

<u>No:</u>	BH2025/02480	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	104 Cowley Drive Brighton BN2 6WD		
<u>Proposal:</u>	Demolition of existing Public House and erection of 10no. new dwellings (C3) consisting of 5no. townhouses and 5no. flats in two blocks of two and three storey buildings with associated landscaping, car parking, cycle parking and bin stores. (Amended Plans)		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	29.01.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.04.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	BakerBrown Studio Limited Cooksbridge Station House Cooksbridge BN8 4SW		
<u>Applicant:</u>	Brighton And Hove City Council Housing Centre Unit 1 Fairway Trading Estate Eastergate Road Brighton BN2 4QL		

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** subject to the following Conditions and Informatives as set out hereunder.

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	BB_PL_0100	C	14-Aug-26
Proposed Drawing	BB_PL_0101	C	14-Aug-26
Proposed Drawing	BB_PL_0102	C	14-Aug-26
Proposed Drawing	BB_PL_0103	C	14-Aug-26
Proposed Drawing	BB_PL_0150		07-Oct-25
Proposed Drawing	BB_PL_0200	D	14-Aug-26
Proposed Drawing	BB_PL_0210		07-Oct-25
Proposed Drawing	BB_PL_0211	B	27-Jul-26
Proposed Drawing	BB_PL_0212		07-Oct-25
Proposed Drawing	BB_PL_0213	B	27-Jul-26
Proposed Drawing	BB_PL_0220		07-Oct-25
Proposed Drawing	BB_PL_0300		07-Oct-25
Proposed Drawing	BB_PL_0301	B	27-Jul-26
Proposed Drawing	BB_PL_0302	B	27-Jul-26
Proposed Drawing	PJC/6886/25/A		07-Oct-25

Location and block plan	BB_EX_0001	B	29-Jul-26
Report/Statement	Bat Emergence Report		07-Oct-25
Report/Statement	Biodiversity Net Gain Feasibility Assessment		07-Oct-25
Report/Statement	Preliminary Ecological Appraisal		07-Oct-25
Report/Statement	Tree Survey		07-Oct-25

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. 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 policy DM18 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

5. Prior to first 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 the Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 6. The development hereby permitted shall not be first occupied until a scheme for the storage and collection of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM36 of the 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.

- 7. 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.

- 8. 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.

9. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
10. The wheelchair accessible dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1of City Plan Part 2.
11. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees (including the two sapling Elms within the public footway directly adjacent the site), in accordance with BS 5837:2012, including a tree protection plan (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 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.
12. 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) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details 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) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - (iv) Measures to prevent mud/dust from tracking onto the highway;
 - (v) Details of hours of construction including all associated vehicular movements

- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes.

The construction of the development shall be carried out in full compliance 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.

13. Notwithstanding the details on the plans hereby approved, the development hereby permitted shall not be first 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

14. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Green Lane 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.

15. The new crossover and access on Green Lane shall be constructed prior to the first occupation of the development hereby permitted.

Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 of City Plan Part Two.

16. Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of the Brighton City Plan Part Two and SPD14 guidance.

17. No development shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must at least include the following measures:
- Details of how the proposal complies with SPD14 Parking Standards
 - Details of how each car parking space will be allocated and managed
 - Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- The above plan must be implemented prior to the occupation of the building and thereafter be maintained as such.
- Reason:** To ensure the development maintains a sustainable transport strategy and to comply with SPD14 Parking Standards and CP9 of the City Plan Part One and policy DM33 of City Plan Part Two.
18. Any plant or machinery associated with the development, including air source heat pumps and similar, 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 the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142: 2014.
- Reason:** To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.
19. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The approved drainage system shall be implemented in accordance with the approved detailed design and thereafter retained. Results of BRE 365 testing confirming the ground infiltration close to the location of the proposed soakaway shall be submitted as part of any drainage plan.
- 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.
20. Notwithstanding any of the details shown on the approved plans, the development hereby permitted (including any demolition, ground works, site clearance) shall not take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. This strategy shall also set out a method for how the rate of foul water entering the sewer will be controlled to reduce discharge rates and ensure it do not exceed sewer capacity. The development shall be carried out in accordance with the approved scheme and timetable and thereby retained and maintained.
- Reason:** To ensure adequate foul sewage capacity in the network and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

21. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
22. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.
23. 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 policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.
24. All ecological measures and/or works should be carried out in broad accordance with the Preliminary Ecological Appraisal and Preliminary Roost Appraisal (The Ecology Partnership, 15/07/2025) and Bat Emergence Report (The Ecology Partnership, 05/08/2025), 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, to protect species and habitats 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. To provide biodiversity enhancements as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and local policy.
25. No development shall take place until an ecological design strategy (EDS) addressing ecological compensation and enhancement, to include bee, bat and a minimum of 10 swift bricks/boxes and soft landscaping of value to

wildlife, has been submitted to and approved in writing by the local planning authority. Measures should be informed by and in broad accordance with recommendations in the Preliminary Ecological Appraisal and Preliminary Roost Appraisal (The Ecology Partnership, 15/07/2025) and Bat Emergence Report (The Ecology Partnership, 05/08/2025). The EDS shall include the following: extent and location / area of proposed works on appropriate scale maps and plans; type and source of materials to be used where appropriate, e.g. native species of local provenance; and details of any initial aftercare and long-term maintenance and monitoring/remedial measures, where applicable. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure provision of 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 187 and 193 of the NPPF (December 2024) and local policy.

26. Deemed Biodiversity Gain Plan Condition:

No development (including any demolition, site clearance or enabling works) shall take place until:

- a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Feasibility Assessment dated August 2025 and the Preliminary Ecological Appraisal dated July 2025, both prepared by the Ecology Partnership); and
- b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition"). Also to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

27. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

28. The development hereby permitted shall not be commenced until a scheme for the provision of affordable housing has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that a minimum of 30% of the residential accommodation to be provided will be affordable housing and will include details regarding the exact numbers, type, tenure and location of the affordable housing units.

Reason: To ensure the development delivers affordable housing in accordance with Policy CP20 of the Brighton & Hove City Plan Part One.

29. The development hereby permitted shall not be commenced until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy.

Reason: To ensure that development contributes to employment and training opportunities in the City and to comply with Policy CP7 of the Brighton & Hove City Plan Part Two.

30. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

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 is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

5. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
6. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
8. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.
9. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).
10. To align with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22

11. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control of transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
12. Buildings/structures and vegetation within and in proximity to the site offer potential habitat for nesting birds. 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 of being built. Planning consent for a development does not provide a defence against prosecution under this Act.

2. SITE LOCATION

- 2.1. The application site comprises a 0.14ha corner plot of land at the junction of Cowley Drive and Green Lane within the Woodingdean area. Within the site is the now vacant former Toby Inn public house and its associated car park with a grassed area to the south. The former public house is a part two, part three storey brick building with a tiled roof and has been closed to the general public for approximately twenty years.
- 2.2. The site slopes downwards both from north to south and west to east so that the existing residential properties to the south and east sit on a lower ground level than the existing public house.
- 2.3. The area is residential in character, with the properties in the immediate vicinity comprising predominantly two storey terraced dwellings, but there is a parade of shops and services immediately to the north and a church to the north-west. The wider Woodingdean area is bounded on all sides by the South Downs National Park.
- 2.4. The site is located within Flood Zone 1 so has a low probability of flooding but is within a Source Protection Zone.
- 2.5. The site is relatively well served by buses with two bus stops in close proximity to the site. There are no Controlled Parking Zones in the area but there are double yellow lines extending around and beyond the site.

3. RELEVANT HISTORY

The planning history for this site is as follows:

- 3.1. **PRE2025/00173** - Redevelopment of the site by demolition of the existing public house and provision of 10 dwellings.
- 3.2. The principle of development was supported subject to further justification for not reinstating the public house use. Concerns were also raised regarding the impact on the amenities of neighbouring properties to the south. Amongst other things, recommendations to increase the garden sizes and provide a parking capacity survey were also made.
- 3.3. **PRE2025/00109** – Redevelopment of the site to provide 6 family houses.
- 3.4. **BH2020/00678** - Application for variation of conditions 2 and 7 of application BH2014/03230 to allow improvements to the layout and provide for a reduction in the number of units. – Approved 6 July 2020
- 3.5. **BH2019/03717** – Non-Material Amendment to BH2014/03230 to change description of development to: Extensions and alterations to existing building to facilitate change of use from public house (A4) to short term lets (Sui Generis). – Approved 11 February 2020
- 3.6. **BH2018/02497** - Application for approval of details reserved by conditions 3 and 5 of application BH2014/03230. – Approved 7 February 2019
- 3.7. **BH2015/04379** - Application for Approval of Details Reserved by Condition 4 of application BH2014/03230 – Approved 15 August 2016
- 3.8. **BH2014/03230** - Extensions and alterations to existing building including rooms in roof to facilitate change of use from public house (A4) to short term lets (Sui Generis) comprising of 16no self-contained rooms and 2no self - contained studios. Refused but allowed on appeal.
- 3.9. **BH2014/02105** - Extensions and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Hostel (Sui Generis). Refused 3 September 2014
- 3.10. **BH2014/00492** - Extension and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Public House and Hostel (A4/Sui generis). Refused 17 April 2014
- 3.11. **BH2013/03082** - Extension and alterations to existing building to facilitate change of use from Public House (A4) to Public House (A4) and Hotel (C1). Refused 8 January 2014

4. APPLICATION DESCRIPTION

- 4.1. The application is submitted by Brighton & Hove City Council and seeks planning permission for ten affordable new dwellings consisting of five houses and five flats.

- 4.2. The proposed flats would be located within a three-storey block in the north-west of the site fronting on to Green Lane and comprise a 1 x 3 bed 5 person unit and 4 x 2 bed 4 person units.
- 4.3. Two of the proposed houses would adjoin the flat block to the east, and the other three houses would form a terrace to the south of the flat block, fronting on to Cowley Drive. All five houses would be 3 bed 5 person units and would be two-storey.
- 4.4. The proposed buildings would be constructed of brick, with a darker contrasting brick plinth at ground floor level, and would all have grey slate roofs.
- 4.5. Due to the topography of the site, the buildings would be sunken into the site and would sit on a lower level than Cowley Drive.
- 4.6. Each proposed house would have a private rear garden, and the ground floor flat would also benefit from a private rear garden space. The first and second floor flats would have external balconies.
- 4.7. Vehicular access would be at the eastern side of the site via Green Lane and would lead to a car park with five spaces. Two pedestrian accesses, one of which is a level access, are proposed from Cowley Drive serving the row of three houses, and two pedestrian accesses, one of which is a level access, are proposed from Green Lane serving the flat block and two dwellinghouses.
- 4.8. During the course of the application the proposed development has been amended as follows:
- The terrace of 3 houses has been realigned, and moved an additional 1m from the southern boundary to reduce the impact on the neighbouring property to the south, and
 - One parking space has been omitted to improve the accessible space and provide an accessible path to the west of the new access road.

5. REPRESENTATIONS

- 5.1. Objections were received from **Eleven (11) individuals**. The objections relate to the following:
- New access road will introduce vehicle movements, headlights, noise and general activity immediately behind properties on Stanstead Crescent
 - Overall height, intensity and density of development represent a significant change and overdevelopment of the plot
 - Three-storey block out of character with family homes
 - Loss of outlook, light and privacy
 - Insufficient parking provided in an area with existing parking problems
 - Proposal will result in traffic congestion
 - Insufficient public consultation
 - Loss of a community asset

- Insufficient capacity at Woodingdean Medical Centre
 - Loss of views towards the South Downs
 - Proposal would provide an unsatisfactory living environment and lack of open space
 - Proposal could result in anti-social behaviour, and
 - Proposals do not provide sufficient electric vehicle charging infrastructure
- 5.2. **One (1)** comment was received neither objecting nor supporting the scheme but requesting swift bricks are incorporated into the proposal.
- 5.3. **One (1)** letter of support has been received on the following grounds:
- Pub looks rundown and unsightly and is no longer viable, and
 - Once the development is completed the site will be vastly improved
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Arboriculture:** No objection subject to a Tree Protection Plan condition which also incorporates the two elm trees within the grassed verge.
- 6.2. **Employment Strategy:** No objection subject to a local Employment and Training Strategy being sought along with a contribution of £4,200 towards the Council's Local Employment Scheme.
- 6.3. **Net Zero Team:** No objection subject to planning conditions relating to the following:
- Energy Performance Certificate B
 - No more than 110 litres per person per day maximum indoor water consumption
 - Final layout of rooftop solar panels
 - Site Waste Management Plan
- 6.4. **Planning Policy:** No objection but make the following comments.
- With regards to the loss of the pub, the applicant has submitted a
 - statement by Austin Gray Estates who act as agents for the leaseholders. This sets out a number of issues with the site impacting on viability including: long term vacancy, negative history, location, derelict condition, short length of lease and market conditions facing hospitality sector. The statement concludes that the combination of these issues make reopening the site as a pub unviable. This is accepted in this case.
 - The fact that the loss of the pub on this site has previously been found acceptable is a material consideration.
 - Provision of 10 affordable dwellings would be welcomed and would contribute towards the CPP1 CP1 housing target as well as significant need for affordable housing. 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).

- The proposed mix of 2 and 3 bedroomed dwellings is considered acceptable and accords with CPP1 policy CP19.
- The proposed density would meet CPP1 policy CP14 requirements which is welcomed.
- The BNG assessment indicates that a net loss on site will be achieved and that off-site BNG will be secured from the Iford Estate. This should be secured by a S106. Comments from the County Ecologist should be sought in this regard.

6.5. **Strategic Housing and Development:** No objection

This development will provide a total of 10 dwellings made up of 5 houses and 5 flats. This means that 3 homes would need to be affordable to meet policy. As this development is being built by the council through their in-house Small Sites Team, all 10 homes (100%) will be provided as affordable rented homes.

6.6. **Sustainable Drainage:** No objection subject to planning conditions relating to the following:

Results of BRE 365 testing confirming the ground infiltration close to the location of the proposed soakaway, and following this:

- Calculations showing that the proposed drainage will function as intended
- A final drainage layout drawing showing the size and location of all drainage elements, including any rainwater harvesting

6.7. **Sustainable Transport:** No objection subject to the following conditions:

- Reinstatement of redundant vehicle crossing
- New/amended crossover
- Cycle parking scheme
- Disabled parking
- Carpark Management Plan

6.8. **Urban Design:** No objection

The proposal represents a well-considered redevelopment of a long-vacant brownfield site, delivering a modest intensification with a clear suburban grain response. The scheme adopts a contextual approach to scale, form and materiality, reflective of the prevailing 1950s/60s residential character.

6.9. The principle of residential redevelopment is supported. The site has been vacant for a prolonged period and is identified by BHCC as suitable for increased housing provision, contributing to affordable housing delivery.

6.10. The scheme demonstrates strong site-led design, particularly in its response to topography, street frontage and housing typologies. However, some elements of landscape provision, parking integration and spatial quality warrant refinement.

- 6.11. Clear Positives:
- Efficient use of a previously developed site to deliver 10 affordable homes.
 - Strong alignment with existing suburban typology including pitched roofs and brick materiality.
 - Sensitive response to site levels enabling appropriate massing and reduced visual impact.
 - Clear urban structure with defined street frontage and corner emphasis.
 - Inclusion of accessible housing (M4(3)) and family-sized homes.
- 6.12. Areas Requiring Significant Progress:
- Limited on-site parking relative to standards.
 - Constrained landscape provision due to site density.
 - Small private garden depths for family housing.
 - Need for further articulation of public realm and communal spaces.
- External Consultees
- 6.13. **County Archaeologist:** No objection subject to conditions relating to the following:
- A programme of archaeological works
 - Archaeological site investigation and post-investigation assessment
- 6.14. **County Ecologist:** No objection subject to conditions relating to the following:
- Compliance with existing reports
 - Ecological Design Strategy
- 6.15. **Southern Water:** No objection but require conditions and informatives in relation to the following matters:
- The developer must advise the local authority in consultation with Southern Water of the landscaping proposals in proximity of public apparatus.
 - Southern Water requests formal notice of any demolition work to safeguard the existing water supply apparatus.
 - No development to commence until details of foul sewerage and surface water disposal submitted.
 - Where a SuDS scheme is to be implemented, drainage details specified to the Local Planning Authority should specify the responsibilities of each party, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development.
- 6.16. Full details of consultation responses received can be found online on the planning register.

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 (March 2016);
- Brighton & Hove City Plan Part Two (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 (JAAP) 2019.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

CP1 Housing Delivery
CP2 Planning for Sustainable Economic Development
CP7 Infrastructure and Developer Contributions
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban Design
CP13 Public Streets and Spaces
CP14 Housing Density
CP16 Open Space
CP19 Housing Mix
CP20 Affordable Housing
SA6 Sustainable Neighbourhoods

Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix
DM18 High Quality Design and Places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM31 Archaeological Interest
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
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03: Construction and Demolition Waste
SPD11: Nature Conservation and Development
SPD14: Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and massing; housing mix and tenure; standard of accommodation; impact on residential amenity; sustainable transport; sustainability; and landscape, arboriculture and biodiversity.

Principle of Development

Loss of public house

- 9.2. Policy DM10 of the City Plan seeks to protect public houses and states that planning permission will only be granted for their loss where:
- 'a) it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future; and*
 - b) It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality.'*
- 9.3. It is understood that the existing public house on the application site has been vacant since 2006 when it was closed down following an incident at the pub. Whilst no recent marketing of the public house has taken place, it is acknowledged that its loss was previously found acceptable through the approval of planning application BH2014/03230, which was allowed on appeal and permitted the change of use of the public house to short term lets. Whilst this earlier planning permission is no longer extant, it is considered to be a material consideration.
- 9.4. Justification for the loss of the public house has been provided on behalf of the applicant by Austin Gray Estates who act as agents for the leaseholders setting out the following issues;
- Long term vacancy
 - Negative history including incidents of crime reducing its attractiveness for continued use
 - The location of the public limits its potential customer base
 - Its current condition requires significant investment which is unlikely considering the limited lease remaining
 - Difficult market conditions faced by the hospitality sector due to increased operational costs.
- 9.5. The Council's Planning Policy team have accepted this justification as sufficient to meet the requirements of part (a) of the policy. Part (b) of DM10 places a preference on the reuse of a public house site for alternative community facilities. Whilst no information has been submitted in respect of its use for alternative community facilities, it is also recognised that the proposal would provide affordable houses for which there is a significant need in the city and would therefore provide community benefits in this regard.

Housing

- 9.6. Policy CP1 of 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 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.7. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.8. 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).
- 9.9. The provision of 10 affordable dwellings would make a modest but notable contribution to reducing the housing supply shortfall.

Design, Appearance, Layout, Scale and Massing

- 9.10. Policy CP12 (Urban Design) of the City Plan Part 1 states, amongst other things, that all new development will be expected to:
1. Raise the standard of architecture and design in the City;
 2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 3. Achieve excellence in sustainable building design and construction;
 4. Conserve or enhance the city's built and archaeological heritage and its settings;
 5. Have regard to impact on the purposes of the National Park, where within the setting of the National Park;
 6. Protect or enhance strategic views into, out of and within the city;
 7. Be inclusive, adaptable and accessible;
 8. Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and
 9. Incorporate design features which deter crime or disorder and the fear of crime.
- 9.11. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.

- 9.12. The proposed development would provide five terraced houses and a three-storey block, comprising five flats. The proposed development would have a density of 71 dwellings per hectare, which would exceed the minimum required density of 50 dwellings per hectare, as required by policy CP14 of the CPP1. The proposed development is considered to represent an efficient use of the site without appearing cramped or over-developed and takes cues in terms of density from the flats to the north as well as the terraced properties to the south.
- 9.13. The proposed houses would be two-storey in height and therefore comparable to the existing dwellings on Cowley Drive, with a ridge height that would be no higher than the existing public house. Whilst the proposed dwellings would be higher than the properties to the south on Cowley Drive, this is primarily due to the topography of Cowley Drive, which slopes upwards from south to north. Whilst the proposed dwellings would have front facing gables rather than the hipped roofs more commonly found on Cowley Drive, there are other examples of front facing gables on both sides of Cowley Drive so it is not considered that the design of the proposed houses would appear incongruous in the streetscene.
- 9.14. The proposed flat block would have the same architectural style as the proposed houses, but with an additional storey. Whilst this flat block, which would have the appearance of two tall townhouses, would be notably higher than the existing and proposed houses on Cowley Drive, and would also notably exceed the height of the existing public house, it would instead respond directly to the block to the north of the site, on the other side of Green Lane. The positioning of the proposed flat block on the north-west corner allows for this additional height to be provided without appearing out of character, particularly when having regard to the aforementioned block on the other side of Green Lane. Additionally, the proposed flat block is also sunken into the ground so that it sits at a lower level than Cowley Drive itself, partially reducing its impact on the streetscene.
- 9.15. The proposed material palette would mainly comprise brick, with additional architectural interest added by the inclusion of a contrasting darker brick plinth at ground floor level. Grey slate roof tiles are also proposed. Whilst it is acknowledged that the use of slate tiles varies from the red/brown tiles used on the surrounding buildings, it is considered that the use of grey slates would complement the more contemporary appearance of the proposed dwellings and would not be harmful to the overall character of the area. The proposed windows would be aluminium framed with a bronze/olive tone. Further details of materials would be secured by planning condition, including details of proposed boundary treatments.
- 9.16. It is noted that the ground floor windows do not align with the first and second floor windows on the west elevation of the proposed flat block due to the fact that the ground floor layout differs to the first and second floor layout. Whilst this inconsistent window arrangement is not considered to be ideal, the differences in floorplans between the ground floor and the first and second floors are acknowledged, and it is also noted that due to the topography of the

site, the ground floor of the flat block sits on a lower level than Cowley Drive. Therefore, with the proposed additional landscaping and the boundary wall in place, the ground floor windows would not be particularly prominent on the streetscene. Overall, the misalignment of windows on the west elevation is not considered to cause any significant harm to the building or streetscene.

- 9.17. The size of the site does not allow for substantial amounts of landscaping but there would be a landscaped strip adjacent the western and northern boundaries and along the western side of the access road. Further details of landscaping of the site would be secured by condition.
- 9.18. The scale, design and layout of the proposed development and its impact on the streetscene is therefore considered to be acceptable and it is not considered that the proposal would conflict with policies CP12 of the City Plan Part One or DM18 of the City Plan Part Two.

Housing Mix and Tenure

- 9.19. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 states that the Council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. This is supported by policy CP19 (Housing Mix) of the CPP1 which aims to improve housing choice and ensure an appropriate mix of housing is achieved across the City.
- 9.20. Policy CP20 (Affordable Housing) of the CPP1 states that on sites of between 10 and 14 (net) dwellings, 30% affordable housing will be required.
- 9.21. The application is submitted by Brighton & Hove City Council and proposes 100% affordable rented housing which, given the significant need for affordable housing in the City, is strongly supported. A minimum of 30% affordable housing (3 units) would be secured via a planning condition in line with Policy CP20.
- 9.22. Having regard to the proposed housing mix, the development would provide the following:
- 5 x 3 bed 5 person houses
 - 1 x 3 bed 5 person flat
 - 4 x 2 bed 4 person flat
- 9.23. This equates to a housing mix of 40% 2 bedroom units and 60% 3 bedroom units. The preferred affordable housing mix for the City set out Policy CP20 of the CPP1 requires 30% one bed units, 45% two bed units and 25% 3+ bedroom units. Whilst the proposal does not fully reflect the requirements of policy CP20, the proposed mix of 2 and 3 bedroom dwellings is considered acceptable on this site in this location, particularly given the difficulty of providing larger homes suitable for families across the City.
- 9.24. One of the proposed units (the ground floor unit of the flat block) would meet Building Regulations M4(3) 'wheelchair accessible' standard and the remaining units would meet Building Regulations M4(2) 'accessible and

adaptable' standard, in accordance with Policy DM1. Such provision would be secured via a condition.

Standard of Accommodation

- 9.25. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units should meet the Nationally Described Space Standards (NDSS). The proposed residential units would comply with this policy and meet (or in the case of the ground floor flat exceed) the minimum floor areas required by the NDSS.
- 9.26. All the proposed residential units would, at the very minimum, have dual aspect. The proximity of the northern elevation of the houses fronting on to Cowley Drive would be close to the southern elevation of the flat block (approximately 5m at its closest point). This close relationship has been exacerbated by the fact that the terraced houses have been moved northwards by a one metre to reduce the impact on the existing property to the south. Whilst this would restrict the outlook and light available to the windows on the southern elevation of the flat block, it is not considered that this would be so harmful to the amenity of future occupiers as to warrant a reason for refusal of planning permission. There are no windows proposed in the northern elevation of the northern most sited house in the proposed terrace, and as such outlook to the north would not be impacted by the close proximity of the flat block
- 9.27. All five proposed houses would benefit from a private rear garden. Whilst these gardens are relatively modest in size, it is considered that they would provide sufficient outdoor space for a 3 bed, 5 person dwelling.
- 9.28. The ground floor flat, which is also a 3 bed, 5 person unit, would benefit from a substantial private rear garden although it is acknowledged that for a significant part of the day this garden would be in the shadow of the proposed houses fronting on to Cowley Drive. Whilst this is not ideal, the rear garden would still benefit from light in the morning and late afternoon evening and is therefore not considered to be unacceptable. The first and second floor flats, all of which are 2 bed 4 person units, would have external balconies which is considered acceptable and a fairly standard arrangement for flats located above ground floor level. The garden of the ground floor flat would be overlooked by the flats above and their associated balconies, but this is fairly commonplace for flats and cannot be easily resolved.
- 9.29. The standard of accommodation is therefore considered to be acceptable and would accord with Policy DM1 of the CPP2.

Impact on Amenity

- 9.30. Policy DM20 of the CPP2 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.

- 9.31. The closest properties to the proposed development are 102 Cowley Drive, and 31, 33 and 35 Stanstead Crescent, all of which adjoin the site. It is considered that the most affected property would be 102 Cowley Drive, which is immediately south of the application site. The proposed terrace of three houses would be to the north of No.102 so there would be no loss of sunlight to this property as a result of the proposals. However, there would be some loss of outlook as the closest proposed dwelling would extend significantly beyond the rear wall of No.102. In order to reduce the impact on the outlook of this neighbouring property, the proposed development has been amended during the course of the application to relocate the closest proposed dwelling an additional metre from the boundary with No.102. In addition, the building line of the proposed terrace of dwellings has been shifted forward slightly so that the rear of the terrace does not extend as far beyond the rear elevation of No.102. As a result of the amendments, it is considered that the impact on No.102 is now acceptable.
- 9.32. The proposed buildings are set some distance from the properties on Stanstead Crescent. The closest property on Stanstead Crescent is No.35, which is located approximately 20 metres from the nearest proposed building. It is acknowledged that the application site sits on a higher ground level than the properties on Stanstead Crescent which would exacerbate the impact on these properties. However, in order to reduce the impact on these properties the three-storey element of the proposed development has been located in the north-west of the site with the proposed houses closest to Stanstead Crescent being two-storey.
- 9.33. It should also be noted that the existing pub is located a comparable distance to the proposed two storey dwellings so it is not considered that the impact on No.35 would be unacceptable, particularly having regard to the existing situation. The distance between the proposed terrace of three dwellings facing Cowley Drive and the properties on Stanstead Crescent is around 37 metres which is considered to be a reasonable separation distance despite the difference in ground levels.
- 9.34. A number of objections received have raised the issue of a loss of view of the South Downs as a result of the proposed development. However, whilst regrettable, the loss of such a view is not considered to be a material planning consideration.
- 9.35. Having regard to privacy impacts, there would be no windows on the east side elevation of the nearest dwelling to Stanstead Crescent, and no windows in the south elevation of the closest dwelling to 102 Cowley Drive. Concerns have been raised about the views available from the proposed balconies serving the first and second floor flats. However, these balconies are located approximately 20m from the shared boundary with the closest property on Stanstead Crescent and around 35m from the actual dwelling at 35 Stanstead Crescent. The privacy impacts are therefore not considered so harmful as to warrant a refusal of planning permission or to justify the provision of privacy screening on the balconies.

- 9.36. Some concerns have been raised by residents regarding the proposed access road to the east of the site and the impact of the comings and goings associated with vehicles using this access road to utilise the proposed car park. However, the car park provides space for five vehicles only and it is not considered that this would result in any degree of high intensity vehicular use that would have an unacceptable impact on nearby residents.
- 9.37. Overall, it is not considered that the impact of the proposed development would be so harmful as to warrant a refusal of planning permission. The impacts on the outlook, sunlight and privacy available to neighbouring properties are not considered to be significant. Whilst some minor impacts have been identified, these also need to be weighed against the benefits of providing 10 new affordable residential units and this balance is considered further in the conclusion of this report.

Sustainable Transport

- 9.38. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).
- 9.39. The main vehicular access to the site would be via Green Lane and would lead to a car park providing five spaces. The Local Highway Authority consider the new access to be provided is in an acceptable location and it should also be noted that it is only slightly further east than the existing vehicular access to the public house.
- 9.40. The latest census data suggests that the average amount of car ownership for this development would be 12 cars in total which may result in an overspill of 7 cars on to the public highway. Whilst the applicant has not undertaken a parking survey to establish available parking capacity on the highway, given the relatively limited parking overspill and the fact that many of the neighbouring properties have their own off-street parking spaces, making it more likely that space is available on street overnight, the Local Highway Authority have stated that they would not wish to object to the under-provision of parking in this instance. It should be noted that the number of parking spaces has decreased from 6 to 5 over the course of the application to provide an improved accessible space with direct access to a new accessible path to the west of the proposed access road. When the Local Highway Authority commented on the proposal, 6 spaces were provided. However, the additional parking overspill on to the highway of one more car is still not considered to have a significant impact on the highway and verbally the Highway team have confirmed that they support the addition of an accessible path running alongside the main vehicular access which has resulted in less space for parking.
- 9.41. Given the proposed development would incorporate one M4(3) wheelchair unit, one accessible parking space and one ambulant user bay for visitors

would be required. There is only one accessible parking space being provided as part of the proposal which does not comply with the Department for Transport's Inclusive Mobility Standards. However, the Local Highway Authority consider that this issue can be resolved pursuant to a relevant parking condition rather than prior to the determination of the application. It is considered by the Local Highway Authority that the additional ambulant user bay for visitors is not essential given the availability of on street parking in the vicinity of the site.

- 9.42. In accordance with SPD14: Parking Standards, 19 cycle spaces would be required for a development of this size. Cycle storage/parking facilities for residents and visitors are shown in three different locations on the submitted drawings, including one internal storage area. Whilst exact cycle parking numbers are not specified on the drawings, there are no concerns that 19 spaces could not be provided and so further details relating to cycle parking will be secured via planning condition.
- 9.43. With regard to access for wheelchair users, a level access into the site would be provided from Cowley Drive and Green Lane. Disabled access from the proposed car park to the M4(3) wheelchair accessible unit would be via the path on the western side of the proposed access road.
- 9.44. Whilst the limited on-site parking for this proposal is acknowledged, the Local Highway Authority raise no objection to the proposed development and the NPPF states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'
- 9.45. It is not considered that lack of parking and potential overspill would result in an unacceptable impact on highway safety or have a severe impact on the road network. Additionally, any impacts on the highway network would need to be weighed against the benefits of providing 10 affordable residential units and this balance is considered further in the conclusion of this report.

Sustainability

- 9.46. Policy CP8 of the City Plan Part One requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change. This policy is partly expanded upon and updated via DM44 of the City Plan Part Two.
- 9.47. The proposed development would be required to meet Part L of the Building Regulations, which requires a 31% reduction in carbon emissions against Part L 2013 standards. The roof plan also shows that a photovoltaic (PV) array will be provided on the roof of the proposed buildings.
- 9.48. Conditions would be added to any planning consent to ensure that the residential units achieve a minimum EPC rating 'B', and an indoor water

consumption efficiency standard of no more than 110 litres per person per day.

Biodiversity, Landscape and Arboriculture

- 9.49. Policy DM37 (Green Infrastructure and Nature Conservation) of the CPP2 states that 'development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.'
- 9.50. The policy goes on to state that 'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'
- 9.51. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 9.52. Given the proposed development is classified as a 'major' development, there is a requirement to provide 10% Biodiversity Net Gain (BNG).
- 9.53. Policy DM22 (Landscape Design and Trees) of the CPP2 states, amongst other things, that 'development proposals will be required to retain, improve and wherever possible provide appropriate landscape elements/landscaping, trees and planting as part of the development.'
- 9.54. The existing ecology on the site is relatively limited, and the site comprises a mixture of buildings, hardstanding, grassland and ornamental planting. The area of grassland is of a longer sward and is classified as other neutral grassland (ONG). Whilst there are some trees within the site, these are all trees of a small size with limited arboricultural value (category grading C) and would not warrant protection. However, there are trees outside of the site but in close proximity to it that will need to be protected during construction.
- 9.55. A bat emergence survey has been undertaken but no bats were recorded emerging during the survey.
- 9.56. Nevertheless, the BNG assessment states that the proposals will result in a - 34.33% loss in area habitats on site and that required units will be purchased from an off-site provider. Whilst there are limited opportunities to provide significant amounts of BNG on site, there are opportunities to provide some ecological enhancements including landscaping (trees, native species hedgerows/shrubs etc.), bird nest boxes, bee bricks, hedgehog boxes, log piles and green roofs on bin and bike stores. These will be secured by condition.

Other Planning Matters

- 9.57. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES).
- 9.58. Therefore, an Employment and Training Strategy is recommended to be secured via condition. With regards to securing the resources required to enable delivery of this and the BHLES, it is recommended that the Corporate Director for the project, i.e. the applicant, enters into a Memo of Understanding with the Local Planning Authority (LPA) to agree that fees of £4,200 be made available to the LPA (based on the council's Developer Contributions Technical Guidance).

Conclusion

- 9.59. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 9.60. The principle of residential development on the site is considered to be acceptable. The public house has been vacant for approximately 20 years, and sufficient justification has been provided as to why it is not viable to continue to use the building as a public house. Whilst alternative community uses have not been considered by the applicant, given the Council's lack of a 5 year housing land supply, the need for affordable housing in the City, and the increased weight given to housing in the NPPF, it is considered that the principle of residential development on the site is acceptable.
- 9.61. The scale, design and layout of the proposal is considered to be acceptable, and it makes efficient use of the site without resulting in overdevelopment.
- 9.62. All the proposed residential units would be affordable rented which is welcomed as this would exceed the policy requirement of 30% affordable housing as set out in Policy CP20 of the CPP1.
- 9.63. The proposed housing mix is considered to be acceptable having regard to the size of the development and its more suburban location, and it is therefore considered that it would not conflict with Policy CP20.
- 9.64. The Standard of Accommodation is considered acceptable as all units would meet the Nationally Described Space Standards, would include private outdoor space in the form of private gardens or balconies, and would have sufficient light and outlook.
- 9.65. Although there would be a loss of biodiversity on site, 10% BNG can still be gained through the provision of off-site BNG.

- 9.66. Whilst it is acknowledged there would be some impact on the amenities of neighbouring properties, it is not considered that the impacts identified above would be so harmful as to warrant a refusal of planning permission.
- 9.67. The Local Highway Authority have raised no objection to the proposed development subject to appropriate conditions and it is not considered that the proposal would have a significant impact on the highway network.
- 9.68. Any impacts associated with the proposal also need to be weighed in the planning balance against the benefits of providing 10 new affordable houses in a City with a 1.5 year housing supply. As stated above, increased weight therefore needs to be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11) and in this case, it is considered that the benefits of the proposal outweigh the impacts.
- 9.69. It is therefore considered that the proposed development would not conflict with national and local planning policies and planning permission is recommended subject to the conditions within the report.

10. COMMUNITY INFRASTRUCTURE LEVY

- 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. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, the proposed development comprises affordable housing, which is exempt from CIL, so it is anticipated that there will be no CIL liability for this proposed development.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined through an Equalities Impact Assessment that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 11.3. One of the proposed units would meet Building Regulations M4(3) 'wheelchair accessible' standard and the remaining units would meet Building Regulations M4(2) 'accessible and adaptable' standard, in accordance with Policy DM1.
- 11.4. In line with the Council's Parking Standards SPD, 1 accessible parking space would be provided for the proposed M4(3) unit.

