

<b><u>No:</u></b>	<b>BH2022/01063</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Moulsecoomb Hub North Hodshrove Lane Brighton BN2 4SE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and redevelopment of site to provide new homes, a community hub building (Use Class E &amp; F), 3G sport pitches, skate park, public open space and associated infrastructure. (For information: Proposed buildings to be erected range from 2no to 8no storeys with up to 212 homes and up to 3,038 sqm of community floorspace).</b>		
<b><u>Officer:</u></b>	<b>Ben Daines, tel: 295783</b>	<b><u>Valid Date:</u></b>	<b>05.04.2022</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>05.07.2022</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Savills Mocatta House Trafalgar Place Brighton BN1 4DU</b>		
<b><u>Applicant:</u></b>	<b>Brighton And Hove City Council Estate Regeneration Hove Town Hall Norton Road Hove BN3 4AH</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 5 April 2023, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14 of this report:

### Affordable Housing

- Secure a minimum of 40% of the development as Affordable Housing
- 10% of affordable units to be built to Building Regulations M4(3) standard
- Affordable Housing Mix sizes to comprise: 30% 1-bed, 45% 2-bed, 25% 3-bed

### Artistic Component

- Commissioning and installation of artistic component on the site to the value of **£73,455** to be integrated as part of the development design or located elsewhere in the immediate vicinity.

### Community Hub

- Provision, maintenance and management of community hub

### Employment and Training

- Developer contribution of **£76,000** to support training and apprentice placements

- Employment and Training Strategies required for both demolition and construction phases demonstrating a minimum percentage of 20% local employment.

#### Sports Provision and Open Space

- Provision, maintenance and management of 3G pitches
- Provision, maintenance and management of skatepark
- Provision, maintenance and management of other play areas, open spaces, other public spaces and landscaping.

#### Transport

- The requirement of two car club bays, the provision of the second bay being subject to travel plan monitoring and survey outcomes that deem an additional bay and vehicle is necessary, after one year of occupation.
- Travel Plan including but not limited to:
  - monitoring and surveys of non-residential disabled parking and car club bay use (as above).
  - Car club bays and vehicles & membership package detailed below and Free/ discounted bus ticket (to be agreed with LPA and the LHA's travel plan officer)

#### Conditions:

1. 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	MOU-BHCC-S-ZZ-DR-A-001	A	25 March 2022
Block Plan	MOU-BHCC-S-ZZ-DR-A-002	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-S-EL-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-040	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-00-DR-A-060	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-01-DR-A-011	A	25 March 2022

Proposed Drawing	MOU-BHCC-B-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-044	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-062	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-022	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-023	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-RL-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-001	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-002	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-051	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-061-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-ZZ-DR-A-061-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-B-04-DR-A-052	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-00-DR-A-010	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-00-DR-A-040	A	25 March 2022

Proposed Drawing	MOU-BHCC-D-00-DR-A-050	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-00-DR-A-060	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-02-DR-A-042	A	25 March 2022
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Proposed Drawing	MOU-BHCC-D-03-DR-A-043	A	25 March 2022
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Proposed Drawing	MOU-BHCC-D-04-DR-A-063	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-05-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-05-DR-A-045	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-05-DR-A-053	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-EL-DR-A-020	A	25 March 2022
Proposed Drawing	MOU-BHCC-D-EL-DR-A-021	A	25 March 2022
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Proposed Drawing	MOU-BHCC-E-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-E-01-DR-A-011	A	25 March 2022
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Proposed Drawing	MOU-BHCC-E-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-E-ZZ-DR-A-001	A	25 March 2022
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Proposed Drawing	MOU-BHCC-E-ZZ-DR-A-061-2	A	25 March 2022
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Proposed Drawing	MOU-BHCC-G-04-DR-A -014	A	25 March 2022

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Proposed Drawing	MOU-BHCC-G-EL-DR-A-022	A	25 March 2022
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Proposed Drawing	MOU-BHCC-H-00-DR-A-040	A	25 March 2022
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Proposed Drawing	MOU-BHCC-G-ZZ-DR-A-061-2	A	25 March 2022
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Proposed Drawing	MOU-BHCC-H-05-M3-A-063	A	25 March 2022

Proposed Drawing	MOU-BHCC-H-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-H-SX-DR-A-031	A	25 March 2022
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Proposed Drawing	MOU-BHCC-H-ZZ-DR-A-062-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-00-DR-A-010	A	25 March 2022
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Proposed Drawing	MOU-BHCC-J-00-DR-A-060-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-01-DR-A-041	A	25 March 2022
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Proposed Drawing	MOU-BHCC-J-EL-DR-A-021	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-EL-DR-A-022	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-RL-DR-A-015	A	25 March 2022
Proposed Drawing	MOU-BHCC-J-SX-DR-A-030	A	25 March 2022
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Proposed Drawing	MOU-BHCC-K-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-044	A	25 March 2022
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Proposed Drawing	MOU-BHCC-K-04-DR-A-062-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-04-DR-A-062-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-05-DR-A-045	A	25 March 2022
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Proposed Drawing	MOU-BHCC-K-05-DR-A-063-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU-BHCC-K-SX-DR-A-031	A	25 March 2022
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Proposed Drawing	MOU-BHCC-L-00-DR-A-060	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-041	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-051	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-061-1	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-061-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-02-DR-A-042	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-03-DR-A-043	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-04-DR-A-014	A	25 March 2022
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Proposed Drawing	MOU-BHCC-L-07-DR-A-064-2	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-021	A	25 March 2022
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Proposed Drawing	MOU-BHCC-L-EL-DR-A-024	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-RL-DR-A-018	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-SX-DR-A-030	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-SX-DR-A-031	A	25 March 2022
Proposed Drawing	MOU-BHCC-L-ZZ-DR-A-001	A	25 March 2022
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Proposed Drawing	MOU-BHCC-M-01-DR-A-011	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-02-DR-A-012	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-03-DR-A-013	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-04-DR-A-014	A	25 March 2022
Proposed Drawing	MOU-BHCC-M-EL-DR-A-020	A	25 March 2022
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Proposed Drawing	MOU-BHCC-M-EL-DR-A-024	A	25 March 2022

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Proposed Drawing	MOU-REG-S-XX-DR-L-003	B	25 March 2022
Proposed Drawing	MOU-BHCC-M-ZZ-DR-A-005	A	25 March 2022
Proposed Drawing	MOU_REG_S_XX_DR_L_001	B	25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-002		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-004		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-006		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-007		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-008		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-009		25 March 2022
Proposed Drawing	MOU-REG-S-XX-DR-L-010		25 March 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9102	P5	30 September 2022
Proposed Drawing	MOU_REG_S_XX_DR_I_005	C	4 October 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9100	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9101	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9102	P5	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9460	P1	30 September 2022
Proposed Drawing	MOU-HOP-ZZ-XX-DR-C-9150	P1	30 September 2022
Report/Statement	Combined Geotechnical and Quantitative Ground Contamination Risk Assessment Site 6		13 September 2022
Report/Statement	Drainage Maintenance Schedule Part 1 and 2		13 September 2022
Report/Statement	Combined Geotechnical and Quantitative Ground		13 September 2022

	Contamination Risk Assessment Site 5		
Report/Statement	Acoustic Associates Sussex Ltd Proposed Housing Development / Site Regeneration		20 July 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-010	Rev C	21 November 2022
Report/Statement	Preliminary Ecological Appraisal		25 March 2022
Proposed Drawing	MOU-BHCC-H-00- DR-A-010	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-011	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-012	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-013	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-014	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-05- DR-A-015	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-EL- DR-A-020	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-EL- DR-A-021	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-EL- DR-A-022	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-EL- DR-A-023	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-H-RL- DR-A-016	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-00- DR-A-010	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-01- DR-A-011	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-02- DR-A-012	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-03- DR-A-013	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-04- DR-A-014	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-EL- DR-A-022	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-05- DR-A-015	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-EL- DR-A-020	Rev C	21 November 2022

Proposed Drawing	MOU-BHCC-K-EL-DR-A-021	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-EL-DR-A-023	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-K-RL-DR-A-016	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-01-DR-A-011	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-02-DR-A-012	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-03-DR-A-013	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-04-DR-A-014	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-05-DR-A-015	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-022	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-06-DR-A-016	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-07-DR-A-017	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-L-EL-DR-A-020	Rev C	21 November 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-006	Rev D	24 November 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-003	Rev D	24 November 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-004	Rev C	24 November 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-005	Rev D	24 November 2022
Proposed Drawing	MOU-BHCC-S-ZZ-DR-A-007	Rev D	24 November 2022

2. 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.
  
3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until samples/details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

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 CP12 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the details shown on the approved plans, no development above ground floor slab level shall take place until typical bay studies showing full details of doors, windows and their reveals and cills, balconies and french doors including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

5. 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 unless otherwise agreed in writing with the Local Planning Authority in writing.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing

by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. Other than demolition works and enabling works, the development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy CP12 of the Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

10. Within 6 months of first occupation of the Community Hub building hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the building has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be 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 CP8 of the Brighton & Hove City Plan Part One.

11. Prior to first occupation of the development hereby approved, details of the photovoltaic arrays proposed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

12. The development hereby permitted shall not be first occupied or brought into use until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include any



proposed lighting of sports facilities, lamps and luminaires erected as part of the development and any lighting of public open spaces and shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed and light spill minimised (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and that impacts on neighbouring residents have been minimised.
- c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
- d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) 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 c);
- e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
- f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

All external lighting shall be installed, operated and maintained in accordance with the specifications and locations set out in the approved Strategy, and these shall be maintained thereafter in accordance with the approved Strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to safeguard the setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies CP10 and CP16 of the Brighton and Hove City Plan Part One and DM40 of the City Plan Part Two and to protect species and wildlife habitats as many species active at night (e.g. bats and badgers) which are sensitive to light pollution. The introduction of artificial light might mean such species may be disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to policies CP10 of the Brighton and Hove City Plan Part One and policies DM20, DM40, and DM37 of the Brighton and Hove City Plan Part Two.

13. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such

thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of City Plan Part 2.

14. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. The respective phases of the development hereby permitted shall not be commenced (including all preparatory work) until the protection measures identified in the submitted Arboricultural Method Statement, dated 9th March 2022, are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and 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:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

16. Prior to the commencement of each respective phase of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

17. The respective phases of the development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a

representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in paragraph 4.4.29 of the approved Preliminary Ecological Appraisal (PJC Consultancy, 17/03/22) .

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

19. No development shall take place until an ecological design strategy (EDS) addressing the retention and protection of retained habitats and enhancement of the site to provide biodiversity net gain, in line with the recommendations in the Preliminary Ecological Appraisal (PJC Consultancy, 17/03/22) and the Preliminary Bat Roost Assessment and Bat Emergence Survey Report (PJC Consultancy, 17/03/22) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

20. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development]. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features, and comply with Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

21. No development, including site clearance, preparation and demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways and Southern Water). The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
  - (ii) 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)
  - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (v) Details of hours of construction including all associated vehicular movements
  - (vi) Details of the construction compound

(vii) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste. Also to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

22. No development of the 3G pitch hereby approved shall commence until full details of the design and layout of the 3G pitch have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The 3G pitch shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure the development is fit for purpose and sustainable and to comply with policies CP16 and CP17 of the City Plan Part One. .

