

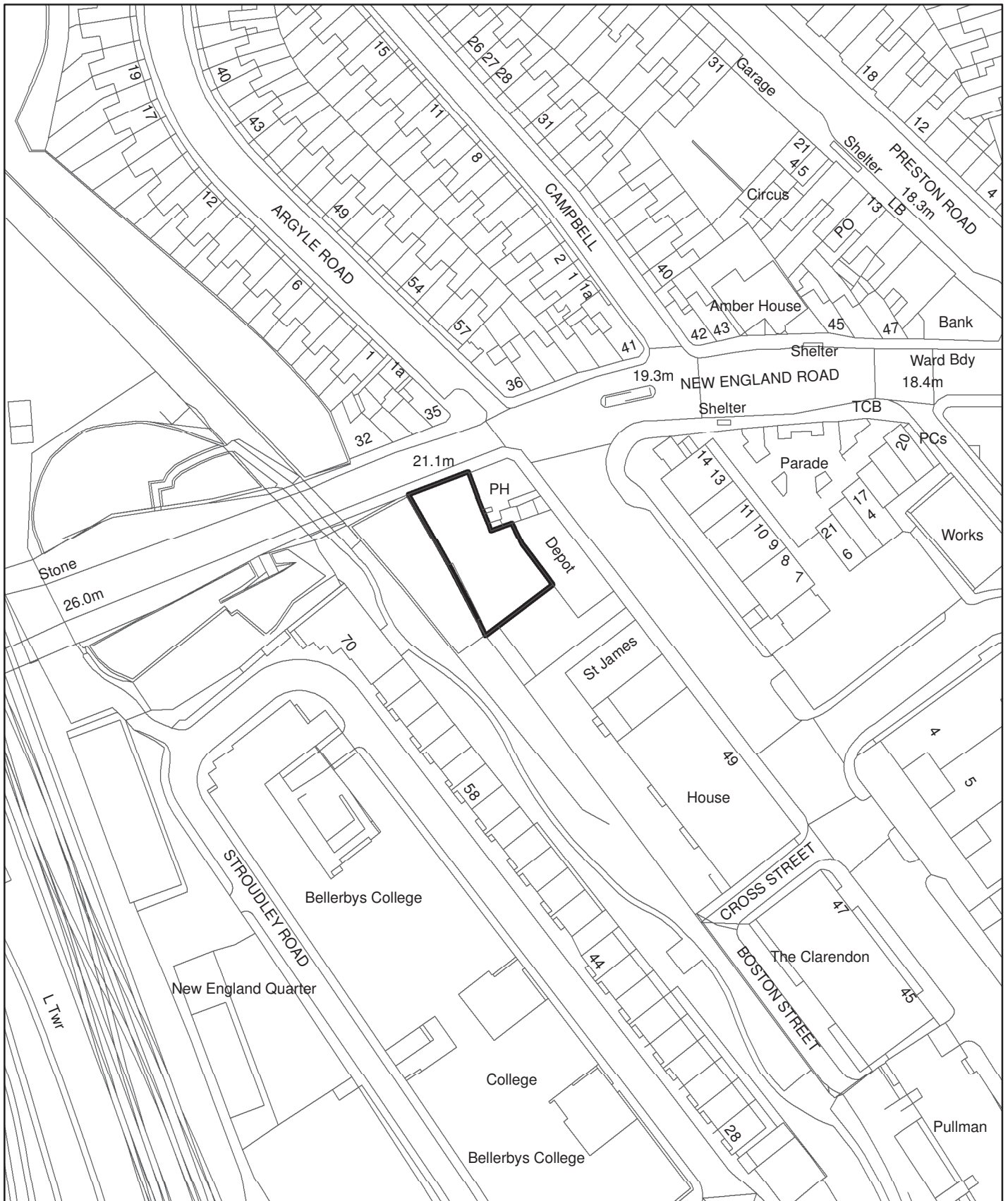
**PLANS LIST
ITEM C**

**Land Adjoining 10 New England Road & rear
of 53 New England Street, Brighton**

**BH2013/00245
Full planning consent**

24 APRIL 2013

BH2013/00245 Land adj. 10 New England Rd & rear of 53 New England St.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/00245	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjoining 10 New England Road and rear of 53 New England Street, Brighton		
<u>Proposal:</u>	Temporary change of use of land for 5 years from scrap metal yard to residential and the erection of 36 containers in one block of 5 containers in height and one block of 3 containers in height for use as individual dwelling units.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	05/02/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07/05/2013
<u>Listed Building Grade:</u>	Adjoining Grade II (Railway Bridge on New England Road)		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	QED Capital Assets, Mr Ross Gilbert, The Suite, 1 Cedar Chase, Cross Lane, Findon		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises land on the southern side of New England Road near its junction with New England Street. The site is currently used for open storage of scrap metal and off-street parking associated with a commercial site fronting New England Road, to the immediate south and east of the site.
- 2.2 The western boundary of the site is a former railway embankment approximately 10m above the level of the site and beyond the embankment lies Stoudley Road within the New England Quarter. A Grade II listed railway bridge over New England Road adjoins to the west of the site. To the east of the site is a three-storey public house, which is currently closed, and on the corner of New England Road and New England Street is Vantage Point, a 9 storey building in commercial use. To the north of the site is a two-storey row of terraced housing.

3 RELEVANT HISTORY

BH2002/02533/FP: Erection of combined heat and power (CHP) unit, including thermal store, chimneys, improving vehicle access, boundary fencing and associated site works. Refused 11/02/2004 for the following reasons:-

1. *The NOx emissions from the proposed development would have a detrimental impact on air quality in the area, particularly around Preston Circus, contrary to policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, ENV.1 and ENV.46 of the Brighton Borough Local*

Plan and SU9 and QD27 of the Brighton & Hove Local Plan Second Deposit Draft.

