

<b><u>No:</u></b>	<b>BH2016/05530</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application Some Matter Reserved</b>		
<b><u>Address:</u></b>	<b>Land South Of Ovingdean Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.</b>		
<b><u>Officer:</u></b>	<b>Liz Arnold, tel: 291709</b>	<b><u>Valid Date:</u></b>	<b>11.10.2016</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>10.01.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>16.06.2017</b>
<b><u>Agent:</u></b>	<b>Mr Daniel Weaver First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL</b>		
<b><u>Applicant:</u></b>	<b>Lightwood Strategic C/O Pegasus Planning Group Ltd First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL</b>		

## 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 the receipt of no representations raising additional material considerations within the re-consultation period, a s106 agreement and the following Conditions and Informatives:

### **S106 Heads of Terms**

- 40% affordable housing (55% affordable rent (10 units) and 45% shared ownership (8 units)),
- A total contribution of £251,353 towards the cost of providing primary (£105,097) and secondary educational (£146,256),
- A contribution of £20,500 towards the Council's Local Employment Scheme,
- A contribution of £45,000 towards an Artistic Component / public realm
- Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A Residential Travel Plan, to include a Residential Travel Pack, to be provided for all first occupiers of the development,
- Walkways Agreement, to agree a means of access and management of the pedestrian and cycle routes within the site which do not form part of the principle estate roads,

- A long-term management and maintenance plan for the proposed horse paddocks and public open space areas, and
- A contribution of £ 191,432 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	BRS.4783_04-1	B	3 October 2016
Site Layout Plan	BRS.4783_20	AG	20 <sup>th</sup> April 2017

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) Appearance,

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. 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.

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

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

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

7. 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.

8. 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.

9. 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 are to be submitted to and approved in writing by the Local Planning Authority prior to installation, unless an alternative is agreed in writing by the Local Planning Authority.

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

10. The buildings within the reserved matters submission shall not exceed 2 storeys in height with a maximum ridge height of 10.2m.

**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.

11. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
- ii) A Construction Method Statement to include details of the location of services and soakaways and how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces, will be managed and implemented to provide for the long-term retention of the trees;

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements. The approved tree protection shall be retained until the development is completed.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the Brighton & Hove City Plan Part One.

12. Prior to commencement of development a detailed design and implementation plan of foul water disposal from the site and an implementation timetable 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.

13. 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.

14. (i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- (ii) The development hereby permitted shall not be brought into use 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 part i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

15. 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.

16. (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) A 'check' contamination analyses be undertaken to confirm a conceptual model and allow a generic quantitative risk assessment to be undertaken. And if notified in writing by the Local Planning Authority that the results of the risk assessment are such that site remediation is required then;
- (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)
- (b) 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 and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 17.
  - i) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all the external lighting of the development (including design, layout and levels of illuminance) shall be submitted to and approved in writing by the Local Planning Authority.
  - ii) Prior to occupation, the illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part 1.
  - ii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of the occupiers of adjoining properties and 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, neighbouring amenity 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.

- 18. 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:

- i) The phases of the Proposed Development including the forecasted completion date(s)
- ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- v) Details of hours of construction including all associated vehicular movements
- vi) Details of the construction compound
- vii) A plan showing construction traffic routes which demonstrates that construction vehicles will only access the application site from the north, in order to avoid the Rottingdean Air Quality Management Area (AQMA).
- viii) 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.

- 19. No development above ground floor slab level of any part of the development hereby permitted shall take place until information has been submitted and approved in writing by the Local Planning Authority demonstrating that each residential unit would be built to achieve 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 and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 20. No development above ground floor slab level of any part of the development hereby permitted shall take place until an Energy Strategy has been submitted

and approved in writing by the Local Planning Authority. The Strategy should include a renewables feasibility study and proposals to install renewable energy generation, a strategy for energy efficiency and means to achieve the 19% carbon reduction target and, passive design approach providing details of climate adaptation.

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

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme setting out highway works to implement the following together with a Stage 2 Safety Audit has been submitted to and approved in writing by the Local Planning Authority. The works shall include:
- a) The proposed main site access from Ovingdean Road which includes a side road entry treatment;
  - b) The provision of a vehicle crossover to serve Plot 1;
  - c) The reinstatement of the redundant vehicle crossover on Ovingdean Road back to footway;
  - d) A right turn lane with a pedestrian refuge at the junction of Falmer Road/Ovingdean Road;
  - e) The provision of parking restrictions and/or measures to prevent parking on Falmer Road and adjacent verge in order to maintain visibility of and from the proposed crossing; and
  - f) The implementation of bus shelters, Real Time Passenger Information signs and Kassel Kerbs at the two bus stops on Ovingdean Road directly opposite the site and the two bus stops closest to the site on Falmer Road.

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

**Reason:** To ensure that suitable vehicle and pedestrian access provision is provided to and from the development and to comply with policy CP9 of the City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.

22. No development shall be commenced until full engineering, drainage, road markings and signage and constructional details of all streets, footways and cycle routes (both those proposed for adoption and those not) 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 have been carried out in accordance with the approved scheme.
- Reason:** As this matter is fundamental in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the interests of users of the highway in accordance with policy CP9 of the Brighton & Hove City Plan Part One and Local Plan Policies TR7 and TR15.

23. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of electric vehicle charging points for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To encourage travel by more sustainable means and to comply with policy CP9 of the Brighton & Hove Local Plan and SPD14.

24. No development shall take place (including any demolition, ground works, site clearance) until the following method statements have been submitted to and approved in writing by the Local Planning Authority;

- (i) For the protection of reptiles,
- (ii) For the protection and translocation of red star-thistle

The content of the method statements shall include the following:

- a) The purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) The extent and location of proposed works shown on appropriate scale maps and plans;
- d) A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) The persons responsible for implementing the works;
- f) The initial aftercare and long-term maintenance (where relevant); and
- g) Disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details prior to commencement of the development and shall be retained in that manner thereafter.

**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.

25. No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

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

**Reason:** 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.

- 26. 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 City Plan Part One.
- 27. None of the residential units hereby approved shall be occupied until information has been submitted to and approved in writing by the Local Planning Authority that each residential unit has been built in accordance with the approach set out in the approved Energy Strategy and to achieve 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 City Plan Part One.
- 28. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 29. 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.

30. Prior to first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by, the Local Planning Authority. 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 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.

31. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) The positions, height, design, materials and type of all existing and proposed boundary treatments
- c) Details of all proposed planting to all areas of the development, including written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

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. Scotland Gas Networks advise that there is a pressure gas main near the site. They advise there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
3. All existing water main infrastructure should be protected during the course of construction works. No development or new tree planting should be located within 3m either side of the centreline of the foul sewer. No new soakaways should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
4. The development should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development and seek a formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

5. To discharge the surface water drainage condition above the Local Lead Flood Authority would expect the developer to provide the detail for the whole site, which should include the details of each soakaway (including location and build details) and details of any other drainage infrastructure, such as permeable paving. The applicant will need to provide;
- 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 (+30% 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. It is not sufficient to state: “the system is therefore designed to cause a nuisance if the silt traps block, prompting the resident to clear the silt trap.” Examples of suitable maintenance plans can be found at [www.susdrain.org](http://www.susdrain.org).

6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) ‘Guidance Notes for the Reduction of Light Pollution (2011)’ for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council’s Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: **Error! Hyperlink reference not valid.** website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
7. The site is potentially contaminated. The developer should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with the above ‘Potentially Contaminated Land’ conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.
8. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, vibrations, dust, odour, smoke or light, this does not preclude the Council from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. 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](http://www.communities.gov.uk)).
10. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
  11. The water efficiency standard required under condition 26 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.
  12. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the required Written Scheme of Archaeological Investigation.
  13. The applicant is advised that the landscaping comments made by the County Landscape Architect on the 31st March 2017, the Council's Arboriculturist on the 13th April 2017 and the Council's Sustainability Officer on the 19<sup>th</sup> April 2017 regarding planting of the development should be noted and addressed within the full landscaping details required by condition 31.
  14. The applicant is advised that the Constriction 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 wheel wash facilities are the site and other mitigation measures.
  15. The applicant is advised that Southern Water have stated that no development or new tree planting should be located within 3m either side of the centreline of the foul sewer, no new soakaways should be located within 5m of a public sewer and all existing infrastructure should be protected during the course of construction works. The applicant can discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
  16. 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 estate road details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 21 of this consent.
  17. The applicant is advised for the roads that are to be adopted that they must enter into a Section 38 Agreement with the Highway Authority prior to any works commencing. 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 22 of this consent.

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

- 2.1 The application relates to a parcel of land located on the southern side of Ovingdean Road, to the west of Falmer Road (B2123) and to the east of The Vale. The application site comprises approximately 3.72 hectares. Historic maps show that the site has always comprised open agricultural downland.
- 2.2 The boundary of the site is currently defined by a wire fence and posts to the east, west and north and by a hedgerow to the south. The site comprises a large field which has been divided into smaller paddocks for the keeping and grazing of horses. Stables and associated buildings are located in the south-western corner of the site.
- 2.3 Immediately to the north of the site are residential properties, with other horse paddocks/grazing land beyond, known as Ovingdean Road Horse Paddocks. The residential area of Woodingdean is located further to the north-west of the site, with agricultural fields located immediately to the east of the site, on the opposite side of Falmer Road. Residential properties are located to the west/southwest of the site on The Vale. Playing fields, associated with Longhill School/Deans Leisure Centre, are located directly to the south of the site, with the school/leisure centre building, additional school playing fields and Rottingdean village located further to the south.
- 2.4 An area of open grassland with trees is located along the western edge of the site and a densely wooded area located around the southwestern corner of the site, both outside of the site boundary.
- 2.5 The site generally falls across the site from east to west, from between approximately 60m (AOD) adjacent to the Falmer Road (B2123) to approximately 45m (AOD) along the western edge of the site, adjacent to The Vale. To the east of the site and Falmer Road the land rises to an area known as The Bostle. The land to the west of the site and The Vale rises to a ridge (known as Longhill).
- 2.6 Boundaries of the South Downs National Park (SDNP) are located to the east of the site, on the opposite side of Falmer Road, and to the north of the residential properties located on the northern side of Ovingdean Road.
- 2.7 A boundary of the Ovingdean Conservation Area is located to the west of the site, on the western side of Longhill Road whilst boundaries of the Rottingdean Conservation Area are located to the south of the site, either side of The Rotyns.
- 2.8 The nearest Listed Buildings are located to the south of the site on Falmer Road (New Barn Farm) in Rottingdean and to the west on Ovingdean Road in Ovingdean (part of Ovingdean Hall School and The Nook, Flints and The Cottage). Buildings located directly opposite the site, to the north of Ovingdean Road, which once formed part of Woodingdean Farm but have since been converted to housing, are considered to be 'non-designated' heritage assets and as such are included on the Council's adopted local list of heritage assets (adopted June 2015).

- 2.9 The application site is not covered by any designations, statutory or non-statutory, for nature conservation interest. However, Sites of Nature Conservation Importance (SNCIs) are located to the west (Wanderdown Road Open Space), north-east (Cowley Drive Paddocks) and north (Ovingdean Road Horse Paddocks) of the site but these areas do not immediately adjoin the site. Beacon Hill, which is a Local Nature Reserve, is located to the south of the site between Ovingdean and the coast, whilst Castle Hill, which is a National Nature Reserve and a Site of Special Scientific Interest, is located to the north-east, beyond Woodingdean.
- 2.10 The site currently comprises semi-improved neutral grassland, scrub and ruderal vegetation, hedgerow with scattered trees and buildings.
- 2.11 The site is shown as forming part of The Vale character area of Ovingdean, in the Council's Urban Characterisation Study. The Vale is stated to have "very low density housing in a curved street pattern on the ridge of the valley slope, mainly in the form of bungalows, but surrounded by mature planting which gives it a rural feel".
- 2.12 Permission is sought for an outline planning application for the construction of 45 no. new dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. A new vehicular access from Ovingdean Road and junction improvements would also be provided. Matters for approval include layout, access, landscaping and scale. One matter reserved for future approval is appearance.
- 2.13 The retained/reconfigured paddocks and an informal area of open space would be located to the eastern part of the site and an additional area of informal open space within the north-west part of the site.
- 2.14 The proposal would comprise of the following residential units (including 40% affordable);
- 1 bedroom x 2 (both affordable)
  - 2 bedroom x 8 (all affordable)
  - 3 bedroom x 16 (including 8 affordable)
  - 4 bedroom x 10, and
  - 5 bedroom x 9

Since submission of the application the proposal has been amended in the following ways;

- Retention/reconfiguration of existing paddocks,
- The omission of a defined food growing area,
- The omission of a Local Area of Play,
- The relocation of buffer planting to the eastern boundary,
- Enhancement of street tree/planting within site,

- A change in unit types and reduction in garage/parking provision in the centre of the site, which results in a reduction in the eastern extent of the developed area in the centre of the site,
- Extension of the extend of development to the east along the southern boundary,
- An alteration to the mix of units (an additional 5 bed house and the loss of a 4 bedroom house),
- The proportion of red star thistle area retention increased from 5% to 31%,
- The repositioning and an increase in width of the footpath to Falmer Road to 3m and the inclusion of low level lighting.

### 3. RELEVANT HISTORY

**BH2014/02589** - Outline planning application with appearance reserved for the construction of 85 no. one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements. Refused 29/01/2015. Dismissed at Appeal 29/03/2015.

#### Adjacent Site - Land to East of The Vale

**BH2015/01890** - Erection of 6no three bedroom dwellings (C3), detached garages and 2no detached single storey out buildings. Refused 28.02.2017.

#### Pre-Application

The scheme has been subject to pre-application discussions with officers and was presented to Councillors at pre-application stage on the 12th July 2016.

#### Environmental Impact Assessment (EIA)

Whilst the 2014 refused application was accompanied by an Environmental Statement the current application has been assessed under the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations, as amended and it was concluded that the current application did not constitute Schedule 2 development and as such did not need to be accompanied by an Environmental Statement.

