove: Further Assessment of Urban Fringe Sites 2015:
Archaeological Desk-Based Assessment

Urban Characterisation Study 2009

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this outline application relate to the principle of development, landscape impacts, ecology, archaeology, transport and highway safety, affordable housing, potential impact on neighbouring amenity, flooding and sustainability.
- 8.2 **Principle of Development:**
The City Plan Part 1 (CPP1) Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 In the context of the Council's housing land supply being supported by the Planning Inspectorate March 2016 the Council considers it can currently demonstrate a valid five year housing land supply as set out in City Plan Policy CP1. The adequacy of housing delivery (in terms of a five year supply of housing and in meeting planned housing delivery targets over the full plan period) is to be assessed regularly in accordance with the Housing Implementation Strategy as well as through annual reviews of the Strategic Housing Land Availability Assessment (SHLAA) with progress reported through the Council's Annual Monitoring Report (AMR).
- 8.4 The Council's housing delivery strategy is set out in City Plan Policy CP1. This identifies that approximately 1060 dwellings could be provided on urban fringe sites, such as this, across the city.
- 8.5 Urban Fringe
City Plan Policy SA4 addresses the urban fringe. This policy seeks, where appropriate, to promote and support the careful use and management of land within the urban fringe to achieve 5 objectives in addition to stating that development within the urban fringe will not be permitted except where:
- a) A site has been allocated for development in a development plan document;
or
 - b) A countryside location can be justified;
and where it can be clearly demonstrated that:
 - c) The proposal has regard to the downland landscape setting of the city;
 - d) Any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; and
 - e) Where appropriate, the proposal helps to achieve the 5 policy objectives set out in the policy.
- 8.6 Part 2 of the City Plan (CPP2) is in the very early stages of preparation. As such sites within the urban fringe may have potential to provide housing but have not been assessed in detail or formally allocated for housing. Proposals which come forward in advance of CPP2 will be judged on their own merits with the 2014 Urban Fringe Assessment (UFA 2014) a material planning consideration in the

determination of such applications. Further Assessment (UFA 2015), not mentioned in CPP1, was commissioned in Summer 2015 to undertake more detailed ecological, landscape and, subsequently, archaeological assessments of some of the urban fringe sites in order to inform preparation of CPP2. The UFA 2015 is therefore also a material consideration in the determination of applications for Urban Fringe Sites.

8.7 The Inspector's report into CPP1 makes clear that decisions on whether individual sites should be developed will be made through the CPP2 process or through the development management process. Therefore whilst the UFA 2014 and UFA 2015 might indicate potential for housing on a given site they are high level studies aimed at assessing the development potential of a number of urban fringe sites. They do not firmly establish the principle of development or allocate sites.

8.8 However CPP1 Policy SA4 sets out policy objectives as well as development criteria and does state that UFA 2014 is a material consideration in considering applications for residential development in the urban fringe. The acceptability, or otherwise, of residential development on the site is dependant primarily on how it meets the policy objectives and satisfies development criteria together with assessments of the impact on the biodiversity and ecology of the SNCI, archaeology and landscape / visual impact. Development which would cause harm is unlikely to be supported.

8.9 **Urban Fringe Assessment 2014**

The Urban Fringe Assessment 2014 (UFA) is an independent study that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan. The assessment provides an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and considers the scope for mitigation of any adverse impacts identified.

8.10 As stated within the assessment "Accommodating housing in the urban fringe will contribute towards the objectively assessed need (OAN) for housing in the city. It will also benefit the wider local economy and present opportunities for investment and regeneration in the more outlying communities of the city, both around the main urban area, and at the edges of the 'satellite' settlements to the east".

8.11 The assessment goes on to state that, "This investment has the potential to result in wider economic, environmental and social (e.g. health and wellbeing) benefits to the city and not just individual communities".

8.12 The application site is challenging as it is part of a designated Site of Nature Conservation Importance (SNCI) called Mile Oak Fields (largely UFA sites 5 and 5a). In addition, it straddles the ridge of a spur dissected by the A27 by-pass but which nevertheless is a prominent site in immediate and other, more distant, strategic views from within the SDNP. In particular this is from Southwick Hill to the west and to a lesser, but no less important extent, from the east and the

north. In addition UFA 2015 suggests there are reasons to believe there may be undisturbed archaeological interest in parts of the application site.