23. Use of the 3G pitch hereby permitted shall not commence until:
- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
  - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is fit for purpose and sustainable, provides sporting benefits, and to comply with policies CP16 and CP17 of the City Plan Part One.

24. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include measures to ensure the replacement of the 3G AGP within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G pitch.

**Reason:** To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport, and to comply with policies CP16 and CP17 of the City Plan Part One.

25. The uses hereby permitted within the main Community Hub building shall be as shown on drawing MoU-BHCC-M-ZZ-DR-A-005-A only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021 (or any order revoking and re-enacting that Order with or without modification), no change of use of those hereby permitted shall occur without express planning permission being obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to ensure community uses are satisfactorily maintained at the site and not unduly compromised by competing uses, to comply with policy DM9 of the City Plan Part 2.

26. Demolition of the existing buildings on site hereby permitted shall be phased in accordance with the approved Demolition Plan (by Phase) (drawing no. MOU-BHCC-S-ZZ-DR-A-020 Rev A). No demolition works shall take place on the 67 Centre and Hillview Contact Centre until the Community Hub has been completed and ready for occupation.

**Reason:** To ensure continuity of community and sports provision and to comply with policy CP16 of the City Plan Part One and DM9 of the City Plan Part Two.

27. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the following -

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs and edge restraints
- Levels and gradients
- Lighting
- Drainage
- Street furniture
- Trees, other planting, growing media and planting aids
- Traffic signs and road markings;
- Details that demonstrate delivery vehicles (such as panel vans) pass large cars throughout the site

**Reason:** In the interest of highway safety, sustainability, quality design, and public amenity and to comply with policies CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One and policies DM18, DM22, DM33 and DM36 of the City Plan Part Two.

28. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan for the Community Hub, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements, has been submitted to and approved in writing by the Local Planning Authority. All deliveries, servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of the Brighton & Hove City Plan Part 2.

29. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following

- A scheme for conveying allocations to occupiers of the development.

- Controls to limit access to and within the parking area.
- A scheme to provide security for users of parking area.

The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.

**Reason:** To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policy CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards

30. The vehicle parking areas shown on the approved plans 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 and shall be maintained so as to ensure their availability for such use at all times.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
31. Notwithstanding the plans hereby approved, the development hereby permitted shall not be occupied until details of secure cycle parking facilities (including provision for larger cycles such as cargo bikes) for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
32. The 3G pitch hereby permitted shall not be used outside the hours of 09.00 to 21.00 daily and all floodlighting associated with the pitch will be turned off by 21.30 hours.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
33. Prior to the use of the skatepark hereby permitted, a management plan for the skatepark setting out noise management and safety measures shall be submitted to and approved by the Local Planning Authority. The details within the plan shall encompass the recommendations set out on pages 37 and 38 of the Noise Assessment 'Proposed Housing Development/Site Regeneration Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' The approved management plan shall be fully implemented prior to first use of the skatepark and thereafter maintained.  
**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.
34. Prior to the use of the 3G pitch hereby permitted, a management plan for the pitch setting out noise management measures shall be submitted to and

approved by the Local Planning Authority. The details within the plan shall encompass the recommendations set out on pages 37 and 38 of the Noise Assessment 'Proposed Housing Development/Site Regeneration Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' The approved management plan shall be fully implemented prior to first use of the 3G pitch and thereafter maintained.

**Reason:** To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

35. No development above ground floor slab of the residential units hereby permitted shall take place until a detailed soundproofing scheme for these units has been submitted to and approved in writing by the Local Planning Authority. The approved soundproofing shall be fully implemented prior to the first occupation of the residential units and shall thereafter be retained.

**Reason:** To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.

36. Any plant or machinery associated with the development, including air source heat pumps and similar, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level equal to or below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142: 2014.

**Reason:** To protect the amenity of future residents and to comply with policies DM20 and DM40 of the City Plan Part Two.

37. Glazing of the residential units hereby permitted shall be implemented in strict accordance with the approved specification and detail found on pages 32, 33, and 34 of the Noise Assessment named 'Proposed Housing Development/Site Regeneration', Date: 23/02/2022, Project: J3102, Issue 1, Site: Moulsecoomb Hub, Brighton. BN2 4SE, produced by 'Acoustic Associates Sussex Ltd.' This shall include the improved glazing that is required on the 10 facades where exceedances of guideline noise levels where identified.

**Reason:** To safeguard the amenities of future occupiers of the proposed development and to comply with policy DM20 and DM40 of the City Plan Part Two.

38. Prior to the use of the 3G pitch hereby permitted, details of the specification, construction and location of a noise barrier shall be submitted to and approved by the Local Planning Authority. The noise barrier shall be implemented in accordance with the approved details prior to the use of the 3G pitch and retained as such thereafter.

**Reason:** To protect the amenity of the locality and to comply with policy DM20 and DM40 of the City Plan Part Two.

39. Notwithstanding the submitted details, no development shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the



Local Planning Authority in consultation with Southern Water. CCTV surveys of the existing sewerage network shall be submitted as part of the drainage strategy. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of the City Plan Part Two.

40. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The approved drainage system shall be implemented in accordance with the approved detailed design.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

41. Prior to the occupation of Block B, details of privacy screens on the northern side of the balconies serving flats 9, 16 and 23 shall be submitted to and approved in writing by the Local Planning Authority. These privacy screens shall be implemented prior to occupation of Block B and thereafter retained.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of Brighton & Hove City Plan Part 2.

42. Prior to the occupation of Block H, the 1.6m high obscurely glazed privacy screens shown on the south-east elevation shall be implemented and thereafter retained.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with Policy DM20 of Brighton & Hove City Plan Part 2.

43. Prior to the commencement of the development hereby approved, an amended Traffic Management Plan will be submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall be implemented in accordance with the approved details.

**Reason:** In the interests of highway safety and to comply with policy DM33 of the City Plan Part Two.

44. Prior to the commencement of development, excluding to slab level, details of active play equipment to be provided in the equipped areas of play shall be submitted to and approved in writing by the local planning authority. The approved equipment shall be installed before the first occupation of the development.

**Reason:** To ensure the provision of satisfactory equipped areas of play and for the amenities of the development, in accordance with Policy CP16 of the Brighton & Hove City Plan Part One.

45. The development hereby permitted shall not be commenced (except demolition) until details of proposed wind mitigation as outlined in the report 'Brighton &

Hove City Council Moulsecoomb Housing & Community Hub Environmental Wind Desktop Study Report' dated 24 May 2022 have been submitted to and approved in writing by the Local Planning Authority. The wind mitigation measures shall be implemented in accordance with the approved details and thereafter retained.

**Reason:** In the interests of public safety and amenity and to comply with Policy DM20 of the City Plan Part Two.

46. Prior to the commencement of development, a Hydrogeological Risk Assessment will be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The mitigation measures identified within the assessment shall be implemented in accordance with the approved details and thereafter retained.

**Reason:** To ensure the protection of the water environment and to comply with policy DM42 of the City Plan Part Two.

47. In the event that piling is required for the construction of the development hereby permitted, a Piling Risk Assessment will be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, prior to the commencement of development. The mitigation measures identified within the assessment shall be implemented in accordance with the approved details and thereafter retained.

**Reason:** To ensure the protection of the water environment and to comply with policy DM42 of the City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
4. The Construction Environmental Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited

to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

5. Mechanical and Electrical design should work to maximise self-consumption on site and review BHCC's SOLARISE housing pilots for information about self-consumption in accommodation blocks.
6. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
7. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
8. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
9. Details of the proposed adoption of part of Hodshrove Lane should be discussed at the S278 stage with the Highway Agreement team.
10. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received.

## **2. SITE LOCATION**

2.1. The application site comprises 3.5 hectares of land, located in north east Brighton, to the east of Lewes Road (A270). The area is predominantly residential in character but Moulsecoomb Primary School is located immediately to the west of the site, Moulsecoomb Health Centre to the north, and Moulsecoomb Community Leisure Centre and associated playing fields to the north/north-east. The site is dissected by Hodshrove Lane and bounded by Moulsecoomb Way to the north, Hodshrove Road to the east, and Hillside to the south. The site itself currently comprises a range of open spaces, community buildings and offices as follows:

- Hillview Contact Centre (community use)
- 67 Centre (youth services)
- Moulsecoomb Hub North (social work services) - currently vacant
- Moulsecoomb Hub South (social work services) – currently vacant
- Boxing club
- Children's Centre
- Two Multi Use Games Areas (MUGAs)

- A playing pitch / fields
  - Amenity greenspace
- 2.2. The existing buildings on the site are relatively low rise, ranging from one to two storeys in height and are of little architectural or historic interest, being relatively utilitarian in appearance.
  - 2.3. The site lies within a valley and the topography slopes downwards from east to west. The South Downs National Park (SDNP) surrounds the built up area boundary in this area towards the east, north and west at the highest points of the valley. Pedestrian access to the SDNP from the site can be achieved via footpaths between the residential developments on Hodshrove Road to the east. These footpaths link to Public Rights of Way (PRoW) in the SDNP.
  - 2.4. Access to the site is via Hodshrove Lane which is a verdant street that is two-way east of the main access into the site and then one-way as it narrows to the west of this access.
  - 2.5. Whilst SPD14: Parking Standards identifies the site as being within the Outer Area of the City, it is located close to an identified Key Public Transport Corridor (Lewes Road) and as a result has good access to the City's bus network. Moulsecoomb Train Station is approximately 1km from the centre of the site and provides transport links to Brighton and further afield. However, the site is still some distance from the main shops and services on Lewes Road.
  - 2.6. The site is located within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources. However, there are areas within the site that have a high risk of surface water flooding.
  - 2.7. An Archaeological Notification Area covers most of the site and while the site has a long history, there are no listed buildings on or near the site and the site is not within a Conservation Area.
  - 2.8. Having regard to ecology, the site falls within a Nature Improvement Area (NIA). There are also a number of Local Nature Reserves within a reasonable proximity to the site including Wild Park to the west and Bevendean Down to the north east and South.

