

<u>No:</u>	BH2018/03541	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To The East Of Coldean Lane, North Of Varley Halls, South Of The A27		
<u>Proposal:</u>	Erection of 2no seven storey buildings, 3no six storey and 1no five storey buildings (including lift overruns) to provide 242no residential dwellings (C3), 162 car parking spaces, 365 cycle parking spaces, new access from Coldean Lane; associated landscaping incorporating areas of play/amenity space/active learning and substations.		
<u>Officer:</u>	Eimear Murphy,	tel:	<u>Valid Date:</u> 14.12.2018
	293335		
<u>Con Area:</u>		<u>Expiry Date:</u>	15.03.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Guy Dixon 74 High Street Sevenoaks TN13 1JR		
<u>Applicant:</u>	City Of Brighton And Hove Design And Build Company C/o Mr Guy Dixon Savills 74 High Street Sevenoaks TN13 1JR		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **30th October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of this report.

S106 Heads of Terms

- Securing a minimum of 40% of the development as Affordable Housing.
- **£252,021.00** toward the cost of secondary and sixth form education provision at Brighton Aldridge Community Academy.
- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition (where appropriate) and construction phases of the development,
- **£81,400** of a developer contribution toward the Council's Local Employment Scheme

- Construction Environmental Management Plan (CEMP) – To be submitted and agreed prior to the commencement of works on site to include site waste management.
- An artistic component / element as part of the proposed scheme to the value of **£100,000**
- A total contribution of **£671,247.34** toward open space and indoor sport to be spent at:
 - Play – Stanmer Park and/or Wolseley Road, Woollards Field
 - Amenity – amenity land adjacent to and in the vicinity of Coldean Lane, Wild Park and Hollingbury Park Golf Course
 - Parks and gardens – Stanmer Park and Wild Park
 - Natural/semi-natural – Hollingbury Park Golf Course, Stanmer Park, Wild Park
 - Indoor Sports Facilities – Moulsecoomb Community Leisure Centre and/or Wild Park; Stanmer Park
 - Outdoor Sports – Stanmer Park, Wild Park, Moulsecoomb Goodwood Way or site to be agreed (skate potential)
 - Allotments – Charltons and/or Coldean, Roedale, Moulsecoomb Estate, Old Water Works.
- A Delivery & Service Management Plan (DSMP) including the long-term management for the space between and around buildings, the open grassland and woodlands
- A **£359,800.00** Sustainable Transport Contribution toward local works and initiatives in the vicinity of the development including movements to and from the site including:
 - A scheme to improve cycle routes to/from the applicant site and the Lewes Rd cycling route to the south of the site; and/or
 - Supporting improvements to the frequency/hours of operation of bus services using Coldean Lane; and/or
 - A scheme to resurface/upgrade footways and introduce wayfinding where this is beneficial to the movement of pedestrians from the applicant site to local destinations and attractors including one primary and secondary school, and the local shopping centre; and/or
 - A scheme to improve pedestrian accessibility and safety to/from the key bus stops on Hawkshurst Rd; and/or
 - A scheme to improve the existing bus stops on Hawkshurst Rd, and the proposed bus stop(s) on Coldean Ln; and/or
 - A scheme to provide tactile paving at the following locations:
 - Saunders Hill and the top of Hawkshurst Road;
 - Haig Road onto Beatty Avenue;
 - Kenwoods;
 - Selham Drive;
 - Hawkshurst Road at Coldean Lane, on the southern arm;
 - Woburn Place
- Five Year Travel Plan & Monitoring Fees

- 1 or more years free or heavily subsidised tickets/memberships for local public and shared transport services, including
- Local buses and/or train services
- Brighton & Hove Bike Share
- Enterprise Car Club
- Provision of formal cyclist training to residents on request
- Provision of maintenance stands together with pumps and basic tools within the cycle stores
- Establishing a Bicycle User Group for residents and/or workers. This should be subsidised for the duration of the Plan to provide –
 - ‘Bike buddy’ services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year, including an allowance for refreshments.
 - 2 or more ‘Doctor Bike’ sessions per year with both a direct repair and a teaching element.
- A S278 agreement for offsite Highway works including
 - Creation of a new site access bell mouth, including a right turn pocket and pedestrian refuge islands;
 - Provision of raised height kerbs to existing bus stops and improved shelters if required;
 - Provision of a new bus stop for the N25 service, in a location and format to be agreed;
 - Provision of a pedestrian crossing at a currently unspecified location on Sackville Rd to connect the site with local bus stops;
 - Tactile paving to dropped kerbs at junctions around the proposal site where pedestrian flows are expected to increase.
 - Relocation of speed limit terminal signs to the north of Coldean Lane and associated gateway entry treatments.

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	18.003.001		16 November 2018
Existing Drawing	18.003.002		22 November 2018
Existing Drawing	18.003.003		22 November 2018
Proposed Drawing	18.003.100	A	10 June 2019
Proposed Drawing	18.003.101	B	10 June 2019
Proposed Drawing	18.003.102	A	10 June 2019
Proposed Drawing	18.003.103	A	10 June 2019
Proposed Drawing	18.003.104	A	10 June 2019
Proposed Drawing	18.003.105	A	10 June 2019
Proposed Drawing	18.003.106	A	10 June 2019

Proposed Drawing	18.003.107	A	10 June 2019
Proposed Drawing	18.003.108	A	10 June 2019
Proposed Drawing	18.003.109	A	10 June 2019
Proposed Drawing	18.003.110		22 November 2018
Proposed Drawing	18.003.111		22 November 2018
Proposed Drawing	18.003.111		22 November 2018
Proposed Drawing	18.003.112		22 November 2018
Proposed Drawing	18.003.113		22 November 2018
Proposed Drawing	18.003.114		22 November 2018
Proposed Drawing	18.003.115		22 November 2018
Proposed Drawing	18.003.116		22 November 2018
Proposed Drawing	18.003.117		22 November 2018
Proposed Drawing	18.003.120		22 November 2018
Proposed Drawing	18.003.121		22 November 2018
Proposed Drawing	18.003.122		22 November 2018
Proposed Drawing	18.003.123		22 November 2018
Proposed Drawing	18.003.124		22 November 2018
Proposed Drawing	18.003.125		22 November 2018
Proposed Drawing	18.003.126		22 November 2018
Proposed Drawing	18.003.127		22 November 2018
Proposed Drawing	18.003.130		22 November 2018
Proposed Drawing	18.003.131		22 November 2018
Proposed Drawing	18.003.132		22 November 2018
Proposed Drawing	18.003.133		22 November 2018
Proposed Drawing	18.003.134		22 November 2018
Proposed Drawing	18.003.135		22 November 2018
Proposed Drawing	18.003.136		22 November 2018
Proposed Drawing	18.003.137		22 November 2018
Proposed Drawing	18.003.140		22 November 2018
Proposed Drawing	18.003.141		22 November 2018
Proposed Drawing	18.003.142		22 November 2018
Proposed Drawing	18.003.143		22 November 2018
Proposed Drawing	18.003.144		22 November 2018
Proposed Drawing	18.003.145		22 November 2018
Proposed Drawing	18.003.146		22 November 2018
Proposed Drawing	18.003.147		22 November 2018
Proposed Drawing	18.003.150	A	10 June 2019
Proposed Drawing	18.003.151	A	10 June 2019
Proposed Drawing	18.003.152	A	10 June 2019
Proposed Drawing	18.003.153		22 November 2018
Proposed Drawing	18.003.154	A	10 June 2019
Proposed Drawing	18.003.155	A	10 June 2019
Proposed Drawing	18.003.156	A	10 June 2019
Proposed Drawing	18.003.160		22 November 2018
Proposed Drawing	18.003.161		22 November 2018
Proposed Drawing	18.003.162		22 November 2018

Proposed Drawing	18.003.163		22 November 2018
Report/Statement	External Lighting Strategy CPW-180758-E-EXT-01	P3	22 November 2018
Report/Statement	Landscape _ Open Space Strategy	Rev E	10 May 2019
Proposed Drawing	Arboricultural Impact Assessment 3848AO/18/02	Rev 02	11 April 2019
Proposed Drawing	Arboricultural Method Statement 3848AO/18/03	Rev 02	11 April 2019
Proposed Drawing	Design Addendum		11 June 2019

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

4. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
6. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.
7. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposit) for that phase has been completed and approved in writing by the local planning authority.
Reason: 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 and CP15 of the Brighton & Hove City Plan Part One.
8. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with Policy CP12 of the Brighton & Hove City Plan Part One.
9. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. Prior to occupation of the development hereby permitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
 - d. details of all communal food production areas, bed and receptacles;
 - e. details of locations for mulching and composting and/or the provision of communal composting bins.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. 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.
12. Prior to the first occupation of the development hereby approved, precise details for the formation of the woodland walk including no-dig construction, surface materials and containment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in

accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and 13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

13. The development hereby permitted shall not be commenced (including all preparatory work) until the protection measures identified in the submitted Arboricultural Method Statement, Appendix One: Preliminary Tree Protection Plan, dated 11th April 2019 received on the 30 May 2019; are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and 13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

14. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

15. Prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible 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 and SPD14: Parking Standards.

16. Prior to the first use/occupation of the development hereby approved a Waste

& Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

17. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

18. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The submitted scheme shall -

A. Include full details, of the following -

- i. Geometry and layout, including dimensions and visibility splays
- ii. Pavement constructions and surfacing, kerbs and edge restraints
- iii. Levels and gradients
- iv. Lighting
- v. Drainage
- vi. Street furniture
- vii. Trees and planting
- viii. Traffic signs and road markings;

B. Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;

- xi. Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and

- x. Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation.
Prior to first occupation of the development the scheme shall be implemented in full as approved; and
- xi. a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme

Thereafter the approved scheme (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

19. The development hereby permitted shall not be occupied until the pedestrian crossing points and refuges islands on Coldean, associated dropped kerbs and tactile paving has been installed at the crossing points between Coldean Lane and within the site.

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

20. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following -

- Allocation of spaces between different types including, motor-cycles, disabled, car club, and bays with passive and active electric vehicle charging points.
- Allocation of spaces between residents and visitors.
- A scheme for conveying allocations to occupiers of the development.
- A scheme to bring spaces with passive electric car charging points into active service.
- Controls to limit access to and within parking areas, particularly on 'Match Days'.
- A scheme to provide security for users of parking areas.
- A scheme to ensure the safety of pedestrians when vehicles of all kinds are maneuvering within the car park.

The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.

Reason: To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policy TR7 and TR18 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.

21. Within three months of the date of first occupation a Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
22. The development hereby permitted shall not be occupied until the hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
23. The wheelchair accessible dwelling(s) hereby permitted as detailed on the plans hereby approved 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.
24. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
25. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water

consumption.

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

26. Prior to first occupation of the development hereby approved, details of the photovoltaic array to the flat roofs of each block shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

27. 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 until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

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

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

28. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

29. Details of safety systems around the internal perimeter of the flat roof of the buildings hereby approved, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

31. Prior to occupation, an updated "lighting design strategy for biodiversity" which takes account of the revised layout hereby approved which includes security of occupants and visitors, shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall have:

- i. Zero upward light ratio street lamps that should be 0.0% when installed, and the inclination fixed;
- ii. Colour temperatures of 3000K rather than 4000+;
- iii. Enable dimming options on curfews;
- iv. Follow the approach adopted by Hampshire and West Sussex County Councils regarding part night lighting to reduce carbon emissions.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife.

32. No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of

- housing units/bed spaces;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policy CP20 of the Brighton & Hove City Plan Part One.

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

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

34. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 22 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

35. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

36. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

37. Prior to the commencement of development, additional dormouse survey are required to ascertain absence or presence and the extent to which they could be affected by the development hereby approved. The findings of the surveys shall be submitted to and approved in writing by the local planning authority and shall include suitable mitigation measures.

Reason: The submitted surveys did not meet the minimum effort to have confidence in a negative result. The outcome of the surveys will determine if a license is required. To ensure that any adverse environmental impacts of development are mitigated and compensated and in accordance with Policy QD18 of the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

38. No development shall take place (including any demolition, ground works, site clearance) until method statements for the protection of badgers, breeding birds, reptiles, retained hedgerows and woodland has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) 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) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protected habitats and species identified in the ecological surveys from adverse impacts during construction and in accordance with Policy QD16 and QD18 of the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

39. No development shall take place until an Ecological Design Strategy (EDS) addressing retention and protection of existing habitats during construction, enhancement of the site for biodiversity, and the provision of bird and bat boxes/bricks within the development, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development are mitigated and compensated and to provide a net gain for biodiversity in accordance with Policy QD18 of the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

40. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development]. 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 plans 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: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and to accord with policies QD15, QD27, NC3 of the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

41. Prior to the commencement of development, excluding to slab level, details of active play and learning equipment to be provided in the of the equipped area/s of play shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed before the first occupation of the development or its completion, whichever is sooner.

Reason: To ensure the provision of satisfactory equipped area/s of play and for the amenities of the development, in accordance with the provisions of policy HO5 the Brighton & Hove Local Plan and Policy CP10 of the Brighton & Hove City Plan Part One.

42. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A27 and Coldean Lane has been submitted to and approved by the local planning authority. As per the recommendation contained within the Environmental Noise Survey and Acoustic Design Statement Report produced by Hann Tucker Associates (Reference: 25354/ADS1- Rev 3 and dated 13th November 2019), an alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation is required. Each unit shall utilise a whole dwelling ventilation scheme incorporating suitable acoustic attenuation. The specification of glazing units shall also be provided.

Reason: To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

43. If notified that the results of further intrusive site testing and site walk over by a geotechnical engineer are such that site remediation is required, then:

A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written

verification report by a competent person that any remediation scheme required and approved under the provisions of condition 1. has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

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

Reason: To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

44. Prior to the commencement of the development hereby approved, full details to provide a network ready development and to facilitate the future connection to a Communal Heating System or District Heating Network, including construction, plant room, housings, pipe routes internally and externally shall be submitted to and approved in writing by the Local Planning Authority. The approved system and infrastructure shall be provided as part of the ground and construction works.

Reason: To ensure the site is network ready and to comply with the sustainability requirements of Policy CP8 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. 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.

5. The water efficiency standard required under condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition(s).
7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
8. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
9. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
10. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
11. Under section 1 of the Wildlife and Countryside Act 1981 any person who intentionally injures a wild bird, or damages or destroys the nest of any bird while that nest is in use or being built is guilty of an offence. This means that

works to trees with nests in them should be timed to avoid the bird nesting season if possible, generally April to September.

The Wildlife and Countryside Act 1981 (as amended) states that all birds (except those listed in schedule 2 of the Act), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence.

Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as substituted by the Countryside and Rights of Way Act 2000) or any Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Should you require any further information on this subject please contact Natural England on 0300 060 3900 or enquiries@naturalengland.org.uk

12. Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

You are advised that a tree has the potential to support roosting bats. Bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats etc.) Regulations 1994. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Further advice on bats can be obtained from Natural England (formerly English Nature) on 01476 584800.

13. Details of proposed species mixes, provenance, and the location of the proposed works on site is required. The EDS is required to provide more information about the timetable for implementation and management. This should also include details of the management of hedges (which should be cut in late winter and on alternative sides not just simply managed outside the bird nesting season. Details should be included of the green including species of plants. The applicant is advised to review the proposed bird boxes as three bird boxes targeting common species is not supported and should target house sparrows, starlings and/or swifts. Consideration should be given to woodcrete boxes.
14. The applicant is advised that no mechanical excavation is allowed within 3

metres either side of the Southern Gas Networks pipeline. Vehicle crossings over the pipeline should be kept to a minimum and must be crossed at 90 degrees. The crossing will require the agreement of Southern Gas Networks (SGN) and may require design and calculations, as evidence to prove there is minimal added stress to the pipeline. Method statements must be agreed before works commence.

The pipeline is of prime importance to gas supplies of this area. It is essential that the applicant complies with the restrictions detailed below and in the SGN/W1/SW/2 in order to protect plant and equipment and for the safety of the applicant's operatives. A SGN representative must be contacted before any works commence. Further guidance/restrictions are detailed below:

1. No mechanical excavation is allowed within 3 metres each side of the pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
4. All precautions stated in publication SGN/WI/SW2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
7. Before commencing work on site you must contact SGN's Pipeline Maintenance Section on the number above at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
10. Intrusive construction methods will require an agreed method statement prior to work starting.
11. Any extended period of SGN site supervision may incur charges to the applicant. These will be charged based on visiting times, materials and occurrences. The Applicant will be informed when these come into effect

and be invoiced direct.

12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This triangular shaped site, covering an area of approximately 3.38 hectares, is located outside the built up boundary of the city and within the countryside. It sits to the north side of Coldean Lane and rises up the steep northern slopes of the coombe toward the cutting of the A27 bypass. The topography of the site is one of a noticeable slope, with an incline of approximately 25m from west (Coldean Lane) to east (adjacent A27).
- 2.2. Part of the site is identified as 'Urban Fringe' in the Urban Fringe Assessment (2014 and 2015) and exceeds the extent of UFA 21. The Urban Fringe Assessment has informed the City Plan process and divides this part of the Coldean Fringe into Sites 21, 21a, and 21c with development potential indicated for the south western half.
- 2.3. Varley Halls, an existing student University Halls of Residence is located downhill, to the to the southeast of the site. A Public Footpath runs between the two sites linking Coldean Lane with the Great Wood of the Stanmer Park Estate via a footbridge over the A27 bypass. Part of the Stanmer Estate is within the designated Stanmer Village Conservation Area which contains a number of listed buildings including the Grade I Stanmer House. In addition and despite severance by the A27 bypass, the site remains parts of the Grade II Stanmer Park Registered Historic Park and Garden. The site is contained by mature trees, the remnants of former woodlands.
- 2.4. The site is designated as an 'All Open Space Area', an Archaeological Notification Area; A Nature Improvement Area and Proposed Local Nature Reserve (pLNR). The South Down National Park lies to the north side of the A27 bypass, covers the Stanmer Park Estate, Conservation Area, the majority of the Registered Historic Park & Garden and beyond and wraps around the suburban Coldean Estate rising up the coombe to the Scheduled Ancient Monument (SAM) of the Hollingbury Hill Fort and Hollingbury Golf Club. Views from the SAM include the site and the surrounding South Downs Landscape.
- 2.5. To the west side of Coldean Lane and rising from lower ground along the opposite coombe and forming part of the suburban downland fringe is the postwar Coldean suburban residential estate which comprises predominantly

detached, semi-detached and terraced two storey dwellings nestled below the rising lands to the north and west. The built form is generally set back from Coldean Lane with wide green verges and open space which stretches down to the boundary with St. Mary Magdalen Church, a locally listed non-designated heritage asset. Within this 'open space' is Coldean Primary School. This open space, when viewed in conjunction with the application site and the countryside that wraps the area reinforces the semi-rural character of the area and sylvan character of Coldean Lane.