- 8.13 The application relates to sites identified in the UFA 2014 as an area comprising a cluster of 6 smaller sites (numbered 4, 4a, 4b, 5, 5a and 6) collectively termed Land at Mile Oak Hill, having a total area of 12.8 hectares. Of this total, the UFA 2014 suggests the upper slopes of site 5 should not be developed because of landscape impact. Furthermore it states “Development in site 5 would have greater adverse impact in isolation if the areas to the east and west were not developed.”
- 8.14 Omitting the upper parts of site 5 retains 7.5ha of the total 12.8ha identified within the UFA’s with potential for (housing) development. UFA 2014 recommended that only 5.6 hectares (of the 7.5 hectares formed by the cluster of urban fringe sites, about 75%) in total be developed to allow for appropriate mitigation of potential adverse impacts. In particular, were all sites to be developed UFA 2014 states there would be significant net loss of open space (in sites 5a and 6) and significant adverse ecological impacts (in sites 5 and 5a). Additionally the UFA set out that there may be potential archaeological interest across the Study Area which should be considered at pre-application stage. Such potential is described as “very high” in the case of sites 5, 5a and 6.
- 8.15 The application site comprises urban fringe sites 4b, 5 and 5a with a collective area of 8.88 hectares. The indicative layout accompanying the outline application shows just over 4ha of built development on the lower slopes of site 5 with the remainder of site 5 together with site 5a, a combined area just under 5ha, to be retained and enhanced as SNCI and open space within a Framework Ecological Management Plan (FEMP). Section 4.5 in the FEMP states that retained SNCI to the north of the site will be subject to a covenant preventing future development or alternatively could be handed over to the Council for ongoing management with a maintenance payment provided.
- 8.16 **Urban Fringe Assessment 2015**
Utilising the results of the UFA 2014, the UFA 2015 was undertaken to assist a reduction in the shortfall between the housing target and the Objectively Assessed Need. It identified Study Areas for further landscape and/or ecological assessment in order to provide a more detailed basis to test previous assumptions made in the UFA 2014 about principles and potential densities of development.
- 8.17 In terms of the Mile Oak Hill Study Area, to which this application relates, the UFA 2015 agreed with the conclusion of UFA 2014 in respect of the principle of housing capable of being delivered at certain parts of the potential development areas without significant impacts of landscape and ecology but revised assumptions regarding:
- The size of potential development areas and yield is reduced to address the potential for significant ecological impacts, with a greater proportion of grassland habitats in particular retained to enable mitigation to be delivered.

- Habitat enhancement can be assured within the remainder of the Study Area, including within the development.
 - Built development is minimised at the upper slopes of Site 4b and permeability is maintained through developments (to minimise landscape impacts).
 - Incorporation of robust mitigation measures to address any impacts on protected species.
- 8.18 Furthermore, this 2015 assessment advocates that “Given the issues associated with development of these sites, and the importance of developing robust mitigation proposals, this Study Area would benefit from the development of a Masterplan to guide detailed design”.
- 8.19 Whilst a Masterplan approach for the development of Urban Fringe Sites 4, 4a, 4b, 5, 5a and 6 was suggested in the conclusions of the UFA 2015 it is noted that the cluster of sites are in different 3 different ownerships. It would appear that the applicant of the sites subject of this application has been unable to acquire an interest for a Masterplan approach from the owner of sites 4 and 4a. It is also acknowledged that a proposal that results in the loss of allotments within the area would not be supported by local residents.
- 8.20 At pre-application stage it was stated that the applicant has not been able to acquire an interest for a masterplan despite approaches to the owner of sites 4 and 4a. Site 6 is allotments in Council ownership and, in the applicant’s opinion, unlikely to be considered for other uses. According to the applicant these factors hinder preparation of an overall Masterplan but goes on to assert that within the application site, a Masterplan approach is set out. The applicant agrees with the UFA 2015 about the reduced potential for housing development compared to the UFA 2014 and adds that while Sites 4 and 4a may be promoted by the current owner, in the applicant’s opinion the Council’s assessment of likely potential housing numbers (100 units) is optimistic given the relatively steep slope of the land rising to the east across these sites.
- 8.21 Impacts on landscape, ecology and archaeology are discussed in more details below.
- 8.22 **Ecology and Archaeology**
The outline application is accompanied by an Ecological Appraisal and Framework Ecological Management Plan and an Archaeological Desk-Based Assessment.
- 8.23 From an archaeological point of view the site is identified as being located within an Archaeological Notification Area, defining an area of significant prehistoric activity, including settlement and human burials.
- 8.24 Policy HE12 of the Brighton & Hove Local Plan states that development proposals must preserve and enhance sites of known archaeological interest. Proposals likely to have an adverse impact on archaeological interest will not be permitted except where the Planning Authority, in balancing the relative

importance of the site against need or the proposal, is satisfied the adverse impacts are minimised and need for the proposal outweighs likely harm.

