

<u>No:</u>	BH2023/03253	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hollingbury Library Carden Hill Brighton BN1 8DA		
<u>Proposal:</u>	Demolition of existing two storey prefabricated former Library building and the construction of a part three, part four storey residential building providing 9no. flats (C3) with bin and cycle store, Car Club parking and amenity space.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	12.12.2023
<u>Con Area:</u>	None	<u>Expiry Date:</u>	06.02.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2024
<u>Agent:</u>	MH Architects Limited Ground Floor Bicentennial Building Southern Gate Chichester PO19 8EZ		
<u>Applicant:</u>	Brighton And Hove City Council First Floor Hove Town Hall Hove BN3 3BQ		

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, SAVE THAT should the s106 Planning Obligation not be completed on or before the **6 September 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.3 of this report:

Head of terms

Affordable Housing

- Provision of 20% of the dwellings on site as affordable housing.

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 and block plan	22-155-HBL-MHA-ZZ-XX-DR-A-0105	P04	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0101	P07	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0102	P08	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0103	P07	6 December 2023

Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0108	P04	6 December 2023
Proposed Drawing	22-155-HBL-MHA-ZZ-XX-DR-A-0109	P04	6 December 2023
Report/Statement	Asbestos demolition survey		6 December 2023
Report/Statement	Biodiversity net gain assessment		6 December 2023
Report/Statement	Combined Geotechnical and Quantative Ground Contaminated Risk Assessment		6 December 2023
Report/Statement	Daylight/Sunlight analysis		6 December 2023
Report/Statement	Ecological Impact Assessment		6 December 2023
Proposed Drawing	Existing tree schedule		6 December 2023
Report/Statement	Flood risk assessment and drainage strategy		6 December 2023
Report/Statement	Landscape design strategy		6 December 2023
Report/Statement	Noise impact assessment		6 December 2023
Report/Statement	Transport statement		6 December 2023
Proposed Drawing	Tree constraints plan		6 December 2023
Proposed Drawing	Tree retention and protection plan		6 December 2023
Proposed Drawing	Landscape masterplan		6 December 2023

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. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted

shall take place until details 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/details 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/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details 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 DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12, CP15 of the Brighton & Hove City Plan Part One.

5. 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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. Prior to the commencement of the development hereby approved an assessment is carried out of areas in the building that were previously inaccessible to ascertain the extent and location of Asbestos Containing Materials and the level of risk to the end user. If any ACMs are discovered, then these materials shall be removed and disposed of appropriately.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

7. Prior to the commencement of the development hereby approved the applicant submits a detailed remediation strategy which details the works and precautionary measures to be undertaken to avoid risk from, potentially hazardous materials, contaminants and/or gases when the site is developed, in accordance with the Combined Geotechnical and Quantitative Ground Contamination Risk Assessment, dated 2nd September 2019 and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

8. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a suitably qualified person that any remediation works required and approved in the submitted scheme 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 re mediation works in progress ;
 - c) certificates demonstrating that imported and/or material left in situ is suitable for use .
 - d) documentation to s how that recommendations regarding suitable water pipe material, made by the local water supply company, have been incorporate d a t the development.
 - e) evidence to show that all asbestos containing mate ria ls have been removed from the premises and taken to a suitably licensed waste deposit site .

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

9. The works hereby permitted shall not be commenced until the building to be demolished has been fully recorded by scaled drawing and photographs, and these records along with any historic photos or other records of the building, especially as a public house, should be passed to the Local Planning Authority prior to its demolition.

Reason: In order to provide a reasonable opportunity to record the history of the building and to comply with policies DM28 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

10. No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for roosting bats, breeding birds, reptiles and terrestrial mammals (including badgers and hedgehogs), 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 protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended.

11. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the measures identified in the Ecological Impact Assessment (EclA, Lizard Landscape Design and Ecology, 18/07/2022) and Biodiversity Net Gain Assessment (Lizard Landscape Design and Ecology, 07/11/2023) and the provision of a minimum of 9 bee bricks and 18 swift bricks, 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 the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively.