2. *The proposed development, by virtue of its location, scale and appearance, would be detrimental to the setting of the Grade II listed railway bridge over New England Road, contrary to policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, ENV.3 and ENV.33 of the Brighton Borough Local Plan and QD4 and HE3 of the Brighton & Hove Local Plan Second Deposit Draft.*

4 THE APPLICATION

- 4.1 Planning permission is sought for a temporary development of 36 self-contained studio units to be occupied over a 5-year period. The studio units would be accommodated in a three-storey block fronting New England Road containing 6 units with a five-storey block to the rear containing 30 units. The units would be used as “move on” accommodation. The units would be formed from shipping containers, with glazing to each end elevation and blank side elevations, in a modular construction. The containers would be linked by external walkways and stairs which would provide access to all levels of the resulting building.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: 8 (eight)** letters of representation have been received from **3, 10 (x2), 51 (lower ground floor flat & flat A) Argyle Road; 9 Michel Grove (East Preston); and 62 & 66 Stroudley Road** objecting the application for the following reasons:

- The development would be out of keeping with the local area and is an overdevelopment of the site;
- The community and amenity value of the greenway (prior to crossing the railway bridge) would be reduced;
- Concerned as to what would happen after 5 years, the proposed project is a change of use by stealth;
- The site is one of the last remaining town centre industrial sites and provides a much needed environmental service. The change of use would result in the loss of employment opportunities;
- People are more likely to be homeless due to unemployment, a temporary planning permission does not address the root cause of the problem;
- Studies have found that containers are only worthwhile for disaster relief and are not a green solution. A short term measure is no answer to a problem. A more worthwhile project would be to buy and convert one of the many vacant office blocks in Preston Road to affordable housing;
- The proposal would set a dangerous precedent for future applications in the City;
- The access would not facilitate parking facilities for the emergency services and would force pedestrians into the road. Illegally parked vehicles would bring surrounding roads to a standstill;
- Disruption during construction works, particularly for the nearby Fire Station;
- Loss of privacy to adjoining properties;
- There is no disabled access to upper floor levels;

- The proposal represents a fire risk;
 - Impact on adjoining trees and vegetation;
 - Noise pollution to the development from adjoining uses, historically there have been complaints relating to the adjoining Public House;
 - The carbon footprint of the development should be assessed, particularly in relation to initial manufacture, shipping, on-site construction and subsequent dismantling;
 - The area is mainly temporary tenants which create problems relating to rubbish and cycles being left on pavements. Additional tenants would create similar problems;
 - The provision of temporary accommodation next to a public house would not be wise;
 - The proposal would bring crime and undesirable people to the neighbourhood;
 - Question the extent of pre-application consultation with local residents;
 - Loss of property value.
- 5.2 **8 (eight)** letters of representation have been received from **2 Argyle Villas (Basement Flat), Argyle Road; 13 Bigwood Avenue; 5 The Forges (Lewes); 13/14 (flat 2) Kings Gardens; 47 Montpelier Road; 41 (garden flat) Tisbury Road; 16 Whitelot Way** and **1 letter of no address** supporting the application for the following reasons:
- The proposal would make use of a dirty plot of land;
 - The proposal is something Brighton desperately needs;
 - The local community would benefit from the proposal;
 - The proposal could be an excellent pilot project for larger scale 'container houses' but to work efficiently an effective maintenance plan should be adhered to.
- 5.3 **CAG:** Support the application and the regeneration of an unattractive site.
- 5.4 **East Sussex Fire & Rescue Service:** No comments.
- 5.5 **Environment Agency:** No comments.
- 5.6 **London Road Area Local Action Team:** Support of this application. The majority of members (present at the meeting 19th March 2013 and at previous meetings) felt that this was an imaginative and appropriate provision to meet a very real need in Brighton for affordable accommodation for people making a genuine effort to get back into mainstream life in our city.
- 5.7 Although the spaces concerned started life as shipping containers this is best thought of as a recycling venture resulting in comfortable, if quirky, well-equipped, energy-efficient dwellings. The developers might consider giving the final edifice a brightly coloured finish, which would emphasise rather than attempt to disguise, the imaginative and unusual features of the housing provision.
- 5.8 Concerns were raised by a small minority of members. These concerns reflects the perception that London Road has more than its fair share of "street drinkers, drunks and drug users" and that this development might seem to add to these

problems rather than contribute to their solution. However, the BHT have given assurances, over and above planning considerations, that tenants would be assessed for suitability and great care would be taken that any problems of this nature would be remedied. This management would thus be comparable with similar existing accommodation in Ditchling Rise where no problems have come to the attention of the community as far as we are aware.

5.9 **Network Rail:** No comments.

5.10 **Southern Water:** The development would increase flows to the public sewerage system and there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers would be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act (1991) provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. A water supply can be provided to the site.

5.11 **Sussex Police:** Recommend measures to reduce the opportunity for crime and the fear of crime.

Internal:

5.12 **Access Officer:** It would be difficult if not impossible for the scheme to meet Lifetime Homes standards and there is no obvious way to make any wheelchair accessible.

5.13 **Ecology:** The proposal meets planning policy requirements with respect to biodiversity.

5.14 **Economic Development:** No objection.

5.15 **Environmental Health:** There is therefore insufficient information on which to make an informed judgement in relation to the submitted noise report. There are no concerns relating to the submitted land contamination report.

5.16 **Heritage:** The site is not within a Conservation Area but adjoins a Grade II Listed Railway Bridge over New England Road, the bridge is one of the earliest surviving railway bridges with cast iron arches. The bridge is no longer used by the railway and now carries a green corridor. Whilst the development would appear in views of the bridge it would not obstruct these views and is acceptable (in Heritage terms).