- 8.25 The further 2015 Archaeological Assessment of the Urban Fringe Sites concludes that any future residential development would have significant impacts upon buried archaeological deposits. In light of the potential loss of archaeological deposits on the site a programme of non-intrusive and intrusive archaeological evaluation would be required to evaluate the potential, the results of which would form the basis for future decisions. There is no indication that the potential development area contains buried archaeological deposits of national significance that would necessitate preservation in situ or which would constitute an insurmountable constraint for development (although this remains an option for the planning authority to consider). Nevertheless any future planning applications should expect to be required to conduct a comprehensive suite of pre-application and post-determination archaeological works. If further archaeological evaluation indicates very high potential for significant archaeological remains, then parts of the site may not be suitable for development.
- 8.26 With regard to the Archaeological Assessment accompanying the application there is some difference between this and the County Archaeologist's assessment in respect of past activities that may have occurred on site. Nevertheless the County Archaeologist does not dispute the conclusion of the applicant's Assessment; that proposed development (which would include not only buildings but roads, footpaths landscaping and balancing ponds as well) is likely to impact on any below ground deposits so further mitigation work would be appropriate or reasonable. As the County Archaeologist notes, the NPPF states such work should take place before planning applications are made in order that the Planning Authority is aware of all factors in taking a decision. However as the applicant's archaeological advisor also notes there are ecological interests on the site which have prevented the recommended investigations and assessment of the significance of any archaeological interest. It is also noted that the County Ecologist would object to such investigations unless the potential ecological impacts of such investigations are first addressed. It is in the context of these relatively unusual circumstances that the County Archaeologist recommends that ground investigations could take place as a condition of consent albeit with the fundamental proviso that the findings may have significant impacts on the developable area and consequently the numbers of dwellings that could be built. In turn this could impact on other factors such as the assessment of highways impacts, affordable housing and necessary infrastructure contributions. Indeed it may transpire archaeological interests are so significant that harm caused by development could prevent any building at all, although as the UFAs note there is no indication at this stage that this could be the case.
- 8.27 There is therefore further ecological mitigation work to be carried out followed by investigative archaeological work the results of which are fundamental to the amount of development the site can accommodate. In terms of Policy HE12 therefore, without a proper assessment of the archaeological interest of the site it is not possible to give particular weight to that interest nor is it possible to

make an informed judgement about the balance to strike relative to the need for the proposal itself. Whilst this might point towards failure to comply with Policy HE12, owing to the unusual circumstances of the known ecological interest preventing investigative archaeological works at this stage and the acknowledged need for additional housing across the City it is considered more appropriate to condition such investigations in order to inform the balancing exercise set out in Policy HE12 which should be carried out at reserved matters stage.

- 8.28 Policy NC4 in the Brighton & Hove Local Plan states planning permission will not be granted for a proposal within an SNCI where it is likely to have an adverse impact. Exceptions will only be made where damaging impacts can be prevented through protection, enhancement and management, or a proposal is essential and cannot be located elsewhere and meets other requirements.
- 8.29 The Ecological Appraisal accompanying the application found that the SNCI has not been managed which has degraded its value over time as a result of encroachment by scrub and tall ruderal vegetation. Without intervention degradation will likely continue. Various sized populations of wildlife were found including a significant population of slow worm and housing development will result in loss of part of the SNCI. Therefore the Appraisal sets out mitigation for the loss in the SNCI as well as enhancement measures to halt and reverse the decline in its ecological value as well as improving access to this area. Whilst there is a loss of the quantity of SNCI the proposals aim to improve the quality of the remaining SNCI.
- 8.30 The comments of the County Ecologist on the Appraisal, in particular its recommendations, are noted and provided the recommendations can be secured by condition or agreement, it is considered the package of measures amount to the exception requiring prevention of damage set out in Policy NC4.
- 8.31 Impact Upon Setting Of South Downs National Park
As part of the application a Landscape Character and Visual Impact Assessment (LVIA) and a Landscape Management Plan have been submitted.
- 8.32 Policy SA5 in CPP1 requires proposals within the setting of the National Park (SDNP) to have regard to the impact. Development within the setting of the Park should be consistent with and not prejudice the Park's purposes and must respect and not significantly harm the Park and its setting and should have due regard to the Council's priorities for the South Downs where appropriate.
- 8.33 The application site can be seen from within the SDNP from the all directions east, north and west although despite being on a ridge is only intermittently visible in views from Foredown Ridge and Mount Zion to the east. From the north the site is seen beyond the By-Pass and against a backdrop of existing development of Mile Oak. It is most visible from Southwick Hill to the west from where it can be clearly seen in sweeping views between the sea and Cockroost Hill. Even so the current appearance of the site, being predominantly scrub, differs from the wider chalk Downland within the SDNP. The site is also contained by the By-Pass which tends to associate it with the built-up area of

Mile Oak rather than the wider SDNP so appropriate development would be seen as an extension of the built-up area rather than an incursion into the SDNP. The indicative layout therefore reflects the UFA recommendation in avoiding development on the upper slopes although it might appear rather odd in views from Southwick Hill if the adjoining sites 4 and 4a were not developed.

- 8.34 The County Landscape Officer's reservations about the applicant's positive assessment of the visual impact of development compared to its current greenfield state are noted. However the County Landscape Officer's overall conclusions and recommendations are generally supportive in terms of the impacts on the SDNP to the extent that Policy SA5 is considered to be satisfied (bearing in mind the layout is indicative). Whilst the County Landscape Officer requests that additional planting is incorporated and that the development in the north-west corner be omitted, it is noted that the layout shown is indicative only. The recommendations regarding additional planting and management can be secured by condition or agreement.
- 8.35 Taking these findings forward within the overarching policy context provided by SA4 it can be concluded that the proposals, being in advance of CPP2, reflect the findings in UFA and satisfy the key criteria in SA4c) and d) in having regard to the downland landscape setting of the city and appropriately mitigating or compensating for any adverse impacts of development subject to further investigative archaeological investigation. In addition (e) the proposals help to achieve many of the relevant SA4 objectives with regard to protecting the setting of the SDNP, securing better management of the urban fringe, improving public access, biodiversity enhancement and protection of groundwater.
- 8.36 **Design and Appearance:**
Policy CP12 of the CPP1 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City's identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 8.37 Whilst the application seeks consent for access only an indicative layout for a development of up to 125 dwellings has been provided which shows a majority of the proposed development in the lower section of urban fringe site 5 and a few dwellings in the western section of urban fringe site 4b, connected by pedestrian footpaths. A buffer to the boundary with the A27 would be retained to the north of the main part of the development comprising the retained SNCI.
- 8.38 Although the appearance of the proposed dwellings is reserved at this stage the plan submitted shows that orientation of the key frontages of the proposed development would vary across the site.
- 8.39 Within the submission it is stated that the proposed dwellings would be restricted to 2 storeys in height. It is considered that the height of development should be restricted to 2 stores in order to ensure that the development is in character with the surrounding residential area.