12. 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. 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 the targeted condition of habitats required to deliver a net gain in biodiversity.

13. The applicant shall implement mitigation measures that are in strict accordance with the acoustic design criteria, approved details, and recommendations detailed in the submitted ACCON UK Ltd Report, Brighton and Hove City Council Former Hollingbury Library, Brighton Noise Impact Assessment, dated 28th November 2023 prior to the first occupation of the development and these measures shall be maintained thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

14. Post completion, but prior to any occupation of the newly created residential units, an additional noise survey will be carried out in order to demonstrate the achievement of internal and external sound levels as described in the document produced by ACCON UK Ltd, Brighton and Hove City Council Former Hollingbury Library, Brighton Noise Impact Assessment, dated 28th November 2023.

The results shall be communicated to the local planning authority in writing and if a standard is not met, a report shall demonstrate what additional measures are needed, when these will be implemented, and a further test carried out to demonstrate compliance.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

15. Any plant or machinery associated with the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to or below the existing LA90 background noise level. Rating and existing background noise levels shall be determined as per the guidance provided in BS 4142: 2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

16. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on (6th December 2023) 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 policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
17. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a CCTV survey has been undertaken confirming that all existing pipes which are proposed to be used are in adequate condition, and also confirming the route of the existing sewer connection has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.
18. 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 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)
 - (iii) 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
 - (iv) Details of hours of construction/demolition including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes
- The demolition and 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 DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on County Oak Avenue back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies CP9 of the City Plan Part One and DM33 of City Plan Part Two.
20. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use.
 The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 DM33 of the Brighton & Hove City Plan Part Two.
21. 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. 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 the 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 food-bearing plants, and 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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
22. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
23. 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.

24. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in 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.
25. 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.
26. Notwithstanding the details on the drawings hereby approved, the second floor balcony on the eastern elevation hereby approved shall not be first brought into use until a privacy screens of 1.8 metres in height have been installed adjacent to the communal roof terrace. The screen shall thereafter be retained.
Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
27. 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 DM35 of Brighton & Hove City Plan Part 2, and CP9 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 water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
4. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.

2. SITE LOCATION

- 2.1. This application relates to the former Hollingbury Library which sits on the junction of Carden Hill and County Oak Avenue. The site is bounded to the north by The New Oak Public House, to the east by the road junction and green bank beyond and to the south and west by two storey residential accommodation. The topography of the area is such that land levels slope from the south down to the north.
- 2.2. The site comprises a derelict 2 storey building fronting Carden Hill with a small area of hardstanding towards the north-east corner of the site which has vehicular access from County Oak Avenue.
- 2.3. The application site is not located within a conservation area; however the existing building is a locally listed heritage asset.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00030:** The redevelopment of the former Hollingbury Library to demolish the existing building and provide a new, modern block providing new General Needs Affordable Housing units. Written response provided July 2023
- 3.2. **PRE2020/00073** Proposed New Build Development Options for 13 Unit Move On Scheme on the site for Hollingbury Library. The scheme is for 13 x 1b 1p move on accommodation on the former Hollingbury Library site. Written response provided July 2020
- 3.3. **PRE2019/00115** Demolition of existing library & erection of a three storey 13 residential unit Move On Scheme. Response issued October 2019
- 3.4. **PRE2017/00097** The redevelopment of the former Hollingbury Library to provide 12no single person 'move on' studios. Written response provided June 2017

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing former library building and the erection of a part three-, part four-storey building. The proposed development will provide 9no residential units, comprising 5 x one-bedroom flats

and 4 x two-bedroom flats. This application is a council development through the New Homes for Neighbourhoods programme. All the homes to be provided will be available to those on the 'general needs' housing register for rent.