### 3. RELEVANT HISTORY

- 3.1. There are no directly relevant planning applications on this site. However, the following pre-application enquiry is of direct relevance:

28 July 2020 – 25 March 2022	<b>PRE2021/00014:</b> Formal pre-application discussions took place regarding the proposed development between 28 July 2020 and 25 March 2022. A Planning Performance Agreement was also signed during this period. A number
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	<p>of amendments and improvements have been made to the scheme since the first pre-application submission including the following:</p> <ul style="list-style-type: none"> <li>• Relocation of the Community Hub from the north side of Hodshrove Lane to the south. This has helped to improve its relationship with Hodshrove Lane and ensure it will be a central element of the proposals.</li> <li>• Relocation of the skatepark to the north-west corner of the site, adjacent to the Community Hub and Hodshrove Lane. This has improved the relationship with the proposed flat blocks and has helped to ensure a more active frontage onto Hodshrove Lane.</li> <li>• Relocation of the proposed 3G pitches from the south of Hodshrove Lane to the recreation area north of Hodshrove Lane. Given that 3G pitches generally require 4.5m high perimeter fencing, the provision of 3G pitches on the south side of Hodshrove Lane, facing directly on to Hodshrove Lane, would have created an inactive, uninviting frontage for a significant part of the development. The relocation of the pitches to the north of the site also improves the relationship with the existing sports centre.</li> <li>• An increase in the amount of residential units facing on to Hodshrove Lane. This helps to provide a more active frontage on to Hodshrove Lane.</li> <li>• Reorientation of Block G and amendments to a number of residential blocks to reduce the number of single aspect units. Amendments to the various proposed residential blocks to provide more dual aspect units help to significantly improve the standard of accommodation.</li> </ul> <p>It should also be noted that the proposed development was taken to the Design South East DesignPLACE panel on two separate occasions – in 2020 and 2021 respectively. A number of recommendations were made by the DesignPLACE panel, many of which are reflected in the amendments set out above.</p>
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#### 4. APPLICATION DESCRIPTION

4.1. The application seeks permission for the demolition of the following buildings:

- The Hillview Centre
  - The 67 Centre
  - Moulsecoomb Hub North
  - Moulsecoomb Hub South
- 4.2. The services within the existing Moulsecoomb Hub North and South buildings have already been relocated to the former Portslade 6<sup>th</sup> Form Building on Mile Oak Road in Portslade.
- 4.3. The existing hard-surfaced MUGAs on the site will also be demolished.
- 4.4. With the exception of the Boxing Club and the Children’s Centre (both of which will be retained on site), the application seeks permission to redevelop the site to provide the following:
- 212 new affordable rented homes comprising eight apartment blocks and four pairs of semi-detached houses.
  - A community hub comprising a library, youth services, adult education, health facilities including a GP surgery, and a café.
  - A small retail unit within the ground floor of Block D.
  - A skate park to the south of Hodshrove Lane.
  - A 7v7 3G pitch (that can be converted to two 5v5 pitches) on the playing fields on the north side of Hodshrove Lane.
  - Additional smaller scale recreational facilities including play parks, incorporated into the overall public realm strategy.
- 4.5. The eight residential blocks (Blocks B, D, E, G, H, J, K and L) would range in height from 3 to 8 storeys, with the tallest blocks located on the lowest part of the site towards the south west. The Community Hub building, would range from 3 to 4 storeys in height over split levels due to the topography of the site. The four semi-detached dwellings, also on a split level, would be two storeys in height (plus rooms in the roof) but would appear as chalet style bungalows when viewed from Hodshrove Road.
- 4.6. Access to the site would be via Hodshrove Road to the east, Hodshrove Lane, and Hillside to the south. Alterations to Hodshrove Lane are also proposed to make it narrower and more pedestrian friendly. This includes making the whole of Hodshrove Lane one way (travelling east to west) as well as the addition of further planting, new pedestrian crossings, and three additional parking spaces.
- 4.7. Hillside to the south would effectively be extended into the site to link with Hodshrove Lane to the north. Whilst not a shared surface, the new access road running north to south through the centre of the site between Hodshrove Lane and Hillside has been designed to reduce vehicle speeds and create a pedestrian friendly environment. A secondary access is also proposed off Hodshrove Lane serving Blocks D, E, F and G.
- 4.8. 115 parking spaces are proposed throughout the development. 77 of these are proposed to serve the residential units and 38 would serve the non-residential

uses on the site. Of the 115 parking spaces, 19 are wheelchair accessible spaces. Six motorcycle spaces would also be provided along with 353 cycle spaces (323 spaces for the residential units and 30 spaces for the non-residential uses).

- 4.9. The proposal also includes significant public realm enhancements including new play spaces, amenity areas and significant amounts of new planting across the site.
- 4.10. The proposed development would be undertaken in two phases. The western side of the site would be demolished first and the new Community Hub constructed before demolition and development takes place on the eastern side. This would allow the 67 Centre and the Hillview Centre to operate until the new Community Hub is constructed, and the youth services within the 67 Centre along with uses within the Hillview Centre can be, where necessary, relocated into the new Community Hub.

## **5. REPRESENTATIONS**

- 5.1. Thirteen unique representations have been received. Nine of these are objections raising the following issues:
  - Additional traffic
  - Insufficient parking leading to overspill
  - Roads are too narrow to cope with overspill parking
  - Increased noise pollution due to balconies and skate park
  - Loss of view to Wild Park
  - Loss of light
  - Overlooking and loss of privacy
  - Overlooking of school
  - Anti-social behaviour at skatepark
  - Lack of engagement and insufficient consultation
  - Ugly blocks of buildings
  - Too high
  - Overdevelopment
  - Out of character
  - Loss of biodiversity
  - Disturbance during construction
  - No provision for local shopping
  - Impact will be worsened due to Moulsecoomb Way development
  - No new cycle routes proposed
  - Loss of valuable greenspace
  - Swift bricks/boxes should be incorporated into the development
  - The proposed leisure facilities such as the skatepark and 3G pitch are niche and non-inclusive.
  - Rents should be set as low as possible.
  - The Council has made the whole process intentionally difficult for people to understand and it has been difficult to obtain information regarding the application.

- Disturbance to the school during construction phase
  - Loss of buildings supporting several community groups
- 5.2. The issue raised in support of the application related to the benefit of providing new Council housing.
- 5.3. Officer Note: In relation to issues concerning a lack of consultation, it should be noted that a Statement of Community Involvement was submitted with the planning application setting out the stages of consultation with local residents prior to submission of the planning application. This included setting up a Neighbourhood Action Plan for Moulsecoomb and Bevendean, nine 'Planning for Real' exercises, and the setting up of a Community Stakeholder Group.

## 6. CONSULTATIONS

### Internal

- 6.1. **Air Quality Officer:** No objection subject to the following comments:  
Recommend that developer [i.e. the Council] contributes to an air quality assessment before, during and after construction, including funds for traffic counters, modelling software and air monitors.
- 6.2. Renewable energy provision without emissions to air should be included and should avoid CHP (Combined Heat and Power) with NOx emissions to air. Alternatives to gas combustion should be sought such as heat pumps and solar arrays or grid connected electric. Any boilers shall have the lowest NOx rate per kWh available on the market at the time of implementation. All HGVs used to build the site shall avoid AQMAs, and should as minimum meet the euro-VI D emissions standard. All non-road mobile machinery on site should meet at least stage IIIB and stage IV emission standards after 1st January 2025.
- 6.3. **Arboriculture:** Neither objects nor supports the application: The arboriculture officer expresses disappointment that contrary to BS5837, an A grade London Plane tree was not given due consideration at the design stage and incorporated within retained landscaping. Replacement trees should be provided to mitigate other tree losses but these should be non-Elm species.
- 6.4. **City Clean:** No objection
- 6.5. **City Parks:** No objection
- 6.6. **Environmental Health:** No objection subject to conditions relating to the following:
  - Soundproofing of new residential units
  - Plant noise requirements
  - Required glazing
  - Noise barriers in the form of acoustic barriers
  - Noise /area management plans
  - Installation of lighting to minimise impacts on nearby residential properties



- 6.7. **Housing Strategy:** No objection.  
The provision of 212 affordable rent dwellings is welcomed and will contribute towards meeting the City's affordable housing need. 15 wheelchair accessible homes as affordable rent tenure meets identified housing need. The inclusion of a number of larger homes is particularly needed.
- 6.8. **Policy, Projects and Heritage:** No objection.  
An artistic component to the value of £73,445 should be secured for the proposed development within a S106 agreement.
- 6.9. **Planning Policy:** No objection but make the following comments:  
The site is not allocated in the City Plan but falls within the Policy DA3 Lewes Road Development Area, therefore important consideration should be given to the DA3 strategy and local priorities. The main focus of DA3 is to improve further and higher education provision, however the strategy for the area also seeks to deliver development for housing, employment floorspace and community facilities, and also facilitate improved sustainable transport infrastructure; secure improvements to the townscape and public realm; deliver inter-connected green infrastructure and biodiversity improvements; and improve air quality.
- 6.10. The proposed development would provide additional housing which would contribute towards the adopted City Plan housing target of 13,200 new homes over the period 2010-2030 and help address the substantial 5-year housing supply shortfall (currently estimated at 2.1 years of housing supply). The development is also proposed as 100% affordable housing which would help address the city's substantial outstanding housing needs. When considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 6.11. The proposed development would provide an overall residential density of c60 dwellings per hectare (dph) across the whole application site. However, excluding the community building and areas of open space/outdoor recreation, the density would comfortably exceed 100 dph which Policy CP14 sets as a minimum expectation within the Development Areas (DAs).
- 6.12. The proposed housing mix reflects fairly closely the preferred affordable housing mix for the city in Policy CP20. Although the application would provide a lower proportion of two-bedroom units, this would be offset by the higher proportion of three/four bedroom units which is welcomed given the identified shortage of larger affordable family housing in the city.
- 6.13. The proposed housing units would meet the minimum space, accessibility (including wheelchair housing), and private outdoor amenity space requirements in CPP2 Policy DM1.
- 6.14. The proposals would provide a new Community Hub building accommodating a health care facility and pharmacy, youth centre, library, common area and café, with a small retail unit also proposed in Block D. The new community hub at the

heart of the development would support the objectives for sustainable communities set out in Policy DA6. However, the community provision should also be assessed against the specific criteria in saved Policy HO19 and CPP2 Policy DM9, whilst the loss of the existing community buildings will need be justified against saved Policy HO20 and CPP2 Policy DM9. The Planning Statement states that the existing youth services in the 67 Centre would be relocated into the new Community Hub, whereas the social work services within the existing Moulsecoomb Hub North and South are to be relocated to a new building in Portslade. It is not stated how the Hillview Centre would be replaced. It would be helpful for the applicant to provide information on this in order to ensure full policy compliance.