- 8.40 A condition removing householder permitted development rights could be attached to a reserved matters application when the layout and design of the proposed development is known, if it is considered that future alterations to the proposed dwellings would have an adverse impact upon the visual amenities of the surrounding area including the setting of the SDNP.
- 8.41 Landscaping:
Landscaping of the proposed development is not being considered at this stage however the indicative layout plan provided shows the retention of the SNCI to the north of the main part of the proposal and planting around the boundaries and within the site. The recommendations of the County Landscape Architect regarding additional planting within the proposal are noted.
- 8.42 Further details regarding landscaping of the proposal and associated management would be provided as part of subsequent reserved matter applications or via conditions.
- 8.43 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.44 While the layout is to be finalised and subject to separate approval when details would be given careful scrutiny, the indicative layout suggests retention of prominent hedging and dense scrub along the southern and western boundaries of site 5, the former also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflects that prevailing in the area and there is some commonality with proposed houses set back behind front gardens/hardstandings and there is a less rigidity in, for example, the set back of houses from the roads and greater variety in house sizes which should result in a more interesting streetscape for future residents.
- 8.45 Some concerns have been raised by objectors, mainly in Graham Avenue and Gorse Close, to potential loss of privacy from houses proposed along the southern site boundary. However many of these existing houses are not private and can be clearly seen when using the current open space. Moreover the indicative layout shows the separating distance between existing and proposed houses to be little different to that prevailing in the area. There are no apparent reasons why the proposed layout should result in material nuisance or loss of amenity to existing residents and should therefore satisfy Policy QD27.
- 8.46 The main access to the proposal would be between 21 Gorse Close and 21 Overdown Rise. Whilst it is acknowledged that such access point would create additional traffic passing the side elevations of these neighbouring properties it is considered that the proposal would not have a significant adverse impact upon the amenities of these properties given that the windows that would face the access road appear to be secondary windows. Furthermore the indicative plan provided shows landscaped areas to the side of the proposed access road.

It is considered that planting could provide a visual screen between the access road and neighbouring properties which would also help to reduce the potential perception of traffic noise from the proposed access road. Landscaping of the proposal is subject to reserved matters stage and therefore this issue would be addressed at a later stage.

8.47 A condition removing householder permitted development rights could be attached to a reserved matters application when the layout and design of the proposed development is known, if it is considered that future alterations to the proposed dwellings would have an adverse impact upon the amenities of neighbouring properties.

8.48 **Standard of accommodation and accessibility:**

It is considered that a detailed scheme could be designed which would provide an acceptable standard of accommodation for future occupiers. In regard to the sloping nature of the site it would be important to ensure that level access to the dwellings is provided to ensure that optional access standards could be incorporated and comply with Policy HO13 of the Brighton & Hove Local Plan.

8.49 Given the locality of the site it is expected that there could be high road traffic noise levels due to the nearby A27. An Environmental Noise Survey and Assessment has been provided as part of the application. The report findings indicate the mitigation levels that will be needed with regards to glazing and ventilation in order to protect future residents. The Council's Environmental Health Officer considers that most standard double glazing should reach the level of protection needed, but recommends that it should still be conditioned to ensure that adequate protection is put in place.

8.50 There is some concern over the road traffic levels that may be experienced in some of the gardens closest to the A27. However it is understood that very little could be done to mitigate these levels further and that it would be preferable to have an open space with road traffic noise levels, than no open space.

8.51 **Housing Mix and Affordable Housing:**

Policy CP14 of the CPP1 relates to development density. The proposed development shown in the indicative layout plan submitted would have a density of approximately 30dph. As a result of the initial concerns raised regarding the density of the indicative proposal, since submission of the application justification for a density lower than the density suggested in the UFA 2014 has been provided and is summarised below;

- Location of the site close to SDNP makes it unsuitable for higher density development;
- Location is more suited to family housing,
- The proposed density is in keeping with that of the surrounding area (of 31dph),
- Site topography and the need to avoid overbearing relationships between houses on different levels and difficult to plan larger blocks of flats because of the changes of ground floor levels,