5.17 **Housing:** Support the application which would be used to accommodate men and women with a local connection to the City and partly as move on from existing supported housing provision, thereby creating additional capacity in the integrated support pathway promoted by the Council. The application is consistent with the housing and homelessness strategies of the Local Authority and would provide much needed accommodation.

- 5.18 **Planning Policy:** The urgent need for suitable accommodation for homeless persons in the city is not disputed and the concept of ‘move on’ accommodation within the city is supported in principle. However, in this instance, the application site is not considered a suitable location for the proposed residential use albeit that permission is sought on a temporary (5 year) basis. The land is contaminated, has a range of ‘bad neighbour’ noisy adjacent uses, is in a noisy location given the close proximity to New England Road; has poor daylighting due to the very cramped nature of site and the steep railway embankment to the west. Therefore the proposal raises considerable concerns regarding the protection of residential amenity (QD27 BHLP).
- 5.19 The current authorised waste facility at the application site is protected by the recently adopted Waste and Minerals Plan for East Sussex and Brighton & Hove and the South Downs (Policy WMP 6, Plan adopted February 2013). The application proposal does not address this policy issue and does not seek to demonstrate alternative capacity elsewhere in the Plan Area or that the waste facility is no longer needed to meet local waste management needs and is therefore contrary in this respect.
- 5.20 A comprehensive mixed use redevelopment of this site together with adjacent land parcels is sought through the Submission City Plan Part 1 for longer term regeneration (Policy DA4). The application does not prejudice this as it is for a temporary consent only. The requirements of Policy DA4 in the emerging City Plan do not conflict with the up to date Waste & Minerals Plan as timescales for delivery would allow alternative waste management capacity / replacement facilities to be accommodated.
- 5.21 **Sustainable Transport:** No objections: The applicant states that emergency service vehicle access to the site is provided by a secure gate via the existing vehicle crossover off New England Road. However, as the vehicle crossover is not in use day in day out the redundant crossover should be reinstated back to footway.
- 5.22 In order meet policy H07 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the development to be made car free. The development site lies within CPZ Y and benefits from being in a central sustainable location close to public transport routes and local services. The applicant concurs with the Highway Authority’s view that the site benefits from being in a sustainable location. Therefore on this basis as the site is in close proximity to a range of public transport, including Brighton railway station and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted.
- 5.23 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 36 residential units the minimum parking standard is 36 cycle parking spaces for residents and 12 for visitors. The applicant is intending to provide cycle storage for 10 bikes only; in the form of Sheffield type stands close to the main access. Therefore, additional cycle parking should be provided and there may be scope on-site to provide additional cycle parking.

- 5.24 The Highway Authority would seek to secure a sum of £20,000. This would go towards sustainable transport improvements in the vicinity of the site; specifically pedestrian improvements. This would enable there to be acceptable footway provision and provide for the forecast increase in trips to and from the site.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

East Sussex, South Downs and Brighton & Hove - Waste and Minerals Plan
WMP 6 Safeguarding Waste Sites

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials

SU8	Unstable Land
SU10	Noise nuisance
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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
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
HO15	Housing for people with special needs
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD08 Sustainable Building Design

SPD10 London Road Central Masterplan

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

DA4 New England Quarter and London Road Area

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the temporary use of the site for residential accommodation and its impact on the character and appearance of the area, neighbouring amenity and highway safety.

Background

8.2 The application site is part of a strategic allocation in the Submission City Plan for the New England Quarter and London Road Area (Policy DA4). The strategy for this development area is *‘to revitalise the London Road shopping area, create a major new business quarter for Brighton & Hove consisting of high quality business accommodation connecting London Road with the New England Quarter, and to maintain and enhance a green gateway to the city to the west of Preston Road.’* The proposed development would not prejudice the longer term regeneration sought by this policy as a temporary consent is being sought. Accordingly, there is considered to be no conflict with the Submission City Plan.