- 6.15. The development would involve the loss of existing areas of open space on the site, and the provision of new and replacement open space and outdoor recreation facilities. This includes a new 7v7 3G pitch on the site of the existing playing field to replace and upgrade two existing MUGAs. Several other areas of open space and outdoor recreational facilities are proposed within the scheme, including a pocket park, sensory garden, children's play area, skate park and terrace garden. In general, the proposals would appear to meet the requirements of Policies CP16 and CP17 in providing an enhanced quality, quantity, variety and accessibility in terms of public open space. However, the case officer should seek the views of the City Parks and Sports facilities teams for comments regarding the detailed design of these facilities.
- 6.16. The design and layout of the development are key considerations, given the prominent location within the DA3 Lewes Road Area, the scale and density of development (which includes taller buildings up to 8 storeys), and the proximity and visibility from the South Downs National Park. The scheme design should be assessed in detail against Policies SA5, CP12, CPP2 Policy DM18 (although this policy currently carries Limited weight as a material planning consideration) and the Council's SPD17 Urban Design Framework (UDF). The landscaping and public realm strategy should also be assessed against Policy DM22, noting that Policy DA3 specifically seeks improvements to the public realm and townscape.
- 6.17. A range of other policy considerations will also require detailed assessment against the DA3 strategy and local priorities, and other relevant City Plan policies (both CPP1 and draft CPP2). These include amenity issues (impacts on neighbouring uses, noise, air quality etc), transport and accessibility, heritage (including archaeology), green infrastructure and biodiversity, flood risk and drainage, energy efficiency and carbon reduction, and public health.
- 6.18. **Sports Facilities Manager:** No objection but makes the following comments:
- Initial Comments
- 6.19. As part of the development the delivery of a new 3G pitch improves the quality of provision of sports facilities in the city and the opportunity for increased engagement in sport and physical activity for the local grass roots football groups/clubs and the local community. The planned location also provides facilities closer to the existing sports centre providing better connectivity and will enable better management. However, there are 2 issues to highlight:

- 1) During the construction phases there will be a loss of the existing MUGAs as a sports provision and there is a delay between those being closed and the new 3G pitch being delivered.
  - 2) There is also a potential risk of loss of provision as the new 3G pitch is proposed to be built on the old school field which is Education land and requires permission for change of use via a Section 77 application. If the Section 77 application is not successful, the existing sports provision (MUGAs) have been built on and lost and there would need to be mitigation by building the 3G pitches elsewhere on the housing/development site.
- 6.20. The plans proposed appear to meet the quality standards required in line with FA and Sport England design guidelines for a 7v7 3G artificial grass pitch (with run offs). Although, more detailed plans would be able to confirm that the pitch complies to the necessary design requirements. It does, however, show goal recesses for football goals needed for cross pitch play for training and casual usage as well as full pitch match play. This means that the new 3G will not only enhance the current recreational activities all year round, it will also allow for FA affiliated football to be played in the local community throughout the season (unlike the existing grass pitch which is used infrequently).
- 6.21. From the plans it is unclear that floodlights are being provided however, ensuring that lights are included is critical to enable use in the evenings - specifically in the winter months. The current floodlights on the MUGA have planning permission to be used from until 10.30pm at night (BH2002/02464/FP) and it would provide maximum opportunity for use if a similar timeframe is applied to the new 3G pitch too.
- 6.22. As there is limited information regarding floodlights it is difficult to comment further, however it would be expected that LED lamps would be provided with minimal spillage, on appropriate folding floodlight columns and that the lux levels would comply with governing body guidelines for the specific level of play. Automatic controls and switching linked to the leisure centre would also enable good energy management to make the facility more sustainable.
- 6.23. The addition of high level perimeter fencing and the segregation of the pitch from spectators by low level fencing will all be required to assist with the ongoing operation, maintenance and management. There would also need to be a small storage facility created close to the pitch to house the required maintenance equipment (a small tractor) for weekly maintenance and brushing. From the current plans shown this does not currently seem to be included.
- 6.24. It will also be important that the future Operator ensures there is provision for an appropriate sinking fund (to replace the worn-out surface in approx. 10 years) which is essential for long term sustainability.

#### Further Comments

- 6.25. The proposed floodlights appear to meet the FA required floodlight design guidance. As referenced previously automatic controls and switching linked to the leisure centre would also enable good energy management to make the facility more sustainable.

- 6.26. Variable switches and dimming will allow the operator to illuminate the specific parts of the pitch that are in use rather than the full pitch. As well as being more energy efficient and cost effective it also helps in managing/rotating pitch use.
- 6.27. Courtesy lighting should also be provided at the entrance gate to ensure safe exit from the pitch at night (when the main floodlights go out) especially for women and girls. The lighting plan doesn't seem to indicate any additional lights to help with safe egress which is strongly recommended.
- 6.28. **Sustainable Drainage:** No objection subject to the provision of further information pursuant to planning conditions.
- 6.29. Whilst the proposed system is acceptable and while we note the incorporation of landscape-led rain gardens into the drainage strategy, in terms of current Local Plan policy and standards within our SPD on Sustainable Drainage, we would encourage a Council scheme to go further and enhance the environment where feasible and within the limits of this planning application and provide an overall landscape led and multifunctional sustainable drainage design in terms of our Urban Design Framework.
- 6.30. Furthermore, the Public Realm and Landscape Strategy notes that Landscape Design Principals include to 'integrate Suds where possible to help soften streetscape.' There is further potential for this to be achieved. The following information will be required and can be addressed via a planning condition.
  - Results of a CCTV survey to confirm the appropriateness of reusing existing foul connections
  - Construction details of drainage components including the rain gardens. Given that the rain gardens are an integral component of the overall drainage strategy, details should be sufficient to demonstrate its effectiveness in this regard.
- 6.31. **Sustainable Transport:** No objection subject to the following:
  - A requirement for a second car club bay, following travel plan monitoring and survey outcomes that deem one additional bay and vehicle is necessary, after one year of occupation,
  - Travel Plan including but not limited to:
    - monitoring and surveys of non-residential disabled parking and car club bay use (as above).
    - Car club bays and vehicles & membership package detailed below and Free/ discounted bus ticket (to be agreed with LPA and the LHA's travel plan officer)
- 6.32. Conditions are also recommended in relation to the following:
  - Retention of parking area
  - Cycle parking scheme
  - Electric Vehicle Charging Points
  - Delivery and Service Management Plan
  - Parking Management Plan
  - Amended Traffic Management Plans

- Demolition Logistics Plan (DLP) Condition
  - Construction Logistics Plan (CLP) Condition
- 6.33. **Sustainability:** No objection subject to conditions regarding the following:
- Biodiversity Net Gain
  - BREEAM 'Excellent' standard for the Community Hub
  - Carbon emissions
  - Water use
  - Solar PV installation
- 6.34. **Urban Design:** No objection but makes the following comments and recommendations:  
 The masterplan proposals are underpinned by a robust and informative community engagement process which has generated clear and well considered development ambitions and design strategies. Following a lengthy pre-application process, proposals are well received. The layout of primary routes and buildings is successful in generating a "civic heart" around the Hub building whilst retaining an open, low density, landscape-led urban grain to the Hodshrove Lane area, retaining its verdant character. A denser urban grain is proposed around residential blocks in the south and north-east of the site, which generates community activation and identity, and is generally supported.
- 6.35. The landscape proposals present a number of well-considered character areas and a keen attention to functionality. Proposals seek to unify distinct character areas across the central primary route by means of visual connection and strategic pedestrian crossing points.
- 6.36. The proposed massing is generally supported, appearing modest and unintrusive in views from sensitive landscape receptors.
- 6.37. The proposed appearance and materiality is generally supported. The Hub building in particular appears very high quality presenting a playful, modest and contextually responsive elevational composition of green and white / cream metal cladding. Contrastingly, residential blocks are proposed in a variety of brick tones, which further strengthens the landmark presence of the Hub building.
- 6.38. However, there are some concerns and recommendations are offered primarily regarding:
- Improvement of pedestrian connectivity across primary vehicular routes to elevate pedestrian priority, and help to unify different landscape zones;
  - Enrichment of the public realm around the Hub / Skate Plaza and north over Hodshrove Lane into the Leisure Centre forecourt, with more landscape uses appropriate for a "civic heart" e.g., more areas for seating;
  - The ratio of planted surface area in some landscape character zones and the extent of the SUDS strategy across the site;
  - Sunlight provision to some external spaces;
  - The proposed cumulative roofscape which in some views appears overly flat and homogenous;

- The form and appearance of Blocks K and L, to reduce their visual impact in views from Lewes Road;
- Some single-aspect dwellings of particular concern, and the lack of internal daylight / sunlight assessment;
- The general visual character of residential blocks which may benefit from a more playful (whilst still modest) approach; and,
- Development of the low-carbon strategy which should seek to respond to recent local and national targets for 2030 carbon neutrality.

## External

- 6.39. **Brighton & Hove Archaeological Society:** No objection.  
The proposed development is located close to a number of archaeological sites dated from the Roman and Medieval periods. The County Archaeologist should be contacted for his recommendations.
- 6.40. **County Archaeologist:** No objection subject to conditions relating to the following:
- The implementation of a programme of archaeological works in accordance with a written scheme of investigation.
  - Completion of archaeological site investigation and post-investigation assessment.
- 6.41. **County Ecologist:** No objection.  
Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions relating to the following:
- Lighting design strategy for light-sensitive biodiversity
  - Compliance with existing biodiversity method statement
  - Provision of an Ecological Design Strategy
  - Provision of a Landscape and Ecological Management Plan
- 6.42. **County Landscape Architect:** No objection subject to the imposition of conditions to ensure the full implementation of the hard and soft landscape proposals.
- 6.43. **Environment Agency:** No comment.
- 6.44. **Health and Safety Executive:** No objection.  
Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design to the extent that it affects land use planning.
- 6.45. **National Highways:** No objection subject to a condition regarding a Construction Management Plan being attached to any planning consent.

- 6.46. **South Downs National Park Authority:** No objection but make the following comments:  
Development within the setting of a national park should be sensitively located and designed to avoid or minimise adverse impact.
- 6.47. The site and proposals provide opportunities for much greater improvements to biodiversity, green infrastructure and networks. As an example the site has much greater scope for sustainable urban drainage and water re-use, the landscaping proposals could be improved to provide a better network of green infrastructure and habitat and produce better linkages through the site.
- 6.48. Particular concern is raised with the lack of information or a clear lighting strategy and the potential need for flood lights to serve the 3G pitch and recreation areas, for which there is little detail. The South Downs Landscape Character Assessment also identifies the adjacent character area as being particularly susceptible to further light pollution from the urban fringes outside the National Park.
- 6.49. If minded to approve the application, the SDNPA recommend that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution and disturbance to wildlife.
- 6.50. **Southern Water:** No objection subject to conditions relating to the following:
- The final drainage design will be shared and require approval from Southern Water.
  - Should piling be required, a Piling Risk Assessment will be shared and require approval from Southern Water.
  - A Hydrogeological Risk Assessment will be completed and concluded mitigations will feed into the CEMP or similar. These documents will be shared and require approval from Southern Water.
- 6.51. **Sport England:** No objection subject to conditions relating to the following:
- Full details of the design and layout of the 3G pitch
  - Certification that the Artificial Grass Pitch has met FIFA Quality Concept for
  - Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and confirmation that the facility has been registered on the Football Association’s Register of Football Turf Pitches
  - A Management and Maintenance Scheme for the 3G pitches.
- 6.52. Further comments were received following the receipt of floodlighting details for the 3G pitches: The additional lighting detail submitted meets the required FA standards and therefore, Sport England, the County FA and the Football Foundation remain supportive of the proposal.
- 6.53. **Sussex Police:** No objection.  
No major concerns with the proposals at this location. However, a number of crime prevention measures are recommended including access control, secure post boxes and cycle stores etc.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (March 2016);
  - Brighton & Hove City Plan Part Two (October 2022)
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## **8. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton and Hove City Plan Part One:

DA3 Lewes Road Area  
CP1 Housing Delivery  
CP2 Planning for Sustainable Economic Growth  
CP4 Retail Provision  
CP7 Infrastructure and Developer Contributions  
CP8 Sustainable Buildings  
CP9 Sustainable Transport  
CP10 Biodiversity  
CP11 Flood Risk  
CP12 Urban Design  
CP13 Public Streets and Spaces  
CP14 Housing Density  
CP16 Open Space  
CP17 Sports Provision  
CP18 Healthy City  
CP19 Housing Mix  
CP20 Affordable Housing

#### Brighton and Hove City Plan Part Two

DM1 Housing Quality, Choice and Mix  
DM9 Community Facilities  
DM18 High Quality Design and Places  
DM19 Maximising Development Potential



DM20 Protection of Amenity  
 DM22 Landscape Design and Trees  
 DM31 Archaeological Interest  
 DM33 Safe, Sustainable and Active Travel  
 DM35 Travel Plans and Transport Assessments  
 DM36 Parking and Servicing  
 DM37 Green Infrastructure and Nature Conservation  
 DM40 Protection of the Environment and Health – Pollution and Nuisance  
 DM43 Sustainable Drainage  
 DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03: Construction and Demolition Waste  
 SPD06: Trees and Development Sites  
 SPD11: Nature Conservation and Development  
 SPD14: Parking Standards  
 SPD17: Urban Design Framework

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance, layout, scale and massing; housing mix and tenure; standard of accommodation; community facilities, sports provision and open space; impact on residential amenity; employment; sustainable transport; sustainability; landscape, arboriculture and biodiversity; sustainable drainage; air quality; waste management; and health

**Principle of Development**

Policy DA3 Lewes Road Development Area

- 9.2. The application site falls within the Lewes Road Development Area (Policy DA3 of the City Plan Part One). The main focus of policy DA3 is to improve further and higher education provision which is not directly relevant to this proposal. However, the policy also seeks to deliver development for housing and community facilities, secure improvements to townscape and public realm, and deliver inter-connected green infrastructure and biodiversity improvements, all of which the proposal would directly contribute to. It is therefore considered that the proposal would not conflict with this policy.

Community Facilities

- 9.3. Policy DM9 of the City Plan Part 2 generally supports the provision of new community facilities and resists the loss of existing community facilities unless at least one of the following circumstances apply:
- a) *replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy; or*
  - b) *the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or*

- c) *the building or land is no longer suitable to accommodate the current use or an alternative suitable community use and cannot be reasonably adapted to do so; or*
- d) *it has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of active, flexible and appropriate marketing of the site for community use has been provided.*

- 9.4. The proposed redevelopment of the site would result in the demolition of 3,482sqm of floorspace comprising community floorspace (the Hillview Centre and the 67 Centre) and community-related employment floorspace (the social services offices at Moulsecoomb Hub North and South). However, it should be noted that the social work services within the Moulsecoomb Hub North and South buildings have now been relocated to the former Portslade 6<sup>th</sup> Form Building on Mile Oak Road in Portslade so such uses have not been lost. There was no necessity for social work services to be located in Moulsecoomb specifically, hence being moved to Portslade. Mile Oak Road is easily accessible by bus and so it is considered that the proposal meets the requirements of parts (b) of Policy DM9 in this regard.
- 9.5. The new Community Hub building would provide 2,783sqm of community floorspace (excluding the proposed café and pharmacy within the hub).
- 9.6. The 67 Centre (523sqm) currently provides a youth centre on the site and this would be replaced by the new youth space within the hub which has a floorspace of 578sqm and is therefore larger than the existing youth facility. The phasing of the development would allow for the 67 Centre to continue to operate until the new Community Hub is constructed.
- 9.7. The Hillview Centre (299sqm) which is also currently located on the site is used for a variety of different community functions, the majority of which will be relocated to the Community Hub once built.
- 9.8. Whilst the proposed redevelopment of the site would result in an increase in the amount of community facilities on site, like-for-like comparisons are not necessarily helpful because the provision of a new library within Moulsecoomb Hub would be likely to result in the loss of the existing Moulsecoomb library just off Lewes Road.
- 9.9. However, it is considered that the proposal would meet the requirements of Part 2.a) of Policy DM9 in that whilst it would result in the demolition of existing community buildings on site, it would provide replacement community facilities of an improved quality and size.

#### Housing

- 9.10. Policy CP1 in the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in

place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

- 9.11. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).
- 9.12. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.13. Therefore, the provision of 212 affordable new homes, in addition to a community hub and recreation facilities, is considered to be acceptable in principle and is considered to make a significant contribution to the Council's housing supply.

#### Sport, Recreation and Open Space

- 9.14. Policy CP16 (Open Space) of the City Plan Part 1 seeks to protect and enhance open space and only accepts the loss of open space where specific criteria are met. Specifically, one of the criteria in Policy CP16 states that planning permission will only be granted where '*the site is not part of a playing field (current or historical) and the loss is necessary to bring about significant and demonstrable long-term enhancements to the city's public space offer as a whole.*' The policy also states that developments will: be required to optimise the provision of safe on-site public open space with good passive surveillance; optimise accessibility to all users; and help to secure investment in poor quality, under-used open spaces, particularly in disadvantaged areas and areas with open space deficiencies to bring about enhancements in quality and public use.
- 9.15. Policy CP17 (Sports Provision) of the CPP1 states, amongst other things, that planning permission resulting in the loss of sports facilities and spaces will not be granted except where the facilities are to be replaced by improved facilities that help meet the sporting needs of the city.
- 9.16. The proposed development would involve a net loss of open space as a result of the redevelopment of existing areas of informal amenity space on the eastern side of the site along with the loss of existing sports facilities in the form of two Multi-Use Games Areas (MUGAs). However, the MUGAs are relatively old, under-used and of poor quality and whilst the proposed development would not provide a like-for-like replacement in the form of new MUGAs, it would deliver a new 7v7 3G pitch (which can also be used as two 5v5 pitches) and skatepark. The demand for both of these new facilities has been identified through consultation with the local community.
- 9.17. The proposed 3G pitch would be located on the existing playing fields to the east of the leisure centre. The existing playing fields had previously been used by the primary school. However, the sporting function has not been required by the

school for several years. Despite this, it is acknowledged that the existing playing pitches are available for sports use and as such FA regulation 3G playing pitches are required to replace them.

- 9.18. The existing informal open space on the site would be replaced with the provision of a public plaza, pocket park, children's play area, sensory garden and terrace garden.
- 9.19. In general, it is considered that the proposals would meet the requirements of policies CP16 (Open Space) and CP17 (Sports Provision) of the City Plan Part 1 in that whilst they would result in the loss of two MUGAs and informal amenity space, it would replace these with an enhanced quality and variety of sports facilities and public open space on site. The principle of these replacement facilities is therefore considered to be acceptable.
- 9.20. It should also be noted that no objections have been raised from the Council's City Parks and Sports Facilities Teams, and proposals have the in-principle support of Sport England.
- 9.21. The proposed redevelopment of the site to provide new housing, community and sports facilities, and open space is considered to comply with local planning policies and is therefore considered acceptable in principle subject to other relevant planning considerations set out below.

#### **Design, Appearance, Layout, Scale and Massing**

- 9.22. Policy CP12 (Urban Design) of the City Plan Part 1 states, amongst other things, that all new development will be expected to:
1. *Raise the standard of architecture and design in the City;*
  2. *Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;*
  3. *Achieve excellence in sustainable building design and construction;*
  4. *Conserve or enhance the city's built and archaeological heritage and its settings;*
  5. *Have regard to impact on the purposes of the National Park, where within the setting of the National Park;*
  6. *Protect or enhance strategic views into, out of and within the city;*
  7. *Be inclusive, adaptable and accessible;*
  8. *Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and*
  9. *Incorporate design features which deter crime or disorder and the fear of crime.*
- 9.23. Policy DM18 (High Quality Design and Places) of the City Plan Part 2 reinforces Policy CP12 and seeks to ensure that development considers and responds positively to the local context in respect of layout, scale of buildings, materials and architectural detailing.

- 9.24. The existing buildings on the site proposed to be demolished are of little architectural or historic merit, being generally utilitarian in appearance, and their demolition would have no harmful impacts on the appearance of the area.
- 9.25. The proposed layout of the site is relatively linear, informed by the proposed central access road that links Hodshrove Lane at the north to Hillside at the south. It is significant that the site is considerably higher to the east and lowers towards Lewes Road. This requires the proposed building and streets to follow the natural contours in the site. The layout is also informed by the need to provide active uses on Hodshrove Lane and provide a relationship with the existing leisure centre on the north side of Hodshrove Lane without harmfully impacting on the lane's verdant character. This active frontage is achieved via the location of the skatepark, public plaza and community hub which all address Hodshrove Lane as well as Blocks D, B, and E which front directly on to Hodshrove Lane.
- 9.26. Community uses have been clustered together so there is a clear relationship between the proposed Community Hub and the retained children's centre and boxing club, as well as the Primary School to the south, and the leisure centre to the north.
- 9.27. There is pedestrian permeability through the site both in a north-south direction as well as a number of pathways running east-west.
- 9.28. Areas of formal and informal play are distributed throughout the site, along with other areas of soft landscaping and extensive planting to provide a variety of visual, recreational, ecological and drainage benefits.
- 9.29. A significant amount of vehicular parking has been proposed along the extended access road linking Hodshrove Lane to Hillside to the south. This will result in a relatively heavy presence of cars along the main access road, particularly on the northern end adjacent the Community Hub. Whilst this is not ideal in layout terms, the varying levels across the site have made it difficult to relocate the parking elsewhere and the overall level of parking across the site is significantly below the Council's minimum standards as set out in SPD 14: Parking Standards. Where practicable, opportunities have been taken to locate parking in slightly more discrete locations such as in Blocks H and J, to the south and west of Block K, and between Blocks G and F.
- 9.30. In terms of built form, the proposed development comprises eight residential apartment blocks (Blocks B, D, E, G, H, J, K and L), four pairs of semi-detached houses, a community hub, and a skate park.
- 9.31. The residential blocks, which would have a contemporary appearance, range in height from 3 to 8 storeys with the tallest blocks located on the lowest part of the site in the south west corner. All of the residential blocks would have flat roofs with parapets and would be of a predominantly brick construction with a range of brick colours and types used throughout the development to provide variety and visual interest whilst still remaining generally cohesive.