- 2.6. Within the Coldean estate is a Doctor's Surgery, Pharmacy and Library. A small parade of shops is located on Park Road providing a Londis store, takeaway and betting shop and facing Coldean Lane, a Public House/ Restaurant.
- 2.7. To the northwest of the site is the Hollingbury Retail Area which includes an Asda Supermarket and other retail stores as well as a Fuel Station. Although approximately 1.4 miles between the centre of the site and the stores, the walk would be uphill and via poor footpath beyond the A27 bypass road bridge over Coldean Lane.
- 2.8. The nearest bus stops to the application site are located in Hawkhurst Road provide public transport links to local services and stores as well as connections to Lewes Road and the city centre.

Summary of the Proposals - Original Submission

- 2.9. This application for full planning permission is lodged as a Joint Venture on behalf of Homes for the City of Brighton & Hove Design and Build Company Ltd. As originally submitted, it proposed a housing scheme of 250 units of affordable accommodation, of which only 50% are formally classed as 'affordable.' This is in order to enable the Joint Venture to raise capital against the site to assist the funding of the build costs.
- 2.10. The 250 units included a mix of 1, 2 and 3 bedroom units arranged in six (6) flatted blocks of six (6) and (7) storeys in height, set on each side of the new access road. Of the total, 125 units would be for affordable rent units and 125 for shared ownership. The proposed new homes would be let and sold on sub-market terms with the rental units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes being affordable to buy for residents on lower incomes.

- 2.11. The housing mix focuses on smaller unit sizes in terms of unit mix with 37% x 1 bed units; 20% 2 bed unit and 13% x 3 bed units. Most of the units are proposed to meet the minimum areas as set out in the Nationally Described Technical Space and Accessibility standards and includes M4/2 units with 3 x M4/3 wheelchair accessible units at ground floor level.

Access and Parking

- 2.12. A new access road into the site would break through a group of trees rising uphill and continuing in a southerly direction. It would only serve this site and generally follows the natural topography of the site.
- 2.13. Parking would be provided on each side of the road, with one parking court. A total of 162 car parking spaces would be provided on site. The parking spaces are predominantly shown as being perpendicular to the access road with one courtyard parking area. 10 visitor spaces would be provided. Overall this represents a provision of approximately 65% with 6 disabled bays, 16 spaces with electricity charging points and 2 car club spaces. 20 x Motorcycles are accommodated at 4 per block.
- 2.14. 365 cycle parking spaces would be provided with 242 for residents, 1 for each 1 and 2 bed flats and 2 per 3 bed flats. 83 x visitor cycle parking spaces would be provided at a 1 space per 3 dwellings. Provision would be both internal and external, using stands and racks.
- 2.15. Pedestrian access is provided within the site and includes a 'Forest Walk' to the western side between the trees. The existing informal path to the north and east, which leads up to the Public Rights of Way and footbridge would be retained. Additional crossing points are also shown from the west side of Coldean Lane into the site.

General Design and Appearance

- 2.16. Due to the topography of the site, there is a variation in overall height of the proposed blocks due to the topography of the site, building into the uphill levels (Blocks A –C) and being partly at a lower level to the west where levels falls toward Coldean Lane (Blocks D –E). The changes within the site also require a degree of cut and fill.
- 2.17. Those to the eastern side would stand taller to the internal road access. Due being partly built into the rising ground the rear elevations would not appear as tall. The buildings would be diagrammatically opposed and staggered and

those to the west side, closest to Coldean Lane, would be built on the downslope with some areas of infill. Blocks A, B and C were presented as 7 storeys high with Blocks D, E and F as 6 storeys. Each of the six (6) blocks would accommodate a solar array to the flat roofs along with lift overruns, concealed by the height of the parapets.

- 2.18. To the north east side of the access road, Block A would rise over up to 7 storeys with the ground and first floors being partly built into the hillside, at approximately 18.57 to 18.87 metres to the internal road address and 13.7 – 14 metres to the rear.
- 2.19. Blocks B and C also of 7 storeys, would be of a similar arrangement to Block A in terms of the number of floors; accommodation provision; appearance and use of materials. Block B would stand to a height of approximately 21.5 – 21.8 metres facing the access road and approximately 17 metres to the rear uphill side. Natural ground levels are also lowered to accommodate Block B. Block C would stand at an approximate height of 21.8 metres to the road address and approximately 16.6 metres to the rear upslope.
- 2.20. Blocks D, E and F are positioned to the west side and downslope of the access road. The front elevations are noted as facing the access road and would sit between varying distances from the back edge of Coldean Lane. The closest being Block F would be set at a distance of approximately 14 – 22 metres. It would stand to a height of approximately 16.5 to 16.87 metres addressing the access road and approximately 21.5 metres to the downslope facing the Forest Walk and Coldean Lane.
- 2.21. Block D would sit at approximately 40 - 56.5 metres into the site, angled away from Coldean Lane and would be the closest to southern boundary with the Public Right of Way at approximately 16 metres and closer to the crown spread of the mature trees. Block D would stand to a height of approximately 16.95 to 17.8 metres addressing the access road and approximately 19.5 to 21.9 metres to the downslope.
- 2.22. Block E would be set back by approximately 26 – 31 metres. It would stand at a height of approximately 17 metres to the main access and between 19.4 and 21.8 metres to the rear with a more parallel alignment with Coldean Lane. Block E and F would be of a similar arrangement to Block D in terms of the floor and balcony arrangements including the lower level to the downslope.

- 2.23. Section A-A demonstrates the distances of Block E from the back edge of Coldean Lane and the woodland group, the distance from the front face of Block E to Block B and the need for cut-and-fill to accommodate the storey heights proposed as well as well a more level access road.
- 2.24. Apart from the ground floor of Blocks A-C and the lower ground floor of Blocks D-F, each floor would generally include:
- 3 x 1b2p units
 - 4 x 2b3p units
 - 1 x 3b4p units
- 2.25. The six blocks are of a similar appearance but seeks to include variations to the colour/ tone of the facing brickwork as well as alternating and wrap around balconies. The buildings would present a clearly defined main entrance with at grade units having their own separate front doors.
- 2.26. The approach seeks to clearly identify the main entrance to each block with a denoting semi-public, semi-private and private space as well as functional areas of each block utilising a mixture of low gabion walls and hedges. The spacing between the blocks, apart from the parking court between Blocks D and E, are designed as being semi-formal access areas to the green spaces around whilst at the same time seeking to present a landscape-led design approach.

Amenity and Open Space Provision

- 2.27. The Design and Access Statement indicates that the buildings are laid out as six pavilions in a landscape setting that work with the site's natural contours. The hierarchy of three key spaces are indicating as consisting of:
- 1) a primary open space
 - 2) intermediate public spaces between and around the buildings
 - 3) semi-private and private spaces with defensible zones around doorways, windows, terraces and balconies as well as landscaped buffers to screen parking areas.
- 2.28. Space between the blocks would be landscaped and terraced providing access to the upper slopes and more natural areas. The space around includes passive, natural and active play with formal and informal paths around the site. Each unit is provided with private amenity space in the form of balconies or a terrace. Within the site there are three designated areas of play including natural play, imaginative and learning area and an active play and learning area.

2.29. The covering supporting statement considered that the creation of links between the buildings to the wider landscape and utilisation of the natural topography to formulate the scheme has been the result of a landscape-led approach that has driven the design of the final proposals.

Amendments

2.30. Following discussions and negotiations, the applicant submitted amended plans to seek to improve the visual and physical relationship between the built form and the landscape.

2.31. A Design Addendum explains that the proposed unit numbers have been reduced by from 250 to 242 by removing a floor off Block E, comprising 3 x 1 bed units, 4 x 2 bed units and 1 x 3 bed unit. Three blocks are repositioned or realigned to open up views to the downland landscape beyond. The unit types are therefore revised to:

- 90 x 1 bed units = 37%
- 120 x 2 bed units = 50 %
- 32 x 3 bed units = 13%

2.32. The impact of these changes are shown in revised 'illustrative' views from a number of the LVIA viewpoints. Discussions continue in respect of the palette of materials and treatment of elevations and further amended plans are anticipated.

2.33. The current amended plans show:

- Repositioning of Blocks C and D
- Some increase in gaps between the built form
- Reduction in the height of Block E
- Review the application of brick design to improve the elevation appearance
- Updated illustrated views
- Suggestion changes to facing bricks

Supporting Statements

2.34. The application was submitted with additional supporting statements. Where supporting statements have been amended or updated, this is referred in the relevant sections of the report.

3. RELEVANT HISTORY

No relevant planning history.

Pre-application Discussions / Advice

- 3.1. The applicant went through the pre-application consultation process, beginning with the Design South East Review Panel followed by a pre-application submission to Officers.

Design Review Panel Response (June 2018)

- 3.2. Pre-application proposals were reviewed by the Design SE Panel in June 2018 with a written response issued in July 2018. The proposals presented approximately 184 affordable units. Design SE noted the characteristics of the site; its location relative to existing roads, bus routes and pedestrian links; landscape designations including the South Downs National Park; and the pedestrian link to Stanmer Park.
- 3.3. The Design Panel response was, in summary, as follows:
- Commended the ambition to develop a 100% affordable scheme
 - A proposal that increases the number of units on the site could be appropriate and potentially improve the viability
 - The 'urban fringe development line' placed on the site should not limit the developable area but the ridgeline should not be broken
 - Noted that highway issues and challenges due to the steep slope
 - Considered the exceptional / distinctive qualities of the site have the potential to inform a successful housing development leading to a landscape-led development approach but were not convinced that the block-form layout makes for a good relationship with the site
 - Three distinct character zones and public spaces were not convincing in terms of legibility, and suggested the creation of a single, more clearly defined public space along this route, with block layouts and parking adapted to reference this.
 - Undeveloped land to the north of the proposed housing is likely to feel left-over.
 - Concerned about single-aspect flats and some falling below the national space standards
 - The very urban approach to parking is at odds with the semi-rural setting. Should be more integrated throughout the site.
 - The unusual nature of the landscape makes applying relatively standard apartment block typologies with double banked corridors problematic
 - More bespoke approaches that better respond to the specific conditions of the site should be development
 - Cues should not be taken from the neighbouring Varley Park student housing
 - Suggest 1950s examples of development in more secluded environments such as New Ash Green (and further SPAN housing) an

German/Scandinavian examples could help inform the scheme or Mews-style living

- Need for a clear energy strategy

3.4. Other comments related to drainage, concern about single-aspect family units, some units falling below the national technical standards.

Officer Pre-application Response (July 2018)

3.5. Proposals for this site were presented in June 2018 under reference PRE2018/00182 with a response issued in July 2018, post-dating the Design Review Panel. A number of revisions were made with the result that the number of units increasing from 184 to 240 then 324. There were also revisions to the layout with larger areas between the blocks. The scheme responded to proposed 240 units. In summary, the informal advice was that:

3.6. Principle

- The principle could be supported with 100% affordable welcomed.
- Concern expressed about the number of units as Urban Fringe Site 21 was assessed in combination with sites 21a and 21c and identified for 130 dwelling in UFA 2014. The potential developable area was reduced in UFA 2015. Policy H2 a of the draft City Plan Part 2 refers to an indicative 100 units
- Policy H2 sets out a number of criteria including provision of 35% 3+ family sized dwellings; securing additional/improved public open space; green infrastructure and local food growing opportunities; improved linkages and access to the SDNP and other areas; appropriate regard to community facilities and renewable energy; provision of land for self/custom build serviced plots
- Concerns expressed about the low proportion of family housing, lack of wheelchair accessible unit and size of units.
- All units will be required to meet the Nationally Described Space Standards as per emerging Policy DM1 of CPP2.
- Heritage designations were identified.
- Design/Scale/Massing
- Proposed density would make an effective / efficient use of the site but expressed concern about the number of units and need to balance against landscape visual amenity.
- Support for the retention of the higher part of the site as open space but noted that the development exceeded the developable area for UFA 21
- A Tall Buildings Statement would be required -not in an identified tall buildings node or corridor
- Should not be of a height to break the skyline of the ridge located to the north side
- Visual Analysis as part of a LVIA was required.

- Requirements of Policies SA4 and SA5 drawing attention to the downland landscape, the National Park and setting.
- Longer distance views (e.g from Hollingbury Hill) to be considered
- Open space between the blocks needs to be functional and not appear left over spaces.
- Amenity spaces needs to be usable and appropriate in amount
- Materials/detailing are very important with need to provide visual interest and break up the massing of the 6 blocks.
- Design of proposed balconies should be reviewed to be either inset or semi-inset rather than add-on and supported by steel struts.
- Residential amenities standards including sunlight/daylight is a concern
- Sustainable Transport and Access to Community Facilities
- The lack of public transport identified
- Adequate car parking to be balanced against the visual impact of the development.
- Community facilities needed
- Need to contribute sustainable transport, off-site improvements to walking, cycling and public transport routes that link to local facilities in Coldean and further afield.

3.7. Ecology, Biodiversity & Arboriculture

- Drew attention to the site's designation as a Local Wildlife Site in CPP2.
- Biodiversity across the site should be improved as a whole.
- Commitment to retain and long term manage the majority of woodland on site, to incorporate large areas of semi-natural habitat within the development, welcomed.
- Provision of green (biodiverse – chalk grassland) roofs strongly recommended to mitigate for loss of grassland within the Local Wildlife Site.
- The impact of increased recreation pressure on habitats with the site and in the adjoining habitat including the ancient woodland at Stanmer Park was raised.
- Open Space/Green Infrastructure
- Requirement to improve linkages and access to the South Downs National Park and surrounding areas
- A need to contribute to public open spaces; to sports facilities/provision both indoor and outdoor to meet the needs it generates in accordance with local standards.

3.8. Member Presentation & Response (October 2018)

Following a presentation to Councillors and Members of the Planning Committee, the applicants were advised of the comments made. Although welcoming a scheme of 100% affordable housing there was an expectation of a mix of shared ownership and rented units in each block as well as the need to understand the mechanics of the scheme. Members expressed similar

concerns about the height of the blocks, maintaining the tree line to the rear, minimising tree loss, the amount of safe amenity space for children; the palette of materials and balcony design; nature of the units including need for wheelchair accessible and having to meet the national space standards. The need for S106 contributions was noted.

4. REPRESENTATIONS:

4.1. Original submission: Eighty eight representations (**88**) and public comments have been received. Of those eighty-four (**84**) object to the proposals and four (**4**) in support. In addition, twenty (**20**) specific emails raising objections on ecological wildlife grounds including protected species. The comments are included in the summaries below:

Those **Objecting** raise the following points:

4.2. Principle

- Contrary to policy.
- Exceeds the original Urban Fringe Assessment (2014).
- Accepts there is an overwhelming need for houses for families with local community facilities, not high-rise flats
- Lack of access to services.
- Will increase HMO's.
- Sets a precedent for high rise development bordering The Downs.
- Green space should be retained, brownfield sites developed
- Part buy part rent schemes does not make properties affordable.

4.3. Design / Scale

- Support the concept of a landscape-led design
- Unacceptable, poor, ugly, uninspiring and unattractive design of so-called 'Pavilions', reminiscent of 1950s Eastern Block prisons, inner city ghetto, characterless development
- Unacceptable scale / rises above the tree line
- Fails to respond to the topography and does not integrate into the landscape and National Park
- Would overlook the school
- Disregard for the semi-rural context on the edge of a national park and an historic estate.
- Sustainable living should be promoted to create better communities.
- Young families will become very isolated in these Stalinist style blocks.
- Material choice, use of windows and balconies, form and scale are all inappropriate and overbearing for the site.

- Trees are all already at their mature heights and any increase is only going to be minor so the build will not be shrouded by these.
- Access road will be dominated by cars.

4.4. **Heritage**

- Adverse affect and damage to Listed Building (Stanmer House), Stanmer Estate and Conservation Area.
- Negative impact on Registered Historic Park and Garden

4.5. **Residential Amenity**

- Loss of residential amenity
- Overshadowing
- Noise pollution
- Lack of secure gardens and not family friendly.
- Diminished amenity / walking areas for existing residents.

4.6. **Transport / Traffic / Parking / Cycling / Movement**

- Safety concerns regarding crossings and junctions
- Increased congestion at the junction/s.
- Lack of parking for residents and visitors with the potential for overspill.
- Insufficient vehicle/pedestrian segregation.
- Lack of infrastructure with extra pressure on bus services
- No cycle lanes and potentially none in the future. Cycle parking provision in unrealistic
- Turning facilities do not appear to have been properly addressed,
- Unsuitable for vehicles, pedestrians & cyclists to the Downs (footpath referred to runs through wooded area & is not suitable for all users re safety/accessibility or all times of day/night/weather).
- No provision or consideration for when the village closes for events such as the London-Brighton and Albion Football matches.
- Enforcing a parking scheme in the area would be strongly contested.
- Will have a negative impact on the school's 'Park and Stride' scheme.