- Detailed design considerations, such as the inclusion of extra wide front areas to allow privacy separation and creation of landscape features in order to mitigate the otherwise adverse impact of the natural levels.
- 8.52 Whilst policy CP14 permits development at a density higher than those typically found in the locality (subject to certain criteria), the supporting text of this policy states that “Higher densities may not be achievable in those parts of suburban and village neighbourhoods where existing low density development contributes to a positive sense of place and community. Density may also be constrained by the need to retain key heritage assets in their settings and/or important landscape features”.
- 8.53 It is considered that the circumstances, as set above, apply in this instance and the density of the proposed scheme is acceptable. In reaching this view, considerable weight has been given to the comments of the County Landscape Architect and the sensitivity of the surrounding SDNP landscape.
- 8.54 Policies CP19 seeks to improve housing choice and ensure an appropriate mix of housing is achieved across the city. New residential development will have regard to the characteristics of existing neighbourhoods and communities to ensure development makes a positive contribution to the achievement of mixed and sustainable communities. The City Plan considers there is clear evidence of a city-wide bias towards smaller dwelling types and due to the limitations of central sites it will be important to maximise opportunities for family sized accommodation on suitable sites. The Objectively Assessed Need for Housing (June 2015) recommends the following mix of market housing across the city; 15% one bed, 35% two bed, 35% three bed and 15% 4+ bed.
- 8.55 Policy CP20 sets out the Council’s targets for onsite affordable housing provision. There is a sliding scale rising to 40% on sites of 15 or more dwellings. Such housing should be appropriately integrated throughout the development with the level and type of affordable housing determined according to local need (with emphasis on family sized units), accessibility, viability and without prejudicing the overall development or other planning objectives. There should be a mix of tenures within the affordable housing provision, with policy stipulating a preferred city-wide mix of 30% one bed, 45% two bed and 25% 3+ bed units. On individual sites the preferred affordable mix is to be negotiated and informed by up-to-date assessment of local need and neighbourhood characteristics.
- 8.56 The outline proposal indicates the mix below (affordable and market housing) in the column titled Proposed compared with the recommended proportions set out in the City Plan and the Objectively Assessed Need. This assumes 125 units, 50 of which would be affordable.

Market Mix			
	Recommended	Proposed	Difference
1 Bedroom	15%	0	-15%
2 Bedroom	35%	24%	-9%
3 Bedroom	35%	67%	+32%

4+ Bedroom	15%	9%	-6%
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Affordable Mix			
	Recommended	Proposed	Difference
1 Bedroom	30%	16%	-14%
2 Bedroom	45%	60%	+15%
3+ Bedroom	25%	24%	-1%

- 8.57 The applicant highlights the bias in the proposals towards larger market houses at the expense of smaller properties citing, in support, the traditional family focussed nature of the area. In addition the proximity of local services and facilities as well as good public transport are advantages in support of the proposed mix and it could be argued this is the type of suitable site Policy CP19 encourages for family sized accommodation.
- 8.58 In terms of Policy CP20 and affordable housing the emphasis leans towards two bed at the expense of one bed units in terms of City Plan recommendations. Again the applicant justifies this in terms of the suitability of the area for family sized accommodation.
- 8.59 The indication is that the 40% affordable housing provision would be spread through the layout rather than concentrated in one part, a principle supported by Policy CP20. Since submission of the application the agent has confirmed that the proposed tenure mix for the affordable housing would be 55% affordable rent and 45% intermediate.
- 8.60 The Council's Housing Strategy prioritises support for new housing which delivers a suitable mix with an emphasis on family homes for affordable rent. The 'Affordable Housing Brief' (AHB) provides an evidence base for the assessment of needs and with regard to this proposal would equate to 28 units for affordable rent and 22 Intermediate and, within that, 5 units (10%) should be wheelchair accessible. Recent experience encourages these units to be rented although none of this type of unit is identified in the proposals. The AHB supports proposals which meet the national prescribed (floor) space standards but at this stage, as there are no details of the unit sizes other than by numbers of bedrooms, compliance with the standards cannot be assessed.
- 8.61 Overall whilst the proposed unit size mix is not fully policy compliant in this instance it is considered acceptable given the location of the site.
- 8.62 **Sustainable Transport:**
Overdown Rise Proposed Access
 The main pedestrian and vehicular access to the site would be from Overdown Rise between 21 Gore Close and 21 Overdown Rise. In response to the Highway Authority request for footpaths on both sides of the carriageway at the main site access from Overdown Rise; the applicant has stated that they consider a safe and direct access can be provided for all pedestrians with a single footway on one side of the carriageway. The Highway Authority does not dispute that a safe access could be provided but it is about more than simply

providing a safe pedestrian access. Pedestrian routes should be attractive and direct, having to cross roads so you can walk on a footpath when you would not have to cross the road if there was a footpath on both sides of the road is not convenient and not prioritising pedestrian access. It is not disputed that the Design Panel stated hardstanding should be reduced within the site but that should not be at the cost of catering for pedestrian movements. Given the extent of the hardstanding in question this will have an extremely limited impact in terms of the overall impact the site will have on surface water drainage. Therefore the Highway Authority would insist that a footpath of suitable width is provided on both sides of the carriageway in this location.

8.63 In relation to the specific junction design at Overdown Rise the applicant developed two potential options. These were, Option A where the site access is a give way priority junction and Overdown Rise remains the main arm and Option B which made Overdown Rise the minor arm which gives way to the new site access; this option was the preferred design by the applicant. Option A provides a suitable means of access to the site but the gradient is greater (12.7%) than the recommended maximum gradients as recommended in the Design Manual for Roads and Bridges TD9/93 Chapter 4 Vertical Alignment. Option B enables the road gradients to be reduced below 10%.