- 9.32. All blocks would have bronze aluminium framed windows and doors, aluminium coping to the parapets, and would feature balconies with metal balustrades. Full details of materials would be secured by a planning condition. However, it is considered that the general material palette proposed for the residential blocks are appropriate and not out of keeping with the surrounding area.
- 9.33. Block B (residential) is located on the north side and eastern end of Hodshrove Lane. Along with Block E, this is an L-shaped building that frames the entrance into the suite from Hodshrove Road. The building would range from 3 to 5 storeys in height and occupy a corner plot facing onto Hodshrove Road and Hodshrove Lane. Due to the downward slope of the site from east to west, much of the ground floor level of Block B would be set below the level of Hodshrove Road by approximately half a storey. Whilst Block B would be higher than the existing two storey dwellings on the east side of Hodshrove Road, the existing dwellings are located on an elevated bank due to the topography of the area and, as a result, the difference in height between the proposed and existing dwellings would be clearly noticeable but would not be stark or notably incongruous.
- 9.34. Block D (residential and retail) would front on to Hodshrove Lane and would be located to the west of Block E and almost opposite the existing health centre. Block D sits on a split level and ranges from 4 to 5 storeys. Due to the slope of Hodshrove Lane, the highest part of this building is slightly lower than Block E to the east. In addition to residential uses, this block also incorporates a small retail unit at ground floor level with a shopfront facing south into the main site.
- 9.35. Block E (residential) occupies the corner plot on the south side of Hodshrove Lane and would face on to both Hodshrove Lane and Hodshrove Road. The scale and design of the building reflects that of Block B and the relationship with existing properties in terms of scale is therefore similar. Again, the ground floor level of this block is set below the level of Hodshrove Road.
- 9.36. To the south of Block E are 8 semi-detached dwellings. These dwellings would all have 4 bedrooms. Whilst these dwellings would be two-storey (with rooms in the roof), because the ground floor level of these properties sits below the level of Hodshrove Road, they would have the appearance of chalet bungalows when viewed from Hodshrove Road and would be of a comparable height to the existing houses on the western side of Hodshrove Road. Each house would have a modest rear garden space.
- 9.37. Block G (residential) is located to the west of the proposed semi-detached houses and faces on to the proposed Community Hub building. It is 5 storeys in height but would appear as four storey when viewed from the rear due to the topography of the site. The block would occupy a central location within the site and, as set out above, would be constructed using a darker brick colour to provide depth to the scheme, help break up the mass in long views and provide some contrast with the other residential blocks proposed given its central location within the site.

- 9.38. Block H (residential) is located towards the southern end of the site, to the south-west of Block G, and ranges in height from 5 to 6 storeys but would appear as a 4 to 5 storey development when viewed from the existing properties to the east on Hodshrove Road. Due to the downward slope of the site from east to west, the highest part of Block H would still be slightly lower than Block G.
- 9.39. Block J (residential) is located in the south east corner of the site and ranges from 4 to 5 storeys. Again, like Block H, it would appear more as 3 to 4 storeys from the residential properties on Hodshrove Road to the east.
- 9.40. Block K (residential) is located in the south west corner of the site. It is a 5 to 6 storey building (with plant room below) that along with Block L is cranked slightly to allow views through the site and across the valley from east to west. In addition to brick, this block also features aluminium cladding on part of the 5<sup>th</sup> storey.
- 9.41. Block L is located just to the north of Block K and is the largest block, ranging in height from 6 to 8 storeys. The block mass has a split level flat roof with the higher end to the west (corresponding to where the natural topography is lowest to reduce the impact of the block's height). In addition to brick, this block also features aluminium cladding on part of the 7<sup>th</sup> storey.
- 9.42. It is clear that the overall scale of the proposed residential blocks and the density of the proposal is significantly higher than the surrounding existing residential development. However, increased scale and density is not necessarily unacceptable and the heights of the proposed buildings work with the topography of the site. Whilst Block L would be notably high (up to 8 storeys), the overall height of the building would still be lower than the heights of Blocks B and E (both of which front on to Hodshrove Road) due to the topography of the site and the fact that Block L sits on a significantly lower ground level. Views of Blocks K and L from Lewes Road are partially restricted by the school buildings to the west of the site and trees along the western boundary of the school.
- 9.43. It should also be noted that there is some precedent for taller buildings in the immediate area in the form of the 1 Moulsecoomb Way redevelopment which is 5 to 7 storeys in height. However, it is acknowledged that this building is closer to the Lewes Road corridor and sits on a lower land level than the application site.
- 9.44. The application site is located within the DA3 Lewes Road Development Area as identified in the City Plan Part 1 (CPP1). CP14: Housing Density of the CPP1 states that development within identified Development Areas (including DA3) will be expected to achieve a minimum of 100 dwellings per hectare (dph) so the increased density on the site (at approximately 102 dph excluding the playing pitches to the north of Hodshrove Lane) is compliant with this policy. The site is also identified as an 'Indicative area with potential for tall buildings' in the Council's Urban Design Framework SPD which states that buildings of up to 8 storeys may be appropriate in this specific area. Therefore the scale and density

of the proposed development is partly justified by the Council's planning policy framework.

- 9.45. In light of the above considerations, the height of Blocks K and L are considered to be acceptable on balance, although it is acknowledged that Block L particularly marks a distinct difference in scale to the majority of the existing residential development in the area.
- 9.46. Blocks B and E, whilst clearly making a 'step-change' in scale along Hodshrove Road, are not significantly higher than the existing dwellings in the street. This is partly due to the fact that the ground floor level of Blocks B and E would sit below the level of Hodshrove Road, thereby reducing their impact on the streetscene, and the fact that the existing dwellings on the east side of Hodshrove Road opposite Blocks B and E sit on an elevated area above Hodshrove Road due to the topography of the area. There is a clear distinction between the contemporary flat roof form of the proposed blocks when compared to the more traditional existing housing forms along Hodshrove Road but Blocks B and E act as gateway buildings into the new residential area and Community Hub and benefit from this distinction. To ensure that the proposed development does not dominate Hodshrove Road, aside from the aforementioned gateway blocks, the rest of the proposed dwellings directly fronting on to Hodshrove Road comprise two-storey (with rooms in the roof) semi-detached family houses.
- 9.47. The proposed Community Hub building is on a split level and ranges from 3 to 4 storeys in height. The form and massing of the building is expressed as two linked blocks. The parapet line incorporates two Clocktowers, one per block to highlight key corners and signify the building as an important community/civic building from all approaches. The facades are designed to further express the two blocks using two shades of green, a colour chosen for its connection to local identity and heritage, including the roof of the adjacent boxing club which is being retained on site. The hub also incorporates a brick base. The clocktowers and parapet line are highlighted in a lighter neutral tone. The contrast of this building with the surrounding residential blocks helps to draw a clear distinction and identifies the Community Hub to visitors/users.
- 9.48. The Local Planning Authority have worked with the applicants to try and ensure that the proposed development adequately addresses Hodshrove Lane and creates an active frontage. This has partly been achieved through the location of the public plaza and skatepark and the location of the Community Hub which, although set back from Hodshrove Lane, faces towards and addresses this street.
- 9.49. The skatepark is fairly functional in appearance but includes areas of landscaping to screen and soften its visual impact.
- 9.50. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the planning application, partly due to the scale of the proposed development and its proximity to the South Downs National Park. The LVIA concludes that the long-term effects of the development on the character of the site and immediate surroundings would be moderate and beneficial, and the long-term



effect on the character of the South Downs National Park would be negligible adverse due to the increased visibility. The visual effects on the local townscape would be low adverse and on key viewpoints within the National Park, low adverse. The County Landscape Architect has reviewed the LVIA and does not dispute its conclusions. It is also acknowledged that the proposed on-site tree planting and existing trees that are to be retained will help to mitigate the potential impacts and integrate the development into the local townscape.

- 9.51. Therefore, whilst resulting in a significant increase in the scale and density of development in the area, it is considered that the proposed development would be of a high quality design and layout and would meet the requirements of Policy CP12 of the City Plan Part One and Policy DM18 of the City Plan Part Two as well as the principles set out in the Council's Urban Design Framework SPD.

### **Housing Mix and Tenure**

- 9.52. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 states that the Council will seek the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. This is supported by policy CP19 (Housing Mix) of the CPP1 which aims to improve housing choice and ensure an appropriate mix of housing is achieved across the City.

- 9.53. Policy CP20 (Affordable Housing) of the CPP1 states that on sites of 15 or more (net) dwellings, 40% affordable housing will be required.

- 9.54. The proposed development forms part of the Council's New Homes for Neighbourhoods programme. The application proposes 100% affordable rented housing which, given the significant need for affordable housing in the City, is strongly supported. Forty percent affordable housing would be secured via a S106 agreement in line with Policy CP20. The remaining affordable housing would be provided in addition to the 40% required by Policy CP20.

- 9.55. Having regard to housing mix, the proposal would provide a mix of 77 one-bedroom apartments (36%), 79 two-bedroom apartments (37%), 48 three-bedroom apartments (23%) and 8 four bedrooms houses (4%). This mix reflects fairly closely the preferred affordable housing mix for the city in Policy CP20 of the CPP1 which is for 30% one bedroom units; 45% two bedroom units and 25% 3+ bedroom units. The application would provide a lower proportion of two-bedroom units, but this would be counter balanced by the higher proportion of three/four bedroom units which is welcomed given the identified shortage of larger affordable family housing in the City.

### **Standard of Accommodation**

- 9.56. Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 requires that all new residential units should meet the Nationally Described Space Standards (NDSS). The proposed residential units would comply with this policy and meet or exceed the minimum floor areas required by the NDSS.

- 9.57. The majority of the residential blocks have been designed to be dual aspect which is supported. Blocks K and L however, due to their design, feature a

significant number of single aspect units. This is generally unavoidable on a flatted scheme of this size and it is considered that, on the whole, the single aspect units still provide an acceptable standard of accommodation.

- 9.58. Two Daylight and Sunlight Reports has been submitted, reviewing the proposed development under the old BRE guidance from 2011 and the new BRE guidance from 2022. The new BRE guidance was issued in June 2022, after this planning application had been submitted.
- 9.59. On the whole, the scheme performs reasonably in respect of daylight and sunlight for a flatted scheme of this size, although it should be noted that the new BRE guidance sets more challenging targets, particularly with regard to daylight assessments. It is inevitable that some units will under-perform against the BRE guidance. Under the 2011 guidance, 96% of all rooms achieve or surpass their Average Daylight Factor targets. Under the 2022 guidance, 58% of rooms that achieve or surpass their minimum illuminance recommendations for daylight provision which is lower than the comparable assessment under the 2011 guidance but considered acceptable overall. It should be noted that in some cases the provision of a balconies is reducing the daylight available to a flat and where this conflict occurs a judgement has been taken regarding the extent of the impact and the benefits of providing private outdoor space in the form of a balcony.
- 9.60. Where there were units that significantly underperformed in relation to the daylight assessment, amendments have been made to improve these results. This is the case with Block L where a number of units were performing poorly in respect of daylight, partly caused by the provision of balconies and partly caused by the proximity of Block K to the south. As a result, the north west corner of Block K has been chamfered to enable more light to reach units in Block L.
- 9.61. There is some additional concern that proposed measures to reduce direct exposure to prevailing wind on site which would be exacerbated due to the height of Blocks K and L would further impact on the daylight available to these properties. Such measures would require the planting of relatively dense landscaping between Block K and L. However, the applicant has been unwilling to make significant revisions to Block K to improve the daylight to Block L as this would result in the loss of a number of residential units. Whilst it is regrettable that further revisions have not been to Block K, it is not considered that it would be reasonable to refuse planning permission on this basis.
- 9.62. CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home but especially important to high density residential schemes such as proposed here.
- 9.63. The vast majority of units incorporate private external amenity space either in the form of balconies or ground floor patio areas. The majority of the balconies

are external rather than internal which whilst not ideal as they are more open to the elements, is not considered to be unacceptable, and allows for increased indoor space.