4.7. **Landscape / Ecology / Biodiversity**

- No justification for destruction / loss of green space and wildlife habitats.
- Preliminary Ecological Survey does not identify the site as having any nature conservation designation when it is a 'proposed local nature reserve' (a statutory designation) and 'Local Wildlife Site' (a non-statutory designation). Therefore accuracy is questioned.
- Considers there are more badger holes than recorded.
- Badgers will be disturbed by vibrations and machinery could cause setts to collapse undergrounds affecting baby badger cubs

- Will slice the linear woodland affecting movement of badgers leading to potential injury or being killed. A new under the road tunnel for badgers and badger proof fencing should be suggested.
- No mention of hedgehogs or mitigation in the phase 2 surveys. Hedgehogs are a protected species, classified as a Species of Principal Importance (NERC 2006), a Sussex Priority Species but there is
- A wildlife pond in the grounds of the school has potential to provide terrestrial habitat for great crested newt and is within the in Zone of Influence of the site.
- Will have a negative impact on breeding birds.
- The landscape assessment of harm is a joke
- An important corridor for plants and wildlife next to the A27 would be lost.
- Encroaches enormously on the dwindling beauty of the South Downs National Park with monolithic elevations displayed to views toward the site.
- Will impact on the skyline, views to and from Coldean Woods.
- Objects to any trees loss. Trees that border Coldean Lane should remain with the footpath running through the middle.
- Better ecological design is needed (green roofs, green walls, ponds)

4.8. Refuse and Recycling

- Should consider the use of below ground containers with hoppers for refuse/recycling, rather than wheelie bins, especially for new developments - successfully in other Cities in the UK and abroad.

4.9. Pollution / Noise

- Sound and air pollution from A27 is a concern already.
- Building homes for people with high levels of sound and air pollution is unacceptable.
- A development which requires air conditioning to negate problems foreseen from open windows is not acceptable re health, wellbeing, increased energy consumption & running costs.
- Will increase pollution, not reduce it.
- Will have a negative impact on the School and childrens' health.

4.10. Viability

- Financial Viability Assessment needs to be robustly challenged by BHCC to ensure that BHCC are procuring construction efficiently and that developers are making appropriate developer contributions for the benefit of the community.
- Other
- Raises the issue of a conflict of interest if the applicant is investigating themselves in respect of activities on site in respect of Testing' which has allegedly caused damage close to badger holes that are clearly inhabited,

breaching Natural England guidelines. This has been reported to the Wildlife Crime Police Officer and queried if the agent had a license.

- Concerns of local residents have been completely ignored. This will be the final nail in the coffin for Coldean.
- Devaluing of existing properties
- A strain on social infrastructure with limited GP, no post office and no dentist with no additional offer.
- S106 / Developer Contributions should be carefully allocated (and ring-fenced) to specifically local projects to serve existing and new Coldean residents.
- Will add to current social problems.
- Questions if the ground is viable to develop on as it was apparently used for the disposal of chalk spoil from the initial Varley Halls development during the 1970's.
- Site is a water catchment area.
- Disruption during building.
- Understands that there is a covenant on the land restricting development unless it is of 'educational value.'

Those in **Support** state:

4.11. **Principle**

- Provision of affordable homes welcomed to remedy the chronic shortage of affordable housing, growing waiting lists and homelessness and an opportunity for stable and secure accommodation that would not have existed otherwise.
- More affordable homes reduces competition for available properties and therefore reduces rents.
- Reduced demand for the private rented sector decreases the incentive to convert family homes into HMOs.
- Keyworkers need to be able to live in the communities they serve and contribute to the life of that community.
- All incomes and of all social backgrounds should be able to live in Brighton, not just the wealthy or who have access to the bank of mum and dad.
- There should be no possibility for housing to be bought and sold to developers who may turn it into student housing.
- Current Coldean residents should be offered first rights of refusal on the opportunity to live in this housing.
- Failure to build these homes would violate the NPPF.

4.12. **Design/Scale/Massing/**

- Sensitively located to take good advantage of site.
- Pleasant appearance

4.13. Transport / Traffic / Parking / Cycling / Movement

- Would support the formation of a roundabout at the junction of Hawkhurst Road and Coldean Lane to easy traffic flow on a busy narrow road.
- Welcome the preservation of the footpath into Stanmer woods

4.14. Landscape / Ecology / Biodiversity

- Support the retention of existing mature trees and the provision of amenity and play spaces

4.15. Representation to Amended Proposals

As of 24th June 2019, twenty-four **(24)** further comments have been received objecting on similar grounds as previous and also include:

- Objections have not been listened to
- Do not mitigate the effects of this development
- Does not address the major problems of additional traffic, increased parking problem and danger to school children
- Coldean Lane – a death trap waiting to happen
- Crossings to access Coldean Village and its services
- Do not see many people hiring the bikes on site
- This land was given to the people of Brighton and not be built on. Clarify?
- A travesty. Should not happen at all
- Destruction of the environment and loss of trees that absorb carbon dioxide
- Remains a horrible, very ugly and an appalling design that imposes an urban ghetto, a human high-rise battery farm on the landscape, isolated by two busy roads
- B and C buildings should be reduced also
- No mention of how the impact of construction noise and dust will be minimised for the school grounds
- Similar developments in Varndean and Moulsecoomb have been rejected, what makes it acceptable in Coldean
- This area is a Water Catchment Area and should not in any circumstances be used for any type of building.

4.16. One of the objections received references an E-Petition and contains a link to the same which carries the covering statement 'Please refuse permission for the proposed buildings, and protect wildlife at Coldean'. By 24/06/2019 the petition had accumulated six hundred and fifty three **(653)** signatures. The objections are similar to those already raised and summarised under the neighbour comments received.

4.17. Additional objections include a request to remove this site from the list of allocated site in the Urban Fringe allocations in City Plan Part 2, designate it as a Local Nature Reserve and Local Green Space (as described in the National

Planning Policy Framework) so that it remains a protected wildlife habitat, now and for future generations.

- 4.18. Attention is drawn to the ecological value of the site, the presence of protected species, other species and wildlife as well as insects; the harm to the woodland; loss of calcareous grassland with lowland calcareous grassland being a Habitat of Principal Importance and classified as Priority Sussex Habitat, increased vehicular movement; visual impact and harm arising from the proposed buildings including impacts on views.

5. CONSULTATIONS

External

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

The proposed development lies within an area of archaeological sensitivity, between two major Bronze Age settlements of Downsview and Varley Halls. Excavations occurred in 1993 and have been published, It is possible that the area between the two sites still retains vestiges of this ancient landscape. A number of ditches and houses dated to the Iron Age and Roman periods were also revealed when the Coldean Estate was built. Among the finds from these early excavations were coins including some of gold. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations prior to the approval of this planning application.

- 5.2. **County Archaeologist:** Comment.

The proposed development is within an Archaeological Notification Area defining an area of prehistoric activity, including a Middle and Late Bronze Age settlement. The field forming the proposed development area has been subject to surface artefact survey and intrusive investigation by the local archaeological society, the results of which identified a plough damaged field boundary and a spread of prehistoric and Roman finds, indicative of settlement. It is therefore highly likely the Bronze Age settlement excavated immediately to the south east in the 1990s, extends into the proposed development site. The application includes a comprehensive archaeological desk based assessment that concurs with this assessment.

- 5.3. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed 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 that would be disturbed

by the proposed works, to be either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss.

- 5.4. The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).
- 5.5. **County Ecologist: Comment.**
Potential impacts on biodiversity: Identifies the site being within the Land at Coldean Lane as a proposed Local Wildlife Site (LWS or Site of Nature Conservation Importance). The development area comprising approximately 15% of the pLWS. Stanmer Par. Wild Park Local Nature Reserves (LNRs) lie to the northeast, separated by the A27. The Land at Coldean Lane LWS has been recommended for inclusion in the City Plan Part Two as it supports a mix of ancient woodland, ex-arable land and semi-improved chalk grassland. Ancient woodland within the proposed LWS lies c. 320 to the southeast of the proposed development and would not be directly impacted by the proposals.
- 5.6. The majority of the woodland will be retained, although c. 0.13ha will be lost to create access to the site. This loss is acceptable given the commitment to bring c. 0.94ha of woodland into positive management plus proposed woodland planting. Any elms lost should be replaced with disease resistant elms.
- 5.7. Although the proposed LWS citation (based on surveys carried out in 2011) notes the presence of chalk grassland and the potential of the site if brought into sympathetic conservation management, more recent surveys undertaken for the current application (Phase 2 Surveys for Protected and Notable Species and Habitats, The Ecology Consultancy, 13/11/18) reported grassland communities that could not be classified as lowland calcareous grassland, although localised areas have an affinity to chalk grassland.
- 5.8. Moreover, the proposed development includes the establishment of c. 1.6 ha of species-rich calcareous grassland to compensate for the loss of c. 0.97ha of mixed quality grassland; this is acceptable.
- 5.9. **Badgers:** Explains badgers are protected under the Protection of Badgers Act 1992. Notes that surveys recorded a number of setts on site, likely to be used by one clan. Some setts were disused. The proposed development will require the closure of two used outlier setts which must be done under license. The proposal to close the disused outlier sett is supposed given its position but all

other setts should be retained and protected with sufficient buffer zone. The 10m and 5m minimum buffer zones are less than normally required but given the topography of the site, are considered to be sufficient provided they are robustly protected and extended wherever possible.

- 5.10. There will be a loss of foraging habitats with the loss of grassland but it not considered to be significant given the retention of higher value habitat (woodland) plus off-site habitat.
- 5.11. Given the highly mobile nature of badgers, it is recommended that a pre-construction survey is carried out to assess whether badger use of the site has changed and to adapt mitigation accordingly. Best practice working methods should be employed to ensure protection of badgers during construction.
- 5.12. Bats: All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species (EPS). The Preliminary Ecological Appraisal (PJC Consultancy, 02/05/18) assessed the boundary habitats as offering high potential for foraging and commuting bats, with some trees within the woodland having potential for roosting bats. It appears as if the tree group identified as G1 in the PJC report may require removal for access. G1 was identified as having low bat roost potential. No further surveys are required, but a precautionary approach should be taken to felling/pruning to avoid any potential impacts on bats.
- 5.13. Bat activity surveys were not carried out strictly in accordance with best practice. However, they did identify that the site is used as a foraging resource by at least two species, and is used by a further four species as a commuting corridor and/or occasional foraging. Overall, foraging and commuting was at a relatively low level, with the majority of activity recorded being common pipistrelle, a relatively common species. The woodland edge is used more than the open grassland. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended all lighting design should take account of national guidance (http://www.bats.org.uk/pages/bats_and_lighting.html) and that light spill onto the woodland should be avoided.
- 5.14. Breeding Birds: The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds

are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.

- 5.15. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 5.16. Three notable species were recorded as breeding on site; tawny owl, dunnock and song thrush. The retention of the majority of woodland and the proposed tree planting and woodland management will benefit those species in the long term.
- 5.17. Dormouse: The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010, as amended, making it a European Protected Species. The Preliminary Ecological Appraisal assessed the site as supporting potential dormouse habitat, with good connectivity to further areas of suitable habitat.
- 5.18. Surveys carried out in 2018 did not record dormice. However, insufficient surveys were conducted to give confidence in a negative result. Assumed absence should not be based on a search effort score of less than 20; the reported surveys achieved a score of 18. Furthermore, tubes were deployed in June with surveys starting in July.
- 5.19. It is recommended that additional checks should be carried out in April and May to inform the need for a licence. This information should be provided before planning permission is granted to ensure all material considerations have been addressed.
- 5.20. Reptiles: Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Low populations of slow worm and common lizard were recorded on site, with juveniles of both species indicating breeding populations. It is proposed that the populations can be maintained on-site within retained habitat along the eastern boundary.

- 5.21. The mitigation strategy outlined in the Phase 2 Surveys report proposes a trapping period of 30 suitable days within a minimum density of 100 traps per hectare; this is less than the recommended 60 suitable days for low populations of these species, but proposes a higher trap density. The proposal is therefore acceptable, provided trapping continues after this period until there have been five capture free days, followed by a destructive search.
- 5.22. Other species: The site has been assessed as being of District value for invertebrates, with three notable species recorded in short grass beside the path along the eastern boundary. The proposed landscape scheme is likely to increase the value of the site for invertebrates.
- 5.23. The site is unlikely to support any other protected species. If any protected species are encountered during development, works should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.24. The recommendations for the landscape scheme made in the Phase 2 Species Survey report are supported and should be implemented, although these relate largely to mitigation of the impacts of the development rather than enhancements
- 5.25. The provision of green roofs is strongly recommended given the multiple benefits they provide, not least of all to biodiversity. Green roofs should be chalk grassland to help meet Biosphere targets. Bird boxes should target species of local conservation concern such as swifts, starlings and house sparrows.
- 5.26. If the Council is minded to approve the application, it is recommended that Biodiversity Method Statements are required to protect biodiversity features on site, including protected species, as well as an Ecological Design Strategy and a Landscape and Ecology Management Plan.

Mitigation Measures/Enhancement Opportunities

- 5.27. Notwithstanding any mitigation that may be required for dormice should they be present, in addition to mitigation measures outlined above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

- 5.28. Opportunities include, but are not limited to, the provision of green roofs and walls, the provision of bird, bat and insect boxes, and the use of locally native species of known wildlife value within the landscape scheme.
- 5.29. **County Landscape: Support.**
Considers the proposal could comply with NPPF Section 15, which provides for the conserving and enhancing of the natural environment and conserving and enhancing landscape and scenic beauty National Parks and other landscapes.
- 5.30. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes. It is noted that:
- Various layouts and options have been considered during the evolution of the planning application.
 - Pre-application consultations have informed the proposed scale, massing and layout for the buildings.
 - The submitted scheme has been modified to take on board comments of the South East Design Review Panel.
 - Key landscape considerations were that the character and topography of the site needed a landscape led approach to the design. This would ensure that the development responds to the distinctive character and qualities of the site and that external spaces between the buildings are fully functional and do not appear as 'left over' space.
 - The Landscape and Open Space Strategy address concerns in relation to the functionality and quality of spaces between the buildings and proposing to create zones of distinct character across the development which should give areas a sense of place and local distinctiveness.
 - The strategy provides designs for open spaces in the wider landscape of the site and access across the site to the Stanmer Park
 - The proposed public open space on the northern part of the site would formalise the use of this by local people where access at the moment is permissive access only.
 - The landscape and open space strategy provides a landscape buffer between the buildings and the A27 and a treed buffer to Coldean Lane.
 - The LVIA sets out the iterative process that has led to the final design and layout for the buildings on the site.
 - The buildings would follow the natural contours of the site and be set into the slope which would help to reduce the potential impact of the development on local landscape character and views.

5.31. Although it was noted that the overall conclusions of the LVIA are that the proposed development would not have an unacceptable impact on local landscape character and views, concern was expressed about views from the local residential area, part of the South Downs National park, and close views from Wild Park Local Nature Reserve and Hollingbury Hill Fort. As the LVIA indicates that the impact on these areas would neutral after 15 years when mitigating planting has matured, the proposed height of the blocks would mean that planting would not be a completely effective screen even in the long term.

5.32. It is further added that:

- The buildings would be viewed within the context of the existing built up area and in particular Varley Hall.
- A key mitigating factor is that the development would not break the skyline of wooded landscape which would form a background to the proposed flats from these sensitive viewpoints.
- The photomontages provided in the LVIA clearly indicate that a muted colour scheme for the blocks would be important to mitigating the visual impact.
- In this context the detailed design for the finished facades will need careful consideration. Consideration could also be given to the use of green roofs and green walls which would help to mitigate the development from more elevated views.
- It is recommended that the application can be supported subject to full implementation of the landscape strategy and acceptable detailed design for built form and external spaces.

5.33. **Natural England: Comment.**

Landscape advice: The proposed development is for a site within or close to a nationally designated landscape namely the South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

5.34. It is advised that the South Downs National Park Authority will be best placed to provide detailed advice about this development proposal. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

- 5.35. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. The application should be assessed carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.
- 5.36. Other advice: Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.
- 5.37. **Scottish Gas Networks: Comment.**
There are no SGN assets registered within the site search area. Mapping shows Medium Pressure Mains Services to the south west side of Coldean Lane. A section of the road frontage to the east side of Coldean Lane opposite the junction of Beatty Avenue is present. There may be other services and supplies within the site search area that are not registered with 'Linesearch before U Dig'. Advice is provided on safe digging practices and notifications that can be included in appropriate informatives.
- 5.38. **South Downs National Park Authority (SDNPA): Object.**
Comments in relation to the amended scheme will be reported on the late list. Initial comments drew attention to the fact that the site comprises steeply sloping undeveloped land forming part of the Grade II registered parkland associated with Stanmer House, severed by the A27; position relative to the SDNP but also visible from within it, notably the ridge (Wild Park LNR) between the A27 and Hollingbury Castle and from Falmer Hill above Moulsecomb. Notes that the site is read as part of the wider rolling landscape with the SDNP. Also noted are the clear views across the site toward the SDNP from footpath FP63 that runs along the south-eastern boundary of the site.