8.64 The Highway Authority preference is still for Option A (new site access giving way to Overdown Rise) because the design is more likely to slow vehicle speeds. Given that the only fixed point is the spot height at where the site access meets Overdown Rise the Highway Authority would like to explore in more detail the potential to reduce the gradients of the site access with the applicant. The Highway Authority would recommend that they are agreeable to a site access in this location, at Overdown Rise, but would look for the specific details of the design and layout and nature of the junction to be agreed at reserved matters stage; following further discussion with the applicant's transport consultants. A S278 Highway works condition is recommended to address this issue.

8.65 Mile Oak Road Proposed Access

The other proposed main pedestrian entrance to the site would be from Mile Oak Road. In this location the applicant is proposing a shared surface approach, which is considered acceptable in this instance given that in the indicative plan this proposed access would serve 5 properties and 10 car parking spaces.

8.66 Since submission of the application the proposal has been amended to revise this proposed access in order to provide a 1.8m wide footpath on the eastern side and a dropped kerb and tactile paving crossing point outside 449 Mile Oak Road. The Council's Transport Officer states that in principle this proposed arrangement is acceptable and should form a S278 agreement with the Highway Authority, which can be ensured via a condition.

8.67 Internal Streets and Footways

Within the illustrative layout plans provided various internal pedestrian routes are proposed within the site, some of which are already established routes but with no legal status. These routes include footpaths along the main vehicular

routes but also within the Site of Nature Conservation Interest (SNCI) located to the north of the built area. The majority of the routes in the SNCI run east/west but there are also links running north/south from the proposed development itself. These are considered to provide convenient access between the two areas of development but also access to the wider area and the public rights of way beyond the development site which are welcomed.

- 8.68 The Highway Authority would be willing to enter into a Section 38 agreement to adopt the main spine road and footpath either side of the spine road. Any roads accessing private parking areas would remain private. In relation to the applicant's inferred concern that the junction design at the site access from Overdown Rise with gradients above 10% would not be adoptable, the Highway Authority can confirm that they would be agreeable to the adoption through a Section 38 agreement of either access arrangement but would look to explore, in more detail, the potential to reduce the gradient. Therefore this should provide clarity to both parties that adoption of the internal layout is an option.
- 8.69 In order to maintain pedestrian permeability into and through the site the Highway Authority would look for the applicant to enter into a walkways agreement, via a S106 Agreement, in order to agree means of access and management of the pedestrian/cycle routes within the site.
- 8.70 Cycle Parking
SPD14 states that a minimum of 1 cycle parking space per unit for 1 to 2 bed units and a minimum of 2 cycle parking spaces per unit for 3 to 4+ bed units is required. Visitor cycle parking should be provided at a rate of 1 space per 3 units.
- 8.71 For this development of up to 125 residential units (56 x 1/2 bed units and 69 x 3+ bed units) the minimum cycle parking standard is 236 cycle parking spaces in total (194 residents and 42 visitor spaces).
- 8.72 Within the submission it is stated that; "Cycle storage areas will be provided in the development, either with oversized garages provided to allow cycle and vehicle storage or separate secure cycle storage areas".
- 8.73 All of the proposed houses appear to have either a garage or the potential for side access into private back garden whilst the indicative plans show that the proposed flats would have adequate space to accommodate cycle parking within the vicinity of the building.
- 8.74 Further details of the proposed cycle storage can be obtained via a condition should overall the proposal be considered acceptable.
- 8.75 Servicing
The main servicing activity associated with the proposed development is considered to be that of the collection of refuse and recycling and deliveries to each property. The applicant has submitted a swept path analysis of a refuse vehicle (10.980m in length) accessing the site. The Highway Authority has no objections to the proposed servicing arrangements.

8.76 Car Parking

SPD14 states that in this location the maximum of car parking provision is 1 space per dwelling plus 1 space per 2 dwellings for visitors. For this proposal of up to 125 residential units the maximum car parking provision is therefore 188 spaces (125 spaces for residents and 63 for visitors).

8.77 There is a disparity between documents submitted as part of the application in terms of the amount of parking provision proposed. In order to provide greater clarity the applicant's design team have provided a schedule of parking provision as provided in the illustrative layout. The illustrative layout provides for 224 parking spaces excluding garages. The applicant explains that this proposed level of parking is led by the views aired at the public consultation event. Whilst the Highway Authority acknowledges that there is a need for the development not to cause a level of displacement car parking, which could cause road safety or residential parking amenity issues; it is also considered that the proposed levels of car parking should be calculated on an informed basis; such as census data.

8.78 As stated in the original Highway Authority comments, when looking at this proposed development of 125 units the likely car ownership could be between 140 and 150 vehicles. Therefore the provision of 224 car parking spaces (excluding garages) is considered well above the likely car ownership based on the relevant census data and above the car parking standards in SPD14. The Highway Authority could be agreeable to a level of car parking provision slightly above the adopted standards where a suitable justification can be provided. In this instance and based upon the census car ownership data, it is not felt that there is a specific need to provide 224 car parking spaces (as detailed in the illustrative plan). Therefore the Highway Authority would recommend that an additional condition is included that states that the detailed layout shall not provide more than 188 off street car parking spaces. This obviously does not include any on-street car parking created within the development.

