

<u>No:</u>	BH2020/00674	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjoining 12 Dunster Close, Brighton BN1 7ED		
<u>Proposal:</u>	Erection of two storey building comprising 1no semi-detached four bedroom house and 2no one bedroom flats (C3).		
ADDITIONAL INFORMATION - TRANSPORT STATEMENT			
<u>Officer:</u>	Ben Daines	<u>Valid Date:</u>	28.02.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	24.04.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Auraa Ltd 54 Georgiana Street London NW1 0QS		
<u>Applicant:</u>	Bunker Housing Co-operative 7 Fairlight Place Brighton BN2 3AH		

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 GRANT planning permission subject to the following Conditions and Informatives.

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
Proposed Drawing	2006_GA_110		28 February 2020
Location Plan	2006_GA_001		28 February 2020
Block Plan	2006_GA_002		28 February 2020
Proposed Drawing	2006_GA_100	Rev B	09 February 2021
Proposed Drawing	2006_GA_120		28 February 2020
Proposed Drawing	2006_GA_200		28 February 2020
Proposed Drawing	2006_GA_300		28 February 2020
Proposed Drawing	2006_GA_310		28 February 2020
Proposed Drawing	2006_GA_320		28 February 2020
Proposed Drawing	2006_GA_330		28 February 2020
Proposed Drawing	2006_GA_340		28 February 2020
Proposed Drawing	2006_GA_350		28 February 2020
Proposed Drawing	2006_GA_400		28 February 2020
Proposed Drawing	2006_GA_410		28 February 2020
Proposed Drawing	2006_GA_420		28 February 2020
Proposed Drawing	2006_GA_430		28 February 2020
Proposed Drawing	2006_GA_440	Rev B	09 February 2021
Proposed Drawing	2006_GA_140		03 February 2020

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/photographs/specifications 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/photographs/specifications of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/photographs/specifications of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/photographs/specifications of all hard surfacing materials
 - d) samples/photographs/specifications of the proposed window, door and balcony treatments
 - e) samples/photographs/specifications of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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.

5. 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.

6. 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.

7. The development hereby permitted shall not be occupied until the Units Flat A and House C 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.
8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.
9. 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.
10. All ecological measures and/or works shall be carried out in accordance with the details contained in the Combined Ecological & Arboricultural Appraisal Report (The Ash Partnership, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
11. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14/HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP13/CP15 of the Brighton & Hove City Plan Part One.

12. The development hereby permitted shall not be commenced until the developer has advised the local authority (in consultation with Southern Water) of the measures that will be undertaken to divert the public sewers and these measures have been agreed by Southern Water and the Local Planning Authority. Any diversion of the sewer shall then be carried out in accordance with the agreed measures.

Reason: To ensure the continued operation of the public sewer network and to comply with policy SU3 of the Brighton & Hove Local Plan 2005.

13. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include replacement tree planting to mitigate the loss of trees proposed as part of the development hereby permitted. 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;

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.

14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) 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 CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

15. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise 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.

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 reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. 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.
6. The water efficiency standard required under condition CP8 of the Brighton & Hove City Plan Part 1 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.
7. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges

2. SITE LOCATION

- 2.1. The application site is 0.037 hectares in size and is located at the north-western end of Dunster Close between numbers 12 and 15 Dunster Close. The site comprises an area of undesignated informal communal amenity green space owned by Brighton & Hove City Council.
- 2.2. The plot slopes downwards towards the west and south and there is a retaining wall between the site and Dudley Road to the west. The site effectively has two frontages – one on to Dunster Close and one on to Dudley Road. The application site is significantly elevated above Dudley Road.
- 2.3. There are a number of sycamore trees on the western edge of the site, some of which would need to be removed to accommodate the proposed development.
- 2.4. Dunster Close is a cul-de-sac constructed during the 1950s comprising two-storey brick and tile terraced and semi-detached houses. It is not in a conservation area and has no parking restrictions. Due to the fact that the properties on the north-eastern side of the Close have no off-street parking provision, there is a significant level of on-street parking that takes place. Due to the relatively narrow road, this tends to result in cars partially parking on the pavement.

- 2.5. The site is in a relatively sustainable location with reasonable access to bus services and is just over 500m (as the crow flies) from the shops and services on Lewes Road.

3. RELEVANT HISTORY

<p>3 June 2019</p>	<p>PRE2019/00136: Pre-application enquiry at Land adjoining 12 Dunster Close</p> <p>A pre-application enquiry was submitted regarding the application site in June 2019. This initially proposed a three-storey building comprising the following: 1 no. 4 bedroom unit 1 no. 2 bedroom unit 3 no. 1 bedroom unit</p> <p>Whilst the siting of the proposed development was generally considered acceptable, concerns were raised by the case officer regarding the height of the proposed development which was three-storeys and notably higher than other properties within Dunster Close.</p> <p>In order to address these concerns the proposed planning application scheme has been significantly reduced from 5 units to 3 units and from three storeys to 2 storeys.</p>
<p>28 February 2020</p>	<p>BH2020/00673: Erection of 2no. semi-detached dwellings comprising 1no. 2 bedroom house and 1no. 3 bedroom house at Garages, Dunster Close</p> <p>The above planning application is considered to be of relevance because it relates to another site in Dunster Close with the same applicant as this planning application (BH2020/00674) and there may be cumulative impacts that require consideration. This application is currently pending a decision.</p>

4. APPLICATION DESCRIPTION

- 4.1. The application proposes the erection of a 2-storey building comprising 1no. four bedroom house and 2no. one bedroom flats.
- 4.2. The proposed dwellings are of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Raised parapets would hide from view the proposed solar panels on the roof of the first floor. The roof of the ground floor element would have sedum green-roof matting.

- 4.3. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 4.4. At ground floor level the house is separated from the two flats by a lobby/undercroft enclosed by glazing and incorporating cycle storage for six cycles, a winter garden and the entrances to the residential units. It is understood that a public sewer runs underneath the application site and the design of the lobby/undercroft ensures that there are no footings or any substantial built form in close proximity to the sewer pipe.
- 4.5. In addition to the six cycle spaces within the undercroft, there would be three short stay visitor spaces at the front of the proposed house. No car parking spaces are proposed however.
- 4.6. Communal bin stores would be provided at the front of House C and would be set into the sloping ground in the front garden.
- 4.7. A communal lawn with planter boxes would be provided at the front of the property as well as a private garden space for House C. However, due to the size and topography of the site there would be no formal rear amenity space and no rear access.
- 4.8. It should be noted that the application has been submitted by Bunker Housing Co-operative who seek to provide homes for low-income households. Details submitted with the application state the following:
'We are a fully mutual co-operative registered with the FCA (Financial Conduct Authority) and, in line with cooperative principles, membership of the co-op is open to all individuals who meet our criteria for membership and allocations policy. All members have to complete an application form and we do equal opportunities monitoring. Membership is currently open. We have a two-tier membership system with up to 10 full & fee-paying members and up to 10 members in waiting. We also keep a list of individuals and families that have expressed an interest. At the time that member households move in to Bunker Housing Co-operative they need to comply full with our allocations policy, which is in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations.'

5. REPRESENTATIONS

- 5.1. **Twelve unique individual objections** have been received in relation to this planning application. The concerns raised are as follows:
- Loss of trees, wildlife and visual amenity.
 - Concerns regarding the amount of pruning taking place.
 - Trees that are not being felled will die as roots cannot withstand such a build
 - Inadequate ecology report.
 - Loss of children's play space.
 - Site should be used as a community garden to grow food.
 - Loss of light and outlook for neighbouring properties.

- Out of scale and character with properties on Dunster Road and Dudley Close.
- Overly dominant massing and overdevelopment in a prominent location.
- Increased surface water run-off.
- Loss of privacy.
- Overlooking of neighbouring gardens/external amenity area and reduced outlook/amenity of existing properties in Dudley Road.
- Additional traffic, increased on-street parking demand exacerbating existing parking issues, making the area less safe for pedestrian, disabled persons and pushchairs. Cars currently park partly on the pavement due to the narrow width of Dunster Close.
- Poorly conceived external amenity areas and under-crofts would promote anti-social behaviour.
- Increased air pollution.
- Emergency services and refuse vehicles currently struggle to access Dunster Close due its narrow width and the proposal will make this more difficult.
- Poor pre-application consultation by applicant.
- Local Authority land should be developed/retained by existing local community and local authority.
- Materials for the proposed development should be coming from UK manufacturers.
- A single storey two-bedroom dwelling which retains a substantial green area and does not harm trees could be acceptable.
- The proposal is not social housing for the most needy and vulnerable but instead cheap housing subsidised by the council / tax payer for members of a club who have no social needs and can already afford to rent accommodation.
- Increased noise as a result of development.
- Potential increase in crime levels.
- The retaining wall could become weakened by the development.
- There is a sewer pipe running under the site.
- Dunster Road is not suitable to take construction traffic.
- The 'car free' development discriminates against people with disabilities.
- The area is not suitable for car-free development and car-free development cannot be enforced.
- Disruption to area during construction phase.
- The Transport report submitted with the application is biased and unobjective. The parking survey is also not representative of 'normal' traffic or parking conditions in the area due to COVID19. Many of the students who park on these roads would not have been around due to the pandemic.
- 1 bed flats would encourage students and short-term tenants and detract from the settled community vibe of the area
- How will waste be collected?

5.2. **Councillor Theresa Fowler** has also objected to this planning application and has requested that the application be brought before the Planning Committee.

- 5.3. **Fifteen representations** have also been received in support of the proposal but it should be noted that the letters of support are not from occupiers of properties in the immediate vicinity of the site. It is assumed that these letters are from supporters of Bunker Housing Co-operative across the City and beyond. The main points raised in these letters of support are as follows:
- Proposal will provide much needed housing for families of all sizes
 - Proposed units will be truly affordable
 - Will provide high-quality environmentally-friendly housing
 - Applicants will encourage residents to use public transport, walking and cycling
 - Proposal has full embraced community engagement
 - Will make good use of underused land
 - Great example of people taking control of their housing situation

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture: Objection/Comment**
There are fourteen trees in proximity to this proposal. Six trees are proposed for removal and of the eight remaining, four require significant incursion into the Root Protection Areas.
- 6.2. Having regard to the Root Protection Area incursion a no dig solution is proposed amongst other methods which are considered acceptable subjective to further details regarding construction methods and materials.
- 6.3. Further information is also required regarding the proposed pruning of the trees as sycamore trees do not respond well to excessive pruning or pollarding.
- 6.4. The removal of the six trees will have a significant impact on the area and there does not appear any provision for mitigation tree planting tree planting within the proposal to offset this.
- 6.5. From an arboricultural position this application should be refused due to the level of tree removal necessary to enable construction and the close proximity of retained trees. However, should the application be approved due to the need for social housing, consideration should be given to mitigation tree planting within the vicinity and the provision of a detailed Arboricultural Method Statement specifying both physical barriers and ground protection measures, as well as surfacing measures and materials conditioned as part of consent. This will need to include a Tree Protection Plan. This must be submitted and approved by Arboriculture pre commencement.
- 6.6. **Environmental Health: No comment**
- 6.7. **Sustainable Transport: Objection**
Two responses have been received from the LHA. Their comments are as follows:
- No objections to the new pedestrian access.

- No significant uplift in trips anticipated compared to the existing development so would not consider the development to have a severe impact on highway capacity.
- Concerns raised regarding the parking survey and parking capacity in the area. Dunster Close has a narrow carriageway (approximately 4 metres in width) and which results in cars on the Close partially parking on the pavement and obstructing the footway, forcing wheelchair users and pushchairs on to the carriageway to the detriment of highway and pedestrian safety. Therefore parking capacity within Dunster Close and part of Major Close should be excluded from the survey and the result of this is that, factoring in the proposed development, the neighbouring roads (Horton Road, Davey Drive and Major Close) would operate at a capacity of 105% which means that they would not be able to accommodate overspill parking from the development.

6.8. As a result of the above, the LHA raise an objection to the planning application.

External Consultees

- 6.9. Ecology:** No objection
Recommend a planning condition that all ecological measures and works are carried out in accordance with the details contained in the Combined Ecological and Arboricultural Appraisal Report submitted with the planning application.
- 6.10. **Environment Agency:** No response received
- 6.11. **Fire Service:** No response received
- 6.12. **Natural England:** Comment
Referred to their Standing Advice to Local Authorities, noting that it is the responsibility of the Local Planning Authority to ensure that protected species are fully considered during the planning process.
- 6.13. **Southern Water:** Objection/ Comment
The proposed development would lie over an existing public foul sewer which will not be acceptable. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.
- 6.14. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.15. Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.
- 6.16. In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the

developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

- 6.17. A formal connection to the public sewerage system is required in order to service this development.
- 6.18. The proposed development would lie within a Source Protection Zone and Southern Water would rely on the Council's consultations with the Environment Agency to ensure the protection of the public water supply source.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove 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);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.3. 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.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM1	Housing Quality, Choice and Mix (significant weight)
DM18	High Quality Design and Places (limited weight)
DM19	Maximising Development Potential (significant weight)
DM20	Protection of Amenity (significant weight)

DM22	Landscape Design and Trees (significant weight)
DM33	Safe, Sustainable and Active Travel (significant weight)
DM36	Parking and Servicing (significant weight)
DM37	Green Infrastructure and Nature Conservation (limited weight)
DM43	Sustainable Urban Drainage (significant weight)
DM44	Energy Efficiency and Renewables

Brighton and 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
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

Brighton & Hove Local Plan 2005 (retained policies):

TR4	Travel Plans
QD5	Design
QD15	Landscape Design
QD16	Trees and Hedgerows
QD18	Species Protection
QD27	Protection of Amenity
HO5	Provision of amenity space in residential development

Supplementary Planning Documents

SPD14	Parking Standards (October 2016)
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, the design, appearance and layout, housing mix / type, residential amenity, highways / transport, arboriculture and ecology, sustainability and sewerage.

Principle of development

- 9.2. 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.
- 9.3. The Council's most recent housing land supply position published in the SHLAA Update 2020 shows a five year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning

applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 9.4. The application site comprises a vacant plot of undesignated informal communal green amenity space within the defined built up area boundary of Brighton & Hove. The application proposes residential development within a residential area. Given the relatively small size of the site, it has not specifically been identified within the Council's City Plan Part 1 or the Strategic Housing Land Availability Assessment and would therefore constitute 'windfall' development.
- 9.5. Therefore, the principle of residential development on this site is considered to be acceptable. Issues of design, residential amenity, transport etc. are considered further below.

Design, Appearance and Layout

- 9.6. City Plan Part 1 (CPP1) Policies CP12: Urban Design and CP14: Housing Density, and Local Plan Policy QD5: Design require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. These policies require that new infill developments do not result in detriment to the amenity of the surrounding area.
- 9.7. The proposed dwellings would be of a contemporary appearance with a flat roof and with a render exterior, painted light grey at ground floor level, and clad with Siberian larch planks at first floor level. Whilst this is at variance to the 1950s terraced brick and tile dwellings in Dunster Close and Dudley Road to the rear, it is not considered necessary to emulate the style of the existing dwellings in the vicinity. The proposed development would be clearly visible on the streetscene when viewed from Dunster Close but it is not considered that it would have a detrimental impact on it and the proposed dwellings could be argued to add some visual interest.
- 9.8. At two stories in height, the scale of the proposed dwellings is comparable to other properties on Dunster Close. Whilst the proposed development would sit on a higher ground level than 15 Dunster Close and would therefore appear higher than this property, it would sit on a lower ground level than 12 Dunster Close and the overall height of the building would still be lower than the eaves level of No.12. Therefore, the proposed development would appear as a transition between the lower properties on the south side of the Close and the higher properties on the north side.
- 9.9. Viewing the proposed building from the rear via Dudley Road, the proposal would be partly screened by the retained sycamore trees along the western boundary of the site. Again, the height of the proposed development would be comparable with the existing properties on the eastern side of Dudley Road and whilst the contemporary style would be different to the existing 1950s properties on Dudley Road, it is not considered that the proposal would have a harmful impact on the streetscene. The rear elevation of the proposed development would be in line with the adjacent property to the north, 4 Dudley Road.

- 9.10. The proposed development would maximise the use of the site whilst still providing communal amenity space and private amenity space (for House C) at the front of the property. Due to the site's constrained size, the south east corner of the ground floor of the proposed development would be located very close to the highway. Whilst ideally the proposed building would benefit from being set back further from the highway at this point to provide more 'breathing space' around the building and reduce its prominence on the streetscene, there is insufficient space to move this part of the building any further westwards, and a reduction in size would result in the need for a re-plan and potentially the loss of one of the units. Therefore, it is considered that, on-balance, the siting of the proposed development is acceptable and the benefit of providing an additional unit (i.e. two flats rather than one house) outweighs the concerns regarding siting.
- 9.11. Having regard to the internal space of the dwellings, Flat A would be a 1 bed unit with a floor area of 39.3sqm, Flat B would be a 1 bed unit with a floor area of 53.2sqm and House C would be a 4 bed unit with a floor area of 113.5sqm. The proposed dwellings would therefore meet the Government's Nationally Described Space Standards. Additionally, the ground floor flat and house (Units A and C) would meet the Building Regulations M4(2) standard for accessibility.
- 9.12. Material specifications submitted with the application show a solid oak entrance door and triple glazed timber windows.
- 9.13. It is therefore considered that the proposal would comply with Policy CP12: Urban Design, Policy CP14: Housing Density of the City Plan Part 1 and Policy QD5: Density of the Local Plan.

Housing Mix

- 9.14. The proposed development would provide both small and larger sized accommodation in the form of a 1no. 4 bed house and 2no. 1 bed flats which is considered to be a varied mix and would not conflict with Policy CP19: Housing Mix of the City Plan Part 1.
- 9.15. The applicant also states that the dwellings would be provided for low-income households in line with Brighton & Hove City Council's (BHCC) allocations policy and procedure for Community Housing Nominations. In planning terms, the quantum of development proposed with this application is below the threshold required to provide affordable housing, and while it has been confirmed that the affordability and future occupiers of the proposed dwellings would be formally agreed with the Council as landowners, this would be outside of the planning process cannot be given any weight in determining this application.

Residential Amenity

- 9.16. Policy QD27: Protection of Amenity of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.17. The proposed dwellings would be located in close proximity to neighbouring properties and a significant number of residents have raised concerns regarding the impact of the proposed development on their privacy, outlook and light.
- 9.18. The closest property to the proposed development is No.4 Dudley Road which, at its closest point, would be only approximately 3m from the north side elevation of the proposed building. The primary elevations of these properties however would not be facing each other. The main outlook from No.4 is in an east-west direction whereas the proposed development would be located immediately south of this dwelling. None of the windows on the southern elevation of No.4 facing the proposed development serve habitable rooms. There is an extension/outhouse on the southern side of No.4 but this is also not considered to be a habitable room. It is therefore considered that the impact on the outlook and light available to No.4 would not be unacceptable. It should also be noted that there are no windows on the north side of the proposed building so the proposal would not have an unacceptable impact on the privacy of No.4. A new timber fence would be provided along the boundary with No.4 to further ensure privacy is retained. The details of the proposed fence would be required pursuant to a planning condition.
- 9.19. The proposed building is approximately 5 metres from 15 Dunster Close which is located to the south. There are no windows serving habitable rooms in the north side elevation of 15 Dunster Close facing on to the proposed development. Whilst the proposed building is located further to the east than 15 Dunster Close, the main outlook from No.15 is in an east-west direction and there is a sufficient distance between the proposed building and No.15 so that the proposal would not appear overbearing or have a harmful impact on the outlook available to this property when viewed from the front windows of No.15. Additionally, because the proposal is located to the north of No.15 there would no impact on the light available to this property. The only windows in the southern side of the proposed building would serve bathrooms so there would be no impact on the privacy available to No.15. Details regarding the boundary treatment between these two properties would be addressed pursuant to a planning condition.
- 9.20. It is also necessary to consider the impact on 12 Dunster Close. Given that 12 Dunster Close sits on a higher ground level than the proposed building and there is an 11m distance from the nearest window at No.12 to the proposed building, it is not considered that the impact on the outlook and light available to this property would be unreasonable. Additionally, the nearest ground and first floor windows for the proposed dwellings and 12 Dunster Close would not directly face each other and there is an 11.38m distance between these windows. Therefore, on balance, the impact on the privacy of No.12 is not considered to be unacceptable.
- 9.21. Having regard to any potential impact on properties on Dudley Road, whilst the proposed building sits on an elevated position above Dudley Road, the distances between the proposed dwellings and 1 and 1a Dudley Road, immediately opposite the site, are in excess of 20m ensuring that the impact on these properties is limited.