- 5.39. Notes that the area containing the site was identified in City Plan Part One as Urban Fringe where development would only be permitted subject to various criteria and where a site has either been allocated for development in a DPD or a countryside location can be justified. It is identified as a proposed Local Nature Reserve which is proposed to be carried over as Policy DM37 in City Plan Part Two. That plan identifies the site for a potential housing allocation (H2) for 100 units with key considerations listed as ecology, heritage, open space, landscape, aquifer and archaeology.
- 5.40. Although noting that the proposals is to deliver 50-100% as affordable housing, objections include:
- 250 dwellings is a significantly larger number than the current draft allocation
 - the degree of development proposed would be a form of overdevelopment of an inappropriate scale and density for this hillside urban fringe location within the setting of the SDNP.
 - Conflicts with Policy SA4 of the City Plan Part One,
 - Conflicts with the proposed designation of the site as a Local Nature Reserve
- 5.41. If recommended for approval, it was suggested that conditions relating to dark sky lighting control; access across Coldean Lane through the site via the downland amenity open space to the rear; safer crossings to Footpath 63 would be welcomed. Improved access provision is encourage in draft Policy H2(d).
- 5.42. **Southern Water:** Comment. (07/01/2019)
Foul Sewerage Disposal: Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is requested t that should this application receive planning approval an informative is attached to the consent.
- 5.43. Surface Water Sewers: Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
- 5.44. Sustainable Urban Drainage: The planning application form makes reference to drainage using Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements

exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.45. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

5.46. We request that should this application receive planning approval, a condition should be attached to the consent to require details of proposed foul and surface water sewerage disposal.

5.47. Water Supply: Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, an informative recommended

5.48. **Sussex Police:** Comments.

Provide Secured by Design Advice on:

- secure entry systems including door and window types as well as locking systems.
- compartmentalisation to protect the amenity of residents within the communal flats.
- lighting and types, need for sensors internally and externally.
- recommends 'dusk to dawn' energy efficient LED switched lighting.
- postal arrangements should be through the wall, external or lobby mounted secure post boxes.

- cycle stores should be accessible to residents only, advises on locking mechanisms and internal dividers.
- advises on bin store and plant room doors/locks.
- permeability to be kept to a minimum around the site where possible.
- the hedgerow along the north east side of the site should be maintained to prevent general access by members of the public.
- paths linking the Public footpath to the development meet at the far North East and South West extremities of the development, keeping them away from the dwellings.
- boundary between public space and private areas should be clearly indicated.
- desirable for dwelling frontages to be open to view with low walls, fences or hedges where provided.
- Communal vehicle parking should be overlooked.
- 'three' areas of play and an area of amenity space which should be overlooked with good surveillance to ensure the safety of users and the protection of equipment.
- Recommends that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.
- The electricity substation must be securely enclosed by the authorised installers.

5.49. **The Garden Trust:** Comment.

The Trust has reservations about any major development of this site since it will result in the loss of an area of the Registered Park, even though the harm may be less than substantial. Moreover, the height and form of the present proposals seems out of place in the downland setting. It is just possible that these blocks at 7 storeys, on relatively high ground, will be viewed from pathways on the edge of Stanmer Great Wood and may be considered harmful to the setting and enjoyment of that rural walk.

5.50. **UK Power Networks:** Comment.

There are no networks within the site but there is a Low Voltage underground cable to the opposite site of Coldean Lane, A cable also exists to the east side of the road extending slightly beyond the existing public footpath. Advice is recommended.

Internal

5.51. **Arboriculturist:** Object.

The objection/comments were provided in relation to the originally submitted scheme. The applicants responded to the points raised and as a result, sought to minimise tree loss through proposed amendments.

5.52. The initial objection/s and comments were directed to the loss of trees and buildings too close to woodland edge.

5.53. General

- Site consists of an open grassland area and falls in altitude from north-east to south-west.
- Dogwood and ash tree saplings grow within the three corner edges of the site, with more ash saplings on the southern section.
- North-eastern boundary of the site follows the adjacent A27 Trunk road managed by Highways England.
- A grass path desire line runs along this boundary fence with a shrub layer adjacent to the fence line, with semi-mature trees of native species grow upon a steep embankment towards the A27.
- Western boundary contains of a large woodland strip running the entire length of the site, made up of native trees such as ash, sycamore and elm, is unmanaged, has been used for fly-tipping in some areas.
- Majority of trees are semi-mature to mature, form an important screen and wildlife corridor between the busy road and field area of the site.
- South-eastern boundary is another woodland section that provides an important separation between the existing Varley Halls of Residence site and the existing field area. There are some older trees within this section including some mature beech.
- An existing public footpath is under the trees, and has been managed over the years as the surface has had a layer of stone aggregate although not in the recent past.

5.54. Impact and Method Statement:

- The proposed entrance to the site will result in the loss of many trees primarily ash and sycamore trees, these are mainly semi-mature and early mature trees which in arboricultural terms this may be the best in terms of trees lost.
- Individually are not the best trees on the site, collectively have more merit as a group.
- Proposed block removal of the trees within W2 to facilitate the construction of Blocks E and F is of most concern, with mainly elm on the inside edge of the Western boundary woodland.
- Would be detrimental to the woodland area as it will expose this area to the traffic in Coldean Lane.
- The losses would include a large group of elm trees up to 20m tall, some of these trees are the best specimens within the site, from opposite the school pond in a southerly direction.
- Ash dieback has been confirmed within Coldean Woods at the southern end of the road, and the ash trees within this section of woodland will be vulnerable to this disease and will be thinned-out over the years, making the other species of trees more important to the survival of the.

- Whilst it suggested that the removal of these elm trees is for the betterment of the woodland, in reality it is to allow the construction of Blocks E and F.
- There is a case for careful woodland thinning for the betterment of other trees, but not a block felling of trees.
- Recommends that Blocks E and F are moved further away from the woodland boundary into the site to allow the majority of the trees proposed for removal in this section to be retained.
- Light levels closer to the trees will be diminished the closer the buildings are to the trees, and more so in summer months when leaves will be on the trees, this will be less so.
- The re-orientation of buildings may help with better light such as east – west.

5.55. Due to the importance of the woodland areas on two boundaries of the site, coupled with the planning proposal and future occupation of the site, it is considered that a tree preservation order to be made to protect the trees during the planning process and future years.

5.56. Concern has been expressed about the installation of a shared footpath with a hard does not like the idea of a hard surface path through a woodland area. Permeable asphalt will not stay permeable for long as they often become blocked with particles, especially below a continuous line of trees. In addition, the asphalt or block paving proposed below trees will have leaves and debris fall onto them from the trees and these will become slippery in times of wet weather. The haunched kerbing at the sides of the path will have to be connected to something and this usually involves the use of concrete and/or excavation. I would prefer a more traditional path through the site, with untreated sleeper sides with pins holding the path sides in place rather than concrete haunching. This is such a short stretch of path and I ask why there the need for a shared cycle path too, bikes can easily use the adjacent road.

5.57. Car parking on the south east boundary also come to within the root protection areas of the trees, this need to be moved back away from the trees to avoid the conflicts the cause. Any tree planting should be within groups where possible rather than single trees every four car parking spaces. We have seen the results of these in the majority supermarket car parks, stunted sick looking trees. Trees should have large shared rooting spaces rather than individual enclosed tree pits as they will have greater rooting volumes to enable better establishment and a better success to reach full maturity. If single trees are proposed they must have a planting specification that allows them to reach full maturity. These may require changes to the car parking proposals. Any

understorey planting should be under the guidance of the county ecologist to improve biodiversity to the area. A woodland management plan, short and long term should also be included in any proposals for the site.

5.58. **City Clean:** Comment.

Calculations based on the unit types generates a need for 54.23 bins at:

- 10 x1100 containers per refuse store.
- 5 x1100 general waste
- 4 x1100 Mixed recycling
- 1 x1100 Glass

5.59. This equates to a floor space need of 17.547 sqm.

5.60. **City Regeneration:** Support.

Consider the development will provide homes of mixed tenure for local people and make a substantial contribution to address the city's challenging housing needs. The development should provide construction-related employment and training opportunities for local people. There will be a requirement, through a S106 agreement, for the submission of an employment & training strategy to demonstrate how the developer, through its main contractors and / or their sub-contractors, will deliver these opportunities. Contributions of £81,400 are required toward Local Employment Scheme.

Education Officer: Amended Comment

5.61. In this instance a contribution in respect of primary education will not be required as there are sufficient primary places in this area of the city for the foreseeable future. They will be seeking a contribution in respect of secondary and sixth form education of £252,021.00 if this development was to proceed.

5.62. The development is in the catchment area for Brighton Aldridge Community Academy which has some surplus capacity at the moment but the numbers of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

5.63. **Environmental Health:** Comment.

Conditions are recommended in relation to sound proofing, contaminated land, lighting, Construction Environmental Management Plan (CEMP).

5.64. **Noise:**

- It is reasonable to assume that occupiers of the proposed dwelling could potentially be exposed to frequent, prolonged and varying levels of noise from the use of the road.

- The Environmental Noise Survey and Acoustic Design Statement Report has made detailed reference to applicable standards and guidelines.
- The methodology used, and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them.
- While report states that attenuation is required, it does not specify the exact type, but as can be read above that “These are achievable using conventional mitigation measures”. Agrees with the findings, recommendations and guidance given in the report.
- It will be necessary for each unit to utilise some form of whole-dwelling attenuated ventilation system.

5.65. **Potentially Contaminated Land:**

- An appropriately worded condition needs to be attached to any permission to develop due to the fact that the Investigation Report identifies a potential for a very low risk of contamination.
- The report recommended that an intrusive investigation was undertaken to confirm the ground conditions. Any subsequent intrusive investigation may reveal additional on-site sources of contamination that were not identified in the Preliminary Investigation and Site Walkover.
- Any additional sources of contamination or unexpected ground conditions that may promote the migration of contamination will be included and assessed in terms of significance within an updated Conceptual Site Model.
- As such, further intrusive testing and site walk over by a geotechnical engineer will be necessary before any ground works begin.

5.66. **Demolition/Construction Noise, Vibration & Dust:**

- The proposal is a significant development and site activities could generate large amounts of noise, vibration and dust.
- A detailed CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible.

5.67. **Heritage: Object**

Heritage Considerations:

The application site is of lower significance than the elements of the landscaped parkland which make up the vast majority of the registered park but it nevertheless has clear historic interest as an area of arable land that previously formed part of the Stanmer Estate; even more so given the previous loss of such land to development which means that this site is a remaining vestige of the original extent and varied functions of the Estate.

- 5.68. The site also importantly forms part of the setting of the designed landscape and the Great Wood. The Park is currently on the Historic England ‘heritage at risk’ register.
- 5.69. Views within the conservation area were important in developing the designed landscape and form an integral part of its character and appearance and include landmarks to provide orientation to visitors and inform the experience of navigating the wider parkland, a key historical driver in the design of the surrounding landscape.
- 5.70. Key views within the conservation area are noted within the Stanmer Conservation Area Appraisal and are mostly inward looking, or found to the centre and north of the park and directed along valleys. There are no identified key views looking towards or incorporating the application site. The Great Wood and the rise of topography at its heart prevent visual links from most of the conservation area to the site.
- 5.71. The Church of St Mary Magdalen may have originally formed part of the Stanmer Estate farmland and served New Barn Field. It was converted to church use in 1955 to serve the post-war Coldean housing estate and is locally listed.
- 5.72. Also of relevance to the site, with regard to long views, is the scheduled monument c1.3km distant to the south west at Hollingbury Hillfort – a slight univallate hillfort dating to the Early Iron Age together with three earlier bowl barrows.
- 5.73. Objections include:
- Out of character with the Coldean Neighbourhood and the suburban downland fringe
 - Does not “respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place” as required by policy CP14.
 - Not identified as having the potential for tall buildings and not adequately justified particularly on this partly elevated, edge of downland site and not of the urban massing proposed.
 - This northwards extension in combination with the height and long, block-like massing of the residential blocks, results in a development that is far more intrusive in the countryside setting than envisaged by the UFA and the emerging policy that it has informed.
 - LVIA’s including 4, 5, 6 and 7 show the development as being intrusive and incongruous, forming a continuous wall of development in the key views, with little or no visual permeability between the blocks, having the effect of

infilling the current open gap between Coldean suburb and the existing Varley Halls, resulting in a single, larger settlement area.

- Fails to take account of the existing visible development (in the middle ground) is suburban in typology and form.
- Would visually dwarf the tree line that fronts Coldean Lane, rising well above it in the key views from the south and west.
- Does not appear that the verified views have accounted for the removal of trees necessary for the formation of the new access road.
- The view from Hollingbury Hillfort would be clearly harmed by this development.
- Disagrees with the Built Heritage Statement that the development proposed would cause “an extremely low level of harm” to the significance of the registered park and garden.
- The Registered Historic Park and Garden was designated in 2000 – post-dating the A27 and suburban housing – and so must be assumed to have sufficient significance to have been included.
- The site is the remaining vestige of the arable farmland associated with the Stanmer Estate, an important facet of the Estate’s history, provides a setting to the Great Wood and the designed landscape beyond, offering “extensive views from the woodland edges in all directions across the Downs.
- Would cause clear harm to the registered park and garden.
- Scale of the development proposed in this application, its increased footprint northwards and its high visibility in longer views, results in much more notable harm.
- Site makes a marginal contribution to the significance of the Stanmer Conservation Area but the statement underplays the historic connection between the site as historic arable farmland and the farming history of Stanmer Village and Stanmer Estate.
- The report overlooks the importance of the Great Wood, its serpentine paths to the significance of the conservation area and overlooks the importance of the visual relationship of the site to the Great Wood in views from the south west and west. In these views the introduction of large urban blocks immediately below the Great Wood would undermine the rural downland setting of Stanmer, which is part of its significance, and so would harm the setting of the conservation area.
- It is accepted that the development would have very limited impact on views outward from within the conservation area, due to topography and the screening of the Great Wood.
- The development would not impact on any of the key views identified within the Stanmer Conservation Area Appraisal and there would be no impact on the setting of the principle listed building, Stanmer House, or any of the other listed buildings within the conservation area.
- The BHS notes that there are partial views of the site from the southmost boundary of the conservation area. This is assumed to correspond to the last receptor in table 6.3 of the LVIA, which notes that there would be

glimpsed, partial views towards the uppermost parts of buildings A, B and C. Regrettably no verified view has been provided of this in the LVIA so it is not possible to properly assess this impact and whether or not it would cause any harm.

- Setting of Hollingbury Hillfort. Its elevated location within the downland is part of its significance and its setting is therefore quite extensive, with panoramic 360o views offered that form part of the way the heritage asset is experienced. The views north-eastwards, encompassing the application site, remain relatively rural in character, with the rolling downland and belts of woodland predominating.
- The introduction of large urban block into the middle ground of these views (such as Viewpoint 4 in the LVIA) would have the effect of infilling the current open gap between Coldean suburb and the existing Varley Halls, resulting in a single, larger settlement area, so further diminishing the rural, downland setting of the Hillfort. This would harm its setting.
- Impact on the setting of the locally listed Church of St Mary Magdalen. the original rural farmland setting of this group of former farm buildings has been partially retained by the school playing field to the north west and by the line of trees bordering the other side of Coldean Lane. This setting has visual and historic elements. It is acknowledged, as the BHS sets out, that the historic element is no longer clear from how one experiences the application site today. Nevertheless, the proposed urbanisation of the site would to some degree be evident from the Church and would cause minor harm to the vestiges of its rural setting.
- The LVIA (section 4) identifies that there is an opportunity to respond to the vernacular of the remnant flint boundary wall in the north-west corner of the site, which extends along Coldean Lane. It is not apparent from the Landscape Strategy that this opportunity has been followed through.
- The demonstrable harm to the three designated heritage assets identified above varies in degree but in each case is considered to be less than substantial under the terms of the NPPF which must be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF require.
- There are no heritage benefits to the proposal that may be weighed against that harm.
- The harm to the setting of the locally listed Church of St Mary Magdalen would be comparatively minor but must be taken into account in weighing the application as required by paragraph 197 of the NPPF.

5.74. **Planning Policy:** Support.

Principle: Supported and recognised that it would make a valuable contribution to the requirements and to the city's housing land supply position, particularly in light of the council's housing shortfall (4.5 years) in the 5 Year Housing Land Supply and a 20% buffer when applying the NPPF (2019) Housing Delivery Test.

- 5.75. City Plan Part 1 policy CP1 makes provision for at least 13,200 homes over the plan period, of which 8% homes are to be built on land in the 'Urban Fringe'.
- 5.76. The site is located outside the city limits but it is identified development in the emerging City Plan Part 2 with its suitability for residential development examined in detail in the 2014 and 2015 Urban Fringe Assessments (UFA) which constitute a material consideration when sites come forward in advance of the adopted local plan.
- 5.77. The Draft CPP2 Policy H2 shows this site (Site 21) as having an allocation for 100 dwellings subject to a number of policy considerations including:
- provision is made for 35% 3+ bed family sized dwellings (as indicated in CPP2 Table 7)
 - Opportunities to secure additional and/or improved public open space
 - Green infrastructure and local food growing opportunities
 - Improved linkages and access to SDNP and surrounding areas
 - Appropriate regard is given to local community facilities and renewable energy
- 5.78. The significant uplift in housing provision results in the height of the buildings exceeding the tall building threshold, which makes it a high density scheme with potential for issues around visual impact and amenity.
- 5.79. Affordable Housing: The intention is to deliver 100% affordable housing comprising 50% shared ownership + 50% discounted market rent at living wage level (at least 20% below market rent level). This would greatly contribute to delivery of affordable housing to meet local housing needs over and above requirements in Policy CP20. The Joint Venture Partnership of which the City Council is a 50% stakeholder will help to ensure this.
- 5.80. Housing mix & standards: Policy CP20 seeks a preferred affordable housing mix across the city as a whole of 30% 1-bed units; 45% 2-bed units and 25% 3+ bed units. Draft Policy H2 seeks an indicative figure of 35% 3+ bed units for this specific site. The supporting text for draft CPP2 Policy H2 states that the site allocations on the urban fringe are suitable locations to deliver a significant amount of family-sized housing.
- 5.81. The unit mix for the proposed scheme is heavily skewed towards 1-2 bed units with 92 1-bed units (37%); 125 2-bed units (50%); and 32 3 bed units (12.5%). The Planning Statement claims the development intends to address the needs for those housing applicants under Bands C & D of the housing register

as a priority for the JV. Accordingly a case for reduced number of 3-bed homes has been made drawing from the housing register, which is roughly aligned with the proposed mix.

- 5.82. In addition, the residential units fulfill the accessibility/ adaptability standards in Building Reg M4(2) and provide 10% wheelchair adapted housing (which is the Council's general standard for affordable housing in accordance with Building Reg M4(3)).
- 5.83. The overall higher yield from the development has been achieved from high density, which indicates efficient use of the site, however, residential units are constrained in terms of space. This had been highlighted at pre-app stage.
- 5.84. The 1-bed flats (45 sq.m) fall below the minimum Nationally Described Space Standards (50 sq. m). The 2-bed and 3-bed units would meet the minimum NDSS levels, but there are no units proposed which are larger than 76 sq.m, which is small for a family sized dwelling (given that the NDSS minimum for 3-bed units is 74 sq.m). There are three accessible units with 78sq m.
- 5.85. It is accepted that the proposed scheme would deliver a significantly higher overall level of affordable housing on the site compared to the indicative figure in Policy H2 (32 3-bed units would equate to over 30% of the indicative housing figure of 100 dwellings in Policy H2). However, given the much larger scale of this scheme and its location at the outer fringe of the city, the low proportion of 3-bed units would be a missed opportunity.
- 5.86. Open Space: Saved Policy HO5 seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The site layout plan indicates a number of play areas and green space created in between the buildings with the creation of formal garden terraces around the building entrances. Open spaces are less structured although make good linkages across the wider landscape. The layout plan shows that the open/green space would be well-integrated within the development, providing a series of green corridors, which would provide for multi-functional open space, landscaping, habitat protection/ecological mitigation, sustainable drainage/flood attenuation and pedestrian/cycle routes. As a general approach the landscape-led strategy adopted by the scheme consisting of hierarchy of spaces, network of footpaths, play areas and ecological corridors is supported.

- 5.87. There is a requirement for a range of different types of open space and sports provision. It is not clear from the application whether the requirement that would be generated using Ready Reckoner has been satisfied. Therefore it may be appropriate to seek an offsite contribution towards some (such as outdoor sports facilities), together with any shortfall in open space provision on site. A contribution towards indoor sports facilities may be required. It is noted that a number of flats have been provided with balconies.
- 5.88. Landscape and Visual Impact: Policy SA4 allows development in urban fringe sites subject to appropriate justification and where it can be clearly demonstrated that the proposal has had c) regard to the downland landscape setting of the city; d) any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; where appropriate the proposal helps achieve the policy objectives set out in Policy SA4. Policy SA5 requires that new development within the setting of the National Park must be consistent with and not prejudice National Park purposes and it must respect and not significantly harm the National Park and its setting.
- 5.89. The proposed design, massing and layout broadly achieve the UFA 2015 requirements by way of condensing the effective foot print of the buildings and by spacing buildings that helps to avoid undermining views. The layout developed along the contour of the land helps significantly. In addition, Tall Building Statement has been provided within Design and Access Statement. The Statement draws from various parameters, however is short of detailed analysis of distant views. The comments of the County Landscape officer should be sought on the LVIA and potential landscape/visual impact of the current application.
- 5.90. Ecology and Biodiversity Policy CP10 seeks to conserve, enhance and restore biodiversity across the City. The site falls within a proposed Local Wildlife Site (Land at Coldean Lane), therefore saved Policy NC4 applies. This will require measures for preventing/minimising development impacts and protecting, enhancing and managing the nature conservation features.
- 5.91. The scheme proposes to retain the existing perimeter woodland, provide new planting, maintain, enhance and manage the chalk grassland on the upper slopes of the hillside, and provide 'eco-habitats' within the site. The applicants have undertaken a phase 1 ecology survey. The comments of the County Ecologist should be sought on the PEA and potential impacts on ecology and biodiversity.

- 5.92. Community facilities: Draft CPP2 Policy H2 includes a requirement that appropriate regard is given to the need for local community facilities. The scale of the proposed development is quite large at over 200 dwellings, however the self-contained nature of the site and development does not lend itself to the provision of facilities for wider public use. There is a good range of existing local facilities in Coldean (local shops, primary school, doctor's surgery etc), but these are a significant walking distance (+500m) from the development.
- 5.93. In these circumstances, it will be important for the development to contribute towards off-site improvements to walking, cycling and public transport routes that link to these local facilities as well facilities further afield.
- 5.94. Waste management: Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A fully completed Site Waste Management Plan (SWMP) and on site waste management will need to be required by condition to include sufficient information to demonstrate compliance with Policy WMP3d and e.
- 5.95. **Policy, Projects and Heritage:** Comment.
Adopted 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; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 5.96. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in a section 106 agreement. The contribution has been calculated at £100,000. It is for the case officer to test the final contribution against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.97. **Private Sector Housing:** Comments.
The bedrooms on level 0 in buildings A, B and C are all inner rooms, you have to go through the kitchen/ living room (high risk rooms) to escape should there be a fire. Ideally, there should be a means of escape from the bedrooms without going through high risk rooms, or escape windows on the bedrooms.
- 5.98. **Sustainability Consultant:** Comment.

Although meeting the standard requirements for energy and water targets set out in the Adopted Brighton & Hove City Plan Part One Policy CP8, unable to support due to:

- Lack of site wide communal heating systems and proposals to be ready to connect to a planned or existing heat network and acceptable justification for being omitted
- Does not demonstrate delivery of the One Planet Principles of Sustainability across the site
- Does not demonstrate that the City's UNESCO Biosphere Reserve Objectives successfully integrated across the site.
- The applicant should commission an in-depth energy feasibility study of the different Low-Zero carbon technologies
- An urban fringe site is expected to incorporate infrastructure to support LZC decentralized centres including future connection, given the proximity to DA3 Lewes Road
- Combined Heat and Power and the raft of technologies need to be fully investigated to further reduce site wide carbon emission including site wide energy networks/communal heating options and be 'network ready' as a minimum and include space for a appropriate plant (plate heat exchangers)
- The site must meet the sustainability requirements set out in CPP1 CP8 a – g, h – p, and the UNESCO Biosphere Objectives
- It must build in greening of the site by using green roofs and green walls and methods to enhance the biodiversity of the site
- Clear evidence of communal food growing on site to meet One Planet Living principles of sustainability and guidance in PAN 06 (Food Growing and Development)
- Other requirements are listed including solar shading, overheating analysis, details of SuDs, site waste and water management strategy, building management control and monitoring, membership of the Considerate Constructors Scheme.

5.99. Concern was expressed about:

- the use of Mechanical Ventilation with Heat recovery (MVHR) for each flat is exceptional, especially as many flats do not have cross-ventilation and natural light in all rooms. MVHR should only be used if the fabric is more airtight than suggested
- proposed use of individual electric panel heaters in each unit which does not maximize opportunities to support the city's sustainable objectives to use large scale low or zero carbon (LZC) energy technologies as stated in CP8, point 2c
- CPP2 Policy DM44 stated that urban fringe housing should be reasonably expected to deliver more in regards to low carbon and sustainable design.

- The use of PV on the roofs is welcomed but not clear if the electricity to be generated will be used to offset the use of electricity in each flat, and/or for communal area including electric vehicle charging.

5.100. **Transport Planning: Object**
Comments on Original Scheme

Although minded to approved, this was on the basis that additional information was presented to the authority and being of sufficient detail to be acceptable. If satisfactory information is not received by this time, and well in advance of determination, then the LHA may need to consider recommending refusal in a further response.

5.101. Notwithstanding this, the following points were made:

- Review of the parking distribution between long-stay, short stay visitors, motorcycle and car club bay locations including the provision of appropriate locations for pedestrians to cross the access road;
- An Equalities Impact Assessment and an Inclusive Design Participation Statement (IDP Statement) both in relation to the access road, if this is to be, or to have the appearance of, a shared surface with pedestrians and vehicular traffic at one level and for the pedestrian access routes. If there is to be clear distinction and delineation between the pedestrian and vehicular areas, then this will need to be presented in more detail with plans and a supporting statement at a minimum;
- A full review of local bus stops and the presence of suitably accessible routes to these stops (identifying dropped kerbs and any necessary footway improvements). This should include a suitable proposal for the relocate N25 bus stop on the northbound side of Coldean Lane;
- Undertake a scoping exercise for the possibility of a northbound cycle lane on Coldean Lane, between Lewes Road and the applicant site;
- It is unclear if the applicant has included committed developments within their base and future models and clarification of which, if any, schemes are included is required prior to determination;

5.102. In addition, further concerns included:

- providing protected and suitable pedestrian crossing 'facilities' along the access road as these are not currently present.
- Personal Injury Accident Information does not identify the action or cause of each collision and is therefore not considered sufficient for the purposes of this application. Further detail is required.
- unclear how visitors will access these bays and how they will be controlled. We expect that more details will be provided as part of a car parking management plan (CPMP) to be secured by Condition.
- Number of proposed visitor parking spaces is significantly below the maximum standards; request that further spaces are sought or,

alternatively, unused residential long-stay spaces are reallocated to visitor use if it is demonstrated that residents do not require these spaces.

- Due to the nature of Coldean Ln and the local topography, the applicant is requested to undertake further assessment of the proposed routes to the site access to ensure that there are routes for less confident and less experienced cyclists.
- The applicant should also provide a plan indicating a suitable location for the relocated N25 bus stop, including any associated infrastructure to be provided such as bus stop flag and pole, hardstanding and accessible pedestrian route.
- No assessment for construction traffic has been undertaken, and we would expect this to be included due to the location of the site and likely earth works required.
- The Framework Travel Plan proposes a reduction in the car ownership levels of residents of the proposed development through soft and hard measures, including the provision of two car club bays and vehicles. Without this information, this is a potential reason for refusal.
- Concerns about the safety of the proposed shared surface area which appears to run throughout the site. Confirmation of details, such as the kerb height between the footway and car parking / carriageway areas will be required to be stated in detail to avoid this being a potential reason for refusal.
- Equality issues raised and need for an Inclusive Design Participation Statement.
- S106 and S278 proposed.

Comments on Revised Scheme

- 5.103. Object but would consider any additional information that may be submitted before committee and may update the recommendation. Should the committee be minded to approve, conditions and s106 matters are recommended to mitigate impacts as far as possible.
- 5.104. The main points are:
- satisfied that the development will not generate overspill parking onto surrounding streets and that the allocation of spaces between residents and visitors can be secured by condition
 - concerns were raised about the proposed access junction design, noting the need to relocate an existing bus stop. The applicant has not responded satisfactorily
 - cannot secure their proposed design, we are satisfied that it will be possible to achieve a suitable access arrangement of some description but this matter can be addressed by a s106 obligation requiring a highway works scheme to be submitted for approval. The nature and arrange of those improvements can be agreed through the necessary related section 278 process.

- There will be a requirement for a further Road Safety Audit
- Works to move the existing 30mph speed limit on Coldean Lane slightly further to the north can be secured alongside the necessary changes to bus stops and crossing facilities
- An Equality Impact Assessment to justify the design approach to the proposed new internal access road should be required through a street design condition in a “Notwithstanding the plans hereby permitted...” format.
- A cycle parking condition is required to ensure the amount of cycles can be achieved.
- The poor quality of existing cycle infrastructure on Coldean Lane and need for improvements to secure safe and convenient access to facilities around Falmer. None have been proposed can be addressed using part of the sustainable transport contribution for this site and include support for further improvements to the frequency of local bus services.

5.105. Matters outstanding / reason for objection:

- The traffic assignment is insufficient to demonstrate whether all necessary junctions have been modelled and assessed. At the very least, the junction between Coldean Lane and Ditchling Rd would experience an increase in development related trips that necessitates modelling to demonstrate if the impact is acceptable. Given this omission we are unable to accept that the submitted TA is reasonable raising and objection and recommending refusal on highway grounds.
- Coldean Lane / A270 on ramp: This has not been modelled. However, as this is an entry slip lane to the A27 for south bound traffic and right turns by north bound traffic is banned, we are satisfied that the development will not impact notably upon this junction
- The design of proposed pedestrian access route is to the west of the site broadly accords with BS8300
- The design is based on DMRB visibility standards for a 40mph road.

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 (2019).

7. POLICIES

The National Planning Policy Framework (NPPF, 2019)

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 South Downs National Park
SA6	Sustainable Neighbourhoods

Brighton & Hove Local Plan 2005 (retained policies March 2016):

TR4	Travel plans
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
QD25	External Lighting

QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local Nature Reserves (LNRs)
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Building of local interest
HE11	Historic parks and gardens
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 Outdoor Recreation Space
SPG15	Tall Buildings

7.1. Other Documents:

- Brighton & Hove Urban Fringe Assessment – June 2014
- Further Assessment of Urban Fringe Site 2015 – Landscape and Ecological Assessments – December 2015
- Brighton and Hove: Further Assessment of Urban Fringe Sites 2015: Archaeological Desk-Based Assessment
- Open Space Study Update 2011
- Urban Characterisation Study 2009
- South Downs Integrated Landscape Character Assessment – December 2005 (Updated 2011)
- Developer Contributions Technical Guidance – June 2016
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan – Policy WMP3d and WMP3e.

8. CONSIDERATIONS / ASSESSMENT

8.1. The main consideration in the determination of this application relate to the principle of development of this site outside the city's development limits, in the countryside, carrying and falling within and/or adjacent to designated heritage assets and landscapes and the impact thereon. The site is identified as an Urban Fringe Site with the potential for residential development.

- 8.2. Considerations relate to the character and appearance, density, scale, mass and form of the development; the relationship with its context and surroundings including designated landscapes and heritage assets; standard of accommodation; amenity for future occupiers'; housing mix; the proposed access and related traffic implications, air quality and noise; loss of open space; arboriculture ecology and sustainability impacts.
- 8.3. Concerns also relate to financial viability and affordable housing provision, as well as the provision of s106 contributions that may be required as mitigation.

Principle of Development

- 8.4. 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. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.5. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply).
- 8.6. In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.7. Strategic Policy SO4 of City Plan Part one seeks to address the housing needs of the city and to ensure the provision of appropriate housing that meets the needs of all communities. Policy SS1 sets out the presumption in favour of sustainable development indicating that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise, taking account of any adverse impacts being significantly and demonstrably outweighed by the benefits when assessed against the NPPF taken as a whole. This position is supported by

Policy CP1 which promotes higher densities in appropriate locations and where all new housing developments contribute to the creation and/or maintenance of mixed and sustainable communities.

Urban Fringe

- 8.8. City Plan Policy SA4 relates to the City's urban fringe. This policy seeks, where appropriate, to promote and support the careful use and management of land within the urban fringe to achieve 5 objectives in addition to stating that development within the urban fringe will not be permitted except where:
- a) A site has been allocated for development in a development plan document; or
 - b) A countryside location can be justified; and where it can be clearly demonstrated that:
 - c) The proposal has regard to the downland landscape setting of the city;
 - d) Any adverse impacts of development are minimised and appropriately mitigated and/or compensated for; and
 - e) Where appropriate, the proposal helps to achieve the 5 objectives set out in the policy.
- 8.9. Part 2 of the City Plan (CPP2) was the subject of a 10 week period of public consultation during July to September 2018 and carries emerging weight. It sets the direction of travel for urban fringe sites that have been identified as having the potential to provide housing. Proposals which come forward in advance of CPP2 will be judged on their own merits with the 2014 Urban Fringe Assessment (UFA 2014): a material planning consideration in the determination of such applications. Further Assessment (Further Assessment of Urban Fringe Sites 2015 (UFA 2015)), not mentioned in CPP1, was commissioned in Summer 2015, to undertake more detailed ecological, landscape and, subsequently, archaeological assessments of some of the urban fringe sites in order to inform preparation of CPP2. The UFA 2015 is therefore also a material consideration in the determination of applications for Urban Fringe Sites.
- 8.10. The Inspector's report into CPP1 makes clear that decisions on whether individual sites should be developed will be made through the CPP2 process or through the development management process. Therefore whilst the UFA 2014 and UFA 2015 might indicate potential for housing on a given site they are high level studies aimed at assessing the development potential of a number of urban fringe sites. They do not firmly establish the principle of development or allocate sites. However the Urban Fringe sites are identified in the up-dated Strategic Housing Land Availability Assessment SHLAA Update

2018 (February 2019) as contributing towards the city's five-year housing supply.

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

Urban Fringe Assessment 2014

- 8.12. The Urban Fringe Assessment 2014 (UFA) is an independent study that was commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan. The assessment, published in June 2014, provides an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and considers the scope for mitigation of any adverse impacts identified.
- 8.13. As stated within the assessment "Accommodating housing in the urban fringe will contribute towards the objectively assessed need (OAN) for housing in the city. It will also benefit the wider local economy and present opportunities for investment and regeneration in the more outlying communities of the city, both around the main urban area, and at the edges of the 'satellite' settlements to the east". 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".
- 8.14. The application site includes and extends beyond the identified UFA Site 21. This site was deemed unsuitable for residential development in the assessment dated September 2013. The UFA 2014 assessment noted there were access difficulties, unless achieved via the Halls of Residence. It was also identified as having potential for future food growing. It was also identified as a proposed Local Nature Reserve with development to the lower western edge of the site being considered as having less of a negative effect on ecology.

- 8.15. The Heritage designations were noted and considered unlikely that development on UFA Site 21 would have significant negative effects on the setting of the Conservation Area due to the site being located on the lower part of the slope facing away from the heritage designations but acknowledged the designation and effects of development on the Registered Historic Park and Garden. The majority of UFA Site 21 is noted as being 80% countryside and 20% accessible natural/semi natural greenspace.
- 8.16. Consideration of UFA Site 21 includes 21a, 21b, and 21 representing a cluster with the potential for 154 dwellings across all sites and for UFA21 on the south western half of the less exposed part of the slope.

Urban Fringe Assessment 2015

- 8.17. Utilising the results of the UFA 2014, the subsequent UFA 2015 was undertaken to assist a reduction in the shortfall between the housing target and the Objectively Assessed Need of 30,120 dwellings for the period 2010 to 2030. It identified Study Areas for further landscape and/or ecological assessment in order to provide a more detailed basis to test previous assumptions made in the UFA 2014 about principles and potential densities of development.
- 8.18. Site 21 is considered along with 21a and 21c and saw a reduction in the Potential Development Area to avoid impacts on woodland habitat and screening, and to minimise impacts on grassland habitats. As a result, it presented an indicative figure of 140 dwellings across Sites 21, 21a and 21c (2.1 hectares overall). Part of the considerations including the need for mitigation and enhancement options, retaining woodland and mature trees where possible, maintaining habitat connectivity and screening, as well as habitat for protected species including bats and badger. It was noted that this would affect the amount of development that can be accommodated in the potential development area within Site 21 which includes the woodland band along Coldean Lane, with the suggested reduction in the potential development area. where possible loss of semi-improved neutral grassland should be minimised, and informed by detailed vegetation surveys which would restrict development in Site 21.
- 8.19. Mitigation was identified as being dependent on the retention of some of the grassland outside of the potential development area, allowing for its enhancement (through habitat management) to mitigate for loss along with translocation of notable species of flora and fauna, as well as reptiles,

enhanced retained habitats. Other mitigation or enhancement opportunities was noted identifying the potential for green infrastructure within the development to provide opportunities for wildlife, such as green roofs or walls, SUDS, wildlife-friendly planting (native species or those providing known benefits to wildlife, such as species of benefit for pollinators), and incorporation of nesting/roosting opportunities for birds and bats.

- 8.20. The SHLAA Update 2018 (February 2019) indicates Site 21 of the cluster of sites to have the potential to deliver 100 dwellings by 2022/23. This is reflected in City Plan Part One Policy SA4. Draft City Plan Part Two refers to a 'potential' of 100 dwelling units across the Coldean cluster of sites with 12 dwellings on Site 21a and at this stage is a material consideration being afforded due weight with the development being acceptable in principle.

Amount of Development / Density

- 8.21. City Plan Part 1 Policy CP1 makes provision for at least 13,200 homes over the plan period, of which 8% homes are to be built on land in the 'Urban Fringe'. Policy SA4 refers specifically to Urban Fringe Sites setting the criteria for consideration. As stated above, the UFA, as well as the SHLAA do not allocate land. The mechanisms for doing so fall under the remit of the emerging City Plan Part 2 which in this case, sees emerging Policy H2 of City Plan Part 2 (CPP2) identifying Site 21 as having an allocation of 100 units over a lesser site area than the current proposal.
- 8.22. The proposal for a development of 242 dwellings represents a significant uplift in development and with that, it would create a high density scheme at 63dph. The 2014 Urban Fringe Assessment had proposed a higher indicative number of dwellings of 130 over all three sites.
- 8.23. The 2015 Urban Fringe Assessment further reduced the developable area taking it away from the southern edge to avoid impacts on woodland habitat and screening. The UFA Site 21 is now shown as covering a lesser area of 3.36ha with an indicative allocation of 100 units, would amount to approximately 29dph whereas Policy CP14 requires a minimum density of 50dph subject to meeting a number of criteria, which includes a requirement to "respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place".
- 8.24. As a result and subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would

represent an efficient use of the site. The NPPF at paragraph 123 indicates that “where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site.” At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.

- 8.25. It is therefore considered that the potential for the site to accommodate 242 units of accommodation is supported by policy national and local level.
- 8.26. City Plan Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City’s identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 8.27. The Urban Characterisation Study identifies the residential area of Coldean to the west as ‘suburban downland fringe’ where built form is of a low scale and low density as approximately 24dph. City Plan Policy CP12 ‘Urban Design’ does not identify the areas as being suitable for tall buildings. SPGBH15 ‘Tall Building Study’ explains that a tall building is defined as in excess of 18 metres (approximately 6 storeys) above existing ground level. The SPG was informed by a Tall Building Study which was commissioned to set out clear design guidance for considering tall buildings.
- 8.28. As originally submitted the scheme presented 6 buildings of 6 and 7 storeys in height and therefore, in accordance with the guidance, a Tall Buildings Statement has been included in the Design and Access Statement. The scheme has since been amended with one building lowered to 5 storeys. The impacts of the uplift in density and dwelling numbers achieved through the introduction of tall buildings are assessed in more detail below including the revision to the scheme which sees one of the blocks (Block E) reduced to 5 storeys.

Layout and Landscape / Design / Appearance

Layout and Landscape:

- 8.29. National and local policies seek to secure good quality design that respects the characteristics of the site and its surroundings, the setting of heritage assets

and landscape designations as per the requirements of 'saved' Policy QD15; City Plan Part One Policies CP12, CP14, CP15 and CP16 and emerging City Plan Part Two Policies DM18 and DM22 seek to delivery quality developments and residential environments where landscape is an integral part of the design.

- 8.30. This site has a strong landscape character, reflective of its downland position and relationship with the South Downs National Park and the Stanmer Estate. Its strong identity can be clearly seen and experienced as it has an incline of approximately 25m from west to east across the site. It also dips toward the lower half before rising again to the north and south. Although contained by trees, due to the nature of its surroundings and the wider area, it is visible in both immediate and extended views from Coldean Lane, within the Coldean Estate and from various positions on higher ground such as Falmer Hill and Hollingbury Fort.
- 8.31. Together with the characteristics of the site, its appearance and the designations both within and adjacent, including the South Downs National Park that envelopes the area, the development is presented on the basis of being a landscape-led scheme that seeks to make the best use of the site whilst having a limited impact on the landscape. The approach is explained in the Design and Access Statement, the Planning Statement and the Landscape and Open Space Strategy with wider visual impacts arising illustrated through the Landscape Visual Impact Assessment (LVIA).
- 8.32. The Landscape Strategy explains the design concept which seeks to integrate the proposals into the existing landscape whilst protecting the chalk grassland habitat, the landscape setting and visual amenity, and wherever possible enhancing the local landscape quality and character. It sets out the concept of the individual blocks being 'pavilions in the landscape' with a soft green setting. It is clearly indicated that the blocks / pavilions have been located toward the western and lower part of the site attempting to integrate with the topography of the site so as not to appear dominating or to impact on the South Downs National park to the north and east. A hierarchy of spaces is proposed to include an 'active street', open spaces and landscaped areas between the buildings affording access to the downs grassland and woodland walk, to the children's play opportunities to the north, south and east of the buildings, the informal path, Public Right of Way and connections beyond the site to the Great Woods and Stanmer Estate.
- 8.33. The existing public rights of way and informal pathway along the north eastern boundary of the site are to be retained and enhanced. The areas of open

space change from formal to informal with children's play areas, landscaped gardens close to the blocks with more informal public spaces as the site slopes uphill towards the South Downs National Park and Stanmer Great Woods. The more informal spaces are shown to include mown paths and informal children's play elements such as boulders and stepping stones, to enhance the integration with the natural environment. Detailed plans and a planting strategy are provided for the planting to each side of the entrance to each 'pavilion' and the areas between, including areas for the production of food.

- 8.34. The effectiveness of the approach will be experienced within the development and largely the confines of the site. In its own right, the strategy is considered to be positive, reinforcing the natural characteristics of the site and presents a strong, supportable concept that would create a quality development with its own strong identity. At the same time and although largely an inward facing development, the Landscape and Open Space Strategy seeks to integrate the built form into the landscape and through the LVIA seeks to demonstrate this fact. It is agreed that the subtle changes to the siting of some of the blocks and the reduction in the height of Block E, allows the soft, natural landscape to be clearly seen. The ridge line to the north would not be broken with the strategy providing a landscape buffer between the buildings and the A27 and a treed buffer to Coldean Lane. The updated illustrations also seek to demonstrate how those changes can reduce the impact of the proposed built form and prevent significant trees loss to the inner line of trees to the west / Coldean Lane side.

Design and Appearance

- 8.35. 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.
- 8.36. The proposed development would be read in contrast to the low density development of the Coldean Estate. This was intentional as it does not seek to mimic the existing built form which nestles into the landscape and wash across the downland fringe.
- 8.37. Despite changes to the facing materials and arrangement of balconies, the blocks are generally of the same appearance, having the same plan form and

iterative stacking arrangement, a similar pattern of fenestration but variations to the siting of balconies, some of which 'wrap' the corners at alternating floors. Each of the blocks would accommodate a solar array to the flat roofs along with lift overruns, concealed by the height of the parapets.

- 8.38. The projecting balconies would be supported on wooden posts with grey coloured powder coated metal rails set against the respective facing brick to the elevations. The main front elevations are shown to have a different colour brick to the ground entrance level, accent detailing as well as expressed strings and panels achieved the use of different colours and tones of bricks.
- 8.39. The design, reinforced by the landscape treatment, seeks to clearly identify the main entrance to each block, denoting semi-public, semi-private and private space as well as the functional areas. The spacing between the blocks, apart from the parking court between Blocks D and E, are designed as being semi-formal access areas to the green spaces around.
- 8.40. Although having subtle differences to the elevational treatment and a variation in the colour and tone of the facing bricks, the scheme is visually unified and reads as a place with a strong identity having a strong impact on the immediate and wider landscape as explained above. Further work is underway to review the use and arrangement of materials to lessen the appearance and scale of the blocks / pavilions when viewed from locations along Coldean Lane, from the Coldean Estate and Hollingbury Fort.
- 8.41. It is considered that the homogeneity of the scheme, the appearance of the blocks and the integrated landscape approach, both hard and soft would be more apparent from within in the site. From further afield, there is a clear requirement to break up the mass and visual appearance of the blocks, individually and cumulatively, to minimise their impression in the landscape, including the setting of the SDNP. This concern is shared with the County Landscape Architect and the South Downs National Park Authority. The issue is also a matter of minimising the mass and softening the form avoiding the appearance of a cumulative mass adversely harming the character and appearance of the area. The County Landscape Architect recognises that mitigation will be required but with the assessment indicating that it would take 15 years for the impact on be reach a neutral level, planting would not be completely effective screen in the long term. Mitigation is also sought in respect of the greening of the buildings as well as appearance and finish of the finished façades.

Trees and Woodland

- 8.42. An Arboricultural Impact Assessment and Method Statement were submitted with the original application and following up with revisions following the initial comments of the council's Arboriculturist who raised objections due to the loss of trees and buildings being too close to the woodland.
- 8.43. Although the new access road would have resulted in the loss of a number of trees, it was considered they are mainly semi-mature and early mature trees and individually not the best on site. They had more group value. Concerns and objections were raised in respect of the losses to the inside edge of the western woodland boundary as a result of the position of blocks E and F and harm arising from the woodland walk. His western belt contains limes and ash trees. In addition the impact of potential ash dieback would thin out the woodland group and reduce its effectiveness for screening and as indicated by Environmental Health, its effectiveness for filtering noise and pollution.
- 8.44. The amended plans have not pulled the parking bays away from the Root Protection Zones and Root Protection Areas of the trees to the south but suggest mitigation and no-dig construction methods should be secured by condition to safeguard the trees and their Root Protection Zones.
- 8.45. In response the Planning Agent and Arboriculturist indicates that on the basis of 'sound ongoing arboricultural management 26 category B trees, 14 category C trees and 3 category U trees would be removed. As a direct result of the revised proposals 40 trees are proposed for removal as a direct result of the revised proposals. This includes 20 trees to facilitate the formation of the access off Coldean Lane. The repositioning of Block E would see the retention of trees. In addition, attention is drawn to the fact that the new tree planting is proposed and would comprise Norway Maple, Field Maple, Beech and Hazel. Mitigation is proposed at a ratio of two new trees for every Category B tree removed and one new tree for every Category C tree removed, with the aim of providing a net increase across the site as a whole. The specific areas of planting include within the woodland edge to Coldean Lane to reinforce it as an amenity buffer.
- 8.46. Comments are still awaited to the revisions and amendments from the Council's Arboriculturist. However, based on the content of the initial consultation responses, it is considered that the trees to be removed are of limited individual value. The approach to maintaining as many trees as

possible is supported by policy as well as the proposed mitigation which would seek to maintain the ecology and biodiversity value of the site, and the amenity value of the woodland belt along Coldean Lane.

- 8.47. In response to comments regarding the design of street trees, the landscape strategy has been amended to address the concerns. Conditions are nevertheless recommended to ensure the trees are provided with sufficient space to allow them to grow to maturity.
- 8.48. Overall the approach to trees and landscaping including mitigation measures, is considered to be acceptable. Appropriately worded conditions can be imposed to safeguard existing trees, secure appropriate protection and construction techniques, ensure the provision of the additional trees indicated to the outer belt along Coldean Lane and appropriate shared rooting spaces within the development itself.

Ecology/ Biodiversity

- 8.49. Policy CP10 of CPP1 seeks to conserve, enhance and restore biodiversity across the city. The site is identified as being within the Land at Coldean Lane Local proposed Wildlife Site (LWS or Site of Nature Conservation Importance) and therefore emerging Policy NC4 of draft CCP2 is applicable. The development area comprises approximately 15% of the proposed Local Wildlife Site with Stanmer Park and Wild Park Local Nature Reserves (LNRs) lying to the northeast.
- 8.50. The site supports a mix of ancient woodland, ex-arable land and semi-improved chalk grassland. Ancient woodland within the proposed LWS lies c. 320 to the southeast of the proposed development and would not be directly impacted by the proposals.
- 8.51. The application was accompanied by a Preliminary Ecology Statement, a Phase 2 Protected Species Statement and a Badger Survey. For confidential reasons, references to protected species within the main reports, in particular badgers, are retained as 'confidential' matters.
- 8.52. The reports indicate that the site contains protected Species and Habitats including Lowland Calcareous grassland Habitat of Principal Importance (HPI), Deciduous Woodland HPI, Bats roosting within a number of trees within the on-site woodland as well as foraging and commuting; Dormice; a high potential for reptiles, nesting birds, invertebrates; the potential to support a

range of protected and notable plant species. Further studies revealed the presence of badger both active and dormant setts as well as foraging and snuffling areas.

- 8.53. The Phase 2 Protected Species Survey went into more specific detail and considered that the presence of legally protected species were not of significant population levels to cause a substantial constraint to development. Bats appeared to be restricted to a generally low level of foraging and commuting activity by individuals of up to five species which are known already to be present in the local area.
- 8.54. The County Ecologist did not disagree with the content of the survey and advised that no further surveys are required, concurring with the findings of the report in respect of controlling lighting and light spill.
- 8.55. Breeding birds and wild birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). It was noted that although the site has the potential to support breeding birds, the presence was considered to be unremarkable and consistent with the habitat types present and the context of the site in the surrounding landscape. Three notable species were recorded as breeding on site; tawny owl, dunnock and song thrush. Although the loss of trees required to create a vehicle entrance may have a minor impact, this would be but is sufficiently off-set by the quantum of proposed new planting. It is therefore considered that the majority of woodland, the proposed tree planting and woodland management will benefit those species in the long term.
- 8.56. Dormouse were noted as not using the site but if present at a later date, the loss of suitable habitat should be restricted to the clearance of trees to facilitate the new entrance and to minimise shading on the new buildings. The loss would likely be sufficiently compensated for through the proposed new tree and scrub planting.
- 8.57. A Reptile survey indicates the presence of a low population of common lizard and slow worm on-site. It is considered that ground works or vegetation clearance has the potential to impact negatively on reptiles through habitat loss and the killing or injury of individuals, which would contravene the relevant legislation. Mitigation is advised and is based on removing reptiles from the footprint of construction, both for the new buildings and soft-landscaping, and containing them within a retained strip of habitat along the eastern boundary.

- 8.58. The Phase 2 Survey also indicates that the biodiversity value of the site is increased significantly by the invertebrate assemblage. In visual terms it is stated that the features of greatest likely value are considered to be the path along the eastern boundary where pedestrian traffic has created short sward conditions. The main area of grassland otherwise lacks specialist microhabitats such as open sward conditions or mosaic structure. The woodland is considered to lack over mature trees with scarce dead wood types such as rotten heartwood, and the dead wood resources is rated as 'poor' for the volume, diversity and continuity.
- 8.59. The grassland is deemed not to qualify as Lowland Calcareous Grassland HPI, but localised areas (equivalent to 1ha in size) have an affinity to calcareous grassland. The remaining area of grassland (including scattered scrub) covers c.1.5ha and have no calcareous grassland characteristics. There is evidence of under-grazing and previous disturbance that can alter species/ habitats present and this can be restored. The potential to create new areas of high-quality calcareous grassland as part of the soft landscaping scheme was identified, but this does require the underlying chalk to be exposed to form a nutrient-poor calcareous substrate onto which a native chalk grassland seed mix can be sown.
- 8.60. There is a predicted approximate loss of 0.97ha of the 2.5ha combined of species poor SI grassland and semi-improved grassland with calcareous characteristics. The proposed landscaping strategy includes the establishment of approximately 1.6ha of native species-rich calcareous grassland in place of the species poor grassland and ruderal scrub habitats. There is an approximate predicted loss of 0.13ha of woodland for the construction of the entrance off Coldean Lane and this has been reduced further as a result of the retention of more trees in the revised scheme.
- 8.61. Although presenting a position of 'net gain' for biodiversity, this needs to be assessed against the fact that the measures and mitigation arises due to the introduction of new residential development on a site over which a lesser area has been identified as developable. Therefore the benefits of the provision of much needed housing needs to be considered against the overall loss of habitat, taking account of the net gain and improvement of the remaining grasslands, habitats and woodland areas.
- 8.62. Badgers are protected under the Protection of Badgers Act 1992. The Badger Survey, held confidentially, provides evidence of a number of setts present on

the site, indicating that the area is well used by badgers, with the woodland providing a high value resource for foraging as well as for sett building. It is stated that there are obvious and quantifiable differences between some of the setts located on the site and it is likely that the classifications used are a reasonably accurate summation of their function. Specific comments were made about the location of the setts and the likelihood that they are used by a single and distinct clan.

