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The Planning Inspectorate
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NJA Ref: 19/335

1 December 2020

FINAL COMMENTS

Dear Ms Low

PINS Ref: **APP/Y3805/W/20/3253462**
Appellant: **SD Holdings Ltd**
Site: **53 Southview Road, Southwick, BRIGHTON, BN42 4TS**

Thank you for your letter dated 27 November. On behalf of the Appellants, please find enclosed final comments in respect of the Council's Statement of Case and third party comments.

If you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely

NJA

Nikolas J. Antoniou
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Chartered Town Planner
For and on behalf of NJA Town Planning Ltd

RTPI Chartered Town Planner

Appeal Ref: **APP/Y3805/W/20/3253462**

Appellant: SD Holdings Ltd
Site: 53 Southview Road, Southwick, BRIGHTON, BN42 4TS

APPELLANTS' FINAL COMMENTS

The Appellant has had an opportunity to study the representations of the Council and would offer the following observations and comments. The Appellant is aware that he cannot introduce new material or put forward arguments that should have been included in the earlier statement. To aid the Inspector's consideration of these matters the same numbering system has been used.

Comments on the Local Authority's Statement

Housing Supply

The Council's published position on its Housing Land Supply relates to the position as of April 2019. Some 18 months ago. The Council suggests that they have 0.2 years more than the absolute minimum. A surplus of 68 units. Yet the supply is reliant on nearly 400 units on SHLAA sites (no permissions in place), windfalls of 64 (no permissions in place), 350 in Local Plan Strategic allocations (no permissions in place) and 170 in the Shoreham Regeneration Area (no permission in place) according to the 2019 Supply statement[1]

The Council refers to recent matters but if it wishes to do so it must provide an updated Housing Supply position to at least April 2020 so that both inputs and outputs can be considered.

Flooding

The Appellant welcomes the Council's confirmation that the drainage scheme set out in the October 20 version (see Appendix A to this statement) is acceptable and the Appellant is willing to accept the proposed conditions which are set out below as they refer to the specific scheme in question.

[1] This comment is based on the logic that had permission been in place then the permission would appear in the commitments and the other lines would have been amended accordingly.

"No development shall commence until the wording of covenants of the properties and shared space have been submitted to and approved in writing by the Local Planning Authority."

"Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s (contained in the SuDS Drainage Statement, revision 8, dated 22nd October 2020) and is fit for purpose. The scheme shall thereafter be maintained in perpetuity in accordance with the approved Drainage Maintenance and Management Plan, revision 3, dated 22nd October 2020."

Highways

The Appellant welcomes the confirmation by WSCC as Local Highway Authority that it no longer wishes to object to this proposal and notes their conclusion that *'that the amended access arrangements and visibility splays as shown on drawing no. 19012_P02 demonstrate that safe and suitable access for all users has been demonstrated as per paragraph 108 of the National Planning Policy Framework (NPPF).*' The Appellant accepts the proposed conditions.

In making these their final comments the Council should have ensured that the comments of their Operational Waste Team were submitted.

Ecology

From the Council's statement it appears that the only substantive area of disagreement is in respect of the proposals on the Tree No.8 and to a lesser extent those trees close to the rear of units 5-8. The Inspector has two differing professional opinions to consider. The Appellant believes that the proposed impact is within reasonable parameters but even if the Inspector disagrees it is a matter of the degree of any harm and whether that harm is outweighed by the benefits of the scheme including provided much needed homes.

In terms of the added benefit the Council's ecologist is seeking, the Appellant is willing to accept a condition which requires additional biodiversity measures to be provided.

Air quality & Sustainability

The Appellant notes that the Council has no issue in respect of these matters that couldn't be addressed by condition.

Design

The Council suggests that setting No.10 back in the street scene will be anomalous. However, the set back is not significant, whilst the dwelling style complements rather than copies its neighbour to the north. The Inspector will note that on this street there are a number of dwellings such as the bungalow next door which depart from the underlying theme.

In terms of the proposed communal waste area the Appellant provided this to address concerns raised previously. It is not considered to be harmful as the Council suggests and is not dissimilar to what might be found in other similar developments. That said if the Council doesn't support it the Appellant is willing to delete it and proceed as the LHA as suggested. The Appellant notes that the Council doesn't state that it supports this.

Conditions

The Appellant has no objection to the conditions suggested by the Council.

Third Party Comments

The Appellant understands that any new development in an area can raise passion in local residents. The Appellant has considered the points raised by the residents in their submissions and believes that most points have already been addressed in the main correspondence. Therefore, the following is naturally a limited response to a number of other points.

The existing dwellings are not protected either locally or nationally and therefore the retention of these homes needs to be balanced against the positives of creating a net gain of much needed housing.

The opportunity to develop another site only 5 minutes' walk away does not mean that this site should not be developed.

This proposed development would contribute to the provision of local infrastructure in the same way as many other developments There remains a significant shortage of housing across the country and the additional units proposed will make a contribution towards addressing that need.

For the reasons outlined above and in the Appellant's statement of case it is respectfully requested that the appeal be allowed.