5. REPRESENTATIONS

- 5.1. Six (6) letters of representation have been received objecting to the proposed development on the following grounds:
- Inappropriate height of development
 - Overshadowing
 - Highways impact
 - Overlooking from balconies
 - Overdevelopment of the plot
 - Development is too close to the boundaries
 - Lack of parking
 - Loss of view
 - Flats are not in keeping with the area
 - The development is too dense
 - Disruption during construction
 - Loss of light
 - Loss of existing tree
 - Impacts on nature

6. CONSULTATIONS

- 6.1. **Arboriculture** No objection
The existing Cherry tree is not of good quality and therefore no objection is had to its removal.
- 6.2. **Ecology** No objection subject to condition
Confirmation is required over whether the roof vents offer potential bat roosting features and that the proposed biodiversity net gain for trees is achievable within the proposals.
- 6.3. **Environmental Health** No objection subject to conditions
- 6.4. **Heritage** Objection
Applicant states that conversion of the building would require extensions or cloaking/wrapping of the structure that could not be delivered on the site, and costs which included the removal of asbestos that would make the project financially unviable. In addition, it is stated that the refurbishment and extension of the existing building to appropriate standards would have involved works that would alter the existing construction, facades and roof treatments, resulting in substantial change to the overall appearance and construction of the heritage asset from its original form, such that its identified significance would be considerably reduced or lost.

- 6.5. This information is considered sufficient to comply with the requirements of City Plan policy DM28, however it remains that the planning benefits from the submitted scheme need to be found to outweigh the harm from loss of the heritage asset.
- 6.6. **Housing Strategy No objection**
This is a council development through the New Homes For Neighbourhoods programme. All of the homes will be provided at social rent levels and will be owned and managed by the council.
- 6.7. **Planning policy No objection**
The site is allocated in CPP2 policy H1 for residential use; the principle of residential development has therefore been established and the loss of any community uses on site has been accepted through the allocation process.
- 6.8. Although the proposal will result in a net loss of open space it is recognised that the footprint of the building allows for retention of some open space and provision of communal open space on site.
- 6.9. 9 dwellings would make a welcome contribution to the housing target; the proposed amount is considered acceptable for this site.
- 6.10. **Private Sector Housing No comment**
- 6.11. **Sustainability No objection subject to conditions**
- 6.12. **Sustainable drainage No objection subject to conditions**
- 6.13. **Sustainable transport No objection subject to conditions**

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 City Plan Part Two (adopted October 2022)
 - 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 (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

H1 Housing sites and mixed use sites
DM1 Housing Quality, Choice and Mix
DM18 High quality design and places
DM20 Protection of Amenity
DM21 Extensions and alterations
DM22 Landscape Design and Trees
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM44 Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing Delivery
CP2 Sustainable economic development
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban design
CP14 Housing Density
CP16 Open Space
CP19 Housing Mix

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste
SPD06 Trees and Development Sites
SPD11 Nature Conservation and Development
SPD14 Parking Standards
SPD16 Sustainable Drainage
SPD17 Urban design framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, impacts on character and appearance, impact on neighbouring amenity, standard of accommodation of the units provided, ecology impacts and highways impacts.

Principle of development

- 9.2. Policy CP1 in the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in

place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. 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). As such, the development would make an important, but minor contribution to the city's housing supply.
- 9.5. The site currently consists of a vacant two storey building with hardstanding and some designated open space of the amenity typology. Hollingbury Library was previously accommodated on the site but was relocated in 2017 to the Old Boat Community Centre.
- 9.6. As of March 2023, the existing building on the site has been designated as a locally listed heritage asset. The Hollingbury Library building was originally built as the County Oak public house in 1950. The building was subsequently converted to a library in 1962 after a new pub had been constructed adjacent to the north. The building is therefore an example of a prefabricated building and consideration must be had to the loss of this heritage asset in line with policy DM28 of the Brighton and Hove City Plan Part 2.
- 9.7. Information submitted as part of this application notes the poor condition of the existing building with asbestos which poses a health hazard. Further information has been submitted during the lifetime of the application which provides background information in relation to the decision to demolish the building rather than re-developing the existing building for housing.
- 9.8. The on-going use of the library was considered to be unsustainable and as such the conversion of the building for residential use was considered. These works were found to require extensions that could not be delivered on the site and costs which included the removal of asbestos which would make the project unviable. Further, the refurbishment works and extensions to the existing building to bring it to appropriate standards would involve works which would alter the existing construction, facades and roof treatments, resulting in substantial change to the overall appearance and construction of the heritage asset from its original form and as such its identified significance would be considerably reduced. It is considered that the information provided in light of the heritage listing is sufficient to comply with the requirements of policy DM28 of the City Plan Part Two.
- 9.9. The site is allocated under policy H1 of the City Plan Part 2 for an indicative 10 dwellings. Through the allocation of the site under policy H1, the principle of the re-development of the site for residential use has been established. The

