

<u>No:</u>	BH2018/01441	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land Off Overdown Rise And Mile Oak Road Portslade		
<u>Proposal:</u>	Reserved Matters application pursuant to outline approval BH2017/02410 for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only. Reserved Matters to be determined include appearance, landscaping, layout and scale		
<u>Officer:</u>	Nick Eagle, tel: 292106	<u>Valid Date:</u>	31.05.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	30.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Thakeham Homes Ltd Thakeham Homes Ltd, Thakeham House, Summers Place, Stane Street, Billingshurst, RH14 9GN		
<u>Applicant:</u>	Affinity Sutton Professional Services Affinity Sutton Professional Services Level 6 -6 More London Place Tooley Street London SE1 2DA		

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 APPROVE** reserved matters subject to a Deed of Variation to the s106 agreement dated 10th October 2017 and the following Conditions and Informatives:

S106 Deed of Variation Heads of Terms:

Openspace

- A contribution of £455,715 towards open space and indoor sports

City Regeneration

- A contribution of £49,700 to City Regeneration.

Education Contribution

- Contribution for Nursey Education £161,872
- Contribution for Primary Education £185,499
- Contribution for Secondary Education £255,918
- Contribution for Sixth Form Education £52,955

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	Date Received
Site Location Plan	FD17-1547-50SK	08.05.2018
Existing Site Plan - Part 1	FD17-1547-51SK	08.05.2018
Existing Site Plan - Part 2	FD17-1547-52SK	08.05.2018
Existing Site Sections – Part 1	FD17-1547-53SK	08.05.2018
Existing Site Sections – Part 2	FD17-1547-54SK	08.05.2018
Proposed Site Layout	FD17-1547-55SK Rev N	17.04.2019
Material Plan	FD17-1547-70SK Rev D	23.04.2019
Materials Schedule	FD17-1547-71SK Rev D	23.04.2019
Comparison Layout	FD17-1547-75SK Rev B	01.02.2019
Plots 01, 87 & 88 Plans & Elevations	FD17-1547-100SK Rev E	21.12.2018
Plots 02 & 118 Plans & Elevations	FD17-1547-105SK Rev E	21.12.2018
Plots 03-05 Plans & Elevations	FD17-1547-110SK Rev E	21.12.2018
Plots 06-07, 63-64, 65-66, 76-77, 78-79, 98-99 & 100-101 Plans & Elevations	FD17-1547-115SK Rev C	21.12.2018
Plots 08-10 Plans & Elevations	FD17-1547-120SK Rev D	21.12.2018
Plots 11 - 13 Plans & Elevations	FD17-1547-122SK Rev E	21.12.2018
Plots 14-15, 82-85, 89-92 & 116-117 Plans & Elevations	FD17-1547-125SK Rev F	21.12.2018
Plots 16-19 Plans & Elevations	FD17-1547-130SK Rev E	21.12.2018
Plots 20-24 Plans & Elevations	FD17-1547-135SK Rev E	21.12.2018
Plots 25-26 Plans & Elevations	FD17-1547-140SK Rev E	21.12.2018
Plots 27-32 Plans & Elevations	FD17-1547-145SK Rev E	21.12.2018
Plots 33-36 Plans & Elevations	FD17-1547-150SK Rev E	21.12.2018
Plots 37-38 Plans & Elevations	FD17-1547-155SK Rev E	21.12.2018
Plots 39-42 Plans & Elevations	FD17-1547-156SK Rev E	21.12.2018
Plots 43-44 Plans & Elevations	FD17-1547-160SK Rev C	21.12.2018
Plots 45-46 Plans & Elevations	FD17-1547-165SK Rev D	21.12.2018
Plots 47-49, 70, 72, 81, 107-109, 112-115 Plans & Elevations	FD17-1547-168SK Rev E	21.12.2018
Plots 50-51 & 110-111 Plans & Elevations	FD17-1547-170SK Rev D	21.12.2018
Plot 52, 71, 73 & 122 Plans & Elevations	FD17-1547-175SK Rev F	21.12.2018
Plots 53 & 54 Plans & Elevations	FD17-1547-180SK Rev F	21.12.2018
Plots 55, 60, 69, 74, 75, 80, 86, 95, 97, 104, 119 & 125	FD17-1547-185SK Rev E	21.12.2018