8.79 Electric Vehicle Charging Points

SPD14 requires that a minimum 10% of the car parking provision to have electric vehicle charging provision and a minimum of 10% of the car parking provision to have a passive provision to allow conversion at a later date. The applicant has not provided any details of electric vehicle charging provision within the submission however such provision could be secured via condition.

8.80 Disabled Parking

SPD14 states that the minimum standard for disabled parking is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard to cater for visitors. From the submitted illustrative layout plan it appears that the majority of units would have access to at least 1 dedicated car parking space. If a resident was disabled they would therefore have a dedicated bay which would be for their sole use. Therefore in this instance it is not necessary for any of the houses to have a dedicated disabled bay.

- 8.81 However, if communal parking is adopted or parking for the flats and visitors the Highway Authority would look for dedicated disabled bays. Further details of the disabled car parking provision including numbers and layout should be secured via condition.
- 8.82 Public Transport
The nearest bus stops to the site are located on Graham Avenue outside the local shopping area. This is approximately 0.2mile/a 5 minute walk from the development site. This bus stop has a shelter, accessible kerb but no real time information sign.
- 8.83 This bus stop is served by the main services for the area, the 1 and 1A route which runs between Whitehawk and Mile Oak. These services serve Portslade Station, Portslade Old Village, Hove, central Brighton and the Royal Sussex County Hospital. During the day on Mondays to Saturdays there are 6-8 services per hour, reducing to a minimum of 4 an hour until 11pm.
- 8.84 Improvements are needed to public transport infrastructure in order for the development to benefit from a quality public transport service that provides a real choice and alternative to the private car for future residents of the development. The improvements to public transport would also ensure that the development is in accordance with the National Planning Policy Framework (NPPF) and policy CP9 of the City Plan Part One.
- 8.85 Trip generation/Highway Impact
For the purposes of the junction modelling the applicant has assumed a base year of 2018 given that the application is in outline and they state it is unlikely to commence on site until 2018. A future year of 2021 has been assessed.
- 8.86 The surveys undertaken in May are not strictly considered a neutral month as per the guidance within the Department for Transport's TAG Unit M1.2 Data Sources and Surveys. Some of the survey data also include dates when a bank holiday occurred and during the school holidays. The data from Overdown Rise shows that flows are lower on Monday 30th and Tuesday 31st May than the other weekday data.
- 8.87 In order to forecast the trip generation from the development the applicant has interrogated the industry standard TRICS database. The parameters selected within TRICS and the trip rates used are deemed acceptable.
- 8.88 In order to assign the forecast trips through the road network consideration has been given to 2011 census travel to work data but also the surveyed data from classified turning counts. This approach is widely accepted as a method of assigning traffic to the highway network.
- 8.89 The modelling results show that the priority junctions are all forecast to operate within acceptable capacity thresholds and that the additional development traffic is not considered to have a significant impact upon their operation in all modelling scenarios.

- 8.90 The applicant has given consideration to an improvement scheme that can be delivered to improve traffic flow on the Fox Way arm of the Fox Way/A293 roundabout. The improvement scheme provides a two lane approach arm for a length of 40m to Fox Way, where currently there is only a one arm approach. The applicant has undertaken modelling which demonstrates the proposed works improve the performance of the Fox Way arm.
- 8.91 S106
To comply with the Brighton and Hove Local Plan 2005 policy TR7, TR11 and TR12, Policy CP7 and CP9 of the City Plan Part One, the National Planning Policy Framework and the Council's Guidance on Developer Contributions the applicant is expected to make a financial contribution towards highway infrastructure in the vicinity of the site.
- 8.92 The Highway Authority would look for the S106 contribution, of £250,000, to go towards pedestrian and public transport infrastructure improvements within the vicinity of the site. These works shall be focussed on minor footway improvements such as dropped kerbs and tactile paving, missing links of the public rights of way network as identified within the Rights of Way Improvement Plan and bus stop improvements including real time passenger information signs and accessible bus stops. This is to ensure that the site has access to a realistic alternative mode to the private car, benefits from a high quality public transport service and the local amenities that will serve future residents are accessible for all irrespective of their level of mobility; in line with the National Planning Policy Framework (NPPF).
- 8.93 Additionally, as highlighted in the City Plan Strategic Transport Assessment (May 2013) and the Addendum Report (June 2014) this site forms part of the Urban Fringe developments which were assessed as part of the Addendum Report. Modelling work undertaken as part of this strategic TA details that infrastructure improvements are required at the junction of Hangleton Link Road/A27.
- 8.94 This development would contribute towards the cumulative traffic impact upon strategic locations of the road network which have been identified for improvements works to accommodate the forecast growth identified as part of the City Plan. Therefore the Highway Authority would look for some of the above contribution to go towards contributing to the cost of the agreed A27/Hangleton Link Road mitigation works which are required to deliver the development identified in the City Plan.
- 8.95 Travel Plan
The applicant has submitted a Framework Residential Travel Information Plan in Appendix G of the submitted TA. The Highway Authority would look for the need to produce a Travel Plan and provide Residential Travel Information Packs to be secured via S106 and for the following measures to be included within the travel packs as a minimum:
- Provision of 2 three month bus season tickets to each first residential property

- Free voucher towards the purchase of a bike – voucher £200 1 per household
- Public Transport Information
- Local walking & cycling maps

8.96 S278 Highway Works

The proposed highway works at both Overdown Rise and Mile Oak Road would need to be undertaken through a S278 agreement with the Highway Authority.