application therefore does not need to justify the loss of the community floor space nor the net loss of open space.

- 9.10. The provision of 9 units would make a welcome contribution to meeting the city's housing target as identified in policy CP1 of the Brighton and Hove City Plan Part One. It is acknowledged that policy H1 allocates the site for an indicative 10 units. Options have been explored previously on this site, including during at pre-application stage for the provision of 11 units. However, at officer's request, the level of development was reduced to 9 units following concerns relating to the footprint of the building on this relatively small site.
- 9.11. It is acknowledged that the proposals would result in the loss of the existing building; however it is considered that the application is supported by appropriate justification for the demolition of this building and demonstrates that exploration of its retention has been considered. Further, the site is allocated for housing and the planning benefits of 9 additional residential units is considered to outweigh the harm from the loss of this building.

Character, Design and Appearance

- 9.12. Planning permission is sought for a new part three-, part four-storey building on this corner plot to include amenity space.
- 9.13. Prior to application stage, design officers have worked closely with the applicant during pre-app which resulted in a number of changes to the scheme which are incorporated into the current proposals. This has included a reduction in height of the development to two storeys with accommodation within the roof fronting Carden Hill extending up to 4 storeys facing County Oak Avenue, stepping down to 3 storeys adjacent to the public house to the north. The scale of development is considered to respond positively to the topography of the streetscene, particular the steep slope down to The New Oak public house. Further, a reduction in units from 11 (as proposed at pre-application stage) to 9 has addressed previous officer concerns with regards to the ration of built footprint to unbuilt footprint.
- 9.14. The pitched mansard roof to the south is considered to respond positively to the street scene along Carden Hill and reflecting the form along County Oak Avenue with shallower eaves is considered to respond positively to the change in topography down towards the pub next door. Overall, the form is considered to present a strong design concept. Whilst the building would be of a contemporary design it would remain sympathetic to its more traditional surroundings.
- 9.15. Given the corner plot location of this site, greater flexibility can be afforded to the aesthetics of the scheme. The scheme includes two front dormers fronting Carden Hill. Given that the site is a standalone development, the addition of well-designed dormers is considered acceptable. The dormers contribute to the overall design precedent of the scheme which was welcomed at pre-app stage by design officers.

- 9.16. The use of brick as the primary elevational treatment is supported. The contextual images incorporate playful brickwork which is welcomed to add visual interest to the scheme.
- 9.17. Given the corner plot nature of the site, the proposals have sought to address both street frontages and have achieved this through an active frontage on both Carden Hill and County Oak Avenue. This is achieved by main entrances and windows for habitable rooms to both street scenes.
- 9.18. Advice given at pre-application stage has been followed with regards to the proposed building line. The building is appropriately set back within the plot to ensure the building line to Carden Hill is respected. The boundary frontage to include low-level and soft boundary treatments is considered to respond well to the established streetscene here.
- 9.19. In response to the topography of the site, the scheme incorporates a lower ground floor area fronting Carden Hill to house the plant bin and cycle storage. This has enabled an area of soft landscaping fronting Carden Hill.
- 9.20. The development is also set back from County Oak Avenue, allowing for an area of soft landscaping in the North-east corners of the site. The existing grass bank to the north of the site is also to be retained and enhanced, softening the appearance of the development and ensuring it is set back from all boundaries.
- 9.21. The proposals are considered to result in a development that responds positively to the character and appearance of the surrounding street scenes. The proposed development is therefore considered to accord with policies CP12 of the City Plan Part One and DM18 of the City Plan Part Two, in addition to The Urban Design Framework (SPD17).