### **Community Facilities and Open Space**

- 9.64. Policy DM9 of the CPP2 supports the provision of new community facilities and states that planning permission will be granted for new community facilities where the proposed use is compatible with adjoining and nearby uses, the site is close to the community it serves and is readily accessible by sustainable forms of transport, and where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example Community Hubs)
- 9.65. The proposed Community Hub is an important building within the proposal and includes a replacement youth centre (598sqm) and café (136sqm) on the ground floor, a health facility (1,275sqm) at first, second and third floor level, and a library (524sqm) at first floor level. The main access to the hub is from the east at first floor level but the youth centre within the hub is accessed from the north at ground floor level, adjacent to the proposed skate park. The café is accessed from the south at ground floor level, fronting on to the Meadow bank / hub plaza which incorporates play features for children.
- 9.66. The applicants have worked closely with the occupiers of the Hub to provide space that meets their needs whilst ensuring efficiencies within the building. The provision of the Community Hub directly meets the requirements of Policy DM9 of the CPP2 by co-locating a number of community facilities together in an accessible location not far from the main transport corridor of Lewes Road and close to other community facilities such as the existing leisure centre, children's centre and boxing club.
- 9.67. Policies CP16 (Open Space) and CP17 (Sports Provision) of the CPP1 require new development to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space and sports services, facilities and spaces.
- 9.68. As set out earlier in this report, the existing boxing club will remain on site.
- 9.69. A new skatepark and public plaza will be provided, positioned between Hodshrove Lane and the new Community Hub. The provision of the skatepark has been informed by early community consultation and Planning for Real exercises regarding the site where a clear need for teenager-friendly areas was identified. To the east of the skatepark is a public plaza area with informal landscaped seating areas. Whilst it is acknowledged that the public plaza would be dominated by the skatepark, there is a need for the skatepark to be large enough to function as a genuine destination for users of the park. The skatepark would also act as a spill out area for the youth centre.
- 9.70. The proposed 3G pitch would comprise a 7v7 3G pitch (that can also be used as two 5v5 pitches) located to the north of the site on the existing playing field and linked to the existing leisure centre to the west. These pitches would partly

replace (albeit not like for like) the existing MUGAs on the eastern side of the site. The type and size of the 3G pitches have been informed by pre-application discussions with Sport England. The detailed design of the 3G pitch will be secured via planning condition but there is a requirement for them to meet FA requirements which is likely to result in 4.5m high perimeter fencing. Acoustic fencing will also be required to minimise noise impacts on nearby properties. The form of such fencing will also be secured via a planning condition.

- 9.71. Floodlighting will be provided and indicative images of such floodlighting as well as details of luminance have been submitted with the planning application. Further details will be secured by planning condition.
- 9.72. Improvements will also be made to the area surrounding the pitch to create a more biodiverse parkland.
- 9.73. It should be noted that the location of the skatepark and 3G pitches has been informed by the benefit of being close to the existing leisure centre. A management plan for both of these facilities will be secured by condition.
- 9.74. A new children's play area would be provided immediately to the east of the retained children's centre and the south of the café area. The precise details of the play facilities will be provided pursuant to a relevant planning condition and agreed with the Council's City Parks section but the intention is that while accessible for all, the facilities will be aimed predominantly at infants given the connection to the children's centre.
- 9.75. In addition to the more formal community and play facilities set out above, there will be a number of informal play spaces incorporated in the proposed redevelopment. These include the Hillside Pocket Park (adjacent Block K) and a sensory garden located between Blocks K and L, a terrace garden south of Block D providing planting/growing opportunities, and east of the boxing club an outdoor gym and exercise space would be provided to complement the boxing club. The terrace also incorporates an accessible path to allow disabled users to travel across the sloping site without having to go on to Hodshrove Lane.
- 9.76. It is considered that the proposed development would comply with policies CP16 and CP17 of the CPP1 in that they would provide an enhanced quality, variety and accessibility of open spaces and sports facilities on the site.

#### **Impact on Amenity**

- 9.77. Policy DM20 of the CPP2 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.
- 9.78. Having regard to the impact of the proposed development on existing residents, proposals have been designed to minimise impacts on neighbouring properties.
- 9.79. A number of existing residential properties in the immediate vicinity have the potential to be impacted by the proposed development. These include the

dwellings on the western side of Hodshrove Road that back on to the application site, specifically Nos 3 to 39. However, these properties benefit from long gardens and stand-off distances between the existing dwellings and the nearest proposed blocks (H and J) range from 32m to 40m. In addition, due to the topography of the land, Blocks H and J would sit on a notably lower ground level than the properties on Hodshrove Road which would help to reduce their overall scale when viewed from these existing properties. It is therefore not considered that the proposed development would have an unacceptable impact on the outlook available to the properties on Hodshrove Road.

- 9.80. A sunlight/daylight assessment has been submitted with the planning application which demonstrates that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. These conclusions are not disputed.
- 9.81. Having regard to the privacy of Nos 3 to 39, the stand-off distances between the proposed buildings and the existing dwellings mean that there would be no direct inter-looking between dwellings and although the windows in the east elevation of Blocks H and J would overlook the rear gardens of the properties on Hodshrove Road, the impact on privacy is not considered to be unacceptable. Balcony locations for the flats within Blocks H and J have also been carefully considered to ensure that they do not overlook existing residential properties.
- 9.82. Other properties with the potential to be impacted by the development are those on the eastern side of Hodshrove Road, specifically Nos. 50 to 88 Hodshrove Road which are located opposite Block B, Block E and the proposed semi-detached dwelling houses. However, due to the height of the proposed semi-detached dwellings and the fact that they sit on a lower level than Hodshrove Road, it is not considered that they would have any harmful impacts on the outlook and light available to Nos 50 to 62 Hodshrove Road located directly opposite. Additionally, being on the other side of Hodshrove Lane, it is not considered that the proposed semi-detached dwellings would have any significant impacts on the privacy of the existing properties on Hodshrove Road.
- 9.83. Whilst Blocks B and E, due to their height, would clearly change the outlook of the properties on the eastern side of Hodshrove Road, particularly Nos 64 to 88, it is not considered that the impact on outlook would be unacceptable. It is acknowledged that Blocks B and E range from 3 to 5 storeys whilst existing properties on Hodshrove Road are generally two-storeys. However, Blocks B and E sit on a lower ground level than Hodshrove Road whereas the existing properties on the east side of Hodshrove Road that are directly opposite Blocks B and E are elevated due to the topography of the area. This helps to reduce the height differential and makes Blocks B and E less overbearing.
- 9.84. The Daylight and Sunlight Report submitted with the application does not identify any unacceptable loss of sunlight or daylight to the properties opposite Blocks B and E in respect of primary windows serving habitable rooms but does note some loss of light to a number of secondary windows and windows serving non-habitable rooms. However, the overall impact is considered acceptable.

- 9.85. 85 Hodshrove Road is located to the north of Block B and has the potential to be impacted by the proposed development. However, the Block has been designed to minimise the impact on this property by reducing the height of the northern section to 3 storeys which helps to reduce the impact on light and outlook from No.85. It should also be noted that the main outlook from No.85 is in a westerly direction rather than south towards Block B. Having regard to the privacy of No.85, all windows on the closest part of Block B serve WCs, thereby ensuring there would be no harmful impacts on privacy from these windows. Whilst there are balconies serving flats 9, 16 and 23, these face in a westerly direction and not towards No.85. A condition will be added to any planning consent securing privacy screens on the northern sides of these balconies. All other balconies on Block B are considered to be a sufficient distance from No.85 to ensure there would be no unacceptable impacts on the privacy of this property. The Daylight and Sunlight report submitted with the application shows a loss of light to secondary windows and non-habitable windows at 85 Hodshrove Road but no significant impacts on primary windows serving habitable rooms.
- 9.86. Nos 134 and 136 Hillside would be located to the south of Block J and Block K respectively. Given the orientation of these existing properties in relation to the proposed blocks, there would be no loss of sunlight to these properties as a result of the proposal. Both Blocks J and K are located far enough from Nos 134 and 136 to ensure no harmful impacts on outlook and the main outlook from these existing properties is east and west rather than north towards the proposed development. Although there are primary windows on the south elevation of Block J serving bedrooms, the main outlook from the units within Block J is east-west. Block K also has a number of windows on the south elevation but these are all secondary windows (with the exception of the ground floor) and again, the main outlook from these units is east-west. There are no balconies on the southern elevations of either of these properties (except at ground floor level on Block K). It is therefore considered that the impact on the privacy available to Nos 134 and 136 Hillside would not be unacceptable and would not warrant a refusal of planning permission.
- 9.87. The proposed 7v7 3G pitch / 5v5 3G pitches would be located to the rear of properties 85 to 103 Hodshrove Road. The distance from the rear boundaries of these properties to the 3G pitch range from 19m to 39m. However, these properties benefit from relatively generous gardens so the distance between the nearest existing dwelling and the 3G pitch is approximately 37m.
- 9.88. It is acknowledged that this is a relatively close relationship given that 3G pitches can raise noise and lighting issues. Alternative locations were considered for the 3G pitch but the sloping topography of the site makes it difficult to move the pitch further to the west away from the residential properties. Additionally, there is a vegetative buffer between the existing residential properties and the 3G pitches.
- 9.89. It should also be noted that the existing area of open space that the proposed 3G pitches would be located on has been used for formal football matches in the past and so the 3G pitches would not be introducing an entirely new use,

although it is recognised that the 3G pitch is likely to be used more regularly and for a longer duration of time given its increased durability and the provision of flood lighting. Therefore the hours of use of the 3G pitch would need to be restricted to between 9am to 9pm with the floodlights turned off by 9.30pm.

