

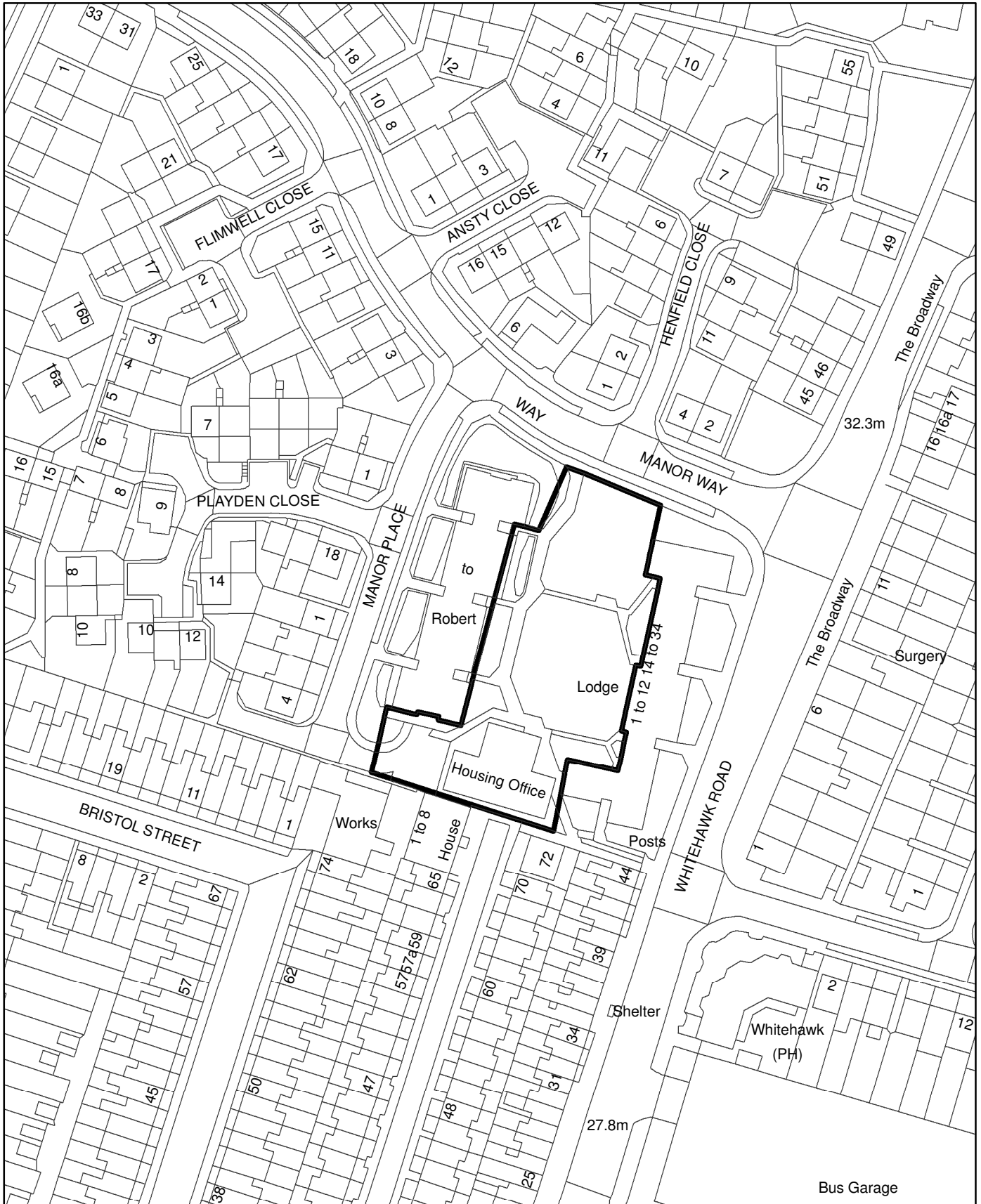
ITEM A

Robert Lodge, Manor Place, Brighton

**BH2014/02417
Council Development**

19 NOVEMBER 2014

BH2014/02417 Robert Lodge, Manor Place, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/02417	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Robert Lodge Manor Place Brighton		
<u>Proposal:</u>	Construction of two new 3 storey blocks of flats consisting of 8no one bed flats, 1no one bed wheelchair accessible flat and lift in the Southern block and 4no one bed flats and 2no two bed flats in the Northern block together with associated works including solar panels on the roofs of both blocks and the re-routing of the public footpath within the site.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	05 August 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 November 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Brighton & Hove City Council, Property & Design, Kings House Grand Avenue, Hove BN3 2LS		
<u>Applicant:</u>	Brighton & Hove City Council, Sam Smith, Kings House Grand Avenue, Hove BN3 2LS		

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 a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises Robert Lodge, two three-storey blocks of flats located at the junction of Whitehawk Road and Manor Way. The buildings sit parallel to each other on the eastern and western sides of the site with communal gardens and a public footpath set between. The basement level to the western block has been converted to form community rooms. A single storey pre-fabricated housing office sits on the southern part of the site.
- 2.2 The immediate area to the north, east and west is characterised by terraced houses set on land that rises to the west. Rugby Place leads to the southern part of the site and is a narrow residential street characterised by two storey plus basement Victorian terraces, with more modern three storey flats at the northern end. Rugby Place and the eastern building to Robert Lodge sit within a Controlled Parking Zone (Zone H).

3 RELEVANT HISTORY

75/2720(CD)- Demolition of existing 2-storey houses and provision of 69 flats in 3-storey units, with parking under one block, and doctors surgery. Approved 20/01/1976

93/0218/CD/FP- Enclosure of open area below building (to remove car parking facilities) and erection of building to form community rooms. Approved 18/05/1993

93/0385/CD/FP- Demolish existing depot and erect single storey accommodation for relocated Housing Offices. Provision of parking spaces (total 10) adj. new building, Robert Lodge and rear of 4 Manor Place and 12 Playden Close. Approved 02/11/1993

BH2001/02533/FP- 35-70 Robert Lodge- Change of use of basement store (use class C3) to craft centre (use class D1) with alterations to elevations. Approved 26/11/2001.

BH2004/02184/FP- Change of use of disused lower floor car parking area as a gymnasium (retrospective) and formation of new access door to rear elevation. Approved 03/09/2004.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of two three-storey buildings comprising a total of 15 flats. Six of the flats would be set within a building at the northern end of the site, with the remaining nine flats within a new building in place of the housing office at the southern end of the site. The southern building would attach to the eastern Robert Lodge block. All of the units would comprise affordable social rent housing.
- 4.2 The application also includes the re-routing of the public footpath through the site and associated reconfigurations to the parking bays to the southwest corner of the site and the communal gardens to both buildings.
- 4.3 The proposal has been amended during the course of the application to include rendered elements to both buildings, alterations to the parking arrangement, a further re-alignment to the footpath, and to provide greater clarity on the landscape proposals.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Fifty One (51)** letters of representation have been received from *Flats 2, 10, 12, 18, 20, 30, 32, 33 & 62 Robert Lodge; 3 (x2), 6, 10, 13, 21, 23, 27, 28, 29, 39, 40 (x2), 42, 43, 45, 48, 53, 54, 55, 56, 57a, 59, 60, 61(x2), Flat 3 Rugby House 67, Basement 70 & Unknown Rugby Place; 3 Manor Place; 6 Manor Way; 25 & 26 Princes Terrace; 31, 32, 36, 67 Bennett Road; 4 & Unknown Playden Close; 15 Bristol Street; 109 Craven Road; 7 Arundel Court, Arundel Road* objecting to the application for the following reasons:
 - The provision of social housing is supported
 - The south building is too big and exceeds the height of adjacent buildings and the former housing office. It will be dominating in views up Rugby Place, overbearing and block the skyline

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- The buildings are ill thought out and ugly monstrosities that will dominate Rugby Place negatively
- The dark featureless modern lump has no character or design merit, an eyesore
- The design of the buildings is atrocious and out of keeping
- The development would not be in keeping with the period Victorian housing on Rugby Place and will harm its character. The building should be 2 storeys with a render/stucco finish
- The buildings should be of a lighter coloured brick, not dark brick
- The southern building should be a storey lower
- The north side of Robert Lodge should not be built on. There is no justification for building on this greenfield site, it is garden grabbing
- Building a block of flats on the gardens to Robert Lodge is totally unacceptable
- The gardens should be improved
- Overdevelopment and increased population density
- Loss of social cohesion and community spirit in the neighbourhood
- The gardens and area would become claustrophobic being enclosed on all sides
- Loss of green space, communal gardens and trees. Wildlife nest in the trees
- Overlooking from the balconies in the south building. They should face north into the communal gardens instead or be removed.
- The balconies would add to street noise levels in Rugby Place and be used for storage and to hang washing
- Overlooking onto Manor Way gardens
- Loss of daylight and sunlight to Robert Lodge and Manor Way
- Overshadowing
- Overcrowding
- Increased noise echoing into Rugby Place
- Disruption, construction noise and length of construction works. Construction work should not be allowed on Saturdays and construction vehicles should not be allowed to use Rugby Place
- Noise and loss of privacy from re-routed footpath through the gardens
- Insufficient parking. The area is already heavily parked reducing access for emergency vehicles and causing safety issues. The parking surveys are out of date
- Parking for construction workers and residents should not be allowed on Rugby Place
- Increased anti-social behaviour from increased footfall. Residents already experience street drinkers, drug dealers, dog fouling and car crime. Access from Rugby Place to Robert Lodge should be cut off.
- The garden area will become unsafe
- The footpath should not access the northern end of Rugby Place
- The north end of Rugby Place should be gated to prevent access from Whitehawk Road
- There are other brownfield sites that should be built on instead
- Loss of quality of life for Rugby Place residents

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- Loss of house value
 - Insufficient drainage
 - The plans do not show the slope up Rugby Place or where the north building is to be set
 - It is unclear how the fence between the southern building and Rugby Place will appear and what size the trees will be
 - The land is contaminated
- 5.2 Following amendments, **thirteen (13)** letters of representation have been received from **2, 33 & 62 Robert Lodge; 26, 40, 43, 53, 56 (x2), 61, basement flat 70 & Unknown Rugby Place and 15 Bristol Street**, objecting to the proposed development for the following reasons:
- The northern building will be 5.5m from lounge windows and be overpowering.
 - The southern building is too large, overbearing and bulky and will still dominate Rugby Place despite the use of render
 - Loss of communal gardens
 - Parking problems
 - Overshadowing, loss of light, overlooking and loss of privacy
 - Loss of privacy and noise disturbance from the nine front balconies
 - The balconies should face onto the communal gardens
 - Noise and disturbance from additional traffic and the additional residents
 - Impact on residents health from building works, noise etc
 - The revised footpath would run directly beneath lounge windows
 - The top end of Rugby Place should be gated to prevent access
 - Occupants should be 50+
 - Building work should be Monday to Friday 9-5 only.
 - The planting does not adequately screen the southern building from Rugby Place
- 5.3 **The Robert Lodge Residents Association** comment that refuse and bicycle stores should be relocated, tree planting revised, and the footpath through the site be altered.
- 5.4 **Five (5)** letters of representation have been received from **14 (x2), 60 Robert Lodge; Flat 8 The Broadway Whitehawk Road; 3 Bennett Road**, supporting the application.
- 5.5 **Simon Kirby MP** has commented that constituents are raising concerns to him on the grounds of:
- The location of the buildings being too close to the existing flats
 - Overlooking for residents of Robert Lodge
 - The site should be used for alternative uses
 - The density of development is oppressive and too high
 - Loss of outdoor space for residents of Robert Lodge
 - Impact from additional traffic
- 5.6 **Councillor Morgan** has objected. A copy of the email is attached to the report

5.7 **County Archaeologist:** No objection

5.8 **Environment Agency:** No objection

5.9 **Sussex Police:** No objection

5.10 **Southern Water:** No objection

A public sewer crosses the site that will need diverting. A condition should be attached to any permission requiring the submission of measures to divert the sewer for approval prior to the commencement of development.

5.11 **East Sussex Fire and Rescue Service:** No objection

Internal:

5.12 **Ecology:** Comment

The trees to the north part of the site have the potential to support breeding birds and bats. The site is unlikely to support any other protected species and therefore no further mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.

5.13 **Education:** No objection

A contribution of £10,092.80 in respect of primary and secondary education is sought.

5.14 This development falls within the Queens Park and Whitehawk planning area in terms of primary place planning. This area is already showing a shortfall in the number of places available for primary age pupils. A development of 15 homes will increase this shortfall and therefore we would expect a financial contribution under a S106 agreement if this development proceeded.

5.15 In terms of secondary education this development falls into the Dorothy Stringer and Varndean catchment area. Both schools are full and oversubscribed and therefore a contribution in respect of secondary education would be required.

5.16 **Environmental Health:** No objection

Recommend approval, subject to conditions to deal with potential land contamination, lighting impact and to secure a Construction and Environmental Management Plan to address hours of operation and amenity impact from construction works.

5.17 Lighting has the potential to impact both the new users and residents introduced onto the site, but additionally any new lighting systems introduced might also adversely impact existing residents to the East and West of the site. Having considered drawing E003, it is unclear as to the scale and extent of the lighting or as stated, the impact that this might have. As such a lighting condition is necessary is ensure that both horizontal and vertical illuminance is appropriately considered and importantly, that it is considered in line with Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011).

- 5.18 It is well recognised that construction activities have the potential to disturb existing residents. For this reason, for larger builds, it is common to apply an obligation for the applicant to provide a CEMP through the section 106 process. This places the onus on the developer to further consider how the site may impact residents (in terms of noise, dust, light, vibration etc), when and why and what measures are necessary to prevent such adverse impacts. The Westridge Environmental Plan dated 21st July 2014 is deficient in a number of areas therefore it is appropriate to require a new CEMP.
- 5.19 **Housing:** Support
- 5.20 **Planning Policy:** No objection
The application form suggests that the office accommodation on this site has been vacant since January 2012 and that it was previously in use as a housing office by the council. It is understood that the council has been reorganising their housing office locations across the city. The office accommodation at this location appears to have been provided in a prefabricated building. The planning statement for the application goes on to state that the council's housing service and staff have been relocated to another site in Whitehawk and that the Manor Place site is no longer required for office space.
- 5.20 It is unclear how much office accommodation would be lost from this site. This should be clarified. The applicant should provide additional information to address the criteria of EM5 (or EM6 if less than 235sqm) i.e. whether this accommodation was marketed and if so for how long, the quality of the office accommodation etc.
- 5.21 Submission City Plan policy CP3.5 states that where release of employment land is permitted the preference for re-use will be for alternative employment generating uses or affordable housing.
- 5.22 Loss of Open Space
It is clear from the existing plans submitted that the open space would originally have functioned as a garden area for the use of residents of the building.
- 5.23 Policy CP16 of the City Plan seeks the retention of existing open space in the city, with loss of open space allowed only where certain criteria are met. The site most closely fits criteria (c) under this policy, in that the proposed development will only result in a small loss of open space. The applicant has stated that they plan to upgrade the remaining space which is considered to satisfy the policy criteria. These improvements should be secured via condition(s).
- 5.24 **Sustainability:** No objection
The proposed scheme addresses key aspects of sustainability policy. The units are proposed to be built to Code for Sustainable Homes (CSH) Level 4. Other sustainability features include: installation of renewable energy technology in the form of a 98m² roof mounted photovoltaic array; energy efficient design; passive design measures which include solar shading over south facing windows; use of sustainable materials and certified timber; greening of the site includes a green sedum roof covering 16m² and 16 trees to be planted on site; rainwater will be

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

collected for garden irrigation; and food growing is incorporated into plans for 10 fruit and nut trees and dedicated area in gardens of 100m² plus 10m² of raised beds.

- 5.25 Proposed main modifications to policy CP8 Sustainable Building, which were published in July 2014, amend the CSH standard being sought for all new housing (until 2016) to CSH Level 4. This has been made in response to the Planning Inspector's initial conclusions on the soundness of the City Plan. The proposed main modifications indicate direction of travel and are considered to be a material consideration. Whilst SPD08 recommends a standard of CSH Level 5 on Greenfield land, other benefits to the city are a consideration, and this scheme is proposing 100% affordable housing, therefore CSH Level 4 in addition to 100% affordable is considered to meet SPD08 standards also.
- 5.26 **Sustainable Transport:** No objection.
Recommended approval as the Highway Authority has no objections to this application, subject to the inclusion of the necessary conditions on any permission granted and that the applicant provides a contribution of £11,250 towards public transport improvements at the bus stops on Manor Road adjacent and opposite Henfield Close and/or footway improvements in the local area (dropped kerbs/tactile paving).
- 5.27 Currently on-site there are 8 car parking spaces accessed from Manor Place. The applicant is proposing 7 car parking spaces of which 3 will be disabled accessible bays. SPG04 states that the maximum car parking standard for a residential development outside a CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with the maximum car parking standard.
- 5.28 The existing car parking was used to serve the housing office until it relocated. The applicant intends to allocate the proposed car parking spaces to the new residential units. In order to determine whether there is likely to be any overspill car parking the applicant has forecast the likely car ownership from 15 residential units from Census car ownership data. This forecast that there is likely to be 8 vehicles associated with the 15 flats. Therefore on this basis there is not considered to be significant overspill car parking associated with this development which would warrant refusal.
- 5.29 **Economic Development:** No comment.
- 5.30 **Arboricultural:** No objection.
No objection to the loss of six trees of little arboricultural value.
- 5.31 **Access:** No objection.
- 5.32 **Public Art:** No objection.
A contribution towards public art of £5,500 should be sought.

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) is a material consideration.
- 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
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
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

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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
HO2	Affordable housing- 'windfall sites'
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

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
CP1	Housing delivery
CP8	Sustainable buildings
CP14	Housing density
CP16	Open space

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the design of the proposed buildings and its impacts on the surrounding area, the acceptability of the partial loss of communal garden space, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, transport and sustainability issues.

8.2 Loss of office accommodation:

The single storey pre-fabricated office building on the southern part of the site has been demolished since this application was submitted. It previously formed the Manor Place Housing Office but became vacant in spring 2012 when the housing office moved to new premises at the nearby Whitehawk Hub.

8.3 Policy EM5 generally resists the loss of office accommodation unless it has been adequately demonstrated that the site is genuinely redundant. In this

instance the employment use has moved to new facilities in the nearby area therefore the loss of the building has not resulted in a net loss of employment space in the city. Further, the building itself was a prefabricated structure of generally poor quality that detracted from the appearance of both Robert Lodge and Rugby Place. As such, it is considered that the opportunity to redevelop the site with a better quality building that provides a significant element of affordable housing outweighs the benefit that would otherwise arise from retaining office use on the site. For these reasons an exception to policy EM5 is considered acceptable in this instance.

8.4 Design and Appearance:

The broader Manor Place site currently comprises two blocks of flats set either side of communal gardens. The former housing office to the southern part of the site has now been demolished leaving a vacant hardstanding fronting the northern end of Rugby Place. A public footpath passes through the site. Both Robert Lodge buildings are flat roofed and completed in a dark brick, a contrast to the Victorian terraces along Rugby Place to the south and the more modern brick housing to the north and west.

8.5 Southern building

The proposed southern building would be set on the site of the former housing office and attached to the eastern block of Robert Lodge. It would be three storeys in height and completed in brick to complement the finish of the existing buildings, with rendered panelling to the front/south elevation. The southern elevation would be punctuated by upvc windows and balconies to each flat.

8.6 In terms of scale, the building represents a suitable transition between the three storey height of the existing eastern block and the four storey height of the western block. The use of brick (proposed to be a local Chailey stock) would complement the brick finishes to both the existing buildings within Robert Lodge and the Victorian terraces on Rugby Place, whilst the addition of render to the first and second floor front elevations would lighten the massing of the building and reduce its oppressive impact in views up Rugby Place.

8.7 Residents have raised concern at the dominating and imposing design of the building, in particular its scale and visibility at the northern end of Rugby Place. The former housing office was a single storey prefabricated structure that, although harmful to the general appearance of the area, provided some views over towards the Robert Lodge gardens behind. The proposed three storey building would effectively 'cap' the northern end of the street, removing views through to the north. It is not considered that this in itself would be significantly harmful to the general character and qualities of Rugby Place, which is effectively a cul-de-sac ending with more modern three storey blocks of flats at its northern end. The three storey height and overall scale of the proposed building would be in keeping with the scale of both these end blocks and the existing buildings to Robert Lodge, whilst the use of render to the front elevation and the provision of inset balconies would help to reduce its sense of massing and alleviate any oppressive impact it would otherwise have. The planting of a row of Whitebeam trees across the front of the building would also help to soften its appearance. For these reasons the proposed building is considered

an appropriate addition in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

8.8 Northern building

The proposed northern building would sit on sloping grassland adjacent to Manor Way and would be broadly of the same scale and design as the southern building. It would mark a suitable transition between the eastern and western Robert Lodge blocks, which have a height difference of approximately 3m. The building would be detached from the existing Robert Lodge buildings and set further to the north, approximately 1m from the Manor Way footway. The forward position of the building is such that its side elevations would be highly visible in views from the east and west. Following amendments these elevations, including the north elevation, have been better articulated with larger and more prominent windows to break up the massing of brick, and render panelling introduced to soften views from the north and east. On balance, having regard the mixed character of Manor Way, it is considered that the proposed northern building would be a suitable addition that would not be overly harmful to the character of the Robert Lodge estate or wider street.

8.9 Open space, landscaping and ecology:

The southern part of the site forms the former housing office building, now demolished. The northern part of the site has not previously been developed and comprises communal gardens for Robert Lodge residents with a number of mature Whitebeam trees set within lawns. The site is identified as open space on the proposals map for the submission City Plan Part One, and has strong amenity value providing communal gardens for Robert Lodge. These gardens are visible from Manor Way to the north of the site and from the public footpath that runs through the site.

8.10 Policy QD20 seeks to resist the loss of areas of public or private open space that are important to people because of their recreational, community, social or amenity value (amongst others). The loss of any such area will only be considered in exceptional circumstances where the proposal is essential to meet social, environmental or economic needs and where alternative provision for open space can be secured.

8.11 In this instance the Robert Lodge communal gardens provides clear recreational, community, social and amenity value to the local residents and amenity. The proposed northern building would result in the total loss of approximately 8% of the communal gardens. The plans detail that 6 Whitebeam trees to the north of the gardens and 1 Wild Cherry tree to the south would be removed to facilitate the development.

8.12 A tree report has been submitted with the application. The report identifies that there are 26 trees within the gardens, all Whitebeams and Wild Cherrys of between 5.5m and 8m in height. None of the trees are protected by preservation orders whilst the majority have been assessed as being category C trees of low quality and value. The 6 Whitebeam trees to be removed from the north part of the gardens are all category C or U trees in a generally poor physiological condition. The Cypress tree to the south of the gardens is a

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

category U tree also in a poor physiological condition. The removal of these trees is therefore considered acceptable subject to suitable replacements as part of the new landscaping plans.

- 8.13 The indicative landscaping plan details that the removed trees would be replaced with five new Judas trees within the communal gardens, with a further five Whitebeam trees planted in front of the southern building to provide green buffer in views up Rugby Place. Further improvements to the communal gardens include new benches and improved footways and fencing to create a more welcoming space for residents. The applicants have advised that all new and improved landscaping to the communal gardens would be undertaken in consultation with residents with final details to be submitted for approval prior to works commencing. This is secured by condition.
- 8.14 The development would provide an additional 15 residential units and create an additional demand for open space, sports and recreation provision. In accordance with the Developer Contributions paper a contribution of £32,570.37 is sought to offset this impact and is included in the S106 Heads of Terms.
- 8.15 On balance, having regard the benefits of the scheme in providing additional affordable housing and improved communal gardens to Robert Lodge, it is considered that the loss of approximately 8% of the open space is acceptable. As such the proposal is considered not to conflict with policies QD6, QD15 and QD16 of the Local Plan.
- 8.16 The County Ecologist has not identified any particular protected species within the site, other than the possibility of bats and other nesting birds within the trees. An informative is attached to advise the applicants of their responsibilities under Part 1 of the Wildlife and Countryside Act 1981 on disturbing nesting birds and bat roosts. A condition is attached to secure nature conservation enhancements as required under policy QD17, which the Ecologist advises should include bird, bat and insect boxes and native species within the landscaping plan.
- 8.17 **Standard of Accommodation:**
Each residential unit is of a good size with all rooms having good access to natural light and ventilation and each flat having access to a private balcony as well as the communal gardens. Each of the flats has been designed to meet all Lifetime Homes standards whilst 1 wheelchair accessible unit is to be provided in the southern block. This is secured by condition. The overall level and standard of residential accommodation therefore accords with the requirements of policies QD27, HO5 and HO13.
- 8.18 Housing mix
The application proposes 15 residential flats, 13 one bedroom units and 2 two bedroom units, all of which would be affordable social rent housing. This provision exceeds the 40% affordable housing target set out in policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One and is secured by condition. This mix is considered appropriate having

regard policies HO2 & HO3 of the Brighton & Hove Local Plan and policies CP14 & CP20 of the Submission City Plan Part One.

8.19 Impact on Amenity:

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

8.20 The applicants have submitted a daylight/sunlight study undertaken in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The study identifies that windows to five flats in the northeast, northwest and southwest corners of Robert Lodge adjacent to the proposed buildings would fail the BRE test for daylight, along with north side windows to two flats at 72 Rugby Place. In each case the degree of failure is either marginal or to rooms with secondary aspect, with the worst loss of light amounting to a 30% drop from existing. Whilst appreciable, it should be noted that the retained light to these windows would remain at approximately 26% (Nb the maximum possible light to a window is 40%). On this basis it is not considered that the proposal would result in a substantial or harmful loss of light to principal windows within adjacent properties.

8.21 Northern building

The main impact would be on the flats immediately adjacent within the existing eastern and western Robert Lodge blocks. To the east, the ground, first and second floor flats are set on lower ground level with a northerly and westerly aspect. The main bay windows face north with oblique views towards the proposed northern building. Given the angle of separation there would be no significant loss of outlook or light, or loss of privacy to these bays. Single windows are set within the side elevation facing the northern building. These windows are secondary to the main rooms served by the north facing bays and would retain an aspect across the rear elevation of the proposed northern building. Again this arrangement would not result in a significant loss of light or outlook, or loss of privacy.

8.22 To the west, the ground, first and second floor flats within the northeast corner of Robert Lodge are set on higher ground level with a northerly and easterly aspect. The main living and bedroom windows to these flats face east towards the flank wall of the northern building at a separation of 7m. The bedroom windows would face across the rear elevation to the northern building and retain good light, outlook and privacy. The bay windows to the main living spaces would face the blank side elevation but retain some views to the southeast into the communal gardens. The impact of the building would be most harmful to the bay windows, particularly to no.62 at ground floor level, and would result in an appreciable loss of outlook to the living rooms they serve. This impact would though be somewhat mitigated by the outlook provided by the smaller secondary north facing windows serving these rooms.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 8.23 On balance the impact on these bay windows is considered acceptable in this instance having regard the secondary aspect to the living rooms and the degree of daylight retained to the main bay windows, and having regard overall public benefits of the scheme in providing a significant portion of affordable social rent housing. No other residential properties within Robert Lodge or opposite on Manor Way would be unduly impact by the northern building, whilst the position of the balconies would not result in significant loss of privacy.
- 8.24 Southern building
The southern building would have the potential to impact on the amenities of properties both within Robert Lodge to the north and along Rugby Place to the south. The proposed building would attach to the existing eastern Robert Lodge block, projecting 1.5m further to the south. This level of projection would not unduly harm the amenities of the adjacent residents within the eastern block.
- 8.25 To the west, the southern building would sit perpendicular to the existing western block. The proximity of the proposed building is such that daylight, sunlight and outlook to the adjacent ground and first floor flats within the southeast corner of Robert Lodge would be appreciably impacted, most notably the nearest ground floor level flat at no. 35. The daylight/sunlight assessment calculates that daylight to the lounge bay window to this flat would be reduced by 30%, with sunlight levels halved. A lesser impact would be had on the flat above at first floor level. The top floor flat would retain good daylight and sunlight levels above the roofline of the southern building.
- 8.26 On balance it is considered that the impact to these flats within the southeast corner of Robert Lodge would not be so harmful as to outweigh the benefits of the proposal in bringing forward social rent housing for the city. The ground floor flat, which would be most severely impacted, would retain daylight of 26% (out of a maximum 40%), a level comparable to many of the other flats in the building. As such the scale and proximity of the building would not result in a significantly gloomy or oppressed living environment reliant on artificial lighting. In terms of sunlight, whilst this impact would be significant to the bay window, it is noted that this main living room has a secondary aspect to the south elevation which would retain high sunlight levels, thereby preserving a suitable degree of amenity for residents.
- 8.27 In terms of overlooking and outlook, the proposed southern building would be offset perpendicular to Robert Lodge. This is sufficient to ensure that the bay windows retain suitable outlook to the rear and north, whilst the position of the building and its fenestration is sufficient to ensure that overlooking is limited to oblique angles only. For these reasons the impact on the occupiers of Robert Lodge to the east and west is considered acceptable in this instance.
- 8.28 Residents of Rugby Place have raised concerns over loss of privacy and noise disturbance from the south facing balconies. The balconies would be set back 7m from the top of Rugby Place and positioned such that views into the nearest windows within Rugby House and 72 Rugby Place would be both at an oblique angle and at a minimum separation of 10m. This is sufficient to ensure that no direct views would be had into the main windows to either Rugby House or 72

Rugby Place. Views into the north side windows to 72 Rugby Place would be into the rear of the room only, and would not provide views of main living accommodation. In terms of noise disturbance, there is no evidence that occupants of the proposed flats would create significant additional noise beyond that which could be provided by existing residents in the street.

- 8.29 For the reason set out the proposal, whilst appreciably impacting on flats within the northeast and southeast corners of Robert Lodge, would not be so harmful or detrimental to the amenities of occupants to withhold permission given the secondary aspect to their main living spaces. The development would therefore comply with policy QD27 of the Brighton & Hove Local Plan.
- 8.30 **Sustainable Transport:**
Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.
- 8.31 The site as existing provides 8 parking spaces in the southwest corner, spaces allocated for sole use by the housing office. The application proposes these spaces to be revised to 6 bays (including 2 disabled bays) to be allocated to residents of the development.
- 8.32 Residents have raised concern at the impact of overspill parking on surrounding streets, many of which are outside the controlled parking zone and heavily parked throughout the day. The applicant has used the latest census data to forecast likely car ownership levels for the 15 flats. The forecast shows that the development will likely generate parking demand for 8 vehicles. This would result in overspill parking of between 1 and 4 vehicles (assuming no occupiers qualify for disabled permits). Although it is acknowledged that surrounding streets are heavily parked, in this instance the addition of this limited number of vehicles is not considered so harmful as to warrant the refusal of permission. Residents have stated that parking levels are so severe that emergency vehicles have difficulty accessing the roads in the area, however this is a matter best addressed by highways measures rather than by the withholding of permission for this scheme.
- 8.33 In terms of cycle parking, the applicant is proposing stores discretely located adjacent to the western Robert Lodge building to serve the development. Further Sheffield stands are to be located fronting both buildings. This is considered a suitable arrangement to meet the requirements of the development.
- 8.34 Residents on Rugby Place have raised concern at the amenity impact of construction and worker vehicles using the narrow street to access the site, and have requested that such vehicles are banned from accessing the site from Rugby Place. Suitable access arrangements are a matter that can be addressed in an updated Construction and Environmental Management Plan, secured by condition. Alternative access to the southern building can be made via Manor Place using the existing parking area. This is the arrangement that is being used

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

to demolish the housing office and there is no apparent reason why this could not continue for the duration of construction works.

- 8.35 Given the uplift in trips generated by the development a contribution of £11,250 is sought to improve sustainable transport infrastructure in the vicinity of the site, in particular towards accessible bus stop kerbs, shelters and real time information signs and/or footway improvements. Subject to this contribution secured in the s106 heads of terms the proposal would meet the transport demand it would generate in accordance with policies TR1, TR2, TR4, TR7, TR8 & TR14 of the Brighton & Hove Local Plan.
- 8.36 The application proposes the realignment of a public footpath that runs through the site, connecting Manor Way to the north with Whitehawk Road and Rugby Place to the south. Residents of Rugby Place have requested the footpath link be restricted to prevent access to Rugby Place on the grounds that the link is resulting in anti-social behaviour and disturbance. The removal of an established link would be contrary to the aims of policy TR8 therefore as an alternative the footpath has been realigned to direct pedestrians to Whitehawk Road rather than Rugby Place. The remaining footpath would be directed around the south and west of the southern building to link with the existing path through the site to Manor Way. The Sustainable Transport Officer supports this realignment. Although the footpath would run closer to the flats in the northwest corner of Robert Lodge, its position below the adjacent windows is such that any amenity impact would be limited compared to existing.

Sustainability:

- 8.37 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. For major new-build residential schemes on previously developed land SPD08 requires proposals to meet level 4 of the Code for Sustainable Homes and achieve zero net annual CO₂ from energy use. On previously undeveloped Greenfield land SPD08 requires new residential development to meet level 5 of the Code for Sustainable Homes.
- 8.38 The application is supported by a Sustainability Checklist which details that all residential units will achieve level 4 of the Code for Sustainable Homes. It is noted that the northern building sits on previously undeveloped land however the main modifications to policy CP8 of the submission City Plan Part One direct that development on such land should meet Level 4 of the Code rather than Level 5 as set out in SPD08. The specific measures incorporated into the proposal to achieve this standard include solar panels to the roofs and 16sqm of green sedum roof covering. This is sufficient to meet the standard recommended in SPD08. The sustainability officer is satisfied with the measures proposed, which are secured by condition.
- 8.40 Refuse and recycling facilities appropriate to the scale of the development are proposed in compounds adjacent to each building. This provision is secured by condition. For these reasons, and subject to the recommended conditions, the

proposed development is considered to reach the sustainability standards required by Policy SU2 and SPD08.

Other Considerations:

- 8.41 The application includes a Phase 1 Contaminated Land Assessment. The assessment identifies that the site has a history of uses that is likely to have resulted in potentially contaminated land. The Environmental Health officer has agreed with the report and its recommendation that further investigation works are required. This is secured by condition.
- 8.42 The Head of Education has identified that the site falls within the Queens Park and Whitehawk planning area in terms of primary place planning. This area is already showing a shortfall in the number of places available for primary age pupils. In terms of secondary education the site falls into the Dorothy Stringer and Varndean catchment area however both schools are full and oversubscribed. and therefore a contribution in respect of secondary education would be required. Consequently, and in line with the methodology set out in the Developer Contributions paper, a contribution of £10,092.80 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate. A contribution of £5,500 or a scheme of equivalent value is also sought towards public art as required under policy QD6, whilst a contribution of £7,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction works is also sought via the s106 heads of terms.
- 8.43 Residents have raised concern over potential noise and disruption during construction works, including disruption from workers parking in the already crowded streets. The applicants have submitted an initial Construction Environmental Management Plan which identifies working hours to be 7.30am to 6pm Monday to Friday, 8.30am to 1pm Saturdays, and at no time on Sundays. This complies with Environmental Health guidance. A final CEMP is secured by condition to finalise all matters including ensuring employee parking is sufficiently managed.

9 CONCLUSION

- 9.1 The proposed development would provide additional affordable housing for the benefit of the city within two suitably scaled and designed buildings. The development would have a generally acceptable impact on the amenities of existing residents and would not add significant parking pressure to the surrounding area. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development is required to meet Lifetime Homes standards and would provide one wheelchair accessible unit

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £11,250 towards improving sustainable highway infrastructure in the vicinity of the site.
- Contribution of £32,570.37 towards open space, sports and recreation in the area.
- Contribution of £10,092.80 towards education provision.
- Contribution of £7,500 towards the Local Employment Scheme
- Contribution of £5,500 towards public art

11.2 Regulatory Conditions:

- 1) 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.

- 2) 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
Existing site plan	E001A	-	25/07/2014
Existing southern block	E020B	-	25/07/2014
Proposed site plan	E001B	A	25/07/2014
Northern block floor plans	E010	B	23/10/2014
	E011	B	23/10/2014
Northern block elevations	E012	C	23/10/2014
	E013	B	23/10/2014
Southern block floor plans	E020A	B	23/10/2014
	E021	B	23/10/2014
Southern block elevations	E022	B	23/10/2014
	E023	D	23/10/2014
Footpath diversion	E002	E	23/10/2014
Landscape and lighting scheme (indicative)	E003	B	23/10/2014
Tree and levels survey	J48.78/01	-	25/07/2014

- 3) 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 QD1 and QD27 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 4) No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
 - b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
 - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policies HO2 & HO3 of the Brighton & Hove Local Plan.

- 5) Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

- 6) The vehicle parking areas as detailed on drawing nos E003 rev.B & E020A rev.B received on 23/10/2014 shall be laid out as such and shall not be used otherwise than for the parking of private motor vehicles and motorcycles 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.

- 7) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the 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.

- 8) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

such thereafter. A minimum of one unit shall be built to wheelchair standards to the satisfaction of the Local Planning Authority.

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.

11.3 Pre-Commencement Conditions

- 9) No development shall take place until a scheme of measures to divert the public sewer have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.

Reason: To ensure satisfactory sewer infrastructure is maintained and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 10) No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 11) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 QD1 of the Brighton & Hove Local Plan.

- 12) No development shall commence until a scheme for the soundproofing of the party walls and floors between the ground floor plant room and the first floor residential units has been submitted to and approved in writing by the Local Planning Authority. The measures should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats. The scheme shall be implemented in strict accordance with the approved details prior to first occupation of the development and shall thereafter be retained as such.

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

- 13) (i) Prior to the commencement of the development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.

(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part 1.

(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 14) No development shall commence until the adopted footpath through the site where the southern and northern blocks are proposed, as is indicated on the footpath diversion block plan (Drawing number E002 revision E received on 23/10/2014), has been diverted and an alternative route been provided.

Reason: To ensure that satisfactory access arrangements are provided to the development and to comply with policy TR7 and TR8 of the Brighton & Hove Local Plan.

- 15) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

c) details of hours of construction including all associated vehicular movements

d) details of the construction compound

e) a plan showing construction traffic routes

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

Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

- 16) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum 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.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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.

- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include details of hard landscaping, boundary treatments, planting plans (including plant species and numbers, and tree sizes and their planting method), and indications of all existing trees on the land to be retained together with a Method Statement for their protection in the course of development. Development shall be carried out in accordance with the approved Method Statement.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 & QD16 of the Brighton & Hove Local Plan.

- 18) 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.

- 19) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the 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 and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 20) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

and, unless otherwise agreed in writing by the local planning authority,
(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

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

11.4 Pre-Occupation Conditions

21) 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 4 as a minimum 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.

22) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

23) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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 Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development would provide additional affordable housing for the benefit of the city within two suitably scaled and designed buildings. The development would have a generally acceptable impact on the amenities of existing residents and would not add significant parking pressure to the surrounding area. The proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that this planning permission does not override the need to agree and enter into all the relevant permissions with the Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
6. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

7. The applicant is advised that a formal connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk
8. The applicant is advised that the details required by Condition 11 are to be delegated for agreement to the Head of Development Control in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.

From: Warren Morgan

Sent: 03 October 2014 16:33

To: Ross Keatley; Penny Jennings

Subject: Letter of objection to Planning Committee, 26th October: planning application number: BH2014/02417 regarding Manor Place/Robert Lodge

Dear Ross/Penny,

I would like to place a letter on the agenda of the Planning Committee meeting of October 26th regarding application **BH2014/02417**

I would like to object to the application on behalf of residents of Robert Lodge and Rugby Place on the following grounds, in particular the loss of amenity:

- There will be considerable overshadowing of existing dwellings in both locations leading to loss of sunlight in gardens and dwellings.
- The locations and proximity of balconies in the design would contribute to noise disturbance and overlooking of residents properties including through bay windows along Rugby Place.
- The residents of Robert Lodge would lose a significant proportion of their outdoor space from the construction of the northern block adjacent to Manor Way.
- The diversion of the footpath will lead to pedestrians walking directly under windows of existing flats. There is concern from residents that this will lead to noise disturbance and an increase in anti-social behaviour.
- The size and design of the proposed flats is not in keeping with the current blocks in Robert Lodge or with the predominantly Victorian terraced dwellings in Rugby Place. Residents have expressed concern over the type and colour of materials used.
- The local roads in Rugby Place, Manor Place, Playden Close and Flimwell Close, Manor Way and Henfield Close are already overcrowded in terms of parking due to the current volume of resident parking and due to the site being on the edge of controlled parking zone H.
- The disturbance from the scheduled two year construction period with consequent increase in noise and construction traffic.

Although I share the desire of local residents for increased affordable housing in Whitehawk and Manor Farm, I would request that members consider rejecting this application in favour of a resubmitted application with significantly amended designs including moving the balconies on the elevations face into the Robert Lodge gardens.

Regards,

Councillor Warren Morgan