- 8.3 The application site forms part of an authorised waste facility which fronts New England Street, G Richardson & Sons Ltd. This facility is safeguarded by policy WMP 6 of the recently adopted Waste and Minerals Plan for East Sussex and Brighton & Hove and the South Downs. This policy seeks to maintain existing waste sites unless it is demonstrated that the provision is no longer needed. The applicant has advised that the application site is used for vehicle parking and auxiliary storage and is not fundamental to the main waste facility, which has previously operated without the vehicle parking and storage provided by the application site.
- 8.4 The waste facility building (fronting New England Street) and access to a side / rear yard for servicing and storage would not be altered by the proposed development, which would not result in the loss of a waste facility. There is no evidence to suggest the application site would prejudice the continued operation of the adjoining facility, subject to detailed noise considerations. As such it is considered refusal of the application, which is for a temporary period, would not be warranted on these grounds.
- 8.5 The application site provides ancillary parking and storage in connection with an adjoining site and does not directly support employment opportunities. The adjoining waste facility use, and associated jobs, would not be affected by a temporary development on the application site. The Council's Economic Development Team has therefore not objected to a temporary consent being granted. For these reasons the proposal would not result in the unjustified temporary loss of land in employment use.

Proposed Development

- 8.6 The development would provide a total of 36 self-contained studio units for a temporary 5-year period. The provision of a single accommodation type would not necessarily contribute to the creation of mixed and sustainable communities and as such there is a conflict with the aims of local plan policies HO2, HO3 and HO4. The justification for the proposed development is set out in a Planning Statement prepared by the Brighton Housing Trust (BHT), a local organisation which provides specialist housing services designed to address issues which may have contributed towards homelessness. These services include a 52-bed support hostel, known as 'Phase One Project', and a 63-bed rehabilitation programme.
- 8.7 The BHT has indicated a demand for small housing units for 'transitional housing', i.e. accommodation for residents who have completed Phase One / rehabilitation programmes and require self-contained 'move-on' accommodation. The Planning Policy Team has accepted the urgent need for suitable accommodation for homeless persons and supports the concept of 'move on' accommodation within the City. The Council's Housing Team further states that the proposal is consistent with the Council's housing and homelessness strategies, would provide much needed accommodation, and would create additional capacity in the integrated support pathway (which is promoted by the Council).

- 8.8 The application, and representations from the Housing and Planning Policy Teams outline a clear need for the type of accommodation being proposed, which it is understood is not being provided elsewhere in the short to medium term. The development would provide a size and standard of accommodation acceptable to the BHT for use as transition / 'move on' housing, and the orientation and scale of the proposed buildings would provide a reasonable level of light and outlook for future occupants accommodated on a temporary basis only.
- 8.9 The development would make provision for projecting roof balconies to each studio unit and the submitted plans indicate soft landscaping to the communal frontage of the site.
- 8.10 The Environmental Health Team has expressed concern relating to the surrounding noise environment. A Noise Assessment has subsequently been submitted which takes into account noise from adjoining roads, uses and the nearby railway line. The Assessment concludes that predicted internal noise levels would be within recognised 'reasonable' criteria with the exception of elevations immediately overlooking New England Road, where elevated noise levels are created by road traffic. Whilst this is a concern bedrooms have been sited at the rear of buildings, away from noise sources, and taken as a whole it is not considered the development would have an adverse impact on the quality of life for future occupants. It is acknowledged that the noise assessments are based on historic noise data (dating from 2003). In isolation of evidence to suggest a significant uplift in road traffic or a change in the nature of surrounding uses this is not though considered to be sufficient reason to refuse the application and the above conclusion would remain applicable.
- 8.11 The proposal, taking into account the planning policy background to the site and the nature of the proposed housing, is not considered to represent an appropriate permanent form of development. The development would, however, meet an identified short term need without prejudicing wider planning objectives for the London Road / New England Quarter area. A 5-year temporary consent is therefore considered acceptable on this site and in this instance. As the proposed development is only considered suitable as a form of temporary 'move on' accommodation for use in connection with services offered by the BHT, a condition limiting occupation is recommended.
- 8.12 BHT has advised that there are no firm plans to renew the planning permission at the end of a five-year period. The development is therefore seen as a means of easing housing need in the City and allowing a greater throughput in supported housing schemes (in Brighton & Hove). The longer term strategy of BHT is for an increase in supply of accommodation for local people towards the end of a five-year period.

Impact on amenity

- 8.13 The submitted plans indicate that the proposed development is below the level of adjoining residential units on Stroudley Road, and these units are also raised above the level of the adjoining greenway. This relationship would ensure no

harmful loss of light, outlook or intrusive downward overlooking would result for occupants of adjoining properties on Stroudley Road

- 8.14 The proposed development is three-storeys in height immediately adjacent to New England Road. This scale coupled with the separation provided by the highway is sufficient to ensure no harmful loss of light or outlook for adjoining residents to the north of the site. There would be mutual overlooking between the existing terrace on the northern side of New England Road and the proposed frontage building. The resulting overlooking would not be unexpected in a central location such as this and it is considered that any loss of privacy would not be of such significance as to warrant refusal of the application.
- 8.15 To the south of the site are commercial premises fronting New England Street. The nature and orientation of this adjoining development would prevent any harmful loss of light or outlook. Whilst the backland 5-storey element of the proposal would create clear views over adjoining properties this would not result in harm due to the use of adjoining sites, which primarily comprise servicing and storage to the rear of the frontage buildings.
- 8.16 There is no evidence to suggest residential use of the site would prejudice the continued operation of adjoining commercial uses. The occupancy of the proposed development would be managed by BHT and access to the site would be controlled. The application site is within an area of mixed use the introduction of residential accommodation would not be expected to cause anti-social behaviour or generate harmful levels of noise or disturbance.

Character and appearance

- 8.17 The development comprises a three-storey building fronting New England Road with a further five-storey building to the rear of the site. The frontage building reflects the scale of adjoining development, would not appear overbearing in views from adjoining highways or open space, and would not detrimentally affect the setting of the adjoining grade II listed railway bridge particularly in view of its temporary nature. In contrast the rear building is appreciably higher than adjoining development on New England Road and New England Street. The resulting visual impact is, though, considerably reduced by the separation from street frontages and the presence of adjoining development at a considerably higher level within the New England Quarter. The separation from street frontages reduces the apparent height of the building which would primarily be viewed against the backdrop of adjoining development on Stroudley Road. The proposed scale and siting of development is therefore considered acceptable.
- 8.18 The development comprises individual containers, each containing a studio unit, which creates a modular appearance. As a temporary form of development this approach is considered reasonable and the resulting functional appearance would reflect the primarily commercial surroundings. The three-storey frontage building would feature extensive glazing with balconies at first and second floor level to New England Road. To the rear the main 5-storey building would be visible with the front (northern) elevation dominated by external walkways and access stairs. The balconies and external walkways / stairs represent a highly visible part of the development and a condition is therefore recommended to

secure large scale details. Whilst the development is of a temporary nature this would ensure the external stairs and walkways do not appear unduly crude or prominent features.

- 8.19 The side (eastern) elevations of the rear building would be visible above the level of surrounding development on New England Street. There is considerable scope to soften the appearance and uniformity of this elevation and details of the external treatment, of the entire development including the colour(s) of paintwork, is required through a recommended condition. The development would incorporate a mix of lightweight green roofs and solar panels. The green roofs would temporarily enhance the ecological value of the site and would soften the appearance of the development in views from the adjoining greenway. Further details of the green roof are required by a recommended condition.
- 8.20 The western boundary of the site is marked by an embankment with established vegetation, including several trees. This planting provides effective screening between the application site and adjoining greenway and is highly visible in views from the surrounding area. The development would not result in the loss of this screening and a condition is recommended to require details of protection measures during construction works.

Transport

- 8.21 The proposal would not make provision for off-street parking and the applicant has advised that the development would be car free. The application site is within a controlled parking zone (area Y) in a central sustainable location with good access to public transport routes and local services. This location and the nature of the proposed development (and occupancy) is considered suitable for car free housing and this would be secured through a recommended condition.
- 8.22 The development would result in an increased demand for travel to and from the site, particularly in relation to pedestrian movements. The Transport Team has therefore requested a contribution of £20,000 towards improvements to footways in the vicinity of the site. As a temporary form of development it is though considered that the development would not necessitate permanent improvements to transport infrastructure in the vicinity of the site and it would therefore not be reasonable to require such a financial contribution in this instance. The development would not create a harmful demand for travel and any conflict with local plan policy TR1 would not warrant refusal of the application.
- 8.23 The development should provide a minimum of 48 cycle parking spaces (36 for residents and 12 for visitors). The submitted plans indicate provision for 10 cycles which is inadequate for a development of this scale. Nevertheless, there is sufficient space within the boundaries of the site to provide additional cycle parking facilities and further details are required through a recommended condition. This would ensure the scheme complies with local plan policy TR14.
- 8.24 A condition is recommended to require a Construction Management Environmental Plan (CEMP). The CEMP would need to include details of loading / unloading, methods to implement and enforce peak hour delivery restrictions,

measures to prevent dirt being tracked onto surrounding highways and details of appropriate routes to and from the site. The CEMP would ensure the development, and construction works, do not create a safety hazard for users of adjoining highways in compliance with local plan policy TR7.

- 8.25 The existing crossover onto New England Road would be retained as part of the development proposals. Whilst the proposed development does not require a crossover in order to be acceptable its future reinstatement as footway would be better considered as part of longer term comprehensive development proposals for the site. The retention of an existing crossover as part of temporary development of the site does not raise any new highway safety concerns.

Sustainability

- 8.26 The nature of the proposed development coupled with the temporary period for which consent is sought does not lend itself to assessment under the Code for Sustainable Homes. The applicant has instead submitted a Sustainability Statement assessing the scheme using One Planet principles, and this includes measures to reduce waste and the use of water. In addition the development makes provision for photovoltaic panels to the southern building and raised beds for localised on-site food growing projects. Whilst this approach and level of detail would not be appropriate for other developments in the City it is considered acceptable in this instance. The proposal is therefore considered to meet the general thrust and aims of local plan policy SU2.

Contaminated Land

- 8.27 In recognition of the industrial use of the site an Environmental Risk Assessment has been submitted with the application. The assessment concludes that re-surfacing of the site with a suitable low-permeability material would provide sufficient protection from localised surface contamination for future residents on a temporary basis. This conclusion has been accepted by the Environmental Health Team who has raised no concerns relating to land contamination. A condition is recommended to secure further details of the proposed re-surfacing, and its subsequent completion, prior to the commencement of any construction works.

9 CONCLUSION

- 9.1 The development, taking into account the planning policy background to the site and the nature of the proposed housing, is not considered to represent an appropriate permanent form of development. The development would, however, meet current acute and identified housing need without prejudicing wider planning objectives for the London Road / New England Quarter area. A 5-year temporary consent is therefore considered acceptable in this instance and the development would not result in material harm to neighbouring amenity or highway safety.