- 9.90. A noise assessment was submitted with the planning application and to mitigate the noise caused by the 3G pitches, the assessment recommends noise attenuation barriers, as well as recommending for both the skatepark and the 3G pitches that noise/area management plans are produced. Details of noise attenuation and management will be secured by relevant planning conditions as also recommended by the Council's Environmental Health officers.
- 9.91. The proposed skatepark would be located a significant distance from any existing residential properties with the nearest existing dwelling approximately 55m from the skatepark. The skatepark has also been located away from the proposed residential properties to ensure there are no significant noise issues. Block D is the closest residential block but this is still approximately 38m from the proposed skatepark. The use of the skatepark will be partly controlled via the use of lighting, and the production of a noise/area management plan. However, it is far more difficult to restrict hours of use given the nature of a skatepark and the fact that it cannot be secured after hours.
- 9.92. Opportunities to further minimise potential noise impacts on future occupiers of the proposed flats are presented through the use of enhanced thermal double glazing. Details of glazing will also be secured by planning condition.
- 9.93. Having regard to the amenities of future occupiers of the proposed development with respect to outlook and privacy, the location and orientation of the various blocks within the site have been carefully considered to ensure adequate separation distances between dwellings and minimise inter-looking. No specific concerns are held in this regard.

#### **Sustainable Transport**

- 9.94. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 2c) of the CPP1 is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures .
- 9.95. The main vehicular access to the site is via Hodshrove Lane to the north and Hillview to the south. Pedestrian access to the site is proposed via Hodshrove Lane, Hodshrove Road and Hillview.

- 9.96. Alterations to Hodshrove Lane are also proposed to make it narrower and more pedestrian friendly. This includes making the whole of Hodshrove Lane one way (east to west) as well as the addition of further planting, new pedestrian crossings, and three additional parking spaces on the south side of Hodshrove Lane, immediately north of Block D.
- 9.97. 115 parking spaces are proposed throughout the development which is below the maximum standards set out in SPD14: Parking Standards. 77 of these spaces are proposed to serve the residential units and 38 would serve the non-residential uses on the site. Of the 115 parking spaces, 19 accessible spaces are proposed. Six motorcycle spaces would also be provided along with 353 cycle spaces (323 spaces for the residential units and 30 spaces for the non-residential uses). The amount of car and cycle parking provision is considered to be acceptable by the Local Highway Authority.
- 9.98. Concerns were originally raised by the Local Highway Authority (LHA) regarding the potential for overspill parking given that 77 parking spaces are proposed to serve 212 residential units. However the LHA consider that measures to reduce the number of car journeys to the site by encouraging a modal shift from cars to more sustainable forms of transport such as free bus passes, as well as the provision of car club spaces (the applicant proposes to fund two car club spaces), would help to reduce overspill parking. Such measures would be secured within a Travel Plan as part of the S106 agreement.
- 9.99. No loading bays are proposed for servicing and deliveries. The applicant considers that this is unnecessary as the new access road running through the site is wide enough for cars to pass delivery vehicles. However the Local Highway Authority are not yet satisfied that larger cars will be able to pass delivery vans and this matter will be considered further through a street design condition attached to any planning permission. A Delivery and Servicing Management Plan for the Community Hub would also be secured by planning condition.

### **Sustainability**

- 9.100. Policy CP8 of the City Plan Part 1 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint and mitigate against and adapt to climate change.
- 9.101. The application proposes a 46% improvement in carbon emissions over Building Regulations Part L 2013 for the residential units which significantly exceeds the 19% target of Policy CP8 of the CPP1 as well as the new Building Regulations target of 31%.
- 9.102. It is proposed that the non-residential component of the proposed development, which predominantly comprises the Community Hub building, will meet the BREEAM 'Excellent' standard in line with Policy CP8.
- 9.103. A site-wide communal heating system is proposed for the residential units powered by Ground Source Heat Pumps. The Community Hub would be heated via Air Source Heat Pumps and there would be no new gas connections



throughout the scheme. Photovoltaic panels are also proposed throughout the development.

- 9.104. Through the introduction of low or restricted water use appliances and fittings, all residential units would achieve a water efficiency of no more than 105 litres/person/day.
- 9.105. EV Charging Spaces would be provided throughout the site in line with Part S of the Building Regulations.
- 9.106. As set out above, a number of significant sustainability measures would be incorporated into the proposed development and the proposal would therefore comply with Policy CP8 of CPP1.

### **Landscape, Arboriculture and Biodiversity**

- 9.107. Policy DM37: Green Infrastructure and Nature Conservation of the CPP2 states that *'development proposals will be required to demonstrate that they safeguard or and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.'*
- 9.108. The policy goes on to state that *'where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.'*
- 9.109. The policy also states that all development should seek to conserve and enhance biodiversity and to ensure that a net gain in biodiversity is achieved.
- 9.110. The application site has no nature conservation designations but the South Downs National Park lies approximately 187m north-west at the closest point, as does Wild Park Local Nature Reserve (LNR), and Hodshrove Wood Local Wildlife Site (LWS) lies approximately 61m to the south-east. Given the nature, scale and location of the proposed development, it is not considered that there would be any significant impacts on the nature conservation interests of the National Park or any sites designated for their nature conservation value.
- 9.111. The site currently supports continuous scrub, scattered trees, poor semi-improved grassland, amenity grassland, introduced shrub, species-poor hedgerow, hedgerows with trees (species-poor and species-rich), fences, wall, buildings and hard standing. The habitats of greatest significance are the scrub, trees and hedgerows.
- 9.112. The proposed development would result in the loss of 22 individual trees, two tree groups, one hedge and one section of hedge. Whilst a significant number of these trees would be Category C (low quality) trees, a notable number of Category B (moderate quality) trees would be removed including a large group of trees running north to south along the existing car park area south of

Hodshrove Road. In addition, it is proposed to remove a Category A (high quality) tree – a London Plane in the south-west corner of the site. This is because extensive ground works are required in this location to create a level site and allow wheelchair access to the lower ground floor of Block L which would result in significant pressure on the roots of the tree.

- 9.113. Whilst it is acknowledged that the retention of these Category A and B trees would significantly reduce the development capacity of the site and would result in practical difficulties during construction, it is regrettable that so many trees would be lost. The importance of the Category A London Plane tree is also heightened given that four of the six Category A trees on the site recently had to be felled after succumbing to Dutch Elm disease.
- 9.114. However, it should also be noted that a significant number of trees around the perimeter of the site would be retained and the proposed landscaping scheme incorporates 157 new trees as mitigation. This extensive tree planting strategy would represent an overall increase in canopy cover across the development area post construction completion.
- 9.115. Having regard to other species on the site, overall bat activity on the site is low with only common pipistrelles recorded commuting along tree lines boundary features. The recommendation in the Bat Report submitted with the planning application is to maintain a dark corridor along site hedgerows. As a result, a condition will be added to any planning consent to secure an appropriate Lighting Design Strategy.
- 9.116. The site offers some potential for hedgehogs and any ecological design strategy should ensure that gaps are provided in boundaries/fences to allow movement through the site. The site also offers potential for breeding birds and reptiles and a precautionary approach should be taken towards site clearance.
- 9.117. It is considered that the site offers opportunities for biodiversity enhancement. A number of recommendations for ecological enhancements have been included in the Preliminary Ecological Appraisal submitted with the planning application. These include the following:
- Installation of artificial or bat tubes into any new buildings and the installation of bat boxes on to suitable retained trees;
  - Installation of artificial bird nest boxes on to any retained trees and new buildings;
  - Planting of native species rich hedgerow along all the Site Boundaries;
  - Planting areas of meadow grassland within the Site;
  - Consideration should be given to the creation of a pond.
- 9.118. The County Ecologist considers that the above enhancements would be likely to result in a Biodiversity Net Gain. However, given that it is unclear whether all the recommendations for ecological enhancements have been fully incorporated into the landscape strategy for the site, a condition securing an Ecological Design Strategy will be added to any planning permission. This will set out how retained habitats will be protected and how measurable Biodiversity Net Gain will be achieved. In addition conditions will also be attached securing a lighting

design strategy for light sensitive biodiversity and a Landscape and Ecological Management Plan.

**Other Considerations:**

Sustainable Drainage

- 9.119. The site is located within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources. However, there are areas within the site that have a high risk of surface water flooding.
- 9.120. The overall drainage strategy for the site is the capture of surface water run-off and discharge to the ground through the use of permeable paving, rain gardens and crate soakaways. Contamination risks have also been considered and it is proposed that run-off from car parks and access roads will be treated via the permeable paving. Southern Water have requested that a Hydrogeological Risk Assessment be undertaken prior to the commencement of development and this will be secured by a planning condition.
- 9.121. Foul drainage will be via the reuse of existing connections on the site. CCTV surveys of the sewers will be required pursuant to a planning condition.

Air Quality

- 9.122. The number of estimated vehicle trips as a result of the proposed development is considered to be below the number that would trigger the need for a detailed Air Quality Assessment (AQA). In order to reduce potential impacts on air quality and the Air Quality Management Area a number of measures are proposed as follows:
- EV Charging (required under Building Regulations Part S)
  - Provision of car club spaces with low emission vehicles
  - Sustainable heating in the form of Ground Source Heat Pumps for the residential buildings and Air Source Heat Pumps for the Community Hub rather than use of gas boilers

Wind

- 9.123. An Environmental Wind Desktop Study Report was submitted with the planning application. This concludes that due to the layout of the site and increased scale of buildings some areas of the development – particularly between Blocks K and L and north east of Block L – will be affected by direct exposure to prevailing winds coming off the English channel. Suggested forms of mitigation include dense landscaping between Blocks K and L along main pedestrian routes and in the courtyard to help dissipate the energy of strong winds, and ensuring entrances are sheltered by the building's massing or by local screens and landscaping including canopy and side screens for the west and south entrances of Block L to provide local sheltering, and screens and handrails for the west stair of Block K to provide local protection.

Waste Management

- 9.124. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. However, it is noted that this is secured through the Environmental

Permitting Regulations so a Site Waste Management Plan is not considered necessary.

- 9.125. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details will be secured by condition.

#### Health

- 9.126. A Health Impact Assessment has been submitted with this planning application which makes the following conclusions:
- 9.127. *'While the proposed development would increase the resident local population, associated health care demand is addressed primarily through healthy urban design to remove, reduce and delay the need for clinical intervention and care; and the onsite provision of medical facilities including GP surgery offers a net health care capacity and strategic provision benefit.*
- 9.128. *The healthy urban design features and principles proposed to be integrated across the site provide the opportunity for residents and visitors to enhance their health and wellbeing, facilitating healthy independent living for longer.*
- 9.129. *In conclusion, the design of the proposed development encourages healthy behaviours, and provides opportunities to improve local health and wellbeing circumstance, while simultaneously reducing health inequalities. On this basis, the proposed development would support the delivery of a new healthy, vibrant and cohesive community.'*
- 9.130. The Health Impact Assessment is considered to be robust and the above conclusions are not disputed.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. The principle of the proposed redevelopment of the site is considered to be acceptable. The site falls within the Lewes Road Development Area (Policy DA3) which seeks to deliver, amongst other things, housing and community facilities. The loss of existing community space, employment space, open space and sports facilities is considered acceptable as the proposed development would result in the replacement of these uses with new facilities and spaces of an appropriate quality and size.
- 10.3. The principle of housing is supported by Policy DA3 but also, as noted previously, the Council is currently unable to demonstrