

Planning Statement

Site at 186-187 Lewes Road, Brighton, BN2 3LD



Application for Full Planning Permission

On behalf of Southdown Housing Association

August 2021



RTPI

mediation of space - making of place

Client: Southdown Housing Association
Site Location: 186-187 Lewes Road, Brighton, BN2 3LD

Job History:

Version	Date	Author	Checked	Notes
Draft v1	09/08/21	STB	STB	
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1.0 INTRODUCTION AND SUMMARY

- 1.1 This statement details an application for full planning permission for the redevelopment of a commercial and residential site to provide for 12 self-contained apartments for assisted living with ground floor commercial space and ancillary support space for the residential uses. The applicants are Southdown Housing Association.
- 1.2 The proposed development is similar to an existing grant of planning permission (reference number BH2020/00239, approved 29 September 2020). The main difference being that the approved scheme was for 9 larger flats, whilst the current scheme is for 12 one-bed flats.
- 1.3 The scheme's design and massing is very similar to the approved scheme – and so the new scheme's visual impact is equally acceptable. The proposal for supported living is specifically supported through saved Local Plan policy HO15, and the proposed standard of accommodation meets and exceeds national space standards for new dwellings.
- 1.4 This statement provides a review of the application submission, relevant planning history, relevant planning policy and the scheme's compliance with local and national planning policy.
- 1.5 For the avoidance of doubt, please note that the application comprises the following documentation. Note that all drawings are provided by Lomax architects.
- Application forms
 - CIL forms
 - Biodiversity Checklist
 - Planning Statement
 - Design and Access Statement (LCE Architects)
 - Transport Report (Reeves Transport Planning)
 - Flood Risk Assessment and Sustainable Urban Drainage Scheme Report (Nimbus)
 - Noise Assessment (Acoustic Associates)
 - Phase I and Phase II Site Investigations Report (Land Science)
 - Energy Statement (Delta Green Environmental Design)

- Air Quality Assessment (Delta Green)
- 21033-PA-001: Existing Location Plan and Site Plan
- 21033-PA-002: Existing Floor Plan
- 21003-PA-003: Topographical Survey
- 21033-PA-004: Existing Elevations and Sections
- 21033-PA-005: Proposed Ground Floor Plan
- 21033-PA-006: Proposed First Floor Plan
- 21033-PA-007: 2nd Floor, 3rd Floor and Roof Plan
- 21033-PA-008: Section AA
- 21033-PA-009: Elevations
- 21033-PA-010: Elevations
- 21033-PA-011: Coloured Elevation and Visuals

2.0 SITE DESCRIPTION

- 2.1 The appeal site is currently derelict.
- 2.2 Prior to this, the site accommodated a ground floor car showroom and hot food takeaway with two flats above. Part of the ground floor showroom recently accommodated a pop-up-shop, though that has also closed. Note that the car showroom's roof has now been removed.

Current View of the Site:



Historic view of the site (2014):



2.2 The site is located along the Lewes Road corridor. Either side of the application site, residential uses predominate – whilst shops are located opposite and further to the north east.

Current view of site, in context of surrounding properties:



Shops opposite the site (note that the church opposite is Grade 2 Listed):*



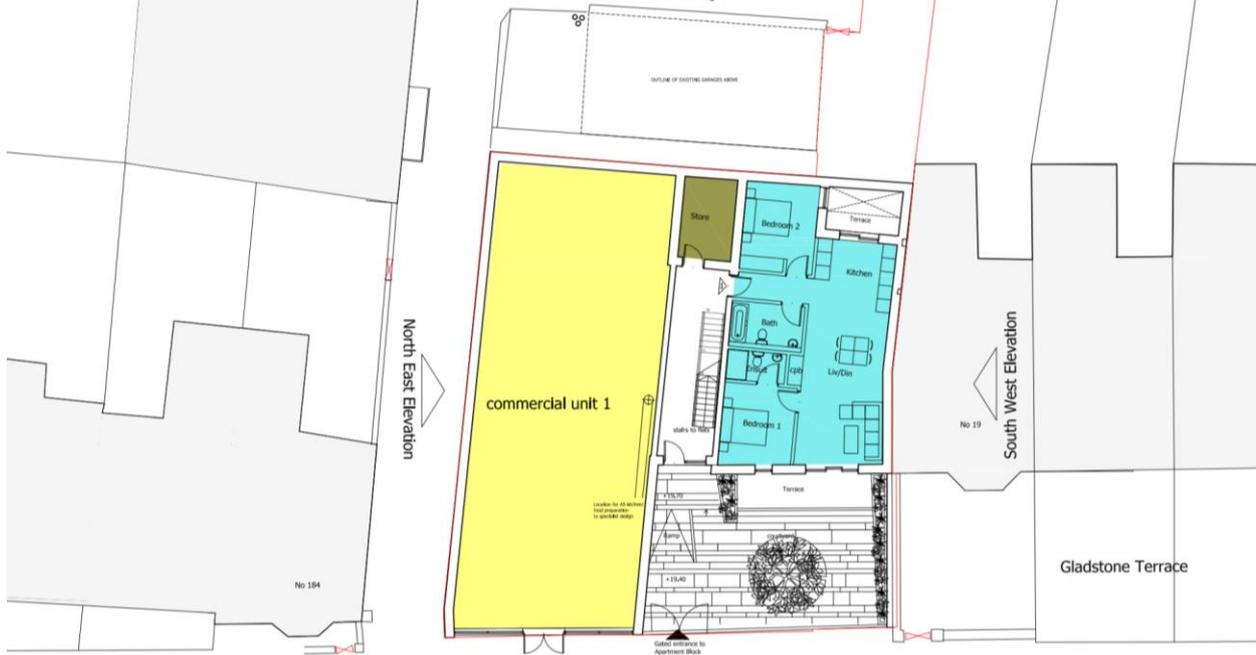
3.0 RELEVANT PLANNING HISTORY

3.1 There have been a series of applications over the last 10 years for the site's redevelopment. The most recent of these was approved in September 2020, and so remains "extant". The planning permission reference is BH2020/00239.

Approved Front Elevation:



Approved Ground floor Plan:



Approved First Floor Plan:



Approved Upper Floor Plans:



4.0 THE PROPOSED DEVELOPMENT

- 4.1 Subject to a grant of planning permission, the site is to be purchased by Southdown Housing Association. The proposed scheme is for the Association's need for single person accommodation with assisted living facilities. The scheme is therefore for single bed accommodation, with much of the ground floor then used for support services.
- 4.2 The scheme retains the design style and massing that was previously approved under application BH2020/00239. Currently proposed elevations and floor plans are shown below. The housing element of the scheme will be occupied as affordable housing. In line with adopted planning policy, 30% of the housing can be legally secured as affordable housing. The scheme will be car free, and will have secure cycle parking at the front and rear of the site.

Proposed Front Elevation and Perspective:



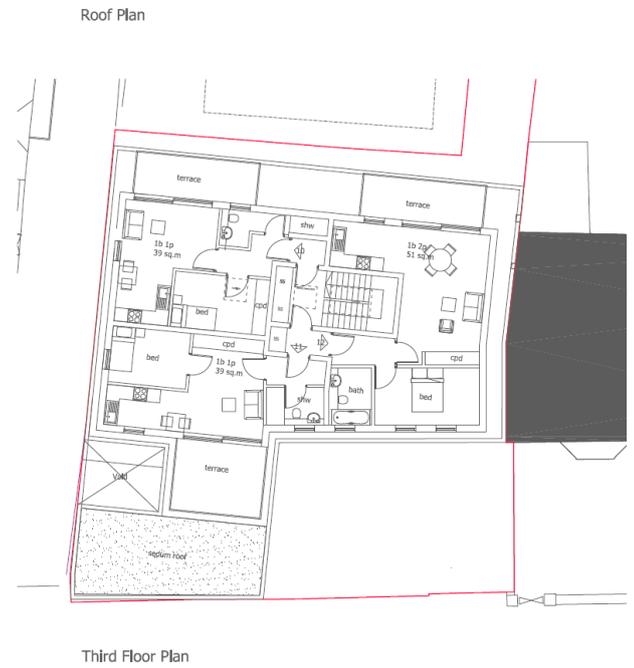
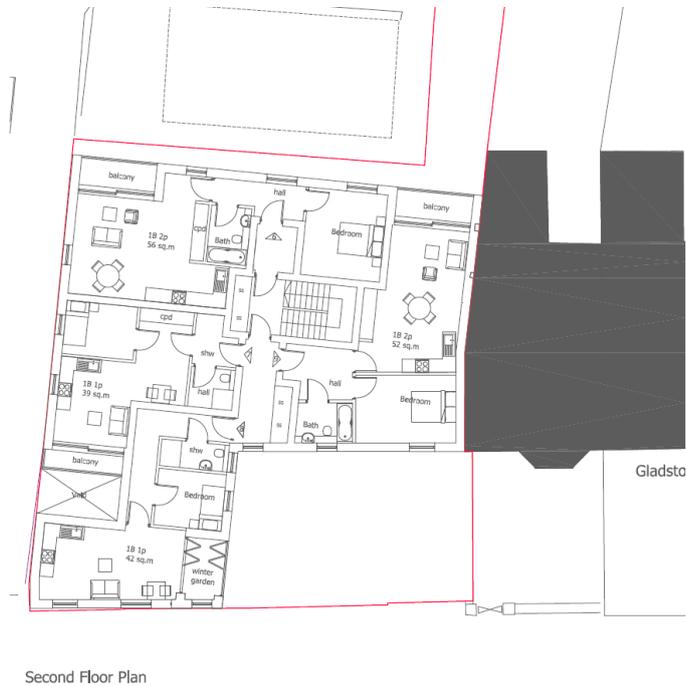
Proposed Ground Floor (note rear of site not shown, as ground level changes mean the rear of the site is at first floor level):



Proposed First Floor:



Proposed Upper Floors:



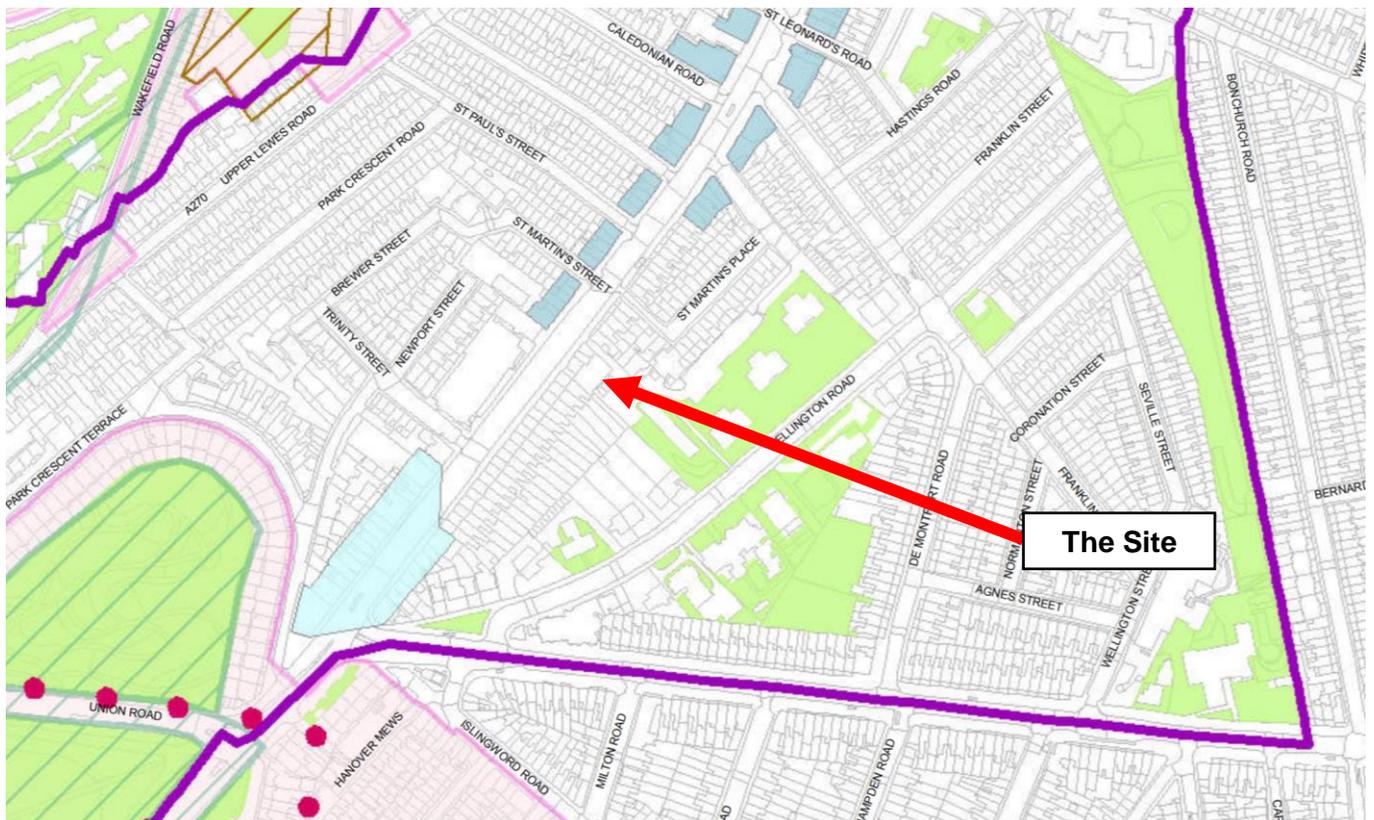
- 4.3 The one-bedroom flats measure between 39 and 52m², and so all comply with national space standards for single person and two person occupancy. Please note that the assumption is that all units will be for single people. All flats have access to private outside space and there will be communal laundry facilities on the ground floor.

5.0 RELEVANT PLANNING POLICIES

5.1 Relevant local and national planning policies are summarised below. The scheme's compliance with these policies is demonstrated in Section 6 of this Statement.

City Plan Part 1

5.2 The proposals map for the area shows that the site is not located in any conservation area of archaeological notification area. Whilst being within the Lewes Road corridor, the site is not designated as either a primary or secondary retail location. The site is within the general DA3 policy area of the City



5.2 With regard to City Plan Part 1 policies, the Council will be aware that it cannot demonstrate a five year supply of housing land, and that planning applications must be determined in accordance with the presumption in favour of sustainable development – as set out in national planning policy.

5.3 Main City Plan part 1 policies are:

DA3 – This defines the boundaries of the Lewes Road policy area. The policy seeks to improve townscape and encourage the provision of housing, employment and community facilities. The policy requires new development to take account of local air quality.

CP1 – sets out the Council's housing targets for the years 2010 – 2030, including roughly 2000 housing units on small sites or windfall sites.

CP7 – sets out the council's ability to secure contributions through Section 106 agreements. Note that this policy was adopted prior to the Council introducing its Community Infrastructure Levy.

CP8 – sets out the sustainability standards expected of new development.

CP10 – seeks to ensure that new development provides for net gains to biodiversity.

CP11 – Flood risk.

CP12 – Seeks to ensure a high standard of urban design.

CP14 – requires new development in the DA3 policy area to achieve a residential density of at least 100 dwellings per hectare.

CP15 – requires new development to preserve the setting of heritage assets.

CP16 – promotes healthier lifestyles and a reduction in health inequalities.

CP18 – seeks to ensure new housing development is informed by housing need.

CP20 – seeks affordable 30% affordable housing on sites with a net addition of 10 or more units.

5.4 Saved policies from the Brighton and Hove Local Plan 2005 include:

TR7 – Requires new development to preserve highway safety.

TR14 – supports the provision of cycle parking in schemes.

SU3 – supports adequate provision of surface water infrastructure.

SU9 – requires new development to be acceptable with regard to air quality.

SU10 – requires new development to be acceptable with regard to noise.

SU11 – requires new development to be acceptable with regard to ground conditions.

QD27 – seeks to preserve residential amenities.

HO5 – encourages the provision of outside amenity space.

HO15 – states that planning permission will be granted for supported housing.

HO19 – supports the provision of community facilities.

SR8 – relates to the loss of Class A1 shops.

HE3 – New development to have an acceptable impact on the setting of listed buildings.

5.5 The above policies are generally in line with the provisions of the National Planning Policy Framework (NPPF) and so not all NPPF references need to be repeated. However, of particular note, NPPF paragraph 11 sets out the provisions for decision making where a five year supply of housing land cannot be demonstrated. See paragraph 7.2 to 7.4 of this Statement for further detail.

6.0 PLANNING ASSESSMENT

6.1 The main issues to consider when determining the application are:

- The principle of development.
- Visual impact and heritage impact.
- Residential amenities.
- Highways implications.
- Site conditions, drainage, air quality and noise.
- Sustainability.
- Biodiversity.

The Principle of Development

6.2 With regard to the principle of development, the main issues are:

- The proposed uses
- Housing mix and density
- Affordable housing
- CIL and Section 106 matters

The Proposed Uses

6.3 The scheme is for supported living. This means that the individual flats are still standard Class C3 flats (so each resident lives in a separate self-contained dwelling), but with on-site support also provided to assist with a resident's needs.

6.4 This form of housing is specifically supported by saved Local Plan policy HO15.

6.5 For the previously approved scheme, an open market commercial unit was proposed on the ground floor. The approval notice refers to the unit being used for Class A1 to A5 uses. These uses are now partly within the Class E Use Class, with Class A4 and A5

uses now *sui generis* uses. For the current scheme, the ground floor commercial area will be used to provide the support services for the scheme's residents. Such a use will be part office based (Class E), part educational (Class F1), and part meeting place (Class F2). On this basis, the ground floor use will be a mixture of uses – and so will be a *sui generis* use.

- 6.6 Given that the existing uses on the site are a hot food takeaway (now closed, but otherwise a *sui generis* use), and a car sales business (completely derelict, but otherwise a *sui generis* use), the proposed *sui generis* use is acceptable. The proposed use provides for employment, supported living (saved Local Plan policy HO15), a form of community facility (saved Local Plan policy HO19), and helps to facilitate healthier lifestyles (City Plan policy CP16). The loss of the existing shop (the closed hot food takeaway) is acceptable with regard to saved Local Plan policy SR8, as that policy only seeks retain Class A1 shops.

Housing Mix and Density

- 6.7 The scheme's housing mix comprises entirely one-bedroom units. The mix is required to meet Southdown Housing Association's need to house individual's moving on from higher support accommodation. The housing mix therefore accords with City Plan policy CP18 – as it meets an identified need. Furthermore, as the housing mix is an integral part of the supported living model for the site, the housing mix accords with Local Plan policy HO15.
- 6.8 The application site measures 0.5 hectares. The scheme's density is therefore 240 dwellings per hectare – which accords with City Plan policy CP14.

Affordable Housing

- 6.9 The scheme is for 12 units of housing, which represents a 10 unit net gain of housing on the site. City Plan policy CP20 requires 30% of the new housing to be occupied as affordable housing on such developments. In effect, all of the proposed units will be occupied as affordable housing, and so the scheme exceeds the requirements of policy CP20 (see also paragraph 6.11 overleaf).

CIL and Section 106 Matters

- 6.10 As all of the proposed housing is to be occupied as affordable housing, the scheme is exempt from CIL charging. The relevant CIL exemption forms are included with the application.
- 6.11 With regard to Section 106 matters, whilst the whole scheme will be for affordable housing, any Section 106 agreement/undertaking that refers to affordable housing can only refer to the provision of 30% affordable housing – as the Section 106 must be in accordance with planning policy. This does not affect the “nil” CIL status of the remainder of the development, as the housing will be occupied in accordance with the requirements highlighted on the CIL exemption forms.
- 6.12 As the scheme is exempt from CIL charging, it is accepted that there may be some Section 106 contributions requested by statutory consultees. We would welcome early engagement with the Council regarding amount and nature of any such proposed contributions.

Visual Impact and heritage impact

- 6.13 The scheme’s visual impact, and consequent impact on the setting of St Martin’s church is broadly the same as for the approved scheme. This can be seen by comparing the approved and proposed main elevations (see overleaf). As can be seen, the main difference is the entrance to the ground floor “commercial” area, which has a larger window on the approved scheme. For the proposed scheme, the revised window arrangement improves visual impact – as the windows are better aligned with windows above. This results in a better “solid-to-void” rhythm for the building.
- 6.14 Given that the overall scale of development is the same, the scheme will have the same beneficial impact on the streetscene and the setting of the listed church as before. The scheme therefore accords with City Plan policies DA3, CDP12 and CP15 and saved Local Plan Policy HE3.

Approved Front Elevation:



Proposed Front Elevation:



Residential Amenities

- 6.15 The scheme's overall massing and arrangement of windows is similar to that previously proposed, and so there will be no adverse impact on the privacy or outlook of neighbouring residents.

- 6.16 For new residents, officers will note that all proposed flats comply with national space standards for single person dwellings (39m²), with many of the flats in excess of this figure. All flats will have a good standard of outlook, and access to private outside amenity space.
- 6.17 The proposed flats will preserve the amenities of existing and future residents, and so comply with saved Local Plan policy QD27. The provision of outside amenity space accords with saved Local Plan policy H05. See also paragraphs 6.19 to 6.25 below – where the scheme's acceptability with regard to other environmental matters is demonstrated.

Highways Issues

- 6.18 The Reeves Transport Planning transport report demonstrates the scheme's compliance with highways policies. The transport report confirms that the site benefits from a sustainable location (Section 3 of the report). The report confirms that future residents are highly unlikely to own private motor cars, and that on-site staff will use sustainable transport options (Section 4) in line with company policy. The report concludes that the scheme incorporates suitable cycle parking provision, that there is no need for on site car parking, and that the scheme will preserve highway safety.

Site Conditions, Drainage, Air Quality and Noise

- 6.19 These matters are dealt with in the reports by Land Science (site conditions), Nimbus (drainage), Phlorum (air quality) and Acoustic Associates (noise).
- 6.20 With regard to site conditions, the Land Science report confirms that there are no issues with groundwater or radon gas, and that removal of existing Made Ground can be undertaken as removal of Non Hazardous Waste for disposal purposes. The report recommends further soil testing once all buildings have been demolished. Similar findings were agreed with the Council when it determined application BH2020/00239. Please note that if the Council wishes to impose a planning condition requiring further investigative

work, the condition must allow for demolition of the existing buildings on the site – as soil samples have already been taken from accessible areas.