### 4. REPRESENTATIONS

4.1 **Four Hundred and Thirty Five (435)** letters have been received from residents in the vicinity of the site, objecting to the proposed development for the following reasons:

#### 4.2 Design/Visual Amenities/Landscape Impacts

- Development will change character of area, will destroy landscape character,
- Will lead to urban sprawl,
- Suggested mitigation recommendations for eastern boundary appear incompatible,

- Area is not suitable for housing development at all and should not be included in the Council's designated areas for development,
- Site should form part of the South Downs National Park. Proposal will affect view into and out of the South Downs National Park,
- Government attaches great importance to Green Belts (site is not within a Green Belt),
- Deans Preservation Group commissioned a comprehensive Landscape Assessment on the whole of Urban Fringe Site 42 in December 2014, it concluded 'No changes however small can be tolerated because of the natural landscape of the land, its agricultural Open Downs and its classification as a lowland calcareous grassland, with rare landscape elements',
- Proposed screening planting does not appear adequate, and
- Proposed community areas to the east of the site is outside of the urban fringe site, and will be visible from the surrounding areas as an extension to the built up area rather than the open downland that it is now,

#### 4.3 Amenity Issues

- Loss of views/aspect for neighbouring residents,
- Loss of light for neighbouring residents,
- Will destroy a recreation/amenity area enjoyed by all the community, especially horse riders/owners
- The residents of this area live here to avoid living in high density building areas,
- Reduction in quality of life,
- Increased noise and disturbance, including from construction and use of proposed access onto Ovingdean Road,
- Light pollution,
- Overshadowing to existing neighbour residents, and
- Overlooking and loss of privacy to existing neighbour residents,

#### 4.4 Transport/Highway/Access Issues

- The local road infrastructure is currently inadequate so additional traffic will aggravate existing problems
- Query information in submitted transport assessment,
- Increased journey times, affects peoples jobs/home life and businesses,
- Congestion results in increased fuel costs,
- Residents been informed there will already be an increase of heavy good vehicles through area due to the construction works at the County Hospital,
- Concerns regarding access to/from site especially for construction vehicles and emergency vehicles,
- Development residents unlikely to cycle/walk due to topography of this part of the City and the busy/dangerous roads. There are no dedicated cycle lanes
- Increased road/pedestrian/horse rider safety issues/concerns,
- Increased parking demand/problems,
- Poor bus services, especially for school runs,

- Lack of services/employment in area would mean new residents would be reliant on cars, increasing traffic,
- Damage to existing buildings from increased traffic,
- Site inaccessible in bad weather, and
- Includes an area for community growing/allotments but have not taken into consideration where vehicles for this area would park as they could not park in Ovingdean Road

#### 4.5 Other Issues

- Previous application was rejected; same reasons for refusal apply to new application.
- Loss of horses.
- Harm and disruption to wildlife/ecology/biodiversity/insects/plants, some of which are protected/in decline in Sussex.
- Light pollution,
- The proposed maintenance of soft landscaping/screening planting is inadequate,
- Existing lack of trees/ green spaces in City, proposal would result in further loss,
- Site as a local rural landscape is valued and enjoyed by local residents/walkers/horse riders and tourists,
- Gives no guarantee regarding the appearance of the development, design can be easily changed,
- Houses will not be for locals due to size/price, will do little to reduce the demand for housing in the City and will not solve housing needs of those on low incomes,
- Increased air pollution/ poor air quality levels especially in Rottingdean AQMA, levels which are already high/exceed acceptable limits. Any increase in pollution will have adverse impact on people's health, especially school children and the elderly, and subsequently cause an even greater strain on the health service,
- Site is a greenfield site, brownfield sites should be considered for development/refurbishment first,
- There is poor drainage in the area which is prone to flooding, proposal will increase flood risk,
- Patch of Red Star Thistle to be saved is extremely small and is in a spot likely to be damaged by construction traffic,
- Over-development/over-crowding of site,
- Insufficient local services/infrastructure,
- Increased noise pollution,
- Will set a precedent for more inappropriate development in area,
- Would affect tourism to area,
- Query information in Air Quality Report,
- There is not enough protection outlined in these plans for archaeology,
- Proposal must not be considered in isolation. The cumulative impacts of other development approved/proposed in area must be considered especially in terms of pollution, impact on facilities and traffic,

- Council has insufficient funds to take on responsibility of proposed play area,
  - Is contrary to national and local policies especially NPPF/PPG, the Urban Fringe Assessment conclusions and the previous application appeal decision,
  - Other applications in area refused on grounds of harm applicable in this case,
  - Rottingdean Neighbourhood Plan is now at an advanced stage,
  - Area for proposed growing areas would be totally unsuitable for crop or plant growing as it is on a slope where water rapidly drains away, nutrient poor soil-ideal for wild flowers but not vegetable and fruit growing,
- 4.6 Following re-consultation of the revised plans and documents, received on 24th March 2017, **One Hundred and Ninety Two (192)** further representations from residents in the vicinity of the site objecting to the revised proposal on the grounds set out within the original objections received and that the revised scheme does not address or overcome the previously raised objections.
- 4.7 **Councillor Mary Mears: Objects** Letters dated 16/11/2016 and 20/04/2017 following receipt of amendments are attached.
- 4.8 **Simon Kirby MP: Objects** 18/10/2016 and 11/04/2017 following receipt of amendments on the following grounds;
- Does not believe the site is at all suitable for housing development,
  - Council needs to be looking at brownfield and town centre sites where infrastructure is already available, long before considering greenfield sites,
  - Concerned that housing development is being considered in this location with existing facilities already overstretched, such as packed buses, the A259 being very congested main road, the ability of local health services to cope with more patients and the issue of school places in the City,
  - Potential loss of the village feel in Ovingdean, Rottingdean and Woodingdean. Amendments show that the footprint of the site will be larger and that open space on the development will be reduced,
  - Clear that the developers were turned down last time for 85 houses, they are now coming back with a number that they hope will be more acceptable, however the basic objections remain, and
  - The impact any housing development will have on this area would be detrimental. This land is adjacent to the National Park which must give pause for thought.
- 4.9 **Brighton and Hove Wildlife Forum: Objects.** This site is, in part, rare, lowland calcareous predominantly unimproved species rich grassland with a high diversity of flowering plants. Is included in the South Downs Way Ahead Nature Improvement Area, and is listed as a stepping stone for other local species rich wildlife sites. It is also part of a Biodiversity Opportunity Area in the city green network, which represents a priority area for the delivery of Local Biodiversity Action Plans (LBAPs), so the landscape connectivity is hugely important in this case.

- 4.10 The site is abundant with seeds and invertebrates so provides ample feeding opportunities for a wide range of birds. A large number of birds are recorded at the Records Centre to be actually using the site, along with other notable plants and invertebrates. Among the rare species known to be on the site are the "Red Star Thistle", and the "Cut-leaved Self Heal". It is known that there are almost 400 species of nationally notable invertebrates recorded. A full and proper National Vegetation Classification assessments has been carried out by Arbeco Ltd and they have described it as species rich, mostly unimproved grassland. To emphasise this fact, the Sussex Wildlife Trust is currently pressing for the site to be given Local Wildlife Site status.
- 4.11 Council has a legal duty under Section 40 (S40) of the 2006 Natural Environment and Rural Communities (NERC) Act to have regard for biodiversity in exercising their functions. This duty covers the protection and restoration of habitats and species under Section 41 (S41) and which are congruous with Paragraph 117 of the NPPF.
- 4.12 There does not seem to be have been sufficient investigation to assess development impact on populations of rare and endangered invertebrates here. Object to the proposed development in view of the harm to biodiversity that would ensue.
- 4.13 In addition to this, the City is already full up, of course, and the local infrastructure and services, including hospitals/doctors/schools etc cannot properly cope now.
- 4.14 **Buglife: Objects** There is insufficient information to assess development impact on populations of rare and endangered invertebrates. Until this work is carried out it is impossible to assess the full impact of the development on wildlife or plan an effective mitigation or compensation scheme. Consequently this application does not meet the biodiversity aims of the NPPF.
- 4.15 Disagree with the applicant's assessment of the invertebrate interest on site. Parts of the site contain a number of Lowland calcareous grassland indicator species. It is well documented that East Sussex has experienced catastrophic losses of chalk grassland over the past couple of centuries and it is crucial to protect the remaining resource. It is also worth noting that grassland with a high diversity of species (in botanical terms) is not required to support populations of rare insects - composites, umbellifers, bird's-foot-trefoil and vetches in adequate numbers can provide a good resource of nectar and pollen.
- 4.16 Extensive invertebrate surveys have been carried out, commissioned by a local interest group. This survey found 400 species of invertebrate and other important species that indicate that the site is of conservation interest.
- 4.17 Should planning permission be granted it is vital that a full invertebrate survey following the Natural England guidelines is carried out so that the biodiversity impacts of the development can be fully assessed and an appropriate mitigation strategy defined.

- 4.18 **CAG** Recommend refusal on the grounds that a rural gap should be maintained between the two historic villages.
- 4.19 **Campaign to Protect Rural England** Objects on the grounds that the proposal is contrary in principle to adopted planning policies and also on the grounds of its visual and landscape impact and biodiversity impact. Although a new application with a reduced housing number has been submitted, our objections to the previous application still stand.
- 4.20 In terms of Policy SA4 the proposed development is not on a site allocated for development, a countryside location cannot be justified, the proposal does not adequately pay regard to the downland landscape setting of the city and there is not enough information provided in the application to satisfactorily demonstrate how adverse impacts would be appropriately mitigated. Therefore, this application is contrary to Policy SA4 and should be refused. The 2014 Urban Fringe Assessment, recognises that there could be significant adverse impacts to development of this site. Development at this site should therefore be resisted.
- 4.21 Believe that this site is a Valued Landscape. Although the application site does not lie within the designated South Downs National Park, it is within its setting and actually lies between three closely adjacent areas of the National Park; Beacon Hill and Mount Pleasant Nature Reserves close by to the west and the wider National Park directly adjacent to the east which is an important consideration. Critically, a development does not have to be within a National Park to have an impact on its landscape and scenic beauty and thereby be subject to the national planning policy for such areas set out in paragraph 115. The South Downs Integrated Landscape Assessment identifies that the landscape is sensitive to changes beyond the South Downs boundary.
- 4.22 The conclusion of the LVIA is that the development would have a minor or moderate beneficial effect on local landscape character, however it is not clear how this conclusion has been drawn or how the proposed mitigation would be effective in achieving this. There is also not a clear assessment of the Special Qualities of the National Park which are of relevance to this application.
- 4.23 The application site is clearly within the setting of the National Park and would cause unacceptable harm to that setting and would not conserve or enhance the visual and landscape quality and character of the National Park.
- 4.24 The development of this site would result in the loss of lowland calcareous grassland and its associated biodiversity value and the loss of the Red Star-thistle, Hornet Robber Fly and four other NERC Section 41 species, and habitat for a range of other species. It would therefore be contrary to the Brighton & Hove Sustainability Action Plan, the Brighton & Hove Local Biodiversity Action Plan, the National Planning Policy Framework and the UNESCO Biosphere status.
- 4.25 **Deans Preservation Group:**

Original comments 21/11/2016 Objects The net benefits do not outweigh the adverse impacts and therefore the application is unsustainable on a number of grounds and must be refused, as required by NPPF.

- 4.26 The proposal is wholly inappropriate and unsustainable in this location for the following reasons:
- Valuable and unique ecology would be destroyed. The applicant has carried out incomplete surveys of the site, has not consulted up-to-date records and as a result has vastly downplayed the site's ecological importance.
  - The green gap between the villages of Ovingdean & Rottingdean would be eroded
  - There would be an increase in already unacceptable traffic and pollution levels
  - It would cause serious harm to a valuable landscape
  - A large dense housing estate on this site would be out of keeping with the character of the area
  - It would place unacceptable burden on the already overstretched infrastructure
  - Foul water flooding from the proposed development is a major unresolved problem glossed over by the applicant
- 4.27 Do not accept the conclusions of the Urban Fringe Assessment 2015 that the site has potential for development. The landscape and ecology assessments have been given insufficient weight and are based on out-of-date information.
- 4.28 In the Scoping Consultation for City Plan 2, held in 2016, the public was asked which wider criteria should be used for assessment of urban fringe sites. These wider criteria may be adopted for assessing Urban Fringe Sites in the future when City Plan 2 has progressed further. With this application the site has not yet been given a chance to be assessed against such wider criteria. If the Application Site is reassessed taking into account the latest information on landscape and ecology together with other factors such as infrastructure, traffic and air pollution it is likely that the site will be recognised as not being suitable for any development.
- 4.29 The group have submitted their own following reports as part of their objection;
- A Preliminary Ecological Appraisal/National Vegetation Classification Survey (by Arbeco Ltd dated November 2016). Within the survey conclusion it is stated that "Surveys have shown Meadow Vale to be a diverse and important site with species and habitats that would have been included in the Local BAP and used as part of the bid to UNESCO for Brighton and Hove and the surrounding areas to be designated a Biosphere Reserve" and "Sites with priority habitats, an extensive assemblage of notable species, good populations of Red Data Book / Section 41 / BAP species and very large numbers of species recorded should be 'ring-fenced' for protection. Assemblages such as seen at Meadow Vale take time to accumulate and therefore there is no appropriate mitigation or compensation for such outstanding biodiversity".

- A Review of Aspect Ecology Ecological Appraisal (by Arbeco Ltd dated December 2016). Within the conclusion it is stated that "Unfortunately, due to lack of survey effort, the potential loss of biodiversity should the development go ahead, would be orders of magnitude greater than proposals to compensate or mitigate" and "Ultimately, the conclusion is based on an assumption of poor grassland habitat that is used by a limited assemblage of invertebrates; it cannot therefore be accepted. Aspect Ecology has failed to assess and survey the site in accordance with basic survey techniques and professional expectations. In doing so they have given a false account of an ecologically important site",
- A Survey of Insects and other Invertebrates (by Peter Hodge Consultant Entomologist) in which it is stated that "The site is dominated by insects associated with grassland habitats, several of which are considered to be indicators of unimproved calcareous or neutral grassland. A remarkable assemblage of insects was recorded, including a number of scarce species" and
- A Landscape Visual Impact Assessment (by Landvison Consultants dated March 2015). Within the conclusion it is stated that "No changes however small can be tolerated because of the natural landscape of the land, as agricultural Open Downs and its classification as a lowland calcareous grassland, with rare landscape elements. This is land of value in terms of history, cultural heritage, unique landform characteristics and with an intactness of landform which is highly representative of the Open Downs LCA, Adur to Ouse Open Downs landscape character and landscape type A2. It is a classic example of a piece of land which should never be developed".

4.30 Additional comments 29/12/2016 following receipt of further information from agent Objects Sufficient time should be allowed for Group's ecologist to respond to the additional Aspect Ecology comment received, who will be able to highlight important areas where Aspect Ecology document has reached misleading conclusions because of inadequate survey and reporting techniques.

4.32 Request that the City Plan Part 2 should take notice of the Arbeco report and re-classify Urban Fringe Site 42 as not suitable for any development. In the application it is implied that all is necessary to gain approval is improved mitigation measures. This is not the case. It has always been the intension of the Council to use the development of City Plan 2 and the planning process as a means of carrying out more detailed assessments of Urban Fringe sites where necessary.

4.33 In his Appeal Report (in March 2016) in the section on "Ecology" the Government Inspector noted concerns from B&HCC "that it has been unable to address the likely impacts of the development, and the likely effectiveness of mitigation, due to an absence of information" (paragraph 41).

4.34 At the time the appeal Inspector wrote his report both he and the Council had access to only three 'ecological reports' on the site. It is recognised that these

reports are either at the overview level or only partially complete, and none of them provided the "detailed information requirements" called for in SA4.