Plans & Elevations		
Plots 56-57, 58-59, 93-94 & 120-121 Plans & Elevations	FD17-1547-190SK Rev D	21.12.2018
Plots 61-62 & 67-68 Plans & Elevations	FD17-1547-195SK Rev D	21.12.2018
Plot 96 Plans & Elevations	FD17-1547-210SK Rev D	21.12.2018
Plots 102-103 Plans & Elevations	FD17-1547-215SK Rev D	21.12.2018
Plots 105-106 Plans & elevations	FD17-1547-220SK Rev D	21.12.2018
Plot 123-124 Plans & Elevations	FD17-1547-230SK Rev F	21.12.2018
Garage Plans & Elevations	FD17-1547-240SK Rev B	21.12.2018
Proposed Bin & Cycle Stores - Sheet 1	FD17-1547-250SK Rev A	21.12.2018
Proposed Sections - Sheet 1	FD17-1547-700K Rev D	21.12.2018
Proposed Sections - Sheet 2	FD17-1547-701K Rev D	21.12.2018
Proposed Street Scenes - Sheet 1	FD17-1547-702K Rev D	21.12.2018
Proposed Street Scenes - Sheet 2	FD17-1547-703K Rev D	21.12.2018
Landscape Masterplan	DR-5000 – Rev P15	17.04.2019
Softworks Proposals	DR-5001 – Rev P10	01.02.2019
Softworks Proposals	DR-5002 – Rev P12	01.02.2019
Softworks Proposals	DR-5003 – Rev P9	01.02.2019
Softworks Proposals	DR-5004 – Rev P10	01.02.2019
Softworks Proposals	Dr-5005 – Rev P11	01.02.2019
Softworks Proposals	DR-5006 – Rev P13	01.02.2019
Softworks Proposals	DR-5007 – Rev P10	01.02.2019
Softworks Proposals	DR-5008 – Rev P11	01.02.2019
Softworks Proposals	Dr-5009 – Rev P9	01.02.2019
Softworks Proposals	Dr-5010 – Rev P10	01.02.2019
Softworks Proposals	DR-5011 – Rev P11	01.02.2019
Hard Surface Strategy	DR-5101 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5102 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5103 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5104 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5105 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5106 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5107 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5108 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5109 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5110 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5111 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5112 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5113 – Rev P10	01.02.2019
Boundary Treatments and	DR-5114 – Rev P8	01.02.2019

Furniture		
Boundary Treatments and Furniture	DR-5115 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5116 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5117 – Rev P10	01.02.2019
Boundary Treatments and Furniture	DR-5118 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5119 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5120 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5121 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5122 – Rev P8	01.02.2019
Boundary Sections	DR-5700 – Rev P4	01.02.2019

2. No development shall be commenced until a scheme has been submitted to the Local Planning Authority and approved to add flights of steps to the footpath link to Mile Oak Road that is shown on Landscape Masterplan drawing 2630-4-5-1 DR-5000 S4-P15. Such flights shall serve to link each slalom of the path to provide a more direct link for able bodied pedestrians and shall incorporate also cycle channels.

Reason: To provide reasonable access to the site for sustainable modes of transport, to encourage healthy and active lifestyles and to comply with policies CP9 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Mile Oak is a predominantly residential suburb on the north-western outskirts of Brighton and Hove. Its development can be traced back to the 1920s with outlying housing development east of (what is now known as) Mile Oak Road. Major expansion came in the 1960s with Local Authority flats and houses as well as private, mainly bungalow, development resulting in coalescence with the historic core of Portslade village. Expansion northwards was checked in the 1990s by the by-pass but which also hindered access to Downland. The most recent developments have been denser infill schemes mainly on higher slopes to the east off Fox Way, which at the time was a new road linking Mile Oak to the Hangleton Link Road and the By-pass or Old Shoreham Road beyond. Previous to this the main access to Mile Oak had been through Portslade village from Southern Cross which remains today.
- 2.2. The boundary of the South Downs National Park (SDNP) is located to the north of the A27. Access on foot to the SDNP is available via Southwick Hill as well as via two routes under the A27 close to the application site.
- 2.3. Mile Oak itself partly straddles a ridge rising to Cockroost Hill in the north and also occupies the valley between the higher ridges at Foredown Hill / Mount Zion to the east and Southwick Hill to the west. Cockroost Hill and Mount Zion ridges have been bisected by the By-Pass although it is in a tunnel beneath Southwick Hill.
- 2.4. The application site is part of an area in the north of Mile Oak considered by the Urban Fringe Assessment (UFA) which has informed the City Plan process. The UFA identifies the site's potential for housing.
- 2.5. The UFA divides the area into 6 plots known as 4, 4a, 4b, 5, 5a and 6. The planning application site is a combination of UFA sites 4b, 5 and 5a, comprising an area of 8.88 hectares which straddles the ridge rising to Cockroost Hill. It lies between the northern fringe of housing in Graham Avenue/ Gorse Close/Overdown Rise and the By-pass and is roughly T-shaped. The westernmost slope is currently used for grazing with a field shelter facing Mile Oak Road (site 4b). The remainder of the application site is characterised by dense scrub with a thin woodland belt along the northern edge and hedging along the main western edge (site 5). There are clear paths worn into the central and eastern parts of the site although these are not public rights of way. On the other hand, although private land, these parts of the site are clearly used for informal recreation with access via Overdown Rise, from the east off Ridge Close or from the Downs.
- 2.6. The principle of the development of the site has been established by the outline planning permission for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only which was approved under application BH2017/02410.
- 2.7. This application seeks approval for the following remaining outstanding reserved matters, pursuant to the approved outline scheme BH2017/02410:

- Appearance;
- Landscaping;
- Layout;
- Scale.

3. RELEVANT HISTORY

- 3.1. BH2018/01859 Application for Approval of Details reserved by condition 28 of application BH2017/02410. Approved 26.07.2018.
- 3.2. BH2018/01650 Application for a variation of condition 7 of application of BH2017/02410 to read: 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(2) (accessible and adaptable dwellings) & M4(3)(2b) (wheelchair user 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. Approved 11.09.2018
- 3.3. BH2018/01351 Non Material Amendment to application BH2017/02410 to amend the wording of Condition 5 to read 'An archaeological site investigation and post investigation assessments, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4, shall be submitted within 10 weeks of the submission of reserved matters unless some other time period is agreed in writing by the Local Planning Authority. The works will provide for analysis, publication and dissemination of results and archiving has been secured as appropriate'. Approved 25.05.2018.
- 3.4. BH2018/00587 Non Material Amendment to BH2017/02410 to amend wording of Condition 5 to read 'The reserved matters application shall not be determined until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and that provision for analysis, publication and dissemination of results and archive deposition has been secured'. Refused 23.03.2018.
- 3.5. BH2018/00239 Application for partial Approval of Details reserved by condition 4 of application BH2017/02410. Approved 06.03.2018
- 3.6. BH2018/00238 Application for Approval of Details reserved by condition 28 of application BH2017/02410. Approved 26.02.2018.
- 3.7. BH2018/00166 Non-Material Amendment to application BH2017/02410 to amend the wording of condition 5 to read '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 condition 4 and that provision for analysis, publication and dissemination of results and archive deposition has been secured'. Refused 19.02.2018

- 3.8. BH2017/02410 Outline application for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only. Approved 10.10.2017.
- 3.9. BH2016/05908 Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only. Refused 28.04.2017. Appeal Withdrawn.

4. REPRESENTATIONS

- 4.1. **Councillor Peter Atkinson:** Objects to the application, a copy is attached to the report.
- 4.2. **Thirty five (35)** representations have been received objecting to the proposed development for the following reasons:

Design/Visual Amenities/Landscape Impacts

- Inappropriate height.
- Adverse impact on Conservation Area.
- Poor design.

Amenity Issues

- Overshadowing.
- Overlooking.
- Noise/disruption, including during construction works.
- Loss/restriction of view.
- Poor design.
- Too close to boundary.
- Concerns about the flood aspect.

Transport/Highway/Access Issues

- The volume of traffic through Overdown Rise and Graham Crescent.
- The volume of cars going to Fox Way will increase and the traffic jam at 8am is already a 20 minute wait to get to the roundabout at the bottom.
- The construction vehicles will only have Thornhill Rise or Graham Cres and Graham Avenue to gain access and the residents parking is already bad enough and there are disabled bays to consider.
- The steep site access is still very dangerous, being situated on a bend with 4 narrow roads converging on to it.

- 4.3. Following re-consultation of the revised plans and documents, received in February 2019, **eighteen (18)** 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.

5. CONSULTATIONS

External

5.1. **Brighton & Hove Archaeological Society:** Comment

The proposed development is close to known Neolithic remains at Cockroost Hill. The whole area appears to have features dating the prehistoric period. It is possible that other prehistoric features are still undiscovered. Other finds have included Romano-British pottery and coin finds which may possibly indicate the location of a villa. It is suggested that you contact the County Archaeologist for his recommendations with regards this planning application.

5.2. **County Archaeologist:** Comment

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.3. **Ecology:** No objection Final Comment

The amended masterplan has addressed most of my comments, and it is noted that the others will be dealt with through the Ecological Design Strategy and the Landscape and Ecological Management Plan. This is acceptable.

Initial Comment

- 5.4. 1. It is disappointing that no green (biodiverse) walls or roofs are proposed, despite recommendations made at the outline phase. It is noted that solar photovoltaics are proposed. Green roofs are known to increase the efficiency of solar PVs, and offer multiple other benefits including reducing run-off, reducing the heat island effect, and enhancing biodiversity.

Landscape Masterplan

- 5.5. 2. The northern boundary of the development seems to have crept further north than that shown on the outline application. There should be no further encroachment into the Local Wildlife Site (LWS or Site of Nature Conservation Importance).
- 5.6. 3. Chalk grassland restoration should be for as wide an area as possible within the retained LWS.
- 5.7. 4. The plan shows two hedgehog domes out in the open grassland, with one right beside the path. These are not appropriate locations. Hedgehog domes should be placed in dry, sheltered positions, out of direct sunlight, and where they will not be disturbed. No bird or bat boxes are shown on the masterplan.

Landscape Management Plan

- 5.8. 5. The Landscape Management Plan (Allen Pyke Associates, June 2017) refers to the Framework Ecological Management Plan (FEMP) for the management of the existing/retained grassland within the LWS. Whilst this is acceptable, it is unclear how the new scrub planting along the northern boundary of the development will be managed. To accord with the Ecological Appraisal and FEMP, it should be managed to create a transitional ecotone from scrub to grassland. There is also no certainty over which option will be used for the management of the LWS (cutting or grazing, with grazing being the preferred option), or who has responsibility for this management. No reference is made to management of the woodland along the northern edge of the LWS or to management of the woodland block to the east of the allotments; a recommendation was made at the outline application stage to bring this into positive management.
- 5.9. 6. Weeding should be carried out manually rather than using herbicides, especially within the retained LWS.
- 5.10. 7. Hedges should be cut in late winter to maximise potential for biodiversity. Ideally, alternate sides should be cut on alternate years.

Softworks Proposals

- 5.11. 8. Within the native hedgerow mix, *Rosa rubiginosa* should be substituted by *Rosa canina*.
- 5.12. 9. *Corylus corluna* is not appropriate to plant along the northern boundary of the development. Native species only should be used in this area, including scrub to include a high proportion of blackthorn and hawthorn, managed to form an ecotone.

Summary

- 5.13. In summary, subject to the recommended amendments to the landscape scheme, the application is acceptable from an ecological perspective.

5.14. **County Landscape Architect: No objection**

Final comment

Confirms that the hard landscape details are acceptable. Considers the proposed gabion wall to be a suitable solution for the retaining walls, especially as these will be softened with planting.

- 5.15. Will leave comment on the detailed soft landscape treatments to Brighton and Hove officers as they have greater experience of suitable tree species for the area and have already provided comments to this effect.

Initial comment

- 5.16. Supports the comments from the South Downs National Park following approval of application BH2017/02410 with regards to the landscape masterplan and management plan.

- 5.17. There are several significant retaining walls indicated on the masterplan and notably the one between the existing back gardens in Graham Avenue and the site as the original scheme had a plated buffer on this boundary. The detailed design of these should ensure that they are not ugly or imposing. Consideration needs to be given to the materials used and the finish of the walls possibly with the use of green walls or planted gabions which would have a softer elevation.
- 5.18. **Highways England: No objection**
- 5.19. **Natural England: No objection**
Based on the plans submitted, consider that the proposed development will not have significant adverse impacts on statutorily protected sites.
- 5.20. The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.
- 5.21. **Scottish Gas Network: No objection**
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.
- 5.22. **South Downs National Park Authority: Comment**
Final comment
Given that this is a reserved matters application and our previous comments were regarding the scope of information provided and the assessment we have no further substantive comments to make.
- 5.23. We trust that the City Council will satisfy themselves that they have discharged their responsibility to have regard to the setting of the National Park in their decision making with regard to the matters which we previously raised.
- Initial comment
- 5.24. The application is located adjacent to the boundary of the South Downs National Park and, as such, has the potential to impact upon the setting of the National Park and its defined special qualities. Accordingly, there is a statutory responsibility for the decision maker to have regard to the purposes and duty of the National Park when reaching their decision.
- 5.25. Whilst the application is for reserved matters there are a number of matters for consideration that have the potential to impact upon the National Park including the impact upon the dark night skies of the National Park and opportunities for biodiversity enhancements. The submitted Planning Statement does not reference nor set out how the proposal has had regard to

the National Park so it is recommended that further information, including a landscape assessment (not management plan), is sought from the applicant to demonstrate that there will be an acceptable impact upon the setting of the National Park which the NPPF affords the "highest status of protection".

5.26. **Southern Water: No objection**

Further to earlier correspondence, have recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment, to current Modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development. A formal application for a connection to the public sewer is required.

5.27. **Sussex Police: Comment**

Comments regarding the outline application remain extant. General advice on access and security provided.

5.28. **UK Power Networks: No objection**

Copy of records showing electrical lines and/or electrical plant provided.

Internal

5.29. **Arboriculturist: No objection**

Final comment

No further comments to amendments.

Initial comment

5.30. The site is relatively open and treeless apart from the young pioneer plants that have only just started colonizing the site since grassing was halted. In view of the minimal loss of tree cover and the potential for future planting the Arboricultural Team have no objection to this application but would wish to see amendments made to the submitted landscaping plan.

5.31. **City Regeneration: No objection**

This application relates to Reserved Matters pursuant to outline application (approved) BH2017/02410.

5.32. As stated in the response to the outline application and included in the subsequent S106 Agreement, an Employment and Training Strategy will be required. The strategy to be submitted at least one month prior to commencement.

5.33. In addition to the Employment and Training Strategy and in accordance with the Developer Contributions Technical Guidance, request a contribution through a S106 agreement of £49,700 based on the revised make-up of the 125 dwellings.

- 5.34. **Environmental Health (Noise): No objection**
The main issue from an environmental protection perspective is noise from the A27. This has been dealt with through applications 2016/05908 and 2017/02410 and successive acoustic reports. In May 2017 ProPG: Planning & Noise 'Professional Practice Guidance on Planning & Noise New Residential Development' was released and these noise control principles guidance should be taken into account.
- 5.35. **Environmental Health (Air Quality): No objection** given the urban fringe location is remote from the AQMA.
- 5.36. **Education Officer: Comment**
In response to your consultation about this planning application the Education Authority comments that there are currently shortfalls in pupil numbers at the Primary School and the Aldridge Academy (PACA) closest to this development. The Primary School has between 12 and 27 free places in each Year Group and PACA also has places available. However the proposal is in outline therefore necessary contributions to education infrastructure should be secured in principle with calculations made when construction commences.
- 5.37. **Planning Policy: No objection**
This is a reserved matters application with the principle of the development being agreed through the approval of the outline application BH2017/02410.
- 5.38. The main strategic policy issue that has altered in this application from that previously indicated in the outline application is the housing mix. The proposed mix is: 8 x 1 bed units (6.4%), 56 x 2 bed units (44.8%), 54 x 3 bed units (43.2%), 7 x 4 bed units (5.6%). This represents only a slight change to that previously proposed and no concerns are raised in the context of City Plan Policy CP19.
- 5.39. A greater proportion of the residential units are understood to be flatted, but this does not raise a concern subject to being acceptable in landscape terms.
- 5.40. **Private Sector Housing: Comment**
2 bed accessible maisonette – first floor, have concerns the means of escape to staircase is through a high risk kitchen/living/dining room. It is unclear from the plans if any windows are a suitable means of escape.
- 5.41. 2 bed House – have concerns the staircase and means of escape is within high risk room (kitchen). It is not clear from the plans if any first floor windows are a suitable means of escape.
- 5.42. **Sustainable Transport: No objection**
In response to our 2nd response comments provided on 22 March 2019 the Applicant has submitted a large amount of detailed technical information. This they had progressed during the determination period for the purpose of discharge of conditions and for submitting applications for sectional highway agreements (e.g. s278 and s38 agreements). Due to the full technical detail

provided the Applicant has agreed and requested that these technical drawings cannot be listed on the Schedule of Approved drawings. This avoids the need to assess the technical design in a level of detail similar to technical approval stage which would unduly delay determination of the Planning Application.

- 5.43. The Proposed Site Layout Drawing has also been updated following our comments which now conflicts with / supersedes the layout shown on the detailed technical drawings. The technical drawings are also included in a Drainage Statement which similarly cannot be an approved document for the same reason.
- 5.44. This review is therefore undertaken on the basis that none of the submitted Stuart Michael Associates technical drawings are to be included on the Approved Drawing List attached to the Reserve Matters Application and are for information only in order to demonstrate it would be possible to produce a similar or improved design for the onsite streets within the confines of an approved site layout.
- 5.45. Road Safety Audits have been provided without the pre-approval by the Highway Authority of Audit Brief and Audit Team. These are noted for information but not accepted as formal Safety Audit submissions. The Applicant will need to follow Road Safety Audit procedure for Developer Led Schemes set out in GG119 when producing technical approval submissions subsequent to Reserve Matters Consent.
- 5.46. The levels and drainage information shown on the technical drawings is now sufficient to understand the overall design of the site and allow conditional approval of the layout. Technical design information will be reviewed in detail as part of the sectional approval process and to clear Planning Conditions/Obligations.
- 5.47. The applicant has designed the plan layout such that gradients of pedestrian access routes, although not always able to meet standards for accessible access, can be designed to be as adequately close to inclusive design standards as reasonably practicable within the constraints of the existing topography and quantum of development arranged as an adoptable street layout. Though a negative equality impact must be highlighted.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016);

- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
SA4	Urban Fringe
SA5	The Setting of the National Park
SA6	Sustainable Neighbourhoods

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC4	Sites of Nature Conservation Importance

Supplementary Planning Documents:

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

- 7.1. Urban Fringe Assessment 2014
- 7.2. Further Assessment of Urban Fringe Sites 2015 – Landscape and Ecological Assessments
- 7.3. Brighton and Hove: Further Assessment of Urban Fringe Sites 2015: Archaeological Desk-Based Assessment
- 7.4. Urban Characterisation Study 2009

8. CONSIDERATIONS & ASSESSMENT

- 8.1. Planning permission is sought for reserved matters of the approved outline scheme reference BH2017/02410. Matters seeking approval are:
 - Appearance,
 - Landscaping,
 - Layout, and
 - Scale

Principle of Development

- 8.2. The principle of development of this urban fringe site for up to 125 dwellings, together with access from Overdown Rise, has already been established through approval of the earlier application BH2017/02410 and therefore does not form part of the consideration of this current application.

Appearance

- 8.3. National and local policies seek to secure good quality design which respects general townscape. Policies SS1 and CP12 of Brighton and Hove City Plan Part One support the design of high quality sustainable buildings that respect the surroundings, make a positive contribution to the streetscene and embrace local distinctiveness through various means including the choice and use of materials as well as articulation and detailing of the elevations.
- 8.4. The appearance of the nature of accommodation is houses in detached and semi-detached form and flats in blocks in the western corner of the site. The proposed buildings will be largely two storeys, a handful of the proposed dwellings are 1.5 storey, whilst the garages are single storey.
- 8.5. The proposed materials include two main types of brick for the walls, which will be multi stock brick with a red feature brick that reflects the local vernacular brick types. These will alternate across the site to provide variety to the individual units. The cills will be brick that match the feature brick on the building, with some including a lead detail. The roof tiling will alternate between concrete Plain Antique (grey) and Plain Tile Sandown (Red), with

garage tiling to match the roof. There are also ten units with vertical tiling that would be Concrete Terracotta red or Brindle Plain Tile red.

- 8.6. It is considered that the general appearance as described above is reflective of the surrounding area and would not be out of character in nature.

Layout

- 8.7. The layout of the development of 125 dwellings has been provided which has the development in the lower section of the urban fringe Site 5. The layout closely follows the illustrative layout submitted with the outline application. The landscape proposal shows open space retained north of the proposed built form, forming a buffer between the proposed dwellings and the boundary with the A27. The proposed retained open space comprises two elements.
- 8.8. The land immediately north of the proposed dwellings would be more formally managed green space comprising hedge, scrub and tree planting and a pedestrian and cycle link through the north of the site, beyond which lies a green corridor through the north of the site across Sites 4b, 5 and 5a which would be managed for the purposes of improving the site's ecological value.
- 8.9. The layout plan submitted shows that the orientation of the key frontages of the proposed development would vary across the site. It is noted that the onsite layout is suitable for emergency and service vehicle access and turning.
- 8.10. SPD14 states that a minimum of 1 cycle parking space per unit for 1 – 2 bed units and a minimum of 2 cycle parking spaces per unit for 3 – 4+ bed units is required. Whilst visitor cycle parking should be provided at a rate of 1 space per 3 units. For this development of 125 residential units (64 x 1-2 bed units and 61 x 3+ bed units) the minimum cycle parking standard is 228 cycle parking spaces in total (186 residents and 42 visitor spaces).
- 8.11. All houses appear to have either a garage or the potential for side access into the back garden; whilst the flats have secure cycle stores located within the vicinity of the building. Cycle parking areas are shown for visitors in several locations within the proposed streets. 21 Sheffield type stands would be required for visitor parking utilising both sides of the stand. The layout appears to show 18 but there is space available to increase this to meet the requirement. Further details of the cycle parking provision including numbers and layout are secured via Condition 37 attached to the outline planning permission.
- 8.12. Policy TR18 and SPD14 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard to cater for visitors. From the submitted layout plan the majority of houses have access to at least 1 dedicated car parking space and disabled residents would have a dedicated bay which would be for their sole use.

- 8.13. For the communal parking for the flats and visitors dedicated disabled bays designed in accordance with the Department for Transport's Traffic Advisory Leaflet 5/95 are required. The layout appears to show 8 disabled bays in shared parking areas which would be acceptable. Further details of the disabled car parking provision including numbers and layout are secured via Condition 38 attached to the outline permission.
- 8.14. Condition 22 attached to the outline permission states a maximum of 188 off street spaces shall be provided. The Proposed Site Layout Plan (rev N) shows the following formal parking spaces:
- Private within curtilage / garages / within parking areas = 178 spaces
 - Onstreet within carriageway = 22 spaces
 - Disabled = 8 spaces
 - Total = 208 spaces.
- 8.15. The layout complies with the requirements of the outline permission in respect to overall parking provision.
- 8.16. The site levels have been designed in accordance with East Sussex County Council (ESCC) design guide and to the relevant building regulations Part M4 (2/3). As previously confirmed onsite footpaths are restricted to a maximum gradient of 1:12, in line with ESCC guidance. This gradient is used sparingly and only for a small section of road when entering the site. Thereafter all roads within the site, including the adjoining footpaths, are limited to a maximum gradient of 1:15. The majority of roads achieve a gradient of 1:20 or slacker.
- 8.17. The Transport team has recommended a further condition requiring steps to be provided in addition to the slalom footpath to the west of the site connecting to Mile Oak Road to provide a more direct route for able bodied pedestrians.
- 8.18. Every effort has been made to minimise footpath gradients throughout the site. The site topography is challenging and in certain locations steep however the developer has looked to minimise gradients through the re-levelling and 'cutting in' in the top section of the site. It is considered the proposed layout is the best compromise which both conforms to local design guidance and also delivers an appropriately detailed and levelled site.

Scale

- 8.19. The proposed buildings will be largely two storeys, as required by the condition attached to the outline permission. A handful of the proposed dwellings are 1.5 storey, whilst the garages are single storey. The slight variation in height is in function of the desire to create a scheme whose architecture reflects the local vernacular and to create interest in the roofscape of the proposed buildings.
- 8.20. The overall objective where height and massing is concerned, is to establish built frontages with a relatively informal appearance that blend well into their

landscape and townscape context, rather than establishing formal arrangements of buildings that seek to establish an imposing presence on the streetscape through the use of parapet walls and high floor to ceiling heights.

- 8.21. The scale of the development is considered to be in keeping with the character of this area, and the scheme is considered to comply with saved policies QD5 and QD27 of the Local Plan and policy CP12 of the City Plan.

Landscaping

- 8.22. Most of the land which the application relates has in the past been used for open grazing or agriculture and therefore would have been relatively treeless.
- 8.23. It is noted that the County Landscape Architect and Arboriculturist are in support of the application. The applicant has submitted a landscape assessment statement summarised as follows:
- 8.24. Two minor changes to the site layout have been identified as part of the detailed design process. They are variations to the existing site contours required to achieve the design levels of roads etc; and, a slight increase to the amount of vegetation removed from the site is required, including parts of the southern and western boundary scrub.
- 8.25. The reserved matters layout remains broadly in line with the illustrative masterplan associated with the outline permission. It addresses the technical constraints of the site with little landscape or visual change of effect from that of the outline scheme. Where change occurs, mitigation measures are included to reduce the effect. Impacts beyond the assessment period are expected to reduce further as existing and proposed planting continues to mature.
- 8.26. Proposed landscape planting (soft landscaping) is adequate in terms of space allocated and tree numbers.
- 8.27. Plant species selection for shrubs and bulbs appears reasonable and all should be suitable for the local conditions. The use of larger forest tree *Tilia cordata* (Lime) is welcomed and these have been appropriately located where space permits.
- 8.28. Overall the tree and shrub layout and specification which is contained in drawing DR- 5006 is acceptable by the Arboricultural team.

Housing Mix and Affordable Housing

- 8.29. The proposal set out within this application would comprise of the following housing mix:
- 8 x 1 bed flats (6.4%)
 - 56 x 2 bed units (44.8%) (16 x 2 bed flats and 40 x 2 bed house)
 - 54 x 3 bed house (43.2%) (and
 - 7 x 4 bed units (5.6%)

- 8.30. The above mix has been amended slightly to that indicated in the outline application in the following ways;
- 4 less 2 bedroom flats provided,
 - No 3 bedroom flat now provided,
 - 6 additional 2 bedroom houses proposed,
 - 3 less 3 bedroom houses proposed,
 - 2 additional 4 bedroom houses proposed.
- 8.31. With regards to the proposed affordable housing provision (50 units/40%) the mix would be as follows;
- 8 x 1 bedroom flats,
 - 16 x 2 bedroom flats,
 - 22 x 2 bedroom houses, and
 - 4 x 3 bedroom houses.
- 8.32. With regard to this proposal the tenure mix for the affordable housing would be 55%/28 units affordable rent and 45%/22 units intermediate /shared ownership. 6 units (12%) of the proposed affordable housing units should be wheelchair accessible. The proposed affordable housing provision would not be entirely concentrated in one part of the development and would not be indistinguishable from the proposed market housing in the overall design/appearance of the properties.
- 8.33. It is noted that the change in housing mix impacts the contributions secured in the s106 agreement and a deed of variation is recommended for the amended contributions.

Impact on Amenity

- 8.34. 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.
- 8.35. The layout would retain prominent hedging and dense scrub along the southern and western boundaries of Site 5, the former also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflects that prevailing in the area and there is some commonality with proposed houses set back behind front gardens/hardstandings and there is a less rigidity in, for example, the set back of houses from the roads and greater variety in house sizes which results in a more interesting streetscape for future residents.
- 8.36. Some concerns have been raised by objectors, to potential loss of privacy from houses proposed along the southern site boundary. However many of the rear gardens of these existing houses are currently open to view as they can be clearly seen when using the current open space. Moreover the layout shows the separating distance between existing and proposed houses to be little different to that prevailing in the area. There are no apparent reasons

why the proposed layout should result in material nuisance or loss of amenity to existing residents and should therefore satisfies policy QD27.

- 8.37. A condition removing permitted development rights is recommended to ensure that future alterations to the dwellings do not adversely impact the amenity of adjoining and future residents.
- 8.38. The sole access to the proposal would be between 21 Gorse Close and 21 Overdown Rise. The principle of the access being in this location was established under the previous application.

9. EQUALITIES

- 9.1. Condition 7 of the outline permission (as amended by application BH2018/01650) requires 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.

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