8.97 Additionally, the Highway Authority would look for the applicant to deliver the mitigation measures put forward for the Fox Way/Hangleton Link Road junction through a S278 agreement prior to occupation of the development.

8.98 **Sustainability:**

City Plan Policy CP8 seeks all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies an exhaustive range of criteria around sustainable design features.

8.99 As part of the application a Sustainability Checklist has been completed. While this confirms for example that minimum standards for energy performance and water efficiency will be achieved and thermal performance will be exceeded among other features of compliance, the checklist is otherwise silent on matters such as renewable technologies, passive design, green wall/roofs, composting, food growing or a site waste management plan.

8.100 As the application is outline only it could be expected that some of these sustainable elements may not yet have been considered. On the other hand it is regrettable for a greenfield site such as this with an southerly aspect that some of these features have not even been mentioned. Should outline consent be given it is expected that detailed proposals which subsequently come forward will demonstrate the developer's commitment to sustainability and avoid expanding the city's ecological footprint accordance with Policy CP8.

8.101 **Other Considerations:**

Construction Environmental Management Plan

Due to the nature and scale of the development proposed and its location adjacent to the strategic road network, a Construction Environmental Management Plan is requested. As well as providing measures to mitigate the highway impact of the construction phase of the proposal the plan should ensure that the construction traffic avoids the Portslade Air Quality Management Area.

8.102 Land Contamination

As part of the application a contaminated land report (Ground Conditions Desk Study) has been submitted and subsequently scrutinised to ensure that it is robust. The report has identified the classification of site as being very low to low risk in terms of possible contamination. However it has then gone on to suggest an intrusive investigation, partly due to the unknowns of the site. A better understanding may have been gathered through a site walkover as part of the desktop study, which may have negated the need for further testing.

However it is appreciated that the report is joint geo-chemical and geo-technical, and further works may have been necessary for geo-technical reasons anyway. Conditions are therefore recommended with regards to further contamination investigation, and any possible future remediation.

8.103 Flood Risk:

Some local residents have objected to the application on the ground that the site and surroundings is prone to surface water flooding. Run-off has impacted upon neighbouring properties and local roads in the past and, according to the objections, development including the inevitable hard surfacing will only aggravate this problem. Flooding is recognised as an issue in this part of Mile Oak in the UFAs.

8.104 The indicative layout is supported by a Flood Risk Assessment and Drainage Strategy (FRA) which suggests surfaces other than roads will be either planted or permeably paved draining to soakaways. Run off from roads will be dealt with by two basins which would need to be at the lowest points of site 5. These are designed to deal with 1:100 year flooding events with an additional 40% allowance for climate change. Any surface water run-off will therefore be dealt with in the application site without aggravating existing problems that may occur elsewhere. Whilst not necessarily reducing existing problems elsewhere this approach is in accordance with the requirements of the NPPF and CPP1 Policy CP11.

8.105 Southern Water's comments are noted and as such issues regarding proposed means of foul and surface water disposal would be a condition of consent.

8.106 The Council's Flood Risk Management Officer has considered the proposal and has advised that any concerns can be addressed through an appropriate drainage scheme which can be secured by planning condition.

8.107 Air Quality

The Council's Air Quality Officer recommends approval of the planning application, subject to mitigation measures. Whilst there is not a direct impact to human health in terms of air quality, the completed build will generate additional vehicle movements which have the potential to impact the Portslade Air Quality Management Area (AQMA). Given the indirect impact, there is a requirement for the applicant to implement numerous mitigation measures to address the acceptability and future proofing of the build. These measures will be secured by conditions (Construction Environmental Management Plan (CEMP), electric vehicle charging, water and energy requirements, low emission boilers etc) and through a s106 agreement (a robust Travel Plan).

8.108 Financial Contributions

The financial Planning Obligations set out below regarding education, open space, local employment scheme, transport and artistic complement have been calculated at the outline application stage based on the methodology set out in the Council's Developer Contributions Technical Guidance (June 2016) and based on the maximum amount of development proposed, in this case 125 dwellings.

9. EQUALITIES

- 9.1 As this is an outline planning application with all matters reserved, except access, no equalities issues are identified. However the scheme indicated within the application would provide 50 units/40 percent affordable housing (28 units/55 percent for Social/Affordable Rental and 22 units/45 percent for Intermediate Affordable Housing).
- 9.2 If overall considered acceptable conditions are proposed which will ensure compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and that 5 percent of the overall development would be built to Wheelchair Accessible Standards.