Standard of Accommodation

- 9.22. The development provides nine residential units. Each of the units proposed would meet or exceed the nationally described space standards as set out within policy DM1 of the Brighton and Hove City Plan Part 2. In addition, each of the bedrooms across the development also meet the minimum required space standard.
- 9.23. It is noted that a single bedroom within unit 8 would be served only by a roof light. Given that all other bedrooms across the development feature windows, the exception of one is considered acceptable. Further, the room meets minimum standards and the rooflight would still allow for light and outlook to this bedroom and therefore is deemed acceptable.
- 9.24. When making a qualitative assessment of the units proposed, it is considered that each unit has sufficient floorspace for circulation and also the placing of furniture items likely to be required by future occupiers.
- 9.25. The development has been designed to ensure that there are no single aspect north facing units which is supported. Whilst the bedrooms in units 1, 2 and 5 face the north, the primary living spaces for these units have light and outlook to

both the north and east. Owing to the relatively deep plan form of these rooms, the dual aspect proposed is welcomed.

- 9.26. A sunlight and daylight report has been submitted as part of this application. The level of daylight received by future occupiers has been measured using both the vertical sky component (VSC) and illuminance method. Across the development a total of 85 windows were assessed, 36 of these achieved less than the minimum VSC criteria. However, those windows that fell below this criterion were then assessed against the illuminance method criteria for daylighting, which all windows passed. Therefore, all windows/rooms within the proposed development meet the daylight criteria in line with BR209 guidance and would receive adequate daylighting. It is considered likely that the proposed balconies will have had some knock-on effect to the levels of daylight hours received however, the balconies also provide protection from overheating so on balance their presence is considered acceptable. All windows assessed meet the minimum sunlight hours.
- 9.27. In line with Policy DM1, which requires new developments to provide external amenity space for future occupiers, seven of the nine residential units proposed have access to a private balcony. It is regrettable that 2 of the units do not have this provision, however it was considered that the provision of balconies at first and second floor level, fronting Carden Hill, would be visually detrimental to the scheme.
- 9.28. To compensate however, all occupiers will have access to a communal garden at roof level. The landscaping masterplan submitted indicates that this space will provide raised beds for food growth and fixed seating areas.
- 9.29. It is acknowledged through the lighting report that some of the balconies and the roof top communal garden receive levels of sunlight below that stated within the BR209 guidance. This is in large due to the orientation of these spaces and in the case of the roof top garden, the surrounding wall to the south. The landscape areas to the south and east of the site would however receive sufficient sunlight levels.
- 9.30. Owing to the proximity of the site to The New Oak public house to the north, a noise report has been submitted to demonstrate that future occupiers would not be adversely impacted by potential noise impacts from the pub and beer garden on the north facing units. In addition, noise impacts from road traffic has been assessed.
- 9.31. In order to ensure that the new dwellings would achieve compliant internal sound levels, mitigation measures such as high-performance glazing, walls with effective sound reduction and acoustically treated trickle vents will be implemented and secured by condition.
- 9.32. External noise levels have been assessed at the locations of the proposed amenity areas. Purpose-built acoustic screens have been recommended at the edges of all proposed private terrace and balcony areas, in order to reduce noise levels in these areas as far as practicable.

- 9.33. The noise impact assessment has considered the potential adverse effects on future residents of the proposed development due to patrons outside in the adjacent pub garden of The New Oak public house. It has been concluded that noise from the beer garden would not result in an adverse noise impact within habitable rooms of the proposed development.
- 9.34. The mitigation measures identified within the noise report will be secured by condition.
- 9.35. It is therefore considered that the proposed development would provide an acceptable standard of accommodation for future occupiers in accordance with policies DM1 and DM20 of the City Plan Part 2.

Impact on Amenity

- 9.36. A sunlight daylight report accompanies this application which has assessed the impact of the development upon neighbouring properties.
- 9.37. The report has assessed the impact of the development upon daylight levels received to 94 Carden Hill and 96-98 Carden Hill located opposite the site and 137 Carden Hill located immediately west of the site.
- 9.38. The results identify 100% of the windows assessed within the properties opposite the site would achieve the VSC performance criteria stipulated in BR209. However, 2 of the windows within 137 Carden Hill would not meet the criteria. The two affected windows are positioned within the side elevation of No.137 directly facing the development. These windows are considered likely to be secondary or serve non-habitable rooms. As such, the impact on these side windows is not considered to be so significant to warrant the refusal of the application.
- 9.39. The impacts of the development upon the front garden spaces of these neighbouring properties were also assessed with no resulting impact from the development.
- 9.40. The footprint of the development has been designed such that it steps away from the shared boundary with No.137 beyond the rear wall of this neighbouring property. Beyond the stair core, the development is set approximately 6.5m off the shared boundary with this adjoining neighbour. This is considered sufficient to avoid significant overbearing impact and sense of enclosure.
- 9.41. Whilst a number of side (west) facing windows are proposed these windows are positioned within the front portion of the development and therefore would allow for views of the side elevation of No.137 but not beyond into the neighbouring rear garden.
- 9.42. It was noted during an officer site visit that the two existing side windows within this adjacent neighbouring property are obscurely glazed. The proposed development would have a total of 5 windows facing westwards. These windows would serve the kitchen/living areas within the new units proposed. The outlook

from these windows is considered secondary to the southerly aspect of these units. As such the level of overlooking between the development and No.137 is considered to be minimal and would not amount to significantly harmful levels of loss of privacy or overlooking.

- 9.43. The roof top communal terrace has been designed so that the majority of the floor area is set behind the stair core to the rear of the development, thus reducing the potential for views towards No.137. This coupled with the set back of the terrace towards the east of the site will ensure that no harmful levels of overlooking would result to neighbouring occupiers.
- 9.44. The development is sufficiently separated from those neighbouring properties opposite by the public highway. The outlook from the new residential units proposed would be no different to the relationship of other neighbouring properties within the streetscene. The development would also increase the number of windows facing onto the public house to the rear of the site. Given the commercial nature of this site, this neighbouring property is considered to be less sensitive. The retained grassed bank ensures that sufficient separation between the two properties remains. Any views had are likely to be similar to that of No.137 and would largely be of the car park to the public house.
- 9.45. The proposed development is therefore not considered to result in significant harmful impact to the amenities of neighbouring occupiers and as such is in accordance with policy DM20 of the Brighton and Hove City Plan Part 2.

Affordable Housing

- 9.46. City Plan Part One Policy CP20 states the following:
"The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve the following affordable housing targets:
- a) *40% onsite affordable housing provision on sites of 15 or more (net) dwellings;*
 - b) *30% onsite affordable housing provision on sites of between 10 and 14 (net) dwellings or as an equivalent financial contribution;*
 - c) *20% affordable housing as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings."*
- 9.47. The development is required to provide 20% of the housing as affordable housing on site or as a commuted sum to comply with policy CP20 Affordable Housing. This would equate to two homes. As a council development, the proposals will exceed this requirement by providing 100% affordable housing (9 homes) but this would not be secured by legal agreement as this is not justified by policy.
- 9.48. The homes will be provided at social rent levels and will be owned and managed by the council. This is welcomed and will be secured by Section 106 agreement.

Housing mix

- 9.49. The proposal would provide 4no one-bedroom flats and 5no two-bedroom flats equivalent to a 44% and 56% mix. The two-bedroom flats proposed would

provide a range of sizes to accommodate either 3 or 4 people which is welcomed.

- 9.50. The supporting text of Policy CP19 states that local evidence identifies that the majority of the requirement for affordable housing is for one and two bedroom homes (46% and 33% respectively). The proposed mix of units within the development therefore meets the greatest demand.