- 4.35 The deficiencies in the application has been filled by the Group's own studies, studies which meet policy SA4's requirements.
- 4.36 13/01/2017 Additional comments from Group's Ecologist The applicant's Ecologist have based their assumptions on in-house surveys with flawed methodology, insufficient survey effort and omissions of records from the desktop survey provided by the Sussex Biodiversity Records Centre.
- 4.37 **Environment Agency** No comments to make on the proposal.
- 4.38 **Longhill Woodland Group** Object on the following grounds,
- Ecology, site is home to numerous identified species, many protected and declining and site is recommended as a local wildlife site,
  - Landscape, site is a former Area of Outstanding Natural Beauty in an Area of Important Landscaping Value (AILEV) and should have been designated as part of the South Downs National Park. Development is far too dense, not been clearly defined (and is open to radical change) and not in keeping with the area. It will be an eyesore and very visible from parts of the South Downs National Park,
  - Infrastructure, there is a lack of school places in the area and dentists and doctors surgeries are full,
  - Traffic, Council have made it clear there is no budget to help ease the flow of traffic in Ovingdean and another 45 homes with potentially 100 more cars is going to make an already unacceptable situation worse,
  - Air Quality, local shopping area is in the Rottingdean High Street where air quality is already above EU recommended levels, adding more cars could cause real problems for residents, some of which are elderly and vulnerable to respiratory problems,
  - Suggest this site is immediately designated as part of the SDNP as it should have been, to protect this precious grassland from inappropriate development.
- 4.39 **Ovingdean Residents and Preservation Society:** Object on grounds that this is the second time that an application has come forward on this site and stance is as before, there should be no building on it. This is a lovely piece of land that acts as a scenic gateway to village. Once built upon it continues the urbanization of outer Brighton and will in effect join two historic villages Ovingdean to Rottingdean. More specifically object to it because;
- a) This area is of outstanding natural beauty and landscaping value next to the South Downs National Park. It acts as part of a Wildlife corridor one of the few green fingers left in the City connecting the South Downs to the coast,
  - b) In ecological terms the area is valuable grassland and supports a huge range of flora. It is a Nature Improvement Area. Are in danger of losing another valuable nature site to the city, threatened again by inappropriate development,

- c) The outline nature of the application gives the developers the ability to effectively build what they like. This could lead to a development way out of keeping to its surroundings, especially as a previous application for more houses has been turned down. The proposed housing density is much greater than surrounding areas as it and the high value of the houses will do little to reduce the demand for housing in Brighton,
  - d) The scheme will increase traffic noise and pollution on surrounding junctions, especially Rottingdean High street, and
  - e) It will add to the infrastructure problems in the area such as lack of school places, dentist, doctors etc, a demand which cannot meet at present.
- 4.40 **Rottingdean Preservation Society Object** is strongly of the view that this development will have a seriously detrimental impact on the key strategic gap provided by the National Park around Ovingdean and Rottingdean. The two villages are unusual in being 'Downland' villages close to the coast.
- 4.41 Rottingdean is unique in having village characteristics and yet surrounded by the South Downs National Park and further having a key element of the National Park not only within the Parish but actually down to the sea. This continuous 'green' stretch immediately to the north of Meadow Vale provides the essential link between the South Downs, Beacon Hill and the coast.
- 4.42 Proposed development will alter drastically the perspective across to the south west from the Downs above the Balsdean area. Further, it will make a mockery of the strong cross party support that Brighton & Hove City Council gave for the National Park by in-filling an important component of the green areas around these two villages.
- 4.43 28/03/2017 Following receipt of further information/ minor amendments Objects Development on the site alters the setting of Rottingdean Parish as an historic Downland Village. The applicant's Historic Study clearly demonstrates that this green gap is critical to the visual linkage of the South Downs National Park from the west to the east of Falmer Road. Further, increased traffic movements will seriously affect air pollution in the High Street of Rottingdean and add to the congestion at both the junctions in Woodingdean and with the A259.
- 4.44 **Saltdean Swimmers Object** on the following grounds;
- Traffic from the development will contribute to the dangerous air pollution in Rottingdean, which has breached safety levels with regards to nitrogen dioxide for the past 5 years,
  - Effects from air pollution on health,
  - Lack of appropriate infrastructure,
  - Negative effect on the village of Ovingdean,
  - Loss of habitat of lowland calcareous grassland which plays an important part in conservation and biodiversity of species,
  - Planning law, including requirements of the Local Plan, the NPPF and the Environmental Protection UK - Development Control Planning for Air Quality 2010 Update,
  - Brownfield sites, must be put to good use before building on greenfield sites,

- Exacerbation of existing traffic problems, at expense of people's health,
- 4.45 **Sussex Botanical Recording Society Objects** on the grounds that the Red Star Thistle is an IUCN Critically Endangered species. There can be no justification for the destruction of what is arguably the best population of this very rare plant in the UK. The proposed mitigation is therefore irrelevant.
- 4.46 No species, however, exists as an isolated phenomenon. The site has by now been studied carefully and monitored for a number of years and clearly supports a very special community of plants, fungi and animals. There are other rare plant species, notably Cut-leaved Self-heal, together with some very important insect species. The Aspect Ecology survey of this site is not as detailed or indeed as expert as those undertaken by other organisations and individuals.
- 4.47 The situation of Meadow Vale is also of vital importance. It is accepted that it is no longer satisfactory merely to hive off small, isolated 'nature reserves' to protect rare and endangered species: ultimately the biodiversity vital to the planet can only be preserved by providing corridors to connect up sites and allow the movement of genes between populations. On the edge of the South Downs National Park and close to other protected areas in this part of Brighton and Hove, Meadow Vale is of strategic importance.
- 4.48 If all of the above did not amount to an overwhelming argument against development (or, more accurately, destruction), the site is Lowland Calcareous Grassland, a Habitat of Principle Importance under Section 41 of the Natural Environment and Rural Communities Act 2006.
- 4.49 **Sussex Wildlife Trust Objects.** Recognise that the site came forward as suitable for some development in the urban fringe assessment however the assessment dated November 2015 states "it is not possible to confirm the value of the Study Area of notable and protected species in the absence of detailed surveys."
- 4.50 Since publication of the UFA understand that the Deans Preservation Group has commissioned a detailed survey of the site. As specifically recommended in the UFA these include a Phase 1 ecological survey with a detailed National Vegetation Classification survey. The results of these demonstrate significantly greater levels of biodiversity than the report submitted by the applicant.
- 4.51 The planning system has a significant role in meeting the Government's international commitments and domestic policies for habitats, species and ecosystems, and it is essential that biodiversity is given due regard in the planning process. The applicant has submitted an ecological appraisal that has been updated since planning permission was sought on the site previously. However are concerned that the conclusions drawn by the applicant's ecological appraisal fail to reflect the true value of the site's biodiversity.
- 4.52 One of the plants present on site is Red Star Thistle, classified as IUCN critically endangered and listed under section 41 of the Natural Environment

and Rural Communities Act 2006 and as LBAP species. The Sussex Biodiversity Record Centre holds information for the application site which shows over 4,000 plants on the site in 2016. Are concerned that the change in management of the site as a result of this proposal would negatively affect this species and result in the Council failing to deliver development that is compliant with policy CP10 biodiversity in the City Plan Part One.

- 4.53 The site also supports Cut-leaved Selfheal and Hybrid Selfheal, both of which are on the Sussex Rare Species Inventory and the Sussex Scarce Corky Fruited Water-dropwort.
- 4.54 The UFA requires robust mitigation measures to address impacts on protected species. Would also like BHCC to consider the suitability of the Red Star Thistle mitigation strategy submitted within the ecological appraisal. The mitigation strategy seems to be working on the old data for locations of Red Star Thistle and not the most update information held by the Sussex Biodiversity Record Centre. Red Star thistle on site donor and receptor sites appears to be working on the old housing numbers and layout. Would also suggest the receptor sites need to be looked at again to ascertain their current suitability. As the documentation appears to be so out of date, in its current form the mitigation strategy is not robust enough to proceed with development.
- 4.55 The invertebrate value of the site also seems to be seriously under estimated by the applicant.
- 4.56 Information is available that shows that the site has considerably more biodiversity value than the information submitted as part of the application indicates. Suggest that determining the application in its current form would not conform to the NPPF.

## **5. CONSULTATIONS**

### **5.1 External**

5.2 **Brighton and Hove Archaeological Society:** Comment Ovingdean is an area rich in archaeological and historical remains. Field walking around Ovingdean has produced finds from the Neolithic, Iron Age and Roman periods. The field to the north of St Wulfran's Church contains the remains of a 13th century medieval farmstead and possible manor house and, an enclosure possibly dated to the Roman period lies in fields to the south of the church. Other finds in the area have included a number of Anglo-Saxon burials.

### **5.3 County Archaeologist:**

Comment 19/10/2016 The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric and Romano-British activity, including settlement.

5.4 The site has been subject to an archaeological geophysical survey, which indicates the site does not contain remains of national importance, however the survey did identify a number of potential features of archaeological interest. Mitigation of damage to below ground archaeological remains will therefore be

required, the first phase of which will need to comprise evaluation excavation, prior to any building works or site preparation commencing.

- 5.5 In the light of potential for loss of heritage assets on this site resulting from development the area 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 Comment 11/04/2017 following receipt of amendments Have no further comments to make.
- 5.7 **County Ecologist:** Comments 22/11/2016 The proposed mitigation is considered insufficient to offset the impacts of the proposed development on biodiversity.
- 5.8 Comments 17/04/2017 following receipt of amendments and additional information The comments are provided in the context of the appeal decision. In relation to ecology, the Inspector concluded that "subject to full and further details of proposed mitigation consistent with such measures as indicated by the Fringe Assessment, the proposed development would not be harmful to the ecological significance of the site".
- 5.9 Since the appeal hearing, further surveys have been carried out on site, including updated National Vegetation Classification (NVC) and invertebrate surveys. Whilst there is still some dispute over the exact nature of the grassland, it is undisputed that the grassland is species rich and shows good botanical and invertebrate diversity.
- 5.10 The Ecological Appraisal Addendum (March 2017) states that corky-fruited water-dropwort should be considered absent, based on the fact that it was not recorded during the Aspect Ecology surveys and that records were not returned from the Sussex Biodiversity Record Centre. The latter resulted from the fact that the species is no longer listed on the Sussex Rare Species Inventory as it is no longer listed as Nationally Scarce. Records for the species therefore need to be specifically requested. The species remains listed as being Sussex Scarce (occurring in less than four sites in either vice county) and was last recorded on site in 2014. It should therefore not be considered as absent from the site. However, the current proposed mitigation is considered to be adequate for this species.
- 5.11 The Addendum to the Ecological Appraisal (March 2017) has addressed previously submitted comments in relation to likely impacts on ecology as well as in combination and cumulative impacts with the proposed development for the adjacent site. Proposed mitigation has been adapted accordingly.
- 5.12 Provided the recommended mitigation measures are implemented, it is recommended that the proposed development can be supported from an ecological perspective. Conditions should be secured for detailed mitigation

strategies for red star-thistle and reptiles, for an ecological design strategy and for ongoing management of habitats on and off-site.

- 5.13 **County Landscape Architect:** Comment 10/11/2016 In the Appeal Decision on the application for 85 houses on this site the Inspector did not place the site in the category of bring a valued local landscape in the sense intended by the NPPF. He did however state that:

'...notwithstanding the limited inherent landscape quality of the appeal site, its existing open form and character are significant features in contributing to the distinctiveness of the setting.'

- 5.14 The landscape character assessment as provided in the Landscape and Visual Impact Assessment is an accurate assessment of the baseline landscape of the site and surrounds. However there are two elements of the landscape of the application site which need further emphasis:

- The wooded nature of much of the undeveloped area of Happy Valley to the north is a key characteristic locally. This character is extended along the western boundary of the site.
- The contribution that the open form and character of the site makes to the transition from open downland to the built up edge of Ovingdean.

- 5.15 The proposed alignment of the housing development across the western part of the site could have acceptable landscape and visual effects if adequately and appropriately mitigated.

- 5.16 The proposed location of the Local Area of Play and need for community food growing needs further consideration.

- 5.17 The landscape masterplan should be reviewed to ensure that the development can be integrated into local landscape setting and to minimise the adverse effects on the surrounding national park landscape.

- 5.18 It is recommended that the application can be supported in principal subject to the changes to the public open space proposals and the landscape masterplan as outlined above.

- 5.19 Comment 31/03/2017 following receipt of amendments The revisions to the proposed development have addressed concerns with regards to landscape and visual impact. It is recommended that the development can be supported subject to consideration of suggested modifications to the detailed planting proposals.

- 5.20 **Natural England:** Comment Site lies directly adjacent to the National Park boundary and is located within its setting. The site is in a sensitive location and therefore requires a robust assessment of any potential Landscape and Visual Impacts which could arise should the site be subject to development. Note that the application includes a reduction in the number of houses which were

proposed in previous applications at this site and for which Natural England made substantive comments.

- 5.21 Having assessed the information provided in support of the current application advise that additional information is required on landscape character, special qualities of the South Downs National Park, viewpoints selected and landscaping.
- 5.22 National Parks have been confirmed by the Government as having the highest status of Protection in relation to landscape and scenic beauty. Paragraph 115 of the NPPF states clearly that;
- "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.<sup>25</sup>"
- 5.23 The South Downs National Park Authority should provide expert landscape advice on any implications the proposal has on the Special Qualities of the South Downs National Park and its reasons for designation.
- 5.24 Have not assessed this application and associated documents for impacts on protected species.
- 5.25 **Rottingdean Parish Council:** Object Whilst note the reduction in the number of proposed units and higher proportion of affordable homes, the objections made to the previous application are considered equally relevant to latest proposal to build on this green space. Space which has long enhanced distinctive village communities and all the recognised benefits that local community ownership and identify bring.
- 5.26 Believe that should the development go ahead it will significantly erode the character of the area leading to an urban sprawl that blurs the valued identities of the Ovingdean and Rottingdean communities. This development will have the effect of closing the strategic gap which maintains the connectivity of both localities with the South Downs National Park.
- 5.27 Ecological Issues - Whilst the green space now allowed to the east of the site reduces the impact upon the ecological issues originally raised, there remains concern that the area could lose grassland which is currently used by wildlife as a source of food. Once building commences many of the natural calcareous grassland species will be destroyed forever.
- 5.28 Flooding - remain concerned about the amount of hard standing and number of houses. Whilst soakaways are planned, parish councillors are still concerned about the impact further down the valley.

