

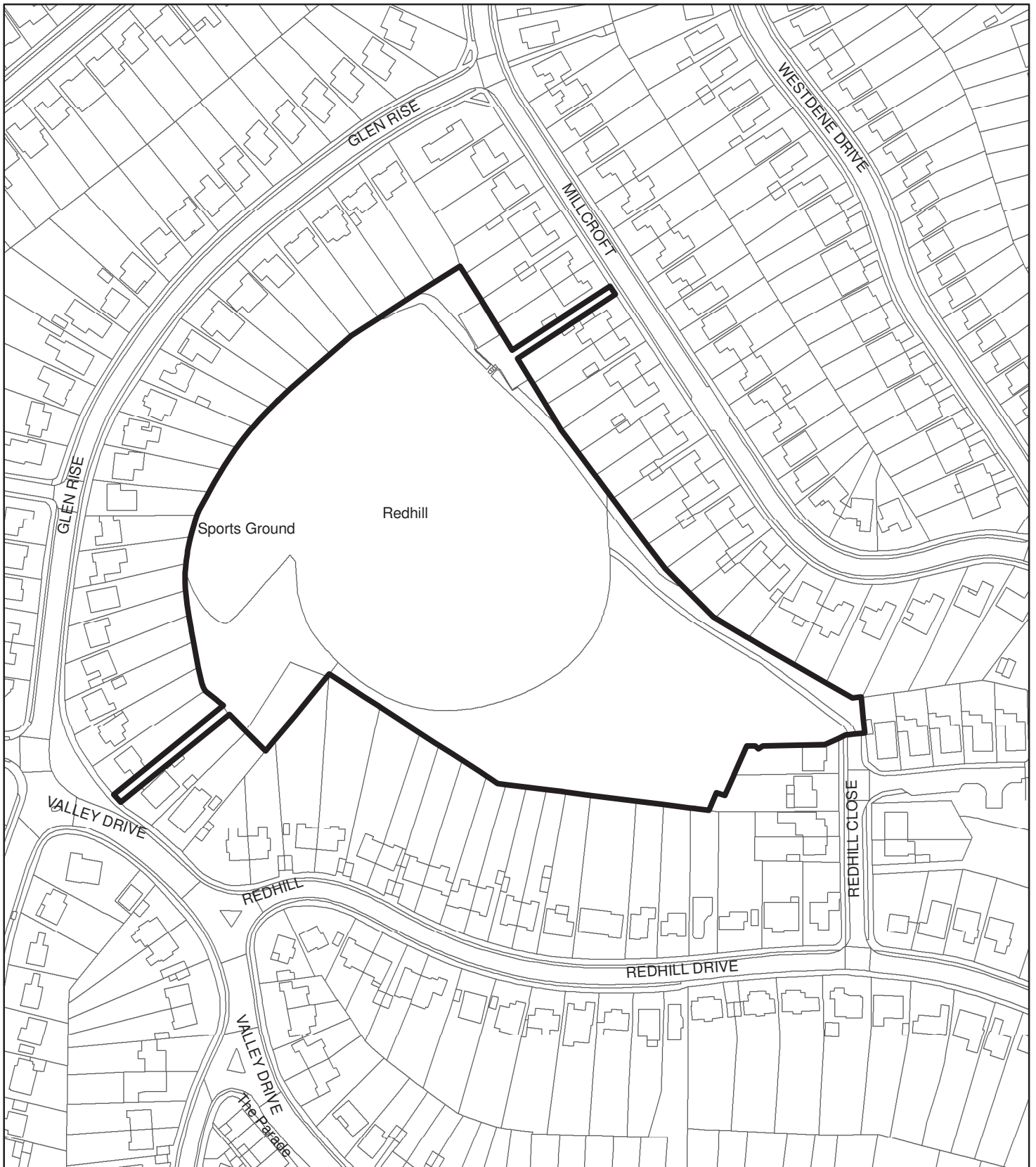
**PLANS LIST
ITEM A**

Land West of Redhill Close, Brighton

**BH2013/00293
Removal or variation of condition**

26 JUNE 2013

BH2013/00293 Land West of Redhill Close, Brighton



**Brighton & Hove
City Council**



Scale: 1:2,000

<u>No:</u>	BH2013/00293	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land West of Redhill Close Brighton		
<u>Proposal:</u>	Application for variation of conditions 8 and 13 of application BH2010/00692 (Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping) to change the wording within the condition to state that the development will achieve Sustainable Homes Code Level 4 in respect of plots 1-14 and block 1, and Sustainable Homes Code Level 5 in respect of plots 15-22 and block 2.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	15/05/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 Aug 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Bellway Homes (South East) Limited, Bellway House, London Road North, Merstham		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission, subject to the completion of a deed of variation to the Section 106 Obligation dated 13th May 2011 to refer to this revised application number and to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a disused private sports ground of approximately 2.73 hectares. There are three accesses into the site, from Millcroft, Redhill Close and Valley Drive; although the latter two are currently closed. It appears that the sports ground was last used for organised sport in 1992 and has since become overgrown. It contains a number of trees and is partially covered by a Tree Preservation Order.
- 2.2 The surrounding area is residential with the rear gardens of neighbouring properties backing onto the application site. Surrounding houses are generally at a lower level than the sports ground and have sloping rear gardens. There is a scout hut in the north-western corner of the sports ground, which shares the access from Millcroft.

3 RELEVANT HISTORY

BH2013/01520: Non material amendment to BH2010/00692 to replace the approved tree survey report and plan ref 09/105 rev:10 with the tree survey report and arboricultural impact assessment plan ref SJA A1A 12103-04. Under consideration.

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BH2013/00626: Reserved Matters application pursuant to outline permission BH2010/00692 for 31 dwellings (0.62ha) with public open space (2.11ha) and approval of reserved matters for layout, access and landscaping. Under consideration.

BH2011/03431: Application for variation of conditions 8 and 13 of application BH2010/00692 (Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping) to change the requirement for code for Sustainable Homes rating from level 5 to level 4. Refused 16/02/2012 for the following reason:-

1. *The development has been assessed as economically viable to be constructed to reach Code for Sustainable Homes Level 5. The approved application is for outline permission and there are no other constraints which have been identified to justify the reduction in the sustainability standards as outlined in Supplementary Planning Document on Sustainable Building Design (SPD08). The proposed variation of conditions 8 and 13 would be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD08).*

BH2010/00692: Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping. Approved 13/07/2011; conditions 8 and 13 of this outline permission state:-

- 8 *Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:*

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 13 *Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.*

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

4 THE APPLICATION

- 4.1 Planning permission is sought for a variation of conditions 8 and 13 of application BH2010/00692 to change the required Code for Sustainable Homes (CfSH) rating from Level 5 to Level 4 in respect of plots 1 to 14 and Block 1 only.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: 17 (seventeen) letters of representation have been received from **8 & 40 Glen Rise; 2, 3, 7, 9, 21 Redhill Close;** and **14, 16, 17, 21, 28, 29 (x2), 34, 39 & 66 Redhill Drive** objecting to the application for the following reasons:-

- The application is identical to one refused in February 2012, the applicant should have been aware of this;
- If development on a field is allowed it should be of the highest environmental quality;
- A Greenfield site should set a precedent for future development in the City;
- There is a trade-off between profits for the few and environmental costs;
- Object to loss of open space and the principle of development;
- Access to the site as open space is covered by covenants;
- The development would change the character of the area;
- Increased noise and traffic flow;
- Security problems as the plans suggest a low fence to car parking areas;
- The development could cause drainage problems and flooding.

- 5.2 **20 Glen Rise** comments that if the reduction is the only way for the project to go ahead then it would be acceptable; however, all other avenues should be explored first.

- 5.3 **Westdene and Withdean Community Association** object to the application as any support for BH2010/00692 was on the basis of exceptional benefits on offer to the local community, the minimum acceptable standard to develop a Greenfield site is Code 5. The application is the same variation which has already been proposed and refused. A lessening in recommended standards is likely to have serious adverse impacts on surrounding properties and the area as a whole.

- 5.4 **Cllrs Ann & Ken Norman** comment on the application – see attached letter.

Internal:

- 5.5 **Sustainability:** The value of negotiating the conditioned standards, where evidence demonstrates that the standard is not achievable for financial viability reasons, site constraints or technical constraints, is recognised.

- 5.6 An examination of the submitted documents has not demonstrated that there are technical constraints on this site that would prevent achievement of CfSH Level 5. In summary:

- The Energy report which is claimed to demonstrate that PV is the only option for improving performance and does not assess the range of technical

solutions that are available and might be suitable for this site that also generate *renewable heat* to contribute to space and water heating requirements.

- It is claimed that there is inadequate roof space to accommodate the capacity of PV that would deliver Code level 5. No assessment is provided which substantiate this claim and PV is not shown on any drawings.
- 5.7 The application for Variation of Conditions 8 & 13 proposes CfSH level 4. A CfSH Pre-assessment Report is submitted with this application which indicates that currently a low Level 4 is targeted. The report states that this score could be improved through increasing renewables installed and by improving the score within the 'materials' section. The report also shows that credits *may be* available in the following sections: Energy and carbon dioxide emissions; Water; Materials; Health & wellbeing; and Ecology.
- 5.8 It is recommended that the applicant is asked to reassess and improve their expected performance including assessing energy efficiency, renewable heat and capacity for PV. The applicant should explore:
- If not all, how many of the dwellings can achieve Code level 5.
 - If CfSh Level 5 is not met the delivery of Code level 5 in at least the Energy Sections of the CfSH (i.e. 100% CO2 reduction in regulated emissions) should be explored
 - If this cannot be achieved, the dwellings should aim to achieve a minimum of a *high* Code Level 4 overall (i.e. achieve a score of at least 76 points overall).
- 5.9 Further comments
The revised proposals for a mix of Code Level 4 & 5 are considered satisfactory in this instance.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size

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HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
SA6	Sustainable neighbourhoods
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Managing flood risk
CP12	Urban design
CP14	Housing density
CP16	Open space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of varying conditions 8 and 13 of planning permission BH2010/00692 on the level of sustainability, and the efficient use of resources, achieved by the development.

Background

8.2 Outline planning permission was granted at Planning Committee in March 2011 for the erection of 31 dwellings (0.62 ha) with public open space (2.11 ha) on the site. The decision notice was issued on 13th July 2011 following completion of a s106 agreement. The s106 included:-

- The provision of 12 affordable housing units (38.7% of the total);
- The transfer of 2.11 hectares of open space to the Council for recreational use, and the provision of infrastructure (to include, landscaping, informal

play space, footpaths / cycle ways and sports pitches) to an agreed specification;

- Transfer of the scout hut and a portion of the Open Space Land to the Scout Association;
- £151,000 Education Contribution;
- £37,000 Transport Contribution;
- £137,000 Open Space Maintenance Contribution; and
- £25,000 Outdoor Recreation Space Contribution.

- 8.3 A subsequent application was submitted to vary conditions 8 and 13 of this outline permission (as set out in section 3) and reduce the required Code for Sustainable Homes (CFSH) rating from Level 5 to Level 4 across the whole site. The applicant considered, as part of this 2011 application, that the requirement of CFSH Level 5 rendered the development unviable and, given the scheme would deliver additional benefits, a lower code level was justified.
- 8.4 The application was refused in February 2012. As part of this decision it was considered that development would be viable at CFSH Level 5, and that the community benefits delivered by the scheme (i.e. the provision of open space) were not negotiated extras above and beyond that needed to make the development acceptable. The ability of the development to achieve CfSH Level 5 was not raised by the applicant and as such was not considered.

Current application

- 8.5 The Council has adopted a Supplementary Planning Document on Sustainable Building Design, SPD08. This document requires that residential development on Greenfield sites achieves Code for Sustainable Homes (CfSH) Level 5. Conditions 8 and 13 of the outline planning permission were therefore necessary in order to ensure development was in accordance with SPD08.
- 8.6 As originally submitted the current application sought to vary conditions 8 and 13 and allow CfSH Level 4 for the whole development. A submitted pre-assessment indicated a score of 70.80 would be achieved for dwellinghouses and 69.75 for flats. These scores are within the lower range of a CfSH Level 4 score, which encompasses 68 to 83 points (CfSH Level 5 is 84-89 points). The supporting information considered that the CfSH Level achievable by the development was hindered by site constraints, limiting the amount of solar photovoltaics that could be provided as part of the scheme.
- 8.7 The supporting information also stated, however, that *'there are a number of notable areas that the score could be improved, notably, materials and renewable provision for the houses'*. The Sustainability Officer also commented that the CfSH score could be improved through increasing the use of renewables, by improving the score within the 'materials' section and possibly achieving additional credits available in the Energy and Carbon Dioxide emissions; Water; Materials; Health & Wellbeing; and Ecology sections of the assessment.
- 8.8 In response, the applicant has provided a further 'CfSH & Energy Review' document. This additional document indicates that CfSH scores and

photovoltaic installations have been maximised across the site, with a rationale provided as to why alternative renewable technologies, such as air & ground source heat pumps and biomass CHP, are unsuited to a development of this scale in this location.

- 8.9 In addition detailed pre-assessments for the development were provided. The pre-assessments indicate that 13 units would now achieve CfSH Level 5, and a score of 86.09. The remainder of the development would achieve a CfSH Level 4 and a score of at least 79.63. These scores represent a considerable improvement on those originally proposed by the application, with the Level 4 scores at the upper end of this rating.
- 8.10 The key factor limiting CfSH Level 5 being achieved for the whole development (and the remaining 18 units) is the amount of usable roofspace for photovoltaics, whereby design to some extent compromises the ideal form and orientation and therefore the CfSH credits that can be achieved by photovoltaic installations.
- 8.11 The amount and siting of residential development on the site was established by the existing outline planning permission, and this has formed the basis of the applicant's sustainability statements. While the detailed design is currently under consideration as part of a reserved matters application for the site (ref: BH2013/00626) the key principles do not diverge from those established at outline stage. It is therefore considered there is no scope to revisit form or orientation in order to accommodate additional photovoltaics within the scheme.
- 8.12 The proposed variation has been supplemented by the submission of additional information as part of the application process. The information is considered to demonstrate that the highest practicable CfSH Level has been achieved, with 13 units achieving CfSH Level 5. Whilst a number of units would fall within CfSH Level 4 the pre-assessment indicates a very high score within this range. The proposed variation of conditions is therefore considered acceptable and strikes an appropriate balance between site and design constraints and the achievement of the highest possible CfSH Level for development on the site. This approach is consistent with SPD08, which acknowledges that in considering the achievement of sustainability standards in developments, site constraints and technical viability will be taken into account.
- 8.13 For the reasons outlined it is recommended that conditions be imposed to secure CfSH Level 5 for the 13 units identified in the additional information submitted by the applicant, with CfSH Level 4 being required for the remainder of the development. The amended conditions are necessary in order to ensure the development achieves a high level of sustainability, are relevant to planning and the development permitted, are enforceable and precise, and reasonable in all other respects. The conditions are therefore considered to meet the six tests for conditions as outlined in Circular 11/95.

Other considerations

- 8.14 The recommendation is 'minded to grant' subject to the completion of a deed of variation to the Section 106 Agreement dated 13th July 2011 to refer to this

permission. This would secure the Heads of Terms agreed by Planning Committee in March 2011, including those relating to affordable housing, the transfer of open space for recreational use, and contributions, as part of the varied outline consent.

- 8.15 There have been numerous representations raising issues relating to the principle of development, which was considered at outline stage as part of BH2010/00692. This current s73 application only, though, relates to the acceptability of the sustainability conditions imposed. Matters relating to the principle of the development, transport, amenity and construction impacts are not material to the consideration of this current application.

9 CONCLUSION

- 9.1 The applicant has provided sufficient justification to vary the requirement for the development to meet Code for Sustainable Homes Level 5. The development would achieve Level 5 where possible (13 units) with the remainder of the development achieving a high Level 4 (18 units).

10 EQUALITIES

- 10.1 The development would be built to Lifetime Homes standards and would provide 12 units of affordable housing, with 1 unit being wheelchair accessible.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. The development hereby permitted shall be commenced before 13th July 2014 or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval before 13th July 2014:
 - (i) scale;
 - (ii) appearance;
 b) The reserved matters shall be carried out as approved.
 c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be carried out in accordance with the approved drawings and documents listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Survey	S01	A	09/03/2010

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Location Plan	S02		09/03/2010
Indicative Site Layout	P01		09/03/2010
Indicative Site Sections	P02		09/03/2010
Design Statement (OSP Architecture)			09/03/2010
Sustainability Statement and Checklist (Blue Sky Unlimited)			09/03/2010
Ecological Assessment (Hankinson Duckett Associates)			09/03/2010
Landscape and Visual Impact Assessment (Hankinson Duckett Associates), which includes drawing HDA5 – landscaping and ecological masterplan and HDA6 – playspace elements			09/03/2010
Flood Risk Assessment (Monson Engineering)			09/03/2010
Tree Survey Report (Simon Pryce Arboriculture)			09/03/2010
Open Space and Recreation Assessment (Humberts Leisure)			09/03/2010
Transportation Assessment (Motion Consulting)			09/03/2010
Waste Minimisation Statement			09/03/2010
CfSH & Energy Review (BBS)			29/05/2013

4. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control

any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

7. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

8. No residential development pursuant to plots 15-22 (inclusive) or Block 2 shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that development achieves Code Level 5 for these residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

9. No residential development pursuant to plots 1-14 (inclusive) or Block 1 shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that development achieves Code Level 4 for these residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

10. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11. No development shall take place until a Nature Conservation Report assessing current nature conservation interest and setting out a scheme to protect and enhance such interest as been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.
Reason: In the interests of nature conservation and in accordance with policy QD17 of the Brighton & Hove Local Plan.
 12. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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 policy QD27 of the Brighton & Hove Local Plan.
 13. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 11.3 Pre-Occupation Conditions:
14. Plots 15-22 (inclusive) and Block 2 shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that these residential units have achieved a Code for Sustainable Homes rating of Code Level 5 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
 15. Plots 1-14 (inclusive) and Block 1 shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that these residential units have achieved a Code for Sustainable Homes rating of Code Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
 16. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to

direct run-off water from the hard surfaces to a permeable or porous area or surface within the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

17. No development shall commence until a scheme to enhance the nature conservation interest of all of the land other than the open space land has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework 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. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed development of private open space which is overgrown and not accessible to the public with a development of 31 dwellings, of which 12 are affordable, and the transfer of approximately two-thirds of the land to the Council, laid out as open space with a sport pitch, informal play areas and enhanced ecological site, together with a maintenance contribution, represents a significant benefit to the local community. The proposal is considered to be acceptable in terms of access and layout and impact on the amenities of surrounding properties and highway implications.

The applicant has provided sufficient justification to vary the requirement for the development to meet Code for Sustainable Homes Level 5. The development would achieve Level 5 where possible with the remainder of the development achieving a high Level 4.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

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Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk and www.wrap.org.uk
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. There is currently inadequate capacity in the local network to provide foul sewage disposal to the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to serve the development. The applicants are advised to enter into formal agreement with Southern Water to provide the necessary sewerage infrastructure.
7. In the absence of adequate turning space for fire appliances the applicants are advised to contact the Fire Safety Officer to discuss the possible need to provide an automatic sprinkler system.

Brighton & Hove

COUNCILLOR ANN NORMAN COUNCILLOR KEN NORMAN
c/o King's House Grand Avenue Hove
BN3 2LS

Tel: 01273 291182

Guy Everest Planning Officer
Environmental Service Norton Road
HOVE BN3 3BQ
Cc Jeanette Walsh Ross Keatley
Abraham Ghebre-Ghiorghis

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Date: March 20¹

2013

Dear Mr. Everest,

Ref: Planning Application Number BH2013/00627

Address: Land West of Redhill Close

Approval of Details Reserved by conditions 6,7,8,9,10,11,12 and 15
Application BH2010/00692
Application type:

We are writing as elected members representing Withdean Ward in connection with Application Number BH2013/00627 by Bellway Homes (South East Ltd). In so doing, we wish only to represent the views expressed to us either personally, in writing, by telephone or by email. We wish to make clear once again, that we have no personal interest in this application by virtue of our own residence nor do we own a property in Redhill Drive, Redhill Close, Glen Rise, Hillcrest or Millcroft nor are any properties in the roads listed above occupied by any of our relatives.

As will be well established, this land has been subject to numerous earlier applications and the early history of this land is well documented as being left to the local residents of Withdean for sport and recreation activities.

On all of the previous applications since at least 1988 the elected members of Withdean Ward (previously named Westdene Ward) have consulted with residents in the immediate area to gain knowledge of the consensus of opinions expressed.

On this occasion like all of the previous applications we, as elected members, have hand delivered an information sheet or consultation letter to all residents in the immediate area giving as much information as was known and asked residents to consider the application. contact us with their views. and make a submission to the Planning Department.

We have met with the applicant, Bellway Homes and are grateful for the information provided to us and the willingness of this applicant to inform those residents who have homes that back onto or would be affected by this application.

COUNCILLOR REPRESENTATION

Those residents who responded tell us of reasons why they feel dissatisfied with the proposals and we list those reasons below:-

1. Application BH2013/00293 by Bellway Homes South East Ltd applies to change the wording within the condition to state that the development will achieve a Sustainable Homes Code Level 4 rather than level 5. A similar application, BH2011/03431 by Braybon Holdings Ltd in 2011, to change the requirement to code for Sustainable Homes rating from level 5 to level 4 was refused, the reason being given as "The development has been assessed as economically viable to be constructed to reach Code of Sustainable Homes Level 5". Therefore this development would be contrary to the following policies in the Brighton and Hove Local Plan 2005:- SU2 Efficiency of development in the use of energy.
2. Traffic concerns regarding access/egress from Redhill Drive and Redhill Close because of the width of both roads which currently often prove impassable for refuse collection vehicles and emergency vehicles. Residents also have concerns regarding insufficient car parking in the proposals which will cause overspill parking onto Redhill Close and Redhill Drive both of which are already well oversubscribed with vehicles wishing to park. Therefore this development would be contrary to the following policies in the Brighton and Hove Local Plan 2005:- QD27 Protection of amenity- planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and/or adjacent users, residents or occupiers.
3. The positioning and height of proposed residential units will be out of character and incongruous with the rest of the immediate area and will be a dominating feature on one of the highest points of the city. This development would be visible and destroy the skyline from many other view points across the city. Therefore this development would be contrary to the following policies in the Brighton and Hove Local Plan 2005:- QD2 Design- key principles for neighbourhoods (a) design of existing buildings, (b) topography and impact on skyline.

The colour, cladding and design of properties would also be out of character and the area. This development would be contrary to the following policies in the Brighton and Hove Local Plan 2005:- QD1 Design- quality of development (a) scale and height of development

Positive comments from residents include commitment to protect and relocate protected wildlife as well as the acknowledgement and importance of the continued use of the Scout and Guide Hut and its handover to the relevant organisation. The commitment to hand over the remaining land for recreational purposes is warmly welcomed but as elected members, we do have concerns about the long term prospects because of the limited funding that will be available via this application.

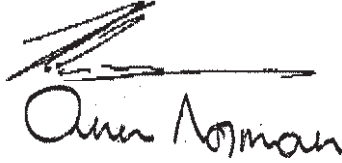
We ask that this letter be included in full with the application that will be going before the Planning Committee for decision and request permission for one of us to speak at that meeting.



PLANS LIST – 26 JUNE 2013

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

Yours Sincerely



Councillor Ann Norman

Councillor Ken Norman

Councillors Ken and
Ann Norman
Withdean Ward