- 9.22. It is therefore not considered that the proposal would conflict with Policy QD27: Protection of amenity of the Brighton & Hove Local Plan 2005 or emerging City Plan Part 2 (CPP2) Policy DM20: Protection of Amenity.

Highways / Transport

- 9.23. Having regard to SPD14: Parking Standards, the application site is located in the Outer Zone of the City. This results in a *maximum* requirement for a total of four spaces (including visitor parking) for the proposed development.
- 9.24. The proposal would not provide any car parking provision on-site and is proposed to be 'car-free'. However, given there are no parking restrictions or controls in the surrounding area, it would not be possible to prevent residents of the proposed dwellings having a car and parking on Dunster Close or neighbouring streets. On this basis, the Local Highways Authority (LHA) requested that the applicant commission a parking survey in line with the Lambeth methodology.
- 9.25. The parking survey was undertaken by the applicant, confirming sufficient parking availability in the local area. However, this available capacity is disputed by the LHA who consider that Dunster Close and part of Major Close are too narrow to be included as having available parking capacity in the survey. The applicant considers all the roads considered in the survey had sufficient widths, and that the combined width of the road and footway on Dunster Close would allow for a car to park partly on the footway and road without blocking access for a wheelchair user on the footway and an emergency vehicle on the road.
- 9.26. The main area of dispute relates to whether additional cars could be parked along Dunster Close without compromising pedestrian safety.
- 9.27. It is clear from the objections of residents that parking is an existing issue in Dunster Close and parking on the pavement is commonplace. However, Dunster Close itself is subject to a 20mph speed limit and is a cul-de-sac so traffic flows are generally likely to be low, and speeds slow. Therefore, if a pedestrian did walk out on to the road due to the footpath being obstructed by a parked car, it is unlikely to result in a detriment to highway or pedestrian safety. Whilst it is recognised that this is not ideal, it is an existing situation, and it is necessary to have regard to paragraph 109 of the NPPF which states the following:
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 9.28. In light of the above, it is not considered that the proposed development, either by itself or in combination with the adjacent proposal (ref. BH2020/00673), would result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe, and it is therefore considered that the application should not be refused on this basis.
- 9.29. A total of nine cycle spaces (including three short stay spaces) would also be provided as part of the proposed development. Six of these spaces would be within the proposed undercroft.

Arboriculture and Ecology

- 9.30. There are fourteen sycamore trees in close proximity to the proposed development. Seven of these trees would need to be felled to accommodate the proposal comprising three Category A trees, one Category B tree and three Category C trees. The loss of these trees, particularly Category A and B trees, is a significant concern but a condition to ensure replacement planting can be attached pursuant to any grant of planning permission. The size of the site is relatively constrained so it may be necessary for some replacement planting to take place off-site. Further details in this regard will be required pursuant to a planning condition. Whilst it is acknowledged that replacement planting would not mitigate the impact of the loss of the existing trees in the short-term, the balance between the loss of the trees and the benefits of providing housing has been weighed up and it is not considered that the loss of the trees would, in this case, outweigh the benefits of the scheme and justify a reason for refusal. It is therefore not considered that the proposed development would conflict with Policy QD16: Trees and Hedgerows of the Brighton & Hove Local Plan 2005.
- 9.31. Having regard to ecology, there are no significant nature conservation or habitat issues associated with the site and the County ecologist, despite recommending that the trees be retained, has stated that habitats on the site are common, widespread and easily recreated. Measures to provide biodiversity gains within the site have been considered in the Combined Ecological and Arboricultural Appraisal Report and include bat and bird boxes and nectar/pollen-rich plants within the soft landscaping. An appropriate condition will be attached to any planning permission to ensure that such measures are implemented.
- 9.32. The proposed development would therefore accord with Policy CP10: Biodiversity of the City Plan Part 1.

Sustainability

- 9.33. A number of methods are proposed to ensure the dwellings achieve a reduction in carbon emissions of at least 19% against 2013 Part L Building Regulations requirements. These include the following:
- Efficient thermal fabric that exceeds the requirements of Part L Building Regulations,
 - Mechanical Ventilation with Heat Recovery (MVHR)
 - Triple glazing
 - Solar panels
 - Materials will have low embodied energy, enhanced durability and timber will be from certified sustainable sources
- 9.34. In addition, a water efficiency standard of 110 litres/person/day will be achieved and the dwellings will incorporate rainwater harvesting.
- 9.35. The proposed development would therefore comply with Policy CP8: Sustainable Buildings of the City Plan Part 1.

Sewerage

- 9.36. As set out earlier in this report, Southern Water have raised an objection to the planning application because a public sewer runs across the site. A lobby/undercroft has been incorporated into the proposed development to provide a non-build zone around the sewer to address this issue and a plan has been submitted that shows a potential diversion to the sewer if deemed necessary after further investigations. It has therefore been demonstrated that the proposed development could potentially be constructed despite the location of the sewer. A further response is awaited from Southern Water and any sewer diversion would need to be agreed with them. However, it is not considered that this issue needs to delay the approval of planning permission given that the sewer has been given full consideration within the design of the proposal.

Conclusion and planning balance

- 9.37. Paragraph 11 of the NPPF makes clear that decisions on planning applications should apply a presumption in favour of sustainable development. When assessing the scheme before us, in applying the planning balance, there are facts which weigh both for and against the scheme.
- 9.38. A material consideration which must be given great weight is the fact that there is a significant unmet housing need within Brighton & Hove City and the Council can currently only demonstrate a 4.7 year supply of housing land. Further, whilst it is noted that the proposal aims to provide homes for those on low incomes, there is no specific planning policy requirement to provide on-site affordable housing or indeed an affordable housing contribution for proposals of fewer than five homes. Therefore, the affordability of these homes and future occupiers would be agreed with Brighton & Hove City Council as landowner outside of the planning process.
- 9.39. It is recognised that the provision of no on-site parking could result in overspill parking on local roads and exacerbate existing parking issues in Dunster Close, particularly when considered along with the adjacent proposal (BH2020/00673). However, it is not considered that there would be an unacceptable impact on highway safety or that the impacts on the road network would be severe.
- 9.40. It is also acknowledged that given the size of the site, its constraints and its proximity to neighbouring residential properties, there would be a degree of impact on the neighbouring properties. However, for reasons set out in this report, this impact is considered to be acceptable.
- 9.41. Finally, the loss of seven sycamore would have an impact on the visual amenity of the area but the trees are not considered worthy of a Tree Preservation Order and it is considered that this habitat could be recreated.
- 9.42. It is therefore considered that the benefits of the scheme, namely the provision of housing, would outweigh any negative impacts associated with the proposal. It is considered that the proposed development would comply with the NPPF, relevant policies within the City Plan Part One, the emerging policies in City Plan Part 2, and retained policies in the Brighton & Hove Local Plan 2005 and the approval of planning permission is recommended subject to the conditions recommended above.

10. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is likely that the proposal would qualify for exemption from CIL by virtue of the fact that the application proposes affordable housing but this will be confirmed in due course.

11. EQUALITIES

- 11.1. This planning application has been submitted by a housing co-operative who aim to provide housing for those on lower incomes.
- 11.2. In addition, two of the three units proposed would meet Building Regulations M4(2) standards for accessibility.