- 5.29 Traffic and air pollution - Whilst the developers state that there will be minimal increase in air pollution they have included in their plans two parking spaces for each property. While there is a bus service, this is currently run only three times an hour. The number of cars coming into Rottingdean will no doubt be increased resulting in higher pollutants in the already designated AQMA. Maintain that the objections to earlier applications are still relevant in terms of adding to existing levels of road congestion, especially at peak times.
- 5.30 Technical assessment - request that traffic and air quality assessments of the impact of this development take into full consideration the other major proposed developments at St Aubyns, Land behind Falmer Avenue, 67 Falmer Road and Lewes District Council proposals indicating development of 450 homes for Peacehaven.
- 5.31 Infrastructure - The impact on local infrastructure and services remains a major concern given further large scale developments proposed for other sites. Overall the cumulative impact - within a short time frame - if these developments proceed is to increase current housing stock in Rottingdean alone by 10%. The infrastructure is simply not able to sustain this level and pace of development.
- 5.32 Whilst the Secondary school in Rottingdean has places, local Primary schools have no spare capacity and GPs are oversubscribed. There are no shops close to this development and people will need to travel to Brighton or Rottingdean for provisions increasing traffic on already congested routes.
- 5.33 Developer contribution - Should consent be given request S106 Agreement giving account to RPC's locally determined priorities contained in its recently circulated 2016 Infrastructure Project List.
- 5.34 Meeting housing need - is aware of need to designate suitable sites for more housing. However, this locality has already provided for more new homes - when looked at in percentage terms - than the wider City area. Until recently, this has been through incremental growth over a longish timeframe which at least has allowed time for the associated infrastructure needed to support increasing occupation.
- 5.35 Emerging Neighbourhood Plan will indicate potential development sites to allow for the growth that is needed over the next 15 years. This should be incremental wherever possible on brown field sites to eliminate the need to use Urban Fringe (green) Sites.
- 5.36 There is already a Planning Brief agreed for a brown field site within the village and there are other brown field sites that may come available which negates the need to build on this meadowland that forms a valued and important natural space enhancing both villages.
- 5.37 Objection 06/04/2017 and 17/04/2017 following receipt of amendments Draws attention to the very limited ecological information that was previously available to the Appeal Inspector's conclusions on the principle of residential

development in this location. The Council is aware that newer in-depth studies have since been undertaken which are at odds with the ecology results presented at the time of the Appeal.

- 5.38 The emergence of the new and more comprehensive information represents the most significant ecological assessment produced to date on Meadow Vale. The Parish Council agrees with the Deans Preservation Group who submitted the independent, ecological survey and appraisal work, that this changes the perception of the field as being suitable for even partial development.
- 5.39 Have previously objected at length to many cumulative and detrimental effects seen by residents from the loss of this green space which has long enhanced distinctive village communities. The Parish Council view, reinforced by detailed technical evidence, is that a development of 45 housing units will significantly erode the sensitive natural environment of the area, and destroy an important area of wildlife habitat.
- 5.40 **SGN Gas Networks:** Comments 25/10/2016 and 04/04/2017 following receipt of amendments Note the presence of Low/Medium/Intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of the low/medium pressure system or above or within 3m of an intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.
- 5.41 **South Downs National Park Authority** Comment Are mindful of the recent appeal decision at the site and the Inspector's conclusions on the principle of residential development in this location relative to the impact on the National Park Setting.
- 5.42 Considers that the proposals are much improved on the previous scheme and note that the number of dwellings (45) is now in line with that recommended in the 'Further Assessment of Urban Fringe Sites 2015' which the Planning Inspector afforded significant weight. Would recommend however that the area of open space to the east of the proposed housing is kept as informal as possible. The landscaping plans currently submitted show a local area of play, community growspace and amenity greenspace which are formalised in appearance and therefore quite incongruous in this edge of downland setting. Would prefer that the whole of the open space area to the east of the housing is retained and enhanced as chalk grassland surrounded by wooded hedgerow. Note that a similar request has been made by the County Ecologist.
- 5.43 Has not assessed the application and associated documents for impacts on protected species and biodiversity and would recommend that the application should be determined on the basis of the conservation advice of the County Council Ecologist.
- 5.44 In order to support the second purpose of the National Park, consideration could be given to an off-leash area for dog walkers within the open space area, and a circular walk.

- 5.45 **South Downs Society: Object** Society responded to two previous applications for 100 and 85 dwellings on this site and set out its concerns believing that this land, adjacent to the South Downs National Park, is unsuitable for such development due to the potential negative impact. Remind the City Council of its statutory duty under Section 62 of the Environment Act 1995 to have regard to the designation of the park.
- 5.46 Following the Inspectors Report into the City Plan Part One a revised Urban Fringe Assessment 2014 (as amended) was prepared with the need to identify a number of urban fringe sites that may be suitable for development to meet housing needs. This UFA concludes that this site has a potential for development of 45 dwellings at low density. However, it is the City Plan Part 2 that will provide actual site allocations and, while the initial consultation has taken place, it has yet to be adopted.
- 5.47 Importantly, this site abuts the boundary of the National Park and is part of the downland backdrop to Ovingdean and the setting of the Park. Whilst welcome the Landscape and Visual Impact Assessment, this application is with appearance being reserved. The actual degree of any adverse effect on views in and out and the setting of the Park can therefore not be fully determined at this stage.
- 5.48 Harm to the environment and the Park extends beyond any adverse visual effect and includes the impact from additional traffic movement with the associated increase in noise and pollution. Council will be aware of the existing high levels of traffic on Falmer Road and the reported levels of pollution in Rottingdean. In addition, tranquillity and dark skies are potentially dissolved further. Can find little in the application that sets out how the development contributes towards conservation and enhancement of the adjacent National Park.
- 5.49 Unless Authority considers that the benefits of proposed development at this location to meet the need for new housing outweigh the likely harm to the environment and the setting of the National Park, then believe this application should be refused.
- 5.50 **Southern Water: Comment** The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3m either side of the centreline of the foul sewer, no new soakaways should be located within 5m of a public sewer and all existing infrastructure should be protected during the course of construction work.
- 5.51 Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

- 5.52 The results of an initial desk top study indicates currently cannot accommodate the needs of the application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF.
- 5.53 Following initial investigations can provide a water supply to the site.
- 5.54 If approved recommend conditions regarding sewerage infrastructure and means of foul and surface water sewerage disposal.
- 5.55 **Sussex Police:** Comment Very pleased to note that the Design and Access Statement gave mention to the crime prevention measures to be incorporated into the design and layout. The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design and layout of the development.
- 5.56 The development's design has created outward facing dwellings with back to back gardens, which in turn has created good active frontage with the streets and the public areas being overlooked. Additionally this design has eliminated the need for vulnerable rear garden pathways.
- 5.57 Parking has been provided for with in-curtilage, garage and on street parking bays, all which are overlooked and have natural surveillance. This should leave the street layout free and unobstructed.
- 5.58 External doors along with any ground floor or any easily accessible windows are to conform to PAS 024-2012 or their equivalent.
- 5.59 Comments 12/04/2017 following receipt of amended plans Note there has been a small change in location to some of the dwellings and that the adjacent green space has been allocated to horse paddocks and an informal open space.
- 5.60 Only comment would be to make the applicant or their agent aware that where the turning head has been introduced adjacent to the footpath link to Falmer Road. Consideration should be given to the misuse of this turning head being used as a car parking area for visiting persons using this pathway link, to access the walking opportunities on the downs. This has the potential to cause congestion within the development.
- 5.61 Previous comments remain extant with further in-depth crime prevention advice being delivered at reserved matters.
- 5.62 **UK Power Networks:** No objection
- 5.63 **Internal**
- 5.64 **Arboriculturist:**

- 5.65 Comments 2/12/2016 Development will result in the loss of one large Wheatley Elm from the highway along with some other minor scrub trees of little arboricultural value.
- 5.66 Provided the access road can be relocated to prevent the loss of this large prominent roadside tree then there is no objection. Without this change would recommend that consent is refused.
- 5.67 Comments 9/01/2017 following receipt of revised Arboricultural Survey Have no objection to the last amended scheme as this makes provision for the retention of the roadside Elm located close to the entrance.
- 5.68 17/04/2017 following receipt of amendments and additional information Has no objection to the latest amended scheme as this makes provision for the retention of the Roadside Elm located close to the entrance. The comments from the County Landscape Architect are also welcomed and broadly agreed with.
- 5.69 **City Regeneration:** Support the application from the perspective that it will provide additional homes for the city and contribute to addressing the ongoing challenges the city faces in respect of its housing needs.
- 5.70 Should the application be approved, developer contributions of £20,500 towards the council's Local Employment Scheme are requested through a S106 Agreement. In addition, an Employment and Training Strategy will be required which should be submitted for approval 1 month before commencement. The Employment and Training Strategy should set out how the developer or their main contractor will provide employment and training opportunities for local residents, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.
- 5.71 04/04/2017 following receipt of amendments Comment The changes do not impact on the developer contributions requested towards the Local Employment Scheme as all dwellings for over and including 3 bed, generate a developer contribution request of £500 per dwelling.
- 5.72 **Education Officer:** Comment Would seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance would be seeking a total contribution of £251,353.00 in respect of primary (£105,097.40) and secondary provision (£146, 255.60).
- 5.73 This calculation is based on 45 units. Ovingdean is a fairly distinct community and is not within the main part of the city. As a result of this there is limited choice in terms of local schools. The primary provision would be likely to be spent at Saltdean Primary School, Our Lady of Lourdes RC Primary School, St Margaret's C E Primary School, Rudyard Kipling Primary School and / or Woodingdean Primary School as they are the closest primary's to the

development. These schools currently offer a total of 1,770 places and there are currently 1,681 pupils on roll at these schools. This offers a surplus of just 5% (the majority of which is in the junior year groups) which is required to allow for parental preferences and in year admissions. It is expected by the DfE that the council should maintain between 5% and 10% surplus places to allow for parental preference. A development of residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice whatsoever.

- 5.74 This proposed development is in the catchment area for Longhill School in terms of secondary places. While there is currently some surplus capacity at Longhill with the recent growth in primary numbers know that this will not remain the case for much longer. Consequently would also be seeking a contribution for secondary should this development proceed.
- 5.75 30/03/2017 following receipt of amendments Comment Confirm that the change in units makes no difference to the number of pupils generated by the development or the contribution that would be sought if the development was to proceed.
- 5.76 **Environmental Health:** Recommend Approval subject to conditions regarding land contamination and lighting and the provision of a CEMP.
- 5.77 Contaminated Land: A previous desktop study for this location concluded that the site is considered to have an overall low or very low potential from remnant contamination.
- 5.78 However, given the size of the development, the new residential usage, the potential human receptors to contamination (construction workers and future site occupier's), further geotechnical investigation is required. The report recommends that 'check' contamination analyses are undertaken to confirm a conceptual model and allow a generic quantitative risk assessment to be undertaken. This model should then be used to determine any appropriate remedial works or design features, if proven to be necessary. Further contaminated land investigation needs to be carried out before development begins and as such, must be a condition of any consent granted.
- 5.79 Lighting: Artificial light if not properly controlled, causing obtrusive light, can present serious physiological and ecological problems. Obtrusive Light, whether it keeps someone awake through a bedroom window or impedes their view of the night sky, is a form of pollution, which may also be a nuisance in law. However, it can be substantially reduced without detriment to the lighting task.
- 5.80 Sky glow, the brightening of the night sky, Glare the uncomfortable brightness of a light source when viewed against a darker background, and Light Intrusion ("Trespass"), the spilling of light beyond the boundary of the property or area being lit, are all forms of obtrusive light which may cause nuisance to others and waste money and energy. Therefore recommend an appropriate condition in order to control light levels resulting from the development.

- 5.81 Construction: There are concerns about how local residents will be affected during the large amount of construction that will be necessary for the proposed houses. It is therefore recommended that a Construction Environmental Management Plan be required.
- 5.82 **Environmental Health: (Air Quality)** With mitigation measures recommends approval.
- 5.83 Air Quality at the site is very good and complies with all national and international standards for the protection of human health. The development will not introduce new residents to an area of known pollution.
- 5.84 If the proposal is built it will generate additional vehicle movements. This has the potential to impact on local air quality to the north and to the south of the site. Daily the development is predicted to generate 122 extra vehicles to the north (72%) and 48 to the south (28%).
- 5.85 As the Rottingdean Air Quality Management Area is to the south of the proposed development, the air quality assessment focuses on any impacts to this sensitive area.
- 5.86 The majority of traffic generated as a result of this development will travel away from the AQMA. The area to the north nearer to the top of local hills and ridges has better entrainment of fresh Atlantic air, lower levels of pollution and is not equally sensitive to emissions from road traffic.
- 5.87 To offset the impacts of emissions harmful to health (oxides of nitrogen and fine particulate matter) a series of mitigation measures are recommended as conditions. These could be achieved via the building design, off site infrastructure measures, the travel plan or the Construction Environment Management Plan (CEMP).
- 5.88 **Flood Risk Management Officer:** Recommends approval as has no objections to the application subject to the inclusion of a condition regarding surface water drainage.
- 5.89 **Heritage: Recommend Approval** The loss of this green and open space, which has historically always been historic open downland, is regrettable but it is noted that the Urban Fringe Assessment (UFA) identified this as site for 45 houses and the proposed density is very similar to that suggested in the UFA. The impact of the proposed development on the designated heritage assets in the wider area is however very limited. There is limited intervisibility between Rottingdean Windmill and the site and any impact on this arising from the development would be so limited as to have no effect on the significance of the Windmill. The site does not form part of the setting of Ovingdean Conservation Area and its listed buildings or the Rottingdean Conservation Area and its listed buildings, nor of New Barn.
- 5.90 The submitted Heritage Statement concludes that the locally listed former farm buildings to the north of the site (wrongly called Woodingcote House) are of

limited significance and that this significance would not be changed by the development. However, the interest of the farm buildings partly lies in their still rural setting; this helps to enable their original use to be more easily read and understood. The proposed development will further isolate the buildings from the surrounding downland and, as such, it would result in a medium magnitude of change and a minor adverse effect on their setting and therefore their significance. This harm is at the low end of 'less than substantial' and should be weighed against any public benefits of the proposed development and taking into account the identification of the site in the UFA.

- 5.91 **Housing Strategy: Comment** The city-wide Housing Strategy adopted by Council in March 2015, has a Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the City needs with a particular emphasis on family homes for Affordable Rent. The Council has an Affordable Housing Brief (AHB) based on evidenced housing needs in the City.
- 5.92 The application is for 45 properties including 40% affordable. This equates to 18 properties and these are offered at the Council specified tenure mix of 55% affordable rent (10 units) and 45% shared ownership (8 units). This is compliant with policy CP20 of Brighton & Hove City Plan Part One and meets the Affordable Housing Brief.
- 5.93 Up to date assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the AHB scheme mix is based on this.
- 5.94 The Scheme meets the AHB requirements with regards to the number of units and tenure mix which is fully supported. The unit mix reflects the site overall and provides additional larger units and the sizes meet standards or smaller family units and are therefore supported.
- 5.95 **Planning Policy Comments 5/12/216** The principle for some residential development on part of this urban fringe site has been established through the 2014 and 2015 Urban Fringe Assessment studies and the 2015 appeal decision relating to a previous application (**BH2014/02589**).
- 5.96 The current proposal will make a valuable contribution to the city's housing requirements and will assist with the five year housing land supply. It will also provide 40% affordable housing (18 units in total) with 10 units for affordable rent and 8 units shared ownership and this is to be welcomed.
- 5.97 Subject to the comments from the County Landscape Architect and County Ecologist and subject to appropriate open space retention and mitigation together with an agreed open space contribution, policy comments are able to support this proposal. There are considerable benefits associated with the proposed housing provision in terms of helping to meet the city's housing requirements and affordable housing requirements.

- 5.98 **Public Art Officer Comments** To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £44,000, be included in the section 106 agreement.
- 5.99 30/03/2017 following receipt of amendments Comment To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £45,000, be included in the section 106 agreement.
- 5.100 **Sustainable Transport Officer Comments 22/12/2016** The Highway Authority would recommend that the applicant resubmit the proposed highway works plan to address concerns with the removal of the pedestrian refuge island on Ovingdean Road, together with a Stage 1 Road Safety Audit. Subject to this, the Highway Authority would recommend approval with necessary conditions/S106 and a S278 highway works agreement.
- 5.101 Comment 13/04/2017 following receipt of amendments The comments have been updated to reflect revised plans which include amendments to plots to the east of the site, proposed walking and cycling route from Falmer Road and internal estate roads. The comments remain largely unchanged from those provided in respect of the original plans and in principle have no objections subject to necessary conditions/S106 and a S278 highways works agreement. However it is noted that the plot layout adjacent to Street 5 has altered since the previous submission. This would limit the opportunities for securing the recommended footways on both sides of the carriageway to a required standard by conditions. It is therefore recommended that this be clarified and amended plans submitted as necessary prior to determination.
- 5.102 In the event that planning consent is granted, the Highway Authority would seek a package of highway works as previously agreed and in lieu of sustainable transport contribution. This will provide sustainable transport infrastructure in the vicinity of the site to improve bus stop facilities and access for future residents together with the provision of a right turn pocket on Falmer Road at the junction with Ovingdean Road.
- 5.103 It is deemed that the above, together with requested Travel Plan measures, will provide suitable mitigation for the transport impacts of the development proposals. In reaching this recommendation, the Highway Authority has assessed the number of trips that it is forecast will be generated by the proposed development, together with those arising from committed developments that may also generate additional traffic on Falmer Road.
- 5.104 It should also be noted that the proposals represent a reduction of 40 units on the previous scheme for the site (BH2014/02589). Although this was refused and dismissed at appeal, the reasons for refusal did not relate specifically to the transport impacts of the scheme and the Highway Authority raised no objection. The Inspector did however consider the transport impacts of the proposals in light of the representations made in this respect. It was subsequently concluded "that the proposed development would not be harmful to local traffic conditions

and would accord with the expectations of the [National Planning Policy Framework (NPPF)]". Given the reduced scale of the proposals and upon assessment of up to date traffic data, the Highway Authority is therefore of the view that the current application would not be contrary to Section 32 of the NPPF (Transport) and policy CP9 of the Brighton & Hove City Plan Part One.

- 5.105 Comment 20/04/2017 following receipt of amendments The reason the footpaths were requested on both sides was to accommodate all pedestrian desire lines and also to ensure adequate pedestrian provision to the properties on the south side of Street 5. It is therefore welcomed that the applicant has been able to amend the revised plans to incorporate these. The additional footways are of a sufficient width, though further details such as materials, provision of crossing points (dropped kerbs and tactile paving) as well as the integration of the original and extended paths adjacent to plots 23-25 would need to be agreed. However, as stated in the original comments, these matters can all be addressed through the recommended estate roads condition.
- 5.106 **Sustainability Officer:** Comments 10/11/2016 Adopted Brighton & Hove City Plan Part One policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 5.107 CP8 sets out residential energy and water efficiency standards required to be met by the Planning Authority.
- 5.108 Very limited information has been submitted to demonstrate how sustainability policy is being addressed. In the previous application an online Sustainability Checklist was submitted, energy modelling had been undertaken, and there were commitments to achieving minimum performance standards.
- 5.109 In this application no Sustainability Checklist was submitted, and there is no indication that minimum energy and water efficiency performance standards will be targeted or met.
- 5.110 The application has not addressed policy CP8 Sustainable Buildings. Therefore with current content of this application, approval is not recommended.
- 5.111 Comments 19/04/2017 following receipt of amendments Whilst amendments to the landscaping plan offer an improvement in relation to integrating food growing on the site, the application has not addressed many policy issues from CP8. Planning conditions are suggested that could make the development acceptable. If these conditions are applied then have no objection.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex 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
- SA4 Urban Fringe
- SA5 The Setting of the National Park
- SA6 Sustainable Neighbourhoods

#### Brighton & Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR15 Cycle network
- TR18 Parking for people with a mobility related disability
- SU3 Surface Water Drainage
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control

SU10 Noise Nuisance  
SU11 Polluted land and buildings  
QD5 Design - street frontages  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
NC4 Sites of Nature Conservation Importance  
HE6 Development within or affecting the setting of Conservation Areas  
HE10 Buildings of local interest  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

Supplementary Planning Guidance:

SPGBH9 A guide for Residential Developers on the provision of recreational space

Other Documents:

- Brighton & Hove Urban Fringe Assessment - June 2014
- Further Assessment of Urban Fringe Sites 2015 - Landscape and Ecological Assessment - December 2015
- Open Space Study Update 2011
- South Downs Integrated Landscape Character Assessment - December 2005 (Updated 2011)
- Developer Contributions Technical Guidance - June 2016

## **8. CONSIDERATIONS & ASSESSMENT**

### **8.1 Background**

8.2 A previous application (**BH2014/02589**) sought outline consent, with appearance reserved for approval at a later date, for 85 dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping.

8.3 This application was refused by the Local Planning Authority in January 2015 on the grounds that omissions in the application resulted in the Local Planning Authority being unable to assess likely impacts of the proposal on ecology and air quality and the proposal, by virtue of its scale and site coverage, resulted in adverse impacts upon the character and appearance of the site and surrounding area and therefore represented overdevelopment, contrary to

policies of the Brighton and Hove Local Plan, and the Submission City Plan Part One.

- 8.4 The previous refusal was the subject of an appeal hearing in January 2016 in which the Inspector considered the proposal with regards to issues including character and appearance, ecology, air quality and traffic. Key elements of the appeal decision, which is a material planning consideration in the determination of this application, will be discussed throughout this report. It should be noted that it was on the ground of overdevelopment that the appeal was dismissed:
- 8.5 "The excessive extent of the built form would appear as a discordant intrusion into the immediate balanced relationship of open land to built form, and would thereby be seriously harmful to the character and appearance of the appeal site and its surroundings. The scheme, by reason of its extent, would not represent a sympathetic response to the site's otherwise predominantly open, countryside character and its relationship to Ovingdean at a significant approach to the settlement from the B2123" (paragraph 100 of the appeal decision).
- 8.6 The main differences between the refused scheme and that now proposed are;
- Reduction in quantum of development from 85 to 45 dwellings,
  - Reduction in net development from 2.43 hectares to 1.68 hectares,
  - An increase in open space from 1.29 hectares to 2.04 hectares,
  - Reduction in net density from 35dph (gross density 23dph) to 28dph (gross density 12dph), and
  - Re-positioning of proposed new access road from Ovingdean Road further to the west.
- 8.7 The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the scale of the proposed development on the visual amenities of the surrounding area, including the setting of the South Downs National Park and the suitability of the proposed layout. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts must also be assessed.
- 8.8 **Principle of Development**  
The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. The Inspector emphasised that this minimum requirement would meet only 44% of the objectively assessed need for new housing and that this was "a very significant shortfall which has important implications for the social dimension of sustainable development". It was also recognised in the Inspector's report that there was a "considerable need" for affordable housing in the City. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.9 The potential for some residential development on part of the application site was identified through the 2014 and 2015 Urban Fringe Assessment studies

(undertaken to support City Plan Part 1, the preparation of City Plan Part 2). The principle for some development was subsequently accepted through the 2016 appeal decision.

- 8.10 The Local Planning Authority recognises that the proposed scheme, for the provision of 45 new dwelling units, has particular social and economic benefits including contributing to meeting the City's significant housing requirements and 5 year supply, providing 40% affordable housing units (18 units comprising a mix of unit sizes and tenure), create jobs, particularly during the construction phase, and go some way to making up the significant shortfall in the need for new housing referred to by the City Plan Inspector.
- 8.11 Urban Fringe  
The site is classed as an urban fringe site located between the defined built up area boundary of the City and the boundary of the SDNP, which is located on the eastern side of Falmer Road. The site is located within the urban fringe where the SDNP narrows to a thin tract of land that separates Ovingdean and Woodingdean villages.
- 8.12 Under the adopted Brighton & Hove City Plan Part One the site is subject to the urban fringe policy SA4, which states that development within the urban fringe will not be permitted except where a site has been allocated within a Development Plan or where a countryside location can be justified and where certain specified criteria are met, including regard to the downland landscape setting of the City and any adverse impacts of development are minimised and appropriately mitigated and/or compensated for.
- 8.13 Policy SA4 also states that where proposals for residential development come forward prior to the adoption of City Plan Part Two (which is to include site allocations) then the 2014 Urban Fringe Assessment will be a material planning consideration in the determination of planning applications.
- 8.14 The Urban Fringe Assessments 2014 and 2015  
The Urban Fringe Assessment 2014 (UFA) is an independent, high level assessment that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan Part One in order to inform the overall housing delivery requirement for the City being taken forward through the preparation of Brighton & Hove City Plan Part One.
- 8.15 The UFAs provided 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. As a result of the UFA 2014 policy CP1 identifies the potential for around 1000 new dwellings within the City's urban fringe.
- 8.16 The UFAs are a material consideration in the determination of planning applications for development proposals within the urban fringe and therefore the in-principle acceptability of some residential development on part of the site has been established through the findings of the UFAs. It is however noted that the

findings of the UFAs are indicative and should be applied flexibly on a site by site basis and, where appropriate, and justifiable, an increased level of development may be accepted.

- 8.17 As stated within the 2014 assessment "Accommodating housing in the urban fringe will contribute towards the objectively assessed need 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". 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".
- 8.18 The 2015 Further Assessment of the Urban Fringe Sites was undertaken to provide more detailed assessments (with regards to landscape and/or ecology) of the sites identified as having housing potential, to inform potential site allocations to be taken forward through City Plan Part Two, which is now in preparation.
- 8.19 Both UFAs refer to the site (known as site 42/L16/E13 in the assessments) and identify that the western part of the application site has the potential for housing development for approximately 45 units, on approximately 1.75 Ha of the site, provided that appropriate mitigation can be secured to address the potential for adverse landscape and ecology impacts. Both studies identify clear sensitivities in terms of the potential for adverse landscape and ecology impacts that would need to be satisfactorily addressed.
- 8.20 With respect of the site, the conclusions of the 2015 LUC Landscape and Ecology further assessment states:

"In conclusion, it is considered that although it would be challenging to avoid significant landscape and ecological impacts at the potential development area within Study Area L16/E13, housing could be delivered with reduced impacts assuming careful design and that robust mitigation measures are developed and implemented. This may include:

- Carefully located screening planting is provided, which does not itself impact on the openness of views from Falmer Road, in particular towards Mount Pleasant, or on the ecological value of any notable grassland habitats.
- Detailed ecological surveys are undertaken including to confirm grassland habitat types present and their value.
- Measures will need to be implemented to minimise loss of higher value areas of grassland habitat, including areas identified as calcareous grassland by the above surveys, whilst ensuring sufficient areas remain in the wider Study Area which can be enhanced as compensation for areas lost.
- This would also need to include implementation of measures to ensure retention of notable species, such as red star thistle and hornet robberfly, within the remainder of the Study Area.

- Incorporation of robust mitigation measures to address any impacts on protected species,
- Incorporation of opportunities for wildlife and green infrastructure with the development itself."(page 146, 2015 Further Assessment of Urban Fringe Sites, LUC).

8.21 Landscape and ecology are discussed in more detail below.

**8.22 Design/Visual Amenities**

City Plan policy CP12 seeks to raise development densities where appropriate and sets out 9 design principles for all new development.

**8.23 Layout**

Following amendments to the proposal an open space buffer would be provided between the eastern most sited dwellings and the boundary with Falmer Road. This area of approximately 2.04Ha would comprise retained/reconfigured horse paddocks (northern part) and an informal open space area (southern part), divided by a new pedestrian footpath linking the southern part of the proposed development with Falmer Road.

8.24 The proposed developed part of the site would cover approximately 1.68Ha and would be arranged in detached, semi-detached and terraced forms. Single storey garages would be located between some of the proposed detached/semi-detached properties with further uncovered parking bays in front. A smaller informal open space area would be located in the north-western corner of the site, accessed from Ovingdean Road.

8.25 The proposed affordable housing units would be located towards the western boundary of the site.

8.26 The main vehicular access point into/out of the site would be from Ovingdean Road (opposite Gable End) which would comprise of a main spine road, with secondary and tertiary access roads off of this. An additional access point to Plot 1 would be located to the west of the main access point.

8.27 Although the appearance of the proposed dwellings is reserved at this stage a plan has been submitted which shows that the orientation of the key frontages (i.e. access pint to the proposed dwellings) of the proposed development would vary across the site.

**8.28 Design of Proposed Dwellings**

As set out above the appearance of the dwellings is reserved for subsequent approval. However it is stated within the indicative information submitted that the majority of the development would be two storeys in height, with a maximum height of all the buildings being 10.2m above ground level. It is considered that the height of development should be restricted by condition to 2 storeys in order to ensure that the development is in character with the surrounding residential area.

- 8.29 Indicative designs of the proposed dwellings/streetscenes has been provided as part of this outline application which implies that the proposed dwellings would comprise hipped and gable end roof forms and would be built of an array of materials.
- 8.30 Landscape/Visual Amenity Impacts  
As set out above the application site is located close to boundaries of the South Downs National Park, which is a landscape of national importance. Policy SA5 of the CPP1 relates to the setting of the National Park and seeks to protect and enhance the natural beauty of the National Park by requiring developments within its setting to have regard to the impact on the National Park, in particular its purpose and its ability to deliver its duty.
- 8.31 The South Downs Integrated Landscape Assessment identifies the site as being bounded by the Adur to Ouse Open Downland Character area A2. This is characteristically open downland with sparse hedges and post and visually transparent wire field boundaries. Whilst the site is outside the SDNP it does have similar characteristics as described. The description also identifies that the landscape is sensitive to changes beyond the South Downs boundary, for example within the adjacent urban areas.
- 8.32 The National Parks and Access to the Countryside Act 1949 imposes certain duties on local planning authorities, when determining planning applications in relation to, or affecting, National Parks. Specifically, s11A (2) of that Act, as inserted by s.62 of the Environment Act 1995, states:  
  
"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".
- 8.33 The purposes of National Parks, as set out in s5(1) of the 1949 Act, are:  
  
"(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of [National Parks]; and  
(b) of promoting opportunities for the understanding and enjoyment of the special qualities of [National Parks] by the public".
- 8.34 As the proposed development is not sited within the National Park it is not considered that s5(1)(b) above applies in this instance.
- 8.35 As a result of the 1949 Act, in determining this application, regard therefore must be given to the statutory purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the SDNP. The proposed development's enhanced landscaping scheme, ecological enhancement measures and the assessment with regards to archaeology are referred to later in the report.

- 8.36 Since submission of the current application the proposal has been amended to omit a proposed Local Area of Play and community growing area as such features were considered to have an adverse harm on the visual/landscape amenities of the site and surrounding area and the site's ecology. As discussed in more detail below the omission of these previously proposed features in addition to the other amendments to the layout of the site discussed within this report have resulted in an increase in retained open space to the east of the proposed dwellings and a retention of a higher proportion of Red-Star Thistle.
- 8.37 The previously refused application (BH2014/02589) related to 85 houses, with a built form of which would have extended further to the east within the site than that now proposed. It is noted that within the appeal decision relating to this earlier refused application the Inspector did not place the site in the category of being a valued local landscape in the sense intended by the NPPF and stated:
- 8.38 "The site is set at a low level relative to the surrounding higher levels of the SDNP and, whilst there would be inter-visibility between parts of the SDNP and the development, the scheme would be more widely viewed in the context of the existing settlements of Ovingdean and Woodingdean, and would reflect a similar relationship to the SDNP as existing elsewhere".
- 8.39 Furthermore, whilst overall the Inspector concluded that "with particular regard to the scale of development proposed and the extent of site coverage, the development would be harmful to the character and appearance of the appeal site and its surroundings through over-development and associated loss of local open landscape character" the Inspector did not find the scheme would be significantly harmful to the wider National Park itself. The Inspector did however state;
- "...notwithstanding the limited inherent landscape quality of the appeal site, its existing open form and character are significant features in contributing to the distinctiveness of the setting'.
- 8.40 It is acknowledged that, in order to retain the proposed quantum of development of 45 dwellings whilst reducing the eastern extent of development in the centre of the site (to increase the amount Red-Star Thistle retained on the site), the revisions to the layout of the development, received in March, have resulted in the residential development within the southern part of the site extending further to the east. However the southern part of the site is the lowest sited part and least visible and as such the County Landscape Architect has not objected to this revision.
- 8.41 Within the submitted Design and Access Statement Addendum the proposed development is shown in relationship to the UFAs development area. Whilst the appeal Inspector stated that he considered that the eastern development boundary identified within the UFAs to be "relatively arbitrary" it was also stated that the UFAs eastern boundary "does serve to define a reasonable balance of land-use between built form and open land by sympathetically reflecting the surrounding sweep of open land to which the appeal site both contributes and draws similar character".

- 8.42 The majority of the proposed development would remain within the area of development indicated by the UFAs and an open space buffer, larger than that in the refused scheme, would be provided along the eastern side of the site. As such it is considered that the proposal has addressed the previous concerns with regards to extent of development beyond that identified within the UFAs.
- 8.43 There are views into the site from the local area and in particular from Ovingdean Road and Falmer Road. Wider views from the Downs tend to be obscured by landform and the location of the site in the bottom of the valley. The most significant views from the downs are from the bridleway on Mount Pleasant.
- 8.44 As part of the application Landscape and Visual Impact Assessments have been submitted which have been assessed by the County Landscape Architect and are considered to provide an accurate assessment of the baseline landscape of the site and surroundings. The information submitted indicates that the proposed development would have at worst a moderate visual effect from the most sensitive viewpoint on Mount Pleasant, once the proposed mitigation planting has matured. The photomontage provided to illustrate this indicates that the proposed houses would be closely related to existing development on Ovingdean Road. From this viewpoint the proposed houses would be set against a backdrop of buildings on the Longhill School campus.
- 8.45 The revised layout retains an open undeveloped area of grassland in the eastern part of the site and as such the proposed layout addresses previous concerns raised regarding the impact on views from surrounding downland and in particular Mount Pleasant, including those of the County Landscape Architect.
- 8.46 Overall given the conclusions of the earlier appeal and the fact that the current scheme is for 40 dwellings fewer than the refused scheme and as such would comprise a greater open space gap between the development built form and the boundary with the SDNP than the refused scheme, it is not considered that the current proposal would have a significantly harmful impact upon visual amenities and the local landscape, including the setting of the National Park and as such the proposal accords with relevant policies.
- 8.47 Cumulative Impacts of Development of Site 42  
The site assessed in the UFAs also includes a plot of land to the west of the application site, which is in separate ownership and therefore the cumulative impacts of development of both parcels of site 42 must be considered and given some weight, as it is possible that they may both be developed and would be seen alongside one another.
- 8.48 Application **BH2015/01890** sought permission for the construction of 6 three bedroom dwellings with detached garages and 2 detached single storey outbuildings. Although this application was refused on grounds of insufficient ecological information, lack of affordable housing contribution and sustainable transport infrastructure contribution it is acknowledged that a development on

this adjacent urban fringe site could allowed in the future (either via a subsequent appeal or application).

8.49 Should the development of 6 dwellings on this adjacent site and 45 dwellings set out within this current application be permitted it is noted that the proposed combined quantum of the two separate sites (totally 51 dwellings) would exceed that suggested in the UFA. However with regard to landscape/visual impact, the adjacent site (western section of site 42) proposal would 'sit behind' the proposed larger development in views from the east and the north. As such it is considered that the adjacent site proposal, viewed alongside the larger development of 45 houses, would not significantly worsen landscape / visual impacts especially as the current application would retain an open space gap between the built developments of site 42 and the boundary with the South Downs National Park, which is located to the east of site 42. Therefore, in considering the potential cumulative impacts of both developments should they be allowed, the landscape / visual impacts are considered acceptable.

8.50 Heritage

The site does not form part of the setting of either the Rottingdean or Ovingdean Conservation Areas nor does the site form the setting of Listed Buildings located within the area, including New Barn, which is located outside of the two Conservation Areas. However the Council's Heritage Officer states that having developed from farming origins, the views towards and from the surrounding open downland are important to the character and appearance of the nearby heritage assets and as such the site, which forms a 'green buffer', is an important part of their setting.

8.51 The Council's Heritage Officer considers that the loss of the existing green and open space, which has historically always been open downland, is regrettable. However the Heritage Officer also notes that the UFAs identified this site as having the potential for residential development, at a density similar to that proposed.

8.52 The impacts of the proposed development on the designated heritage assets in the wider area is considered to be very limited and it is also considered that there would be limited inter-visibility between Beacon Windmill, which is a listed structure located to the south of the site near the coast road, and the site.

8.53 Whilst the proposal would result in the further isolation, from the surrounding downland, of the locally listed heritage assets of Woodingdean Farm and its associated buildings, the harm on their setting and therefore their significance is identified as being at the low end of 'less than substantial'. As such the identified harm should be weighed by the benefits of the development as a whole, namely a contribution towards the City's housing needs and the findings of the UFAs.

8.54 If approved the impacts of the design of the proposed dwellings, on the setting of the neighbouring non-designated heritage assets would be fully assessed at reserved matters stage.

**8.55 Accommodation Provision/Standard of Accommodation**

The 2014 UFA study indicates potential for low density (25dph) residential development on the lower western part of the site (1.75ha). The current application proposes an average net density across the site which is considered compatible with this (28dph) and recognises the need for the development density to be varied across the developable part of the site, with the density decreasing from west to east as the development becomes closer to the South Downs National Park boundary (which is located to the east of Falmer Road)

8.56 The proposal would comprise the following 45 residential units (2 flats and 43 houses);

- 1 bedroom x 2 (both affordable)
- 2 bedroom house x 8 (8 affordable)
- 3 bedroom house x 16 (8 affordable)
- 4 bedroom house x 10, and
- 5 bedroom house x 9

8.57 The proposal accords with policy CP20 in that 40% (18 units) of the proposed units would provide affordable housing, and such provision is offered with a tenure mix of 55% for social/affordable rent (10 units) and 45% intermediate housing (8 units).

8.58 The proposed affordable housing offer would be largely split between 2 and 3 bedroom units (8 units/44% of each). Whilst it is acknowledged that policy CP20 seeks a citywide affordable housing mix of 30% 1 bedroom, 45% two bedroom and 25% 3 bedroom it is acknowledged that the surrounding residential areas adjacent to the site are characterised by generally family sized housing and the site is suitable for a range of family sized dwellings. Taking this into account it is considered that the proposed affordable housing mix is acceptable in this case.

8.59 To ensure the creation of mixed and integrated communities, the affordable housing should not be visually distinguishable from any of the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. If overall the proposal was considered acceptable this could be ensured at reserved matters stage.

8.60 In terms of the 27 market housing units proposed, unit sizes are split between 3, 4 and 5 bedroom, which is considered acceptable for this location.

8.61 The appearance of the proposed dwellings has been reserved at this stage and as such no floor plans of the proposed dwellings have been submitted. It is therefore not possible to assess the standard of accommodation proposed with respect to provision of window openings, outlook, achievable levels of light/sunlight, overlooking and loss of privacy between the proposed units.

8.62 Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes, reference is made to the Government's Technical Housing Standards - National Described Space Standards (March 2015) document. From the accommodation schedule on the submitted layout plan

provided it is shown that the size of the proposed units would range from approximately 52.9sqm (1 bedroom) to approximately 228.5sqm (5 bedroom). From the information provided at this stage it would appear that only the proposed 3 bedroom affordable housing unit size would not accord with the national space standards if for 5 or 6 person occupancy but would comply for up to 4 person occupancy.

- 8.63 In order to accord with policy HO13, a minimum of 10% of the proposed affordable housing residential units and 5% of the overall housing units are required to be fully wheelchair accessible. For this proposal of 45 units, with 40% affordable housing provision, both of the proposed wheelchair adaptable units would need to be within the affordable housing provision. Such provision can be ensured via a condition if overall the proposal was considered acceptable.
- 8.64 Policy HO13 also requires all other residential dwellings in a development, that are not wheelchair accessible, to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) standards, which can be ensured via the attachment of a condition.
- 8.65 **Amenity and Open Space and Recreation Provision**  
Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. From the plans submitted it is apparent that each unit of accommodation proposed would be provided with some form of private external amenity area, space which is considered to be appropriate to the scale and character of the development proposed. Details of proposed boundary treatments between the proposed amenity spaces can be secured via a condition.
- 8.66 Policy CP16 seeks the retention of all existing open space (public and private). It is acknowledged that the proposal would result in 1.68Ha of existing open space being lost. However, part e) of policy CP16 states that the 2014 Urban Fringe Assessment will be a material consideration in the determination of applications of residential development in the urban fringe prior to the adoption of Part 2 of the City Plan.
- 8.67 Whilst the amendments to the proposal, since its submission, have resulted in the loss of the previously proposed Local Area of Play because of concerns regarding adverse harm on the visual amenities of the site and surrounding area, the proposal would provide two areas of informal open space and would result in the retention of part of the existing horse paddocks, open spaces which would provide a buffer between the built development and the eastern boundary of the site.
- 8.68 It is also acknowledged that the recent layout revisions have resulted in the increase of developed area (1.61Ha to 1.68Ha) when compared to the layout submitted originally and therefore a further loss of open space (2.11Ha to

2.04Ha) however it is also acknowledged that such increase has occurred due to the alteration to the positioning of built form along the southern boundary of the site to compensate for a reduction in development in the centre of the site, which is considered acceptable for reasons discussed above in the Landscape/Visual Amenity Impacts section of this report.

- 8.69 Given that the proposed development would result in a net loss of open space, albeit currently private, it is considered most important to secure appropriate mitigation for the loss. In view of the ecological and landscape merits of the site it is considered that these issues should be the main focus for mitigation 'enhancements' together with ensuring appropriate public access to open space.
- 8.70 The 2014 Urban Fringe Assessment notes that development could make provision for publically accessible open space but key to this is the need to secure a funded maintenance plan to ensure the open space is managed in perpetuity.
- 8.71 The required retained open space and the associated enhancement is to mitigate for the open space lost to development. As such, a separate requirement under policy CP16 and CP17 is to seek a financial contribution which relates to the demand for open space generated by the development itself, rather than mitigating against the loss of open space, in this case a contribution of £191,432 towards off-site improvements is required. As such the amount of open space to be retained with enhancement and public access mitigates for the space lost and should not be taken into account to reduce the open space contribution sought to meet the generated demand from the proposed development.
- 8.72 Mitigation, enhancement, management and maintenance of the retained horse paddocks and informal open spaces can be secured via conditions/S106 Agreement.
- 8.73 **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.
- 8.74 It is noted that objections refer to loss of views and the loss of value of properties within the area as a result of the proposed development however such objections are not material planning considerations in the determination of the application.
- 8.75 Daylight/Sunlight/Overshadowing  
As set out previously, the appearance of the proposed dwellings is not being assessed within this outline application. However within the information submitted it is stated that the proposed two storey dwellings would measure a maximum of 10.2m from related ground level to ridge level. It is considered that

the height of proposed development should be restricted to 2 storeys in order to ensure that the development is in character with the surrounding residential area and does not have a significant adverse impact upon the surrounding landscape, including the setting of the SDNP.

- 8.76 The site generally falls across the site from east to west, from between approximately 60m (AOD) adjacent to the Falmer Road (B2123) to approximately 45m (AOD) along the western edge of the site, adjacent to The Vale. Indicative streetscene plans have been submitted that show that the gradient of the land would not be altered significantly as part of the proposal and that the height of the proposed dwellings across the site would reflect the east to west gradient.
- 8.77 Due to the proposed urban form of the development, gaps would be located between the proposed dwellings. Despite the presence of the gradient across the site, which would result in the dwellings on the eastern side of the site being located at a higher level than those on the western side, given the proposed layout of the dwellings, the maximum ridge height/roof profile indicated and the distance to the neighbouring properties on The Vale and Ovingdean Road, it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties regards to loss of light/sunlight or overshadowing.
- 8.78 Outlook & Privacy  
The proposed northern most sited dwellings would be located a distance of approximately 2.5m from the northern boundary of the site, which fronts Ovingdean Road. A minimum distance of approximately 5.6m is located between the southernmost facing elevation of existing residential properties located on the northern side of Ovingdean Road and their associated front boundaries.
- 8.79 Despite it not currently being known where windows would be located in the proposed new dwellings, due to the distance of approximately 23m between the northern elevation of the proposed northern most sited dwellings on the site and the southern elevation of the nearest neighbouring properties located on Ovingdean Road, it is not considered that the proposal would have a significant adverse impact upon the amenities of these neighbouring properties, with regards to overlooking or loss of privacy.
- 8.80 The proposed western most sited dwellings would be located a minimum of approximately 13m from the western boundary of the site. A wooded area of approximately 25m wide is currently located to the west of the site, between the western boundary of the site and The Vale. Due to the distance of the nearest western sited houses from the western boundary and the presence of the wooded area to the west of the site it is not considered that the proposal would have significant adverse impact upon the amenities of the existing eastern neighbouring properties, located along The Vale, with regards to overlooking or loss of privacy.
- 8.81 Potential Development in the Western Part of Site 42

As a development of the western part of site 42, assessed under a separate planning application (ref. **BH2015/01890**) could be allowed either through an appeal of the recent refusal or a subsequent application, the cumulative impact of both developments must be considered and given some weight as it is possible that they may both come forward and would be seen alongside one another. The layout proposed, with the rear boundaries of rear gardens adjoining the western boundary of the application site, is considered compatible with a future development of the adjacent site. Suitable spacing between the proposed dwellings of the two separate development sites would be provided (based on the layout refused in application **BH2015/01890**) and detailed landscaping boundary of the site could be secured via a condition, which would provide screening between the two sites.

**8.82 Sustainable Transport:**

Within the relevant appeal decision the Inspector stated that "Given the scale of the scheme, and the detailed evidence and overall conclusions of the transport assessment, I find the likely impact would not be severe, and that the scheme would accord with this key test of the Framework" and as such concluded that the proposed development, of 85 dwellings, would not be harmful to local traffic conditions. The number of proposed dwellings has been reduced to 45 in the current application.

8.83 Policies require development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling.

**8.84 Site Access Roads and Footways**

The proposal includes a main spine road with secondary access roads off this. The applicant has stated that the intention is for the Highway Authority to adopt "all of the principle estate roads". The Highway Authority however considers it to be in the public interest that only the main spine road be adopted and not sections providing private access to properties. The applicant should therefore make appropriate arrangements for the ongoing management and maintenance of private access roads and footways within the site including the path connecting the site with Falmer Road.

8.85 The Highway Authority would not intend to adopt land beyond the carriageway/footway and as such areas adjacent to buildings and gardens would need to be demarcated between adopted public highway and un-adopted land.

8.86 Two pedestrian access points into the site, namely alongside the main vehicular access off Ovingdean Road and a route leading to Falmer Road to the south east of the site. The latter is welcomed as it improves the pedestrian permeability of the development. This route would be 3m wide to provide for both pedestrians and cyclists accessing the site and includes low-level lighting, which is also welcomed.

- 8.87 Amendments have been submitted to provide footways on both sides of the proposed carriageways within the site as requested by the Highway Authority. Full details can be agreed through a S38 agreement.
- 8.88 The revised plans include footways with a width of generally 2m, reducing to 1.5m alongside parking which is considered acceptable. Previous concerns regarding parking bays obstructing footways/pedestrian desire lines has also been largely addressed.
- 8.89 In order to maintain pedestrian permeability into and through the site, the Highway Authority would also look for the applicant to enter into a walkways agreement under S35 of the Highways Act (via a S106 agreement). This is necessary to agree means of access and management of the pedestrian/cycle routes which do not form the principle estate road which is intended to be adopted.
- 8.90 The main vehicular access point into/form the site would be from Ovingdean Road opposite Gable End, with a raised entry. In addition direct access to Plot 1 is proposed from Ovingdean Road, which will require the provision of a vehicle crossover.
- 8.91 Since assessment of the 2014 application it is noted that a 20mph speed restriction has been introduced on Ovingdean Road, in 2015. Visibility splays in excess of the 25m minimum recommended in Manual for Streets for such speeds would be achieved for the main site access. The revised site access means that the existing street tree is sited within the wider visibility splay at approximately 27m. The loss of this street tree was previously objected to by the Council's Arboriculturist and the proposal was revised to retain this tree.
- 8.92 The retained street tree would be located in close proximity to the proposed access to Plot 1 however, it is noted that the proposed crossover is further from the tree than that serving the existing field. The revised plans show a turning area for Plot 1 as requested in the Highway Authority's previous comments. This will allow vehicles to enter and exit the site in forward gear.
- 8.93 The works to provide the vehicle accesses and reinstate the redundant access associated with the existing field would be covered by a Section 278 agreement with the Highway Authority which should be secured via condition.
- 8.94 The proposed access road would be approximately 4.8m wide for the most part. This is consistent with Manual for Streets minimum recommendations for a car and HGV to pass. Given the nature of vehicles expected to access the site on a day-to-day basis this is considered appropriate and the revised Transport Statement has submitted revised swept paths to show that a refuse vehicle is able to enter and turn on the site.
- 8.95 Should overall the proposal be considered acceptable the residential estate roads within the site which are to be adopted would be subject to a S38 agreement whilst details of those which are not to be adopted would also be addressed through associated condition.

8.96 Public Transport

The nearest bus stops to the site are located opposite the site on Ovingdean Road and are served by the number 52 bus (Brighton Station to Woodingdean via several main destinations, every 90 minutes). These bus stops do not benefit from any measures that the Highway Authority would look for to provide an accessible and high quality bus service (Real Time Passenger Information, accessible bus kerbs, bus shelter).

8.97 The next nearest bus stops are located on Falmer Road. The northbound bus stop benefits from having an accessible kerb but no other necessary infrastructure to ensure a high quality bus service is provided.

8.98 Improvements are needed to public transport services and infrastructure in order for the development to benefit from a quality public transport service that provides a real choice for residents. This would also ensure that the development is in accordance with the National Planning Policy Framework (NPPF) and Brighton & Hove City Plan Part One Policy CP9.

8.99 It is recommended that these works be secured as part of the S278 agreement.

8.100 Car Parking

SPD14 states that the maximum car parking standard for residential units in outer areas of the city is 1 space per dwelling plus 1 car space per 2 dwellings for visitors, equivalent to 68 spaces for this development of 45 units. The submitted Transport Statement states that 68 spaces are proposed; however, the revised submitted plans indicate that the number of spaces proposed is in fact 78 (1.7 per unit). Including garages, further spaces would be provided whilst additional vehicles could be accommodated on some private driveways. Given the latter would not generally be independently accessible, the Highway Authority has not included these in its calculations.

8.101 Without on-street parking controls (double yellow lines/Controlled Parking Zones) it can be difficult to manage residential car ownership. Therefore, future residents will still be likely to own a car even if they do not have a car parking space and will simply park their vehicle on-street. The Highway Authority would therefore not wish to object to the level of car parking proposed as part of this scheme. A further reduction in parking spaces could lead to overspill car parking and increased on-street parking which could in turn be detrimental to pedestrian and cycle movements and impact upon the street scene.

8.102 At the level proposed, and noting average car ownership of 1.2 cars per household (2011 Census) for the Rottingdean Coastal Ward, it is considered that overspill parking within the site will be minimal with limited likelihood of overspill beyond the site on to Ovingdean Road.

8.103 Disabled Parking

Although it is not clear from the plans submitted which of the proposed dwellings would be accessible for wheelchair users, as set out 10% of the proposed affordable housing residential units and 5% of the overall housing

units are required to be fully wheelchair accessible. It is noted that each of the proposed dwellings appears to have at least one dedicated parking space which would therefore provide for the needs of mobility impaired residents.

8.104 Electric Vehicle Parking

SPD14 requires a minimum of 10% of car parking spaces to be equipped with electric vehicle charging points and a further 10% to have passive provision to allow conversion at a later date. As well being required by SPD14 for all new residential developments above ten residential units, ensuring that facilities for electric vehicles are provided will in the long-term facilitate a shift to lower emission vehicles and assist in mitigating any potential impact on local air quality from increased trips. No details of such provision is provided within the submission however further details can be required via a condition.

8.105 Cycle Parking

Based on the housing mix proposed SPD14 requires a minimum cycle parking provision of 105 spaces.

8.106 The submitted Transport Statement indicates that cycle parking will be provided to SPD14 standards; however, few details on the design have been provided. The nature of the residential units is such that there would be ample scope to provide policy compliant cycle parking within each plot. In order to be consistent with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered.

8.107 Deliveries and Servicing

As noted above, the proposed estate roads are wide enough to accommodate goods vehicles whilst the Transport Statement includes swept paths for a refuse vehicle which indicates that this can adequately service the site and turn in order to exit in forward gear.

8.108 Trip Generation and Highway Impact

The applicant has updated the trip generation exercise previously submitted in 2014 (regarding BH2014/02589), keeping the trip rates per unit the same. This means the current forecasts are proportionately less than the previous proposals for 100 and 85 units. The Highway Authority raises no objection to the trip rate parameters applied in this respect. Across the day, there are expected to be approximately 228 vehicle movements and 389 person trips.

8.109 The applicant's Transport Consultant has assigned these additional trips to the network using the same method as was agreed previously, namely using 2001 Journey to Work Census data. Given that more up to date data are now available this exercise would ideally have been reviewed. The Highway Authority has however completed a sensitivity analysis using 2011 Census data and as a result the assumptions appear to remain reasonable and variation in terms of the number of trips would be minimal.

8.110 Current Planning Practice Guidance (DCLG, 2014) leaves the level of assessment to be determined by local Highway Authorities on assessment of relevant criteria. In this case, the Highway Authority would consider that the

Transport Statement submitted by the applicant which includes analysis to the north (Woodingdean) and south (Rottingdean) as well as junction capacity assessments for the two junctions in closest proximity to the site (site access/ Ovingdean Road and Falmer Road/ Ovingdean Road) to provide an appropriate level of assessment in principle.

- 8.111 The applicant has re-submitted base traffic counts provided as part of the 2014 application. Although not confirmed in the current submission, reference to the original application reveals that this is indeed the same data collected in March and May of that year. Ideally the applicant would have undertaken new traffic counts, though they have instead growthed this to 2016 and 2021 (opening year) using the DfT's TEMPRO package.
- 8.112 The Highway Authority has compared this to its own traffic count data which does not suggest that background traffic has increased substantially more than the levels forecast using TEMPRO. Indeed, there have been some reductions within the data indicating that a degree of peak spreading has occurred. The Highway Authority has however considered the potentially higher growth associated with committed developments.
- 8.113 The applicant has undertaken modelling of the proposed site access and the junction of Ovingdean and Falmer Road, the latter with and without highway works proposed as part of the current application. The assessment indicates that both junctions would operate within capacity.
- 8.114 No junction modelling has been undertaken for junctions further from the site in Woodingdean or Rottingdean. Instead, the development trips have been justified by the applicant on the basis they are less than the previous scheme and represent a lower impact on Falmer Road in percentage terms.
- 8.115 In relation to the first argument that the impact will be less than application reference **BH2014/02589**, it should be acknowledged that at the subsequent Appeal the Inspector found the application to be compliant with the NPPF from a transport perspective and therefore not warranting refusal on these grounds. This position could only be reviewed if circumstances had worsened since the previous application was assessed in 2015. The background traffic data outlined above would suggest that this is not the case during peak periods. An updated assessment of cumulative developments has been undertaken.
- 8.116 The second justification given concerning percentage impact, whilst common practice, could be considered to be simplistic in that the higher the background flows the lower the development impact. This would not necessarily be the case if the background traffic was at or near to capacity. The Highway Authority has therefore considered the impact forecast in 2014 (and accepted) to that forecast now, taking account of background traffic growth and committed development.
- 8.117 In relation to committed developments, taking account of Planning Practice Guidance on Transport Assessments (DCLG 2014) the Highway Authority is unable to consider sites in the east of the city that may have been subject to planning applications but do not have consent or are not allocated within the

- 8.118 City Plan Part 1. The Highway Authority is however of the view that there is a need to assess the impact of committed developments requested as part of the original application (Brighton Marina Outer Harbour (BH2012/04048) and Woodingdean Business Park (BH2012/03050)) as well as the Royal Sussex County Hospital (RSCH). In the 2021 scenario incorporating growthed traffic and development flows, the applicant does not appear to have made any additional allowance for committed developments.
- 8.119 This is considered reasonable for Woodingdean Business Park as the majority of the development has been implemented and reflected in current traffic data. The principle of cumulative development from the Brighton Marina was also included in the previous assessment and the Inspector's subsequent conclusion that the transport impact was not deemed to be severe.
- 8.120 The RSCH construction traffic is acknowledged in the submitted Transport Statement; however, estimated vehicle movements were not available to the applicant at the time of writing. The Highway Authority would however consider that any impact from RSCH construction trips on Falmer Road will be low at the time of the forecast development trip generation peaks for the Ovingdean Road site.
- 8.121 Additionally, the sites listed in Lewes District have been highlighted by Environmental Health officers as requiring consideration in respect of the cumulative impact on the Rottingdean Air Quality Management Area (AQMA). It is noted that the Air Quality Statement applies a standard assumption of 9% traffic growth based on 2013 traffic data provided in BHCC's Air Quality Management Plan (2015) projected to 2019. Full calculations do not appear to have been provided however and, as this is based on average day figures rather than peak periods and covers different forecast periods, consistent comparison with the Transport Statement is not possible.
- 8.122 Changes in base traffic conditions since the previous application have been assessed as well as the additional consented development not included on an individual basis previously. The assessment focuses on the main junctions of concern for the Highway Authority; namely, the Woodingdean and Rottingdean crossroads. It should be noted that the assessment does not take into account the forecast background growth included in 2014, therefore presenting a worse case comparisons to the previous scheme forecast. This indicates that accounting for background growth and committed developments the level of increase in Woodingdean would be limited compared to that which the Inspector previously concluded would not warrant refusal on transport grounds under the NPPF.
- 8.123 Rottingdean High Street does suggest a greater level of growth; however, the increase expected from the development (4 trips in the AM peak) is minimal. The Highway Authority would not consider that this would amount to a severe impact and therefore warrant refusal on transport grounds. As discussed above, the route assignment assumptions applied by the applicant remain reasonable.

- 8.124 In summary and taking into account the above assessment, the proposed level of development and mitigation measures (improvements to walking and public transport facilities, provision of a Travel Plan and associated measures), the residual cumulative impacts of this development are not considered to be severe, as set out by the NPPF.
- 8.125 Highway Works/Mitigation  
The proposals no longer include a right turn lane on the exit from Ovingdean Road. The Highway Authority would agree that this is not required given the revised scale of the application and peak vehicle movements from the site. This will remove the need to widen the junction mouth which would have disadvantaged pedestrians and also encourage speeds not in keeping with the entry to a 20mph speed limit area, which as noted above was implemented in 2015 following the Highway Authority's comments on the previous application. It has been confirmed that the applicant intends to retain the existing pedestrian refuge on Ovingdean Road. However, the adjusted kerb line proposed would increase the crossing distance and potentially encourage higher speeds for vehicles turning into Ovingdean Road. It is requested that this be reviewed as part of the S278 process.
- 8.126 The previously proposed right turn pocket from Falmer Road is retained and, in terms of traffic flow, will represent an improvement on the existing situation in that southbound traffic on Falmer Road will not be obstructed by vehicles turning into Ovingdean Road.
- 8.127 As part of the submission a Stage 1 Road Safety Audit has been submitted. This raised two issues which the applicant's Transport Consultant has responded to. The works to address the issues raised by the Highway Authority would be provided in lieu of a sustainable transport S106 contribution and full details of these and associated bus stop upgrades would be agreed through a S278 Highway Works agreement.
- 8.128 Travel Plan  
The applicant has committed to producing one and agreed to the provision of a Residential Travel Pack. The Highway Authority previously requested a more comprehensive package of measures to include two six-month public transport vouchers and a cycle voucher per property as opposed to the seven-day bus ticket offered. The updated Transport Statement has subsequently confirmed acceptance of this request.
- 8.129 The additional measures are considered necessary to mitigate the impact of the development and ensure that it complies with policy CP9 of the Brighton & Hove City Plan Part One and Brighton & Hove Local Plan policy TR4. It is recommended that the Travel Plan and requested measures be secured as part of the S106 agreement.
- 8.130 **Arboriculture/Landscaping**  
The revised Arboricultural Report submitted is considered comprehensive by the Council's Arboriculturist and the contents are agreed with.

- 8.131 Some minor scrub and small trees will be lost but these are all of very little Arboricultural value and as such the Council's Arboriculturist does not object to this. Whilst the applicant's Arboricultural consultant has pointed out the presence of an important decay fungal and decay at the base of the existing street tree adjacent to the site, the Council's roadside tree officer is fully aware of the defects at the tree's base and continues to manage the tree with the defects in mind. The revisions received makes provision for the retention of the Roadside Elm located close to the entrance, the loss of which was previously objected to.
- 8.132 The site itself does not contain any trees protected by preservation order, however, there are two areas adjoining the site that contain trees covered by Tree Preservation Orders (TPO). All proposed development would be outside of the Root Protection Areas of all trees covered by TPOs and that where development is proposed close to tree rooting zones protective fencing has been proposed.
- 8.133 As set out above the proposal would comprise 2.04Ha of retained open space (paddocks and informal open space) to the east of the dwellings, a smaller informal open space area in the north-western corner of the site and private garden areas for each dwelling. The submitted plans also show the provision of street trees throughout the development and planting within the open space areas.
- 8.134 The County Landscape Architect has stated that the implementation and long term management of the tree and woodland planting proposed in the landscape masterplan will be key to mitigating the development. Extensive tree and shrub planting would conflict with the need to retain open grazed pasture to support the notable species on the site. It is recognised that where woodland planting would conflict with red star thistle individual specimen parkland trees have been used to help soften the edge of the development.
- 8.135 The Landscaping plan submitted with the application specifies a range of trees to be planted. It is noted that the County Landscape Architect and Council's Arboriculturist have some concerns as to the suitability of some of the species proposed.
- 8.136 Units 28, 29 and 30 located in the south-east corner of the site would be open to views and exposed. The Council's Arboriculturist also agrees with the County Landscape Architect's comments in that the street trees in this part of the development should be substituted by hybrid elms resistant to elm disease.
- 8.137 Since submission of the application the proposed community growing area has been removed for visual/landscape amenity reasons. It is however noted that the proposal includes the planting of edible varieties of plants etc across the site although it is considered by the Council's Sustainability Officer that a greater proportion of trees proposed could be local apple varieties.

- 8.138 Following receipt of comments by the County Landscape Architect, Sustainability Officer and the Council's Arboriculturist it is considered that further details of planting of the development can be obtained via a condition.
- 8.139 **Archaeology:**  
The site is situated within an Archaeological Notification Area, defining an area of prehistoric and Romano-British activity, including settlement. Policy HE12 states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.
- 8.140 The site has been subject to an archaeological geophysical survey, which indicates that the site does not contain remains of national importance, however the undertaken survey has identified a number of potential features of archaeological interest. As a result of the findings of the survey, mitigation of damage to below ground archaeological remains is required, the first phase of which would need to comprise evaluation excavation, prior to any building works or site preparation commencing.
- 8.141 The County Archaeologist recommends that, as a result of the potential loss of heritage assets on the site, the area affected by the proposal should be subject to a programme of archaeological works, an issue which can be dealt with via the attachment of a condition should overall the proposal be considered acceptable.
- 8.142 **Ecology/Biodiversity/Nature Conservation**  
The site is not covered by any designations, statutory or non-statutory, for nature conservation interest; however, within close proximity to the site is Ovingdean Road Horse Paddocks Site of Nature Conservation Importance (SNCI).
- 8.143 With regards to ecology, in the appeal decision of the previous application, the Inspector concluded that "subject to full and further details of proposed mitigation consistent with such measures as indicated by the Fringe Assessment, the proposed development would not be harmful to the ecological significance of the site".
- 8.144 In addition to the conclusions of the UFA 2015 set out above in the UFA section of this report in terms of ecology the UFA states that measures to retain notable species are likely to require the maintenance of grazing given the requirements of red star-thistle and hornet robberfly. The enhancement of habitats within the SNCI to the north of the site may also be required to increase robustness to any increase in recreational pressure, and potentially to compensate for habitat loss and impacts on species within the Study Area.
- 8.145 The Sussex Biodiversity Record Centre identifies the site as Lowland Calcareous Grassland, a Habitat of principal Importance under S41 of the Natural Environment and Rural Communities (NERC) Act and a priority habitat under the UK Biodiversity Action Plan (UK BAP).

- 8.146 The site supports a significant population of Red Star-Thistle which is a Species of Principal Importance under S41 of the NERC Act and which is classified as Nationally Rare, Critically Endangered.
- 8.147 The site also supports Cut-leaved Selfheal and Hybrid Selfheal, both of which are on the Sussex Rare Species Inventory and the Sussex Scarce Corky Fruited Water-dropwort. The site supports a number of rare and notable invertebrates including the Hornet Robberfly and the Cinnabar Moth, both of which are listed as Species of Principal Importance under section 41 of the NERC Act.
- 8.148 The site supports a low population of common lizard and a good population of slow worm. A low population of slow worm was recorded on land adjacent to the eastern boundary (in relation to planning application BH2015/01890).
- 8.149 Since the appeal, further surveys have been carried out on site, including updated National Vegetation Classification and invertebrate surveys. Whilst there is still some dispute over the exact nature of the grassland, it is undisputed that the grassland is species rich and shows good botanical and invertebrate diversity.
- 8.150 The Ecological Appraisal Addendum (March 2017) states that corky-fruited water-dropwort should be considered absent, based on the fact that it was not recorded during the Aspect Ecology surveys and that records were not returned from the Sussex Biodiversity Record Centre. The latter resulted from the fact that the species is no longer listed on the Sussex Rare Species Inventory as it is no longer listed as Nationally Scarce. Records for the species therefore need to be specifically requested. The species remains listed as being Sussex Scarce (occurring in less than four sites in either vice county) and was last recorded on site in 2014. It should therefore not be considered as absent from the site. However, the current proposed mitigation is considered to be adequate for this species.
- 8.151 The Addendum to the Ecological Appraisal (March 2017) has addressed previously submitted comments in relation to likely impacts on ecology as well as in combination and cumulative impacts with the proposed development for the adjacent site. Proposed mitigation has been adapted accordingly.
- 8.152 It is recognised that development has been restricted to the western side of the site to minimise impacts on landscape as discussed above. However, the layout has been adjusted also to allow the retention of as much red star-thistle in situ as possible, based on the latest distribution maps. This has increased the proportion of the population to be retained in situ from approximately 5% to approximately 31%. A significant proportion of the population that would be directly impacted by the development would be translocated to the eastern side of the site which will be managed through horse grazing, with additional translocation off-site (investigations are ongoing to find a suitable location site).
- 8.153 As a result the submitted Red Star-thistle Mitigation Strategy (March 2017) is considered to be broadly acceptable. Although some grassland habitats and

species have been successfully translocated elsewhere, the County Ecologist is not aware of any instances where the process has been tried with red star-thistle. As such, to increase robustness of the proposed mitigation, and in line with the 2015 UFA, it is also recommended that the strategy should include a revised management regime for the adjacent Local Wildlife Sites (Cowley Drive Paddocks and Ovingdean Road Horse Paddocks Sites of Nature Conservation Importance) to enhance their existing populations of the species. Seeds should also be collected and stored in an appropriate manner to provide a seed bank should remedial measures be needed.

- 8.154 The submitted Red Star-thistle Mitigation Strategy proposes submission of a report at the end of a five year monitoring period however it is recommended by the County Ecologist that annual reports are submitted to help assess the success or otherwise of the mitigation and to inform any remedial action that may be required. The reports should also be used to help develop best practice guidelines.
- 8.155 The County Ecologist considers that a detailed Red Star-thistle Mitigation Strategy, including off-site receptor sites and species management, can be secured by condition should overall the proposal be considered acceptable. Measures to protect retained species and habitat during construction should be provided in a biodiversity Construction Environmental Management Plan which can also be secured by condition.
- 8.156 Since submission of the application the proposal has been amended to comprise retained/reconfiguration paddocks to the east of the proposed residential development. The County Ecologist states that the continuation of horse grazing within part of the site is considered essential to maintain suitable conditions for both red star-thistle and hornet robber-fly on site. However, reduced grazing pressure is likely to improve the overall condition of the grassland which is known to be species rich. The development of a suitable conservation-based grazing regime is therefore recommended to restore the grassland to a Priority Habitat and to maintain suitable conditions for the notable plant and invertebrate species known to use the site. Ongoing management of the grassland on site should be provided in a Landscape and Ecology Management Plan, which could be secured by condition.
- 8.157 The proposed mitigation for bats, badgers, invertebrates and reptiles outlined in the submitted Ecological Appraisal Addendum is considered acceptable. Details of required mitigation as well as measures to enhance the site for biodiversity should be provided in an Ecological Design Strategy, which can be secured via a condition.
- 8.158 The proposed layout of the development has been adjusted to retain a wildlife corridor along the western boundary of the site. This corridor will allow dispersal of reptiles throughout the development and would retain a foraging and commuting corridor for bats and badgers. The County Ecologist notes that holes would be cut in fences between plots 7 and 12 and between 25 and 30 to aid dispersal, and that these holes would be masked with thorny species. It is

also recommended that plot boundaries are made permeable to badgers, either through the provision of holes in fences, or through the use of hedgerows.

- 8.159 Given the additional information provided in the recently submitted Ecological Appraisal Addendum, it is accepted that habitat manipulation plus protective fencing is likely to be sufficient for reptiles. A robust mitigation strategy for reptiles should be secured by condition.
- 8.160 Ongoing management of on-site habitats as well as off-site mitigation should be detailed in a Landscape and Ecology Management Plan which should be secured by condition.
- 8.161 In summary, provided that the recommended mitigation measures are implemented, the County Ecologists considers that the proposed development can be supported from an ecological perspective. Conditions should be secured for detailed mitigation strategies for red star-thistle and reptiles, for an ecological design strategy and for ongoing management of habitats on and off-site.
- 8.162 **Sustainability**  
City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as requiring that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.163 Whilst it is acknowledged that this application is outline only, with appearance reserved, it is considered that the greenfield site offers opportunities for excellent standards of sustainable design to be achieved and even at outline stage, a sustainable approach would indicate use of building orientation and design to deliver energy efficiency through passive means.
- 8.164 The previously proposed community growing area, whilst welcomed in sustainability terms, has been omitted from the proposal due to concerns regarding landscape/visual and ecology impacts however the submitted landscaping plans include edible varieties of plants, herbs, shrubs and trees throughout the site.
- 8.165 In relation to energy performance there is now reference to minimum energy and water efficiency standards required through City Plan Policy CP8 being addressed at the reserved matters stage, in the resubmitted Planning Statement.
- 8.166 In order to address futureproofing of the development in terms of sustainability it is requested by the Council's Sustainability Officer that further information, including an Energy Strategy, is submitted to demonstrate how measures including how the minimum energy performance standards would be met at pre-commencement and pre-occupation stages of the development, in order to comply with policy CP8.

8.167 Overall, whilst the revised landscaping plans offer an improvement in relation to integrating food growing on the site, the information submitted has not fully addressed many issues of policy CP8, however it is not considered that refusal on this ground would be justified as further information can be sought via condition.

8.168 **Other Considerations**

Flood:

The previous application was not objected to by the Council with regards to flooding, subject to mitigation. Within the recent appeal decision the Inspector did not conclude differently to the Council despite third party objections regarding flooding issues.

8.169 The site is located within the Environment Agency's Flood Zone 1 and therefore is considered to be at low risk of flooding. As part of the application a Flood Risk Assessment and Drainage Strategy has been submitted in which the micro drainage calculations for a proposed soakaway for a typical house has been described. These calculations estimate that a soakaway should be able to cope with a 1 in 100-year storm including climate change.

8.170 The Council's Flood Officer has no objections to the proposal subject to a condition being attached to an approval requiring the submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

8.171 Land Contamination

Despite a previous desktop study concluding that the site is considered to have an overall low/very low potential from remnant contamination, given the size of the proposal, the new residential usage and the potential human receptors to contamination further geotechnical investigation is required. Further contaminated land investigation can be secured via a condition should overall the proposal be considered acceptable.

8.172 Lighting

Artificial lighting can cause obtrusive light and can present serious physiological/ecological/landscape/highway impacts and therefore should the proposal be considered acceptable it is recommended that a condition is attached to require light level details resulting from the proposed development, including the proposed pedestrian footpath to Falmer Road, to be provided and assessed.

8.173 Air Quality

Air Quality at the site is very good and complies with all national and international standards for the protection of human health. The development will not introduce new residents to an area of known pollution.

8.174 As set out above within the determination of the appeal of the previously refused development the Appeal Inspector concluded that subject to a range of mitigation measures the development of 85 dwellings at the site would not be harmful to air quality.

- 8.175 Despite the Inspector's conclusions, as part of the current application submission an air quality assessment has been submitted, which includes an air quality dispersion model, which has benefitted from pre-application discussions. Developments in Lewes District Council, to the east of the site, have also been taken into account in the cumulative assessment. The Council's Air Quality Officer has assessed this and the proposal and considers that the air quality at the site is very good and complies with all national and international standards for the protection of human health and the development would not introduce new residents to an area of known pollution.
- 8.176 There would not be a direct impact on future residents and occupiers of the site in terms of health and air quality. However the proposal would generate additional vehicle movements, which has the potential to impact on local air quality to the north and south of the site. It is considered that a majority of the traffic generated would travel away from the Air Quality Management Area located approximately 1km to the south of the site in Rottingdean High Street.
- 8.177 It is recommended that conditions are attached regarding appliance types used within the development and the securing of a travel plan and construction environmental management plan.
- 8.178 Construction Environmental Plan (CEMP)  
A condition should include the requirement for a CEMP in order to protect the amenities of local residents during the construction phase and to mitigate the construction phase highway impacts including measures to reduce deliveries and vehicle movements and ensuring that construction vehicles do not go through the Air Quality Management Area which is located within Rottingdean.
- 8.179 **Other Developer Contributions**  
Education  
A total contribution of £251,353 towards the cost of providing primary and secondary educational infrastructure in the City for school age pupils this development would generate has been requested by the Council's Education Officer.
- 8.180 Local Employment Scheme  
The Developer Contributions Technical Guidance provides the supporting information to request a contribution, of £20,500 through a S106 agreement, to the Local Employment Scheme in addition to the provision of 20 percent local employment for the demolition and construction phases.
- 8.181 Public Art  
City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106

agreement, to the value of £45,000 (based on the internal gross area of development), in order to ensure that the proposal complies with the stated policies.

**9. EQUALITIES**

- 9.1 The scheme would provide for 40% affordable housing. Conditions can be attached to ensure that all dwellings are built to Lifetime Homes standards and that 5% would be built to Wheelchair Accessible Standards.