- 6.21 With regard to drainage, the Nimbus report confirms that the site is in Flood Zone 1, and so is not at risk of flooding by rivers or sea. The site is also not at risk from groundwater flooding. There is a low risk of surface water flooding to a depth of 300mm. This is because of rainwater pooling within the site owing to its topography, and that the provision of a slot drain on the site's Lewes Road boundary will mitigate against this risk. The report continues by specifying a Sustainable Urban Drainage Scheme that will result in a reduction in water entering the existing combined sewer system. This will benefit the wider area. Surface water run-off will be attenuated through a wall mounted surface water collection tank, and the use of green/sedum roofs.
- 6.22 With regard to air quality, the Phlorum report confirms that the proposed scheme is likely to have a better impact on air quality than if existing uses on the site were brought back into use (see 3.22 to 3.27 of the report). The report confirms (see Section 6) that the scheme meets with UK Air Quality Standards, and further improves upon this acceptable situation by incorporating mechanical ventilation.
- 6.23 With regard to noise, the Acoustic Associates report confirms that an acceptable acoustic environment will be achieved provided that:
- Terrace areas facing Lewes Road are “winter gardens”,
 - Performance glazing is used.
 - Mechanical ventilation is provided to allow for alternative sources of ventilation if desired.

All the above features are incorporated within the scheme.

- 6.24 Further to the above, please note that the noise report was based on a “worst case” scenario of there being a studio flat on the first floor (meaning that there would be a shared living room/bedroom window directly facing Lewes Road). Noise impact calculations therefore had to assume that the window directly facing Lewes Road would serve a

bedroom. For the submitted scheme the first floor flat is now a one bedroom flat, with the living room window facing Lewes Road, and the more sensitive bedroom window being at right angles to Lewes Road. This means that the acoustic environment will be even better than predicted in the noise report.

- 6.25 The scheme is acceptable with regard to site conditions, flood risk, drainage, air quality and noise. The scheme therefore accords with City Plan policy CP11 and saved Local Plan policies SU3, SU9, SU10 and SU11.

Sustainability

- 6.26 In order to accord with City Plan policy CP8, the residential units should be able to demonstrate a 19% improvement over voluntary building regulations requirements for energy efficiency and water efficiency. The ground floor space should be able to achieve BREEAM “very good”. This can be secured through the use of appropriately worded planning conditions.

Relevant extract from policy CP8:

<u>Residential (New Build)</u>		
Energy Performance	19% carbon reduction improvement against Part L 2013 ¹⁸⁸	
Water performance	Water efficiency ‘optional’ standard ¹⁸⁹	
<u>Non - residential</u>	<u>Development Size</u>	
	Non-major	Major and Greenfield
BREEAM	Very Good	Excellent

- 6.27 To assist in the above, an Energy Statement has been produced by Delta Green Environmental Design. The Statement provides an overview of technologies that will be

provided within the development, including the provision of photovoltaic cells on the scheme's roof.

Biodiversity

- 6.28 The submitted biodiversity checklist confirms that the existing site does not support any features that support biodiversity.
- 6.29 The proposed development will aid biodiversity by providing a green roof. In addition, if deemed necessary by the Council, a condition can be applied to also secure the installation of bee bricks or bird bricks within the building's facades.
- 6.30 The scheme will support improvements to biodiversity and therefore accords with City Plan policy CP10.

7.0 CONCLUSIONS

- 7.1 The application proposes a well designed scheme that will provide for 12 residential units plus ancillary floorspace that will support local employment. The scheme makes a positive contribution to the Council's challenging housing targets.
- 7.2 In accordance with the presumption in favour of sustainable development (as set out in paragraph 11 of the National Planning Policy Framework), the scheme should be approved unless there are negative factors that would significantly and demonstrably outweigh the scheme's benefits.
- 7.3 The scheme's benefits are:
- A positive contribution to housing land supply.
 - The provision of supported housing units that aid well-being.

- The provision of high quality housing units that meet or exceed national space standards and which all have access to private outside space.
- High quality design that improves the surrounding streetscene.
- A sustainable development that aids biodiversity.
- Incorporation of sustainable drainage features that will reduce pressure on the combined sewer system.
- Support for employment through the support/pastoral care floorspace provided on the ground floor.

7.4 There are no disadvantages that outweigh the above benefits, and so we trust that planning permission can be granted without delay.