10 EQUALITIES

- 10.1 The development could not be built to Lifetime Homes standards but would provide housing for persons with an identified need and create additional capacity in the integrated support pathway.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The buildings hereby permitted shall be permanently removed from the site on or before 07 May 2018 in accordance with a scheme of works which shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The planning permission is not suitable as a permanent form of development and to comply with policies HO2, HO3 and HO4 of the Brighton & Hove Local Plan; policy WMP 6 of the East Sussex, South Downs and Brighton & Hove - Waste and Minerals Plan; and policy DA4 of the Submission City Plan.
- 2) The hereby approved development shall only be used as residential accommodation in association with services provided by the Brighton Housing Trust.
Reason: The development hereby approved is not suitable as a permanent residence and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 3) 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
Location Plan	1250.PL01		28/01/2013
Site Plan as Existing	1250.PL02		28/01/2013
Block Plan	1250.PL04		28/01/2013
Site & Roof Plan	1250.PL05		28/01/2013
Street Scene & Existing Elevations (New England Street)	1250.PL10		28/01/2013
Street Scene & Proposed Elevations (New England Street)	1250.PL11		28/01/2013
Street Scene & Existing Elevations (New England Road)	1250.PL12		28/01/2013
Street Scene & Proposed Elevations (New England Road)	1250.PL13		28/01/2013
Existing Site & Building Sections	1250.PL15		28/01/2013
Proposed Site & Building Sections	1250.PL16		28/01/2013
Ground Floor Plan & Site Layout	1250.PL20		28/01/2013
First Floor Plan	1250.PL21		28/01/2013
Second Floor Plan	1250.PL22		28/01/2013
Third Floor Plan	1250.PL23		28/01/2013
Fourth Floor Plan	1250.PL24		28/01/2013
Roof Plan	1250.PL25		28/01/2013
East Elevation	1250.PL30		28/01/2013

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West Elevation	1250.PL31		28/01/2013
North & South Elevations	1250.PL32		28/01/2013
W-Installations	TH.TW1		28/01/2013
Floor Plans and Sections Dimensioned	TH.Prof.ST		28/01/2013

Pre-Commencement Conditions:

- 4) No development shall commence until a scheme for the external treatment of the elevations of the Blocks (including full details of the colour scheme) has 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 policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 5) No development shall commence until details at a 1:20 scale of external doors, windows, balconies, stairways and walkways 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 policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 6) No development shall commence until details and a specification for the hard surfacing of the application site has been submitted to and approved in writing by the Local Planning Authority. The re-surfacing shall be completed in accordance with the approved details prior to the commencement of construction works above ground level.
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.
- 7) No development shall commence until fences for the protection of trees to the west of the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 8) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.
- 9) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during construction works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance

with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

- 10) No development shall take place until a scheme to ensure the stability of the adjoining retaining wall and former railway embankment has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure the stability of the adjacent structure and to comply with policies TR7 and SU8 of the Brighton & Hove Local Plan.

11.2 Pre-Occupation Conditions:

- 11) The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 12) The development hereby permitted shall not be occupied until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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.

- 13) The development hereby permitted shall not be occupied until a scheme for installing photovoltaic panels to the roof of block 1', as identified on drawing no. 1250.PL04, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure the development makes efficient use of energy resources and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 on Sustainable Building Design.

- 14) The development hereby permitted shall not be occupied until a scheme for establishing green roofs to blocks 1 and 2, as identified on drawing no. 1250.PL04, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure the development enhances the nature conservation value of the site and to comply with policy QD17 of the Brighton & Hove

Local Plan and Supplementary Planning Document 11 on Nature Conservation and Development.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The residential accommodation, although inappropriate as a permanent form of development, would meet a local housing need for a 5-year period without prejudicing wider planning objectives for the London Road / New England Quarter area, or resulting in significant harm to neighbouring amenity or highway safety.
3. The applicant is advised that the scheme required to be submitted by Condition 8 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
4. The applicant is advised that the details of external lighting required by condition 12 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. The applicant is advised that a formal agreement with Southern Water is required in order for the necessary sewerage infrastructure to service the development to be provided. In addition a formal application is required for connection to the water supply is required in order to service the development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688).

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6. In respect to condition 5, the applicant is required to consider implementing a suitable colour scheme to the elevations of the development to provide some visual interest within the street scene.