Ecology and landscaping

- 9.51. Policies CP10 and DM37 state that development should conserve biodiversity, protecting it from the negative indirect effects of development. Applications should therefore provide net gains for biodiversity wherever possible to enhance biodiversity on site.
- 9.52. An Ecological Impact Assessment and Biodiversity net gain assessment have been provided as part of the application. This demonstrates a 19.9% gain in habitat units and a gain in hedgerow units. The site includes an area of land along the northern boundary of the site. This area of grassland will be retained and enhanced within the proposals. Biodiversity net gain across the site is in excess of 10%.
- 9.53. The proposals will also incorporate bird boxes/bricks and bee bricks in line with planning policy.
- 9.54. The application is supported by an Arboricultural Impact assessment and Method statement. As part of the proposals an existing Cherry tree, situated towards the northwest corner of the site is to be removed to facilitate the development. The Arboriculturalist has confirmed that this tree is of low quality and whilst its loss is regrettable, subject to mitigation planting, the removal of this tree is accepted. All other existing trees on site are to be retained.
- 9.55. The proposed landscaping plan indicates that 9 new native trees are proposed. Further details of the size and species to be provided are sought by condition.
- 9.56. The proposals are therefore considered to be in accordance with policies CP10 of the City Plan Part One and DM22 and DM37 of the City Plan Part 2 and Supplementary Planning Document 11.

Sustainable transport

Site access

- 9.57. Pedestrian and cycle access into the site will be from both Carden Hill and County Oak Avenue. This is considered acceptable.
- 9.58. The site is proposed to be car free and as such it is deemed that the crossover on County Oak Avenue is no longer required. A condition is sought to remove the crossover and reinstate the footway and grass verge.

Cycle parking

- 9.59. The development of 9 units would require the provision of 12 cycle parking spaces (1 long stay space per flat and 3 short stay for visitors).

- 9.60. The application proposes an internal bike store with six Sheffield stands and a further Sheffield stand at both entrances to the development, providing a total of 16 cycle parking which exceeds the levels required under SPD14.

Car Parking

- 9.61. The application does not propose any car parking on site. The development site is located outside of the controlled parking zones. SPD14 states that in locations such as this, applicants are required to demonstrate the likely parking demand associated with the proposed development.
- 9.62. A parking survey accompanies the application which indicates that there is adequate space overnight in the area for associated parking.
- 9.63. The applicant has expressed willingness to fund a car club bay/vehicle on County Oak Avenue. Evidence has been provided that discussions have taken place with car club regarding this provision. This is considered to be a benefit to the scheme.
- 9.64. Blue badge holder parking is not proposed however, there are no accessible units proposed within the scheme.

Trip generation

- 9.65. The applicant has provided a forecast of trip generation and travel mode that is likely to occur, and it is not considered that the associated travel will be significant enough to have a severe impact on the public highway and surrounding transport network.

Sustainability

- 9.66. A building performance report has been submitted which shows a saving in carbon emissions of well over 19%. The development is therefore likely to exceed the requirements of CP8 of the CPP1.
- 9.67. An analysis of potential overheating in the dwellings is provided which shows that the level of overheating risk is very low.
- 9.68. A circularity statement has been provided, with a preliminary assessment of the potential re-use of materials.
- 9.69. Subject to conditions requiring the dwellings meeting a minimum EPC rating of 'B', water usage and details of any solar panels, no objection is had to this development.

Other considerations

- 9.70. Information has been provided to demonstrate the proposed surface water and foul water drainage strategy. Further information is sought by condition regarding the location of all proposed pipes, a CCTV survey of all existing pipes and a maintenance and management plan for each drainage element.

10. EQUALITIES

- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 10.2. All of the homes at this development will be 'Mobility 2' units, making them suitable for residents who do not need fully adapted accommodation, but require some assistance. These units will be built to Building Regs M4(2) but will include Level Access Showers for less ambulant residents.

S106 Agreement

- 10.3. 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 reason:
1. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, in case of the viability situation changing, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.