- 8.63. The conclusion of the report indicates that the proposed layout of the development has the potential to directly impact two of the outlier setts during enabling ground works and to impact on some subterranean workings. The central grassland area would see a primary habitat loss but as the higher value foraging habitat provided by the woodland and off-site resources would be retained, the habitat loss was not considered to result in a significant impact.
- 8.64. The writer indicates that buffers need to be greater to avoid setts and subterranean workings being directly impacted. There is an exception with the planner closure of a disused outlier as it falls to the north of the proposed access road and to the opposite side as the other setts. Closing this one would minimise the incidence of badgers crossing over the entrance road and associated risk of collision. Mitigation measures are recommended.
- 8.65. The County Ecologist is largely in agreement with the content of the various reports but recommends additional pre-construction surveys to assess whether badger use of the site has changed and to enable adaption of the mitigation; dormouse as insufficient surveys were carried out and additional checks are required during April and May; the trapping of reptiles albeit over a short period is considered to be acceptable. The recommendations for the landscape scheme made in the Phase 2 Species Survey report are supported and should be implemented, although these relate largely to mitigation of the impacts of the development rather than enhancements.

Landscape / Visual Amenity Impacts

- 8.66. As set out above, the site is located close to the boundaries of the South Downs National Park, which is a landscape of national importance. Policy SA5 of CPP1 relates to the setting of the National Park and seeks to protect and enhance the natural beauty of the National Park and is aligned with the objectives of the NPPF, Section 11. Developments within the setting are required to have regard to the impact on the National Park, in particular its purpose and the ability to deliver its duty.

- 8.67. The South Downs National Park Authority have drawn attention to the sensitivities of this site and are cognisant of the fact that a lesser area has been identified as developable for approximately 100 units. Although acknowledging the uplift and offer of a 100% affordable scheme, the view expressed is that the scheme represents overdevelopment of an inappropriate scale and density for this hillside urban fringe location within the setting of the SDNP, in conflict with the provision of Policy SA4 and therefore Policy SA5.
- 8.68. Given the characteristics and topography of this part of the outer fringes of Brighton, the site is visually exposed when viewed from various locations within the Coldean Estate and the opposite coombe, Ditchling Road, Hollingbury Fort (SAM) and Hollingbury Park and Golf Course which are within the swathe of the South Downs National Park. In those views, the backdrop of the site includes the SDNP, Stanmer Village Conservation Area and the Great Wood as well as the Registered Historic Park and Garden that also covers the site itself. The SDNP extends to the north and north east to include Falmer Hill from where views back toward the site and SDNP are also achievable albeit more distant. From the north, it is less exposed and not overly conspicuous. At the same time, the site affords outward views of the surrounding suburban area and the SDNP beyond. As a green site, it is considered that views to and from the site reinforce its connection with the countryside and positive role that it plays in retaining the rural / semi-rural character of this part of the Urban Fringe.
- 8.69. It is acknowledged that the LVIA viewpoints were agreed with the County Landscape Architect and provide acceptable locations for the assessment of the ability of the landscape to accommodate change, the impacts arising and the period of time over which the scale and magnitude of change would be lessened.
- 8.70. The LVIA View Locations include:
1. Drove Avenue
 2. Whitehawk / Race Hill Nature Reserve
 3. Footpath 48 - East Moulsecoomb
 4. Hollingbury Fort
 5. Brighton Footpath 59 North of Hollingbury Fort
 6. Footpath Wild Park Nature Reserve
 7. Footpath Wild Park Nature Reserve West
 8. Standean Close / Hawkhurst Road
- 8.71. These locations do not remove the fact that the experience of the site is not static and can vary. It is a collective and moving experience where a series of

individual views are combined to create a sense of place, identity and relationship with the surroundings which in this case, are designated landscapes. They represent a 'snapshot' and a sample of the views available.

- 8.72. The principle of a development on this site has been accepted in the UFA, Policies CP1 and SA4 and emerging Policy H2. Any amount of built form will clearly change the characteristic and appearance of the site. It would no longer be a green site but a developed site and in this case, given the quantum of development, will experience change, reading as a semi-urban/urban environment. LVIA viewpoints 3, 4, 5, 6, 7, 8, clearly demonstrate the impact that would arise from the original submission.
- 8.73. When within the development, it would read as having its own identity which would be influenced largely by the landscape and open space strategy of 'pavilions' in the landscape. Internally the spacing of the buildings, the design of hard and soft areas between and around the buildings, would afford views outward toward the SDNP to the north west and west and therefore reinforces that sense of being part of the natural landscape. The amendments to the siting and positioning of Blocks C, D and E and the reduction in the height of Block E would ensure that contoured landscape is clearly legible with 'fingers of landscape' brought down through and into the development. With the fact that the development would not break the skyline of the ridge to the north, nor would it break the tree line of the Great Wood, it would appear to be more nestled into than imposed onto the landscape with inter-visibility with the surrounding area – rural and semi-rural retained.
- 8.74. The applicants have engaged with the council to review the palette of facing materials used for each block to ensure that they are of a more subtle warm colouration, more appropriate for the semi-rural environment and being mindful of the fact that the tonal variations should reflect the more typical colourations of the locality. Generally red/brown multi stock bricks of perhaps two colourations in the tonal range, with a darker base and accent detailing would assist in reducing the visual impact of the 'pavilions' individually and cumulatively, in immediate and extended views from further away. The Design Addendum explains the review process and demonstrates the resultant variations in height that would arise as well as the improvements to visual separation and visual permeability through the scheme to the landscape beyond.

- 8.75. The amended scheme is illustrated in the revised LVIA viewpoints 3 – 8 and explained in the Design Addendum and Tall Buildings Statement. For example, LVIA 3 – a long view from Moulsecoomb demonstrates that the landscape, woodland planting and the Great Wood are the dominant features. The mature tree belt and planting around the site, separates it from the Varley Halls development.
- 8.76. LVIA 4 shows the drop in the height of Block E, the adjustment to Blocks B and C and Blocks D moved away from Varley Halls towards Blocks E. The image illustrates the wider gap and increased view to the natural grassland beyond, between Blocks E and C. Similar results are shown in LVIAs 5 and 6. LVIA 7 still depicts the dominance of the blocks when viewed from the Wild Park Local Nature Reserve but there would be a notable increase in the visibility of grassland on the uphill eastern slope. Although still dominant, LVIA 8 taken from the Coldean Estate but demonstrates that the reduction in the height of Block E offers increased views through the development to the grass chalkland and Great Wood.

The development covers a greater area than the developable area identified in the

- 8.77. UFA 2015 and proposes a greater number of units than envisaged in the UFA 2015 and emerging Policy H2. On balance, the introduction of a development with its own identity within an integrated landscape approach with the offsetting of the reduction in habitats, provision of appropriate safeguards and appropriate additional planting and mitigation to compensate for and reinforce the existing western woodland belt and an uplift in the appearance of the buildings, leads to a supportable scheme.
- 8.78. Accepting that change will arise and that the development would be clearly noticeable in the landscape, the inherent landscape quality of the SDNP would not be harmed. Setting would change and with that inter-visibility. With that it is recognised that it is the landscape-led approach that tilts the balance in favour of the development, retaining a reasonable balance between built form and open land by sympathetically reflecting the surrounding sweep of open land to which this site contributes. This includes the setting of the Stanmer Conservation Area and the larger area of the Grade II Historic Park and Garden. The proposal is therefore considered to take account of the objectives of Policies SA4 and SA5 of CPP1.

Lighting

- 8.79. Policy CP10 and saved policy QD25 both seek to ensure that external light does not negatively impact upon either existing biodiversity but still strikes a balance between over and under lighting an area and the need to provide safe and secure developments but also to ensure that the ecology of the site and area is protected and at the same time adhering to the Dark Skies requirements of the South Downs National Park and Biosphere status.
- 8.80. An External Lighting Assessment was submitted with the application along with a Lighting Strategy and associated plan. Overall it is considered that there is a balance against the requirement to provide safety/security illumination and the ecology of the site. The external lighting has been provided to the areas of parking and vehicle turning within the development only. Conditions are however recommended to secure suitable provision and to take account of the revised siting of some of the buildings. The policy requirements are therefore addressed.

Heritage

- 8.81. Section 16, NPPF and Policy CP15 of the City Plan Part One seeks to ensure that heritage assets – designated and non-designated are conserved and enhanced in accordance with identified levels of significance contained in the NPPF. Policy CP14 requires proposals to “respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place”.
- 8.82. The site is agricultural land that lies within the Grade II registered park and garden of Stanmer Park with lies to the south west of the Stanmer conservation area which encompasses a number of listed buildings, including the listed grade I Stanmer House. The conservation area and most of the registered park and garden lie with the South Downs National Park. To the south west of the site, on the other side of Coldean Lane, is the locally listed Church of St Mary Magdalen. Most of the site lies within an Archaeological Notification Area. Historically, it formed part of the Stanmer Estate but was designated as farmland and so contrasted with the wider designed landscape of the Stanmer Estate. The site also importantly forms part of the setting of the designed landscape and the Great Wood. The Park is currently on the Historic England ‘heritage at risk’ register.
- 8.83. The applicants provided archaeology and heritage statements. The County Archaeologist raises no objections to the proposals and recommends archaeological conditions. The setting of Hollingbury Fort Scheduled Ancient Monument remains a considered along with and in particular, the setting of

the conservation area, the remainder Registered Historic Park and Garden and its listed buildings as well as the locally listed Church of St Mary Magdalen

- 8.84. Setting is defined by the NPPF – it cannot be defined by drawing a line on a map as it can vary day or night, and seasonally. It is an experience where one does not need to see the heritage asset to be within its setting. Where seen, and where there are views to and from, this reinforces the presence of the asset and can increase its importance. At the same time it is recognised that the NPPF does not place a complete bar on development within settings but where harm arises, irrespective of level, it must be given great weight in the decision making process, this needs to be considered against the public benefits of the development.
- 8.85. The applicants are considered to have demonstrated an understanding of the heritage assets and their significance, accepting that the site falls within the respective heritage asset settings. It should be noted that the RHPG was designated in 2000, post-dating the A27 and suburban housing and so must be assumed to have sufficient significance to have been included in the first instance.
- 8.86. However, it is accepted that this part of the RHPG which includes the site, is of lower significance than the elements of the landscaped parkland which make up the vast majority of the registered park. It may display attributes and aspects of its past use as farmland but severance from the main body of the estate and parkland, has weakened the values associated with significance. It remains however, part of the setting of the conservation area and as with the concerns expressed in relation to the setting of the SDNP, similar conclusions can be arrived at. Contrary to the assessment by the applicants agent, the sites historical associations and functions are well documented and recorded and sufficient to yield evidence of past use and human activity. It is acknowledged that the remnants of the woodland forming the boundaries of the site are important features of the landscape and former use. Therefore and having regard to the characteristics of the main RHPG, the impacts arising are considered to be minimal with no harm arising.
- 8.87. Although there are LVIA views and other views that include both the site and the Conservation Area, it is considered that the perception of the site, the position of built form on the lower slopes, would have a less than substantial impact on the wider conservation area to the east. The conservation area is considered to be best experienced from within and from more immediate

views. There are no identified key views looking towards or incorporating the application site. The Great Wood and the rise of topography at its heart prevent visual links from most of the conservation area. The conservation area is noted as having a number of listed buildings including the Grade I Stanmer House. Their individual and collective presence extends beyond their immediate settings and encompass a wider area but is not held as an experience when in view or within the subject site. It is therefore considered that no harm would arise to the listed heritage assets of the conservation area.

- 8.88. The Scheduled Ancient Monument of Hollingbury Hillfort – a slight univallate hillfort dating to the Early Iron Age together with three earlier bowl barrows, is located approximately 1.3km distant to the south west on high ground which affords a wider panoramic view across the SDNP and Coldean valley to include the site, the RHPG, the Great Wood and the Conservation Area beyond. At present that the experience of setting is more rural in character and appearance. Its elevated location within the downland is part of its significance and its setting is therefore quite extensive, with panoramic 360° views offered that form part of the way the heritage asset is experienced. The views north-eastwards, encompassing the application site, remain relatively rural in character, with the rolling downland and belts of woodland predominating. It is also in these views that the site appears as a green beacon, in noticeable contrast to the visible parts of the Coldean Estate and Varley Halls. As such, it is considered that the development of this site would further diminish the rural, downland setting of the Hillfort, harming its setting. The harm arising would amount to less than substantial harm.
- 8.89. The harm to the setting of the locally listed Church of St Mary Magdalen would be comparatively minor but must be taken into account in weighing the application as required by paragraph 197 of the NPPF.
- 8.90. Cumulatively the Council's Heritage Officer considers that demonstrable harm would arise to the main heritage assets but to varying degrees but in each case it is considered to be "less than substantial" under the terms of the NPPF.
- 8.91. This is in contrast to the assessment of the applicant's built heritage advisor who adopts different terminologies. Notwithstanding this it is clear that the terminologies are akin to "less than substantial harm" which when considering the terms of the NPPF, is not graded. Nevertheless any level of harm must nevertheless be given great weight in the decision-making process, as the legislation and paragraph 193 of the NPPF require.

- 8.92. The Council's Heritage Officer considers that there are no heritage benefits to the proposal that may be weighed against that harm. It has been pointed out that there is an opportunity to respond to the vernacular of the remnant flint boundary wall in the north-west corner of the site, which extends along Coldean Lane. It is not apparent from the Landscape Strategy that this opportunity has been followed through.
- 8.93. There are however other public benefits to be considered in this case, including the provision of much needed affordable housing at a time when there is a housing shortfall and a lack of a 5YHLS. It should be noted that updated comments have not been received in respect of the revised scheme.

Accommodation Provision / Standard of Accommodation

- 8.94. It is already noted that the number of units proposed (242) is in well in excess of the indicative amount in UFA 2015 and emerging Policy H2. It is however considered that a higher density is considered to be consistent with the NPPF and Policy CP1.
- 8.95. City Plan Part One Policy CP20 requires the provision of 40% (96.8 or 97) on-site affordable housing for sites of 15 or more net dwellings. Although the exact tenure split is a matter for negotiation and is informed by the assessments of local housing need, the preferred mix is 30% 1 bed units, 45% 2 bed units and 25% 3 bed units. Draft Policy H2 seeks an indicative figure of 35% 3+ bed units for this specific site.
- 8.96. The supporting text for draft CPP2 Policy H2 states that the site allocations on the urban fringe are suitable locations to deliver a significant amount of family-sized housing. As this is a 100% Affordable Housing Scheme, no breakdown of the 40% Policy Compliant units has been provided. Therefore and assessing the case as a whole, the revised scheme would provide:
- 90 x 1 bed units = 37%
 - 120 x 2 bed units = 50 %
 - 32 x 3 bed units = 13%
- 8.97. The mix is skewed more toward smaller 1 and 2 bed units of accommodation at 86.68%, with a lower percentage of 3 bed family units.
- 8.98. The Planning Agent explains that at 22 October 2018 the need for unit sizes on the housing register (12,813 applicants in total) was split as follows:
- 1 bed units = 54.9%

- 2 bed units = 30.3%
- 3 bed units = 12.3%
- 4 bed units = 2.5%

- 8.99. However, the planning application itself is proposing that only 50% of the units provided will be formally designated as affordable housing. This is necessary to enable the joint venture to raise capital against the site to fund the significant build costs. However the site will ultimately still be built out as a 100% affordable scheme as required by the formal objectives of the joint venture with 50% shared ownership (intermediate housing) and 50% affordable rent, both categories which are wholly accepted by the NPPF's definition of affordable housing. The city council is a 50% stakeholder in the Joint Venture and therefore is able to ensure that the homes remain 100% affordable through its membership of the Board. Any changes from 100% affordable would need separate Board ratification.
- 8.100. It is explained that the Joint Venture is specifically focused towards addressing the needs of housing applicants under Bands C & D of the housing register, which provides a focus to those who are in paid employment but on low wages and therefore unable to access the regular housing ladder. This position is accepted as a case for reduced number of 3-bed homes has been made drawing from the housing register, which is roughly aligned with the proposed mix. Taking this into account, it is considered that the proposed affordable housing mix is acceptable in this case.
- 8.101. With reference to the 50% 'formal' affordable units, the tenure is proposed as a preferred split of 55% rented and 45% intermediate. This is in accordance with planning policy guidance contained within the Affordable Housing Brief (December 2016). This sets out a preferred split of 55% rented and 45% intermediate.
- 8.102. The proposed new homes will be let and sold on sub-market terms with the rental units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes. The proposed new homes will be let and sold on sub-market terms with the rental units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes.

Standard of Accommodation:

- 8.103. Policy HO13 also requires those units that are not wheelchair accessible to be built to LifetimeHomes standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the National Optional Technical Standards. Step-free access to the building is achievable. Therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 8.104. In this case the proposed development fulfill the accessibility/ adaptability standards in Building Reg M4(2) and provides 10% wheelchair adapted housing (which is the Council's general standard for affordable housing in accordance with Building Reg M4(3)). Such provisions will be secured and retained by recommended conditions.
- 8.105. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers.
- 8.106. It is disappointing that the majority of the 1 bed units fall below the minimum Nationally Described Space Standards as well as the premium 2 bed units. This equates to 118 units (48%) of the 242 units being proposed.
- 8.107. It is accepted that the proposed scheme would deliver a significantly higher overall level of affordable housing on the site compared to the indicative figure in Policy H2 However, given the much larger scale of this scheme and its location at the outer fringe of the city, the low proportion of 3-bed units would be a missed opportunity. The lower Gross Internal Areas, particularly for a high percentage of single aspect flats, is also disappointing.

Amenity, Open Space and Recreation

- 8.108. Saved Policy HO5 seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The site layout plan indicates a number of play areas and green space created in between the buildings with the creation of formal garden terraces around the building entrances.

- 8.109. Open spaces are less structured although make good linkages across the wider landscape. The layout plan shows that the open/green space would be well-integrated within the development, providing a series of green corridors, which would provide for multi-functional open space, As a general approach the landscape-led strategy adopted by the scheme consisting of hierarchy of spaces, network of footpaths, play areas and ecological corridors is supported.
- 8.110. Policy CP16 seeks the retention of all existing open space (public and private) and in this case, it is a strong material consideration that the site is designated as an 'All Open Space Area'. Although the landscape and open space strategy explains the open space network, this does not compensate for the fact that the site as a whole is permissively accessible. And despite being well planned, this is effect an enclosed, contained development where the amenities are more focussed on the future occupants as opposed to the wider population. Therefore and overall, it is considered that the proposals would result in the loss of 38 ha of existing 'All Open Space.'
- 8.111. Although there are 3 designated play areas, only one is indicated as indicated as being equipped. The details provided are vague and supporting information is non-committal. It is important that a residential scheme of this scale provides an on-site equipped are for children's play. Provision of play equipment can be secured by condition.
- 8.112. Given that the proposed development would result in a net loss of open space, it is considered most important to secure appropriate mitigation for the loss. There is a requirement for a range of different types of open space and sports provision, indoor and outdoor. The 2014 Urban Fringe Assessment noted that development could make provision for publicly accessible open space but key to this this is the need to secure a funded maintenance plan to ensure the open space is managed in perpetuity and for the applicants to enter into a permissive path agreement to facilitate such access.
- 8.113. As such under Policies CP16 and CP17, where there is considered to be a shortfall in the provision of open space on the site and/or additional pressure arising from a new development on existing facilities, a financial contribution of £671,247.34 which relates to the demand generated by the development itself and toward off-site improvements is required. This can be secured through a S106 agreement.

Impact on Amenity

- 8.114. Saved Policy QD27 indicates that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupier or where it is liable to be detrimental to human health.
- 8.115. It is noted that a number of objections refer to impact on and loss of views and the loss of values of properties but such objections are not material planning considerations in the determination of the application. Generally it is considered that the proposed development would not detract from the residential amenities of existing dwellings within the Coldean Estate in terms of overlooking, loss of privacy or loss of daylight through overshadowing. Similarly, due to orientation, juxtaposition, distance, and although elevated, the woodland screen, no harm would be caused to the school or school children.

Daylight/Sunlight

- 8.116. In terms of the units within the development itself, it is considered that the revised scheme has sought to take account of the comments raised in relation to daylight/sunlight within the development including the relationship between those blocks to west side facing and within close proximity to the woodland belt. This includes units to the lower ground floors of Blocks D – F. The proposed blocks have been positioned and orientated to ensure that they do not have a detrimental impact upon the daylight or sunlight received to other parts of the proposed development. Generally and in its amended form, a very limited number of units may receive lower levels of sunlight, the overall standard is acceptable. Externally, the sufficient sunlight will reach the open spaces around the blocks at various times of the day.

Noise

- 8.117. Environmental Health have expressed concern about noise from Coldean Lane and the A27 which have the potential to generate a volume of noise that could impact upon the living conditions of residents within the proposal. In accordance with Saved Policy SU1- a noise survey was submitted, the findings and recommendations of which are supported. Conditions are recommended to secure the necessary and appropriate mitigation measures.

Air Quality

- 8.118. Saved Policy SU9 seeks to ensure that new residential occupiers will not be affected by pollution. Environmental Health are satisfied that post

construction Air Quality for existing and future occupiers will be of an acceptable standard.

Flood Risk / Sustainable Urban Drainage

- 8.119. The Flood Risk Assessment (FRA) recommends that sustainable urban drainage systems be included in the design of any proposals, in order to ensure the suitable management of surface water and avoidance of surface water leaving the site in an uncontrolled manner. These recommendations have been adopted in the design for the proposals, and the proposals therefore accord with adopted policy CP11 and emerging policy DM43.
- 8.120. Drainage Statement has been prepared regarding the discharge of foul water from the site and the utilisation of Sustainable Drainage Systems (SuDS). The proposed method of disposing of surface water run-off from impermeable surfaces will be to ground through infiltration. The porous-paving car parking area will allow for further ground infiltration to occur, and an infiltration pond will be located in the southernmost corner of the site to take surface water from blocks D, E and F. Foul water will be routed via gravity into the existing public and foul sewerage network in Coldean Lane.

Sustainability

- 8.121. City Plan Policy CP8 'Sustainable Buildings' requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies an exhaustive range of criteria around sustainable design features. Emerging Policy DM46 seeks to encourage the inclusion of integrated heat networks and/or communal heating systems as per Policy CP8. The application was accompanied by a Sustainability Checklist setting out the intention to achieve the required reduction in carbon emissions against Part L of the Building Regulations and would include Low and Zero Carbon technologies as well as Photovoltaics to the flat roofs.
- 8.122. The Council's Sustainability Consultant considers that the proposals do not demonstrate the city's UNESCO Biosphere Reserve Objectives; the delivery of the One Planet Principles of Sustainability; fails to incorporate infrastructure to support Low and Zero Carbon technologies decentralized centres including future connection, given the proximity to DA3 Lewes Road; does not fully investigate the raft of technologies need to be fully investigated to further reduce site wide carbon emission including site wide energy networks/communal heating options and be 'network ready' as a minimum and

include space for an appropriate plant; fails to accommodate greater greening through the use of green roofs which can be provided on roofs with PVs, and green walls to improve the biodiversity value of the site and clear evidence of communal on-site food growing. The issue of green roofs is also referred to by the County Landscape Architect and Ecologist.

- 8.123. The summary of the comments provided draw attention to the need for solar shading, overheating analysis, details of SuDs, site waste and water management strategy, building management control and monitoring, membership of the Considerate Constructors Scheme.
- 8.124. As a result, the applicants have provided a revised Sustainability Assessment in order to address all the points raised, including considering the proposals against the One Planet principles of sustainability, and the added requirements given the location within the UNESCO Biosphere Reserve. Specifically it also focuses on the options which have been considered for renewable energy sources to serve this site, and sets out details of how the site could in the future be connected to a wider district heating network should one become available. The Assessment includes a site plan demonstrating a safe guard external energy centre for housing heat network connection equipment. Pipe runs are indicative but would need to take account of the proposed landscape strategy and tree planting to avoid future conflicts. Provision and revised details can be secured by condition to ensure that the infrastructure is provided at an early stage instead of a retrofit.
- 8.125. The Assessment indicates that the CHP is not an appropriate technology for this development due to the overall low demand for heat, the regularity of peak demand, the maintenance intensity and additional cost and space required when aiming to deliver 100% affordable housing. However it does conclude that the development has the capability of providing a 'network ready' system for future connections to a heat network. Other technologies were considered including solar thermals, Ground and Air Source Heat Pumps, Wind Turbine stand alone and roof mounted were considered and ruled out due to site constraints, limitations, practical and cost effectiveness.
- 8.126. Proposals for food growing have been reviewed and enhanced and include an area of 'forest gardening' and raised beds, alongside the provision of edible plant species with the ornamental beds on the grassland terrace areas. Composting bins are to be considered. Based on the information provided, it is considered that the proposals can be secured by way of an appropriately

worded condition which will also require the provision of composting bins or composting areas.

- 8.127. It is indicated that the inclusion of green roofs has been considered but due to the cost of installation and subsequent maintenance would be prohibitively high for a 100% affordable housing scheme. It was also considered that a fully integrated green wall would also be expensive. Offsetting is proposed with climbing plants introduced over the gabion retaining walls as indicated in the landscape strategy.
- 8.128. The fabric first approach along with the installation of Solar PVs would be sufficient, in this case, to achieve the target CO² reduction requirement. Through sustainable design and construction measures including energy and water savings and when considered alongside sustainable transport, sustainable materials, responses to wildlife and ecology and the commitment to onsite , the proposals works toward One Planet and UNESCO Biosphere Objectives.
- 8.129. Although more greening and a greater use of LZC s would be encouraged, the balance between the provision of a 100% affordable scheme and costs is a consideration. As a result, it is considered that the measures proposed are acceptable.

Construction Environmental Management Plan (CEMP)

- 8.130. A condition is recommended requiring a CEMP in order to protect the amenities of local residents during the construction phase to mitigate the construction phase highway impacts including measures to reduce deliveries and vehicle movements and to minimise and manage waste produced during the construction.

Sustainable Transport

- 8.131. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14. Policies require development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling.
- 8.132. The application site is identified as being within an Outer Area as per SPD14 and is served by an existing bus service that provides access by public

transport to the city via Lewes Road and Patcham. From Lewes Road or the city centre, rail services can be accessed. Due to the topography there are poor cycle links. Although the site would provide appropriate vehicular and pedestrian access via Coldean Lane, it is recognised that the area would benefit from sustainable transport improvements including to the footpath and cycle network.

New Access Junction Design

- 8.133. Although the position of the main access into the site is considered acceptable, the Transport Team raise concerns about the its design, noting amongst other things the need to relocate an existing bus stop. As the access design is a technical issue, it is advised that this can be secured through a s106 agreement requiring a highway works scheme to be submitted. This would also include the requirement for a further road safety audit.

Traffic Impacts

- 8.134. The Transport Team consider that that the traffic assignment is limited. Therefore and at the very least it is recommended that a TA and modelling is provided for the junction between Coldean Lane and Ditchling Road. Therefore, planning conditions and obligations are recommended to mitigate the transport impacts so far as possible. This includes further design details, a Safety Audit and moving the 30mph further uphill.

Parking and Cycle Provision

- 8.135. As explained, the proposal would provide 162 car parking spaces at surface level, of which 10 are allocated as visitor spaces and 6 disabled parking spaces. Overall this represents a ratio of 0.66 per unit. 10% of spaces with electric vehicle charging points (16) and a minimum of 10% with passive provision for future conversion; 20 x Motorcycles are accommodated at 4 per block.
- 8.136. 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. The exact layouts of the bike stores and stands can be secured by condition.
- 8.137. The proposed layout, level of car parking and cycle parking for residents is within the maximum standard and higher than expected for this location which and according to the local census output layer data is 148 spaces. With the

reduction in unit numbers there is the option for the number of visitor spaces to be increased as it is currently lower than the maximum standard.

Notwithstanding this and together with sustainable transport measures which can be secured by condition and/or a S106 and S278 agreements, it is advised that overspill to the surrounding residential area is not expected.

Travel Plan

- 8.138. It is recognised that the development will generate an increase in movement and as such a Travel Plan has been included within the proposals. The Transport Team are unable to agree with all the trigger points, targets, and measures. There is a requirement to submit a suitable alternative Travel Plan can be secured via a section 106 agreement.

Pedestrian Access

- 8.139. As described, the scheme includes the provision of additional places to cross over Coldean Lane into and around the site, taking account of formal entry and building on existing desire lines. Together with the proposed extension of the speed limit of 30mph further uphill along Coldean Lane, it is considered that crossing will be safer. However, it is recommended that new site access and pedestrian refuge islands are revisited and reappraised in a further Safety Audit. Part of the assessment is the potential to move the Night Bus Stop to a position where pedestrians are not hidden from view of traffic travelling downhill from the north.
- 8.140. Within the site and although the surface is intended to be 'shared' or have the appearance of a shared surface, separate formal footpaths are provided with kerb edge separation from the perpendicular parking bays. Shared surfaces may be explored however the council will need to ensure it meets its Equality Duty and ensure this does not disadvantage particular sectors of the population.
- 8.141. Alternative informal paths are provided and linked to the Public Right of Way that leads to the footbridge over the A27. In order that the network is publicly accessible, it is recommended that a Permissive Path Agreement is secured.

Developer Contributions

- 8.142. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the

impact of new development. Contributions are required where necessary in accordance with City Plan Policy CP7 Infrastructure and Developer Contributions.

- 8.143. The Affordable Housing Contribution is set out as per the policy wording of Policy CP20 which advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model). In this particular case, the applicant is proposing to provide a 50% formally designated affordable housing scheme for funding purposes, albeit that the scheme would be built out at 100%. This is above the level of a policy compliant scheme percentage but with that and aside from some sustainable transport measures and the provision of a travel plan, this is on the basis that no s106 contributions would be offered.
- 8.144. The Viability Assessment that has been submitted illustrates the very significant financial constraints posed when delivering a significant quantum of affordable housing within a single scheme, particular so with the challenging physical constraint this site poses. The agents indicated that the applicant will not be able to afford all the S106 contributions which are likely to be requested by the various statutory consultees.
- 8.145. An independent assessment was carried out by DVS to assess the viability of a 40% policy compliant scheme and a 50% affordable housing scheme. Whilst noting some variations in figures and making the appropriate adjustments, a policy compliant scheme of 40% affordable housing would generate a profit of £9,270,000 to the developer for proceeding with the development. This includes an allowance of £1.9M for s106 contributions.
- 8.146. There are difference in the adopted profit levels, construction costs, contingency and other factors. In any event changing the profit levels are unlikely to result in the scheme becoming viable at 50% Affordable Housing and will only be viable on a 40% basis if the appraisal itself is adopted as the Benchmark Land Value.
- 8.147. Therefore and even when taking account of the agreed land purchase price and the s106 requirements amounting to approximately £1,464,468.34, which is approximately £435,531.66 less than the DVS allowed for. It should be

noted that the figure of £1.9M was presented in the applicant's viability appraisal.

- 8.148. The financial Planning Obligations set out above regarding education, open space, sports provision, local employment scheme and transport have been calculated based on the methodology set out in the Council's Developer Contributions Technical Guidance (March 2017) and are required in accordance with policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.
- 8.149. The Heads of Terms and costs have been presented to the applicant's agent. A response is awaited and will be reported in the late list.

9. CONCLUSION

- 9.1. This application needs to be considered on a number of levels including the fact that it would make a significant contribution to the affordable housing offer in the city, when there is currently a shortage, a lack of a 5-Year Housing Land Supply and the requirement to provide a buffer of 20% year-on-year. It also needs to be considered in light of the acceptability of the principle of development on this urban fringe site, over a larger site area that identified in UFA 2015 and with a substantial uplift in the indicated units numbers as set out in emerging Policy H2 of CPP2.
- 9.2. In this particular case and due to the fact that the site falls within the setting of nationally designated South Downs National Park, the setting of designated heritage assets including the Stanmer Village Conservation Area, the Hollingbury Fort SAM and is both within and adjacent to a Grade II Registered Historic Park and Garden and an Archaeological Notification Area, footnotes 6 and 63 of the NPPF (2019) which directs to the considerations and planning balance to paragraphs 195 - 197 of the NPPF.
- 9.3. For heritage assets (designated and non-designated) which includes setting and the setting of the nationally designated SDNP, where harm is considered to arise, there is a requirement to demonstrate that the harm can be outweighed by the public benefit.
- 9.4. The development of this green field site would cause "less than substantial harm" to the settings of designated heritage assets (conservation areas and SAM). It would change the relationship of the site with the remainder of the

Registered Historic Park and Garden and would cause less than substantial harm to the setting of the SDNP. Nevertheless, any level of harm must be given great weight in the decision making process.

- 9.5. Mitigation has been provided through the landscape strategy, amendments to the siting of three blocks and realignments as well as the reduction in the height of Block E by one floor resulting in the visual benefits of the landscape – led concept and influence being more apparent in immediate and longer views . The changes also assist in reducing the visual dominance of the built form. It is also considered that the scheme seeks to provide a quality within the residential development itself with a positive hard and soft landscape strategy and spatial quality.
- 9.6. Overall the scheme would provide a range of unit types, the mix considered acceptable and of varied tenures but 48% would be below the Nationally Described Technical Space Standards and some provide the minimum national space standards. This position is set against the significantly higher level of affordable housing units on the site compared with the indicative figure contained in Policy H2. Overall the standard of accommodation and the development would be of an acceptable and indoor space would be compensated for by the landscape quality of the site.
- 9.7. In the current climate, this scheme would make a significant contribution to the housing shortfall and the provision of affordable housing for the city. There is a realistic opportunity for its delivery through the Joint Venture and with funding mechanisms that are in place. As a result and in applying the tilted balance, giving great weight to the less than substantial harm arising, it is considered that there is great public benefit to be gained from affordable housing provision. This position would therefore demonstrably outweighs that harm.
- 9.8. The development generates the need for s106 contributions to offset and mitigate against pressures and needs of the development. As a result, and having regard to the independent assessment by DVS, the recommendation is based on securing the financial contributions set out at the beginning of this report. Not all issues have been resolved at this stage and some matters require the submission of further details. Those matters are addressed / mitigated through conditions/s106/s278.

9.9. The development of urban fringe sites such as this and the optimal viable use of land needed if the city is to move forward and successfully meet its housing units and greater densities required.

10. EQUALITIES

10.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

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11. S106 Agreement:

11.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposal fails to secure a minimum of 40% of the development as Affordable Housing contrary to Policy CP20 of City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

5. The proposal fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a Delivery & Service Management Plan (DEMP) contrary to Policy CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
10. The proposed development fails to provide a s278 Agreement for off-site highway works contrary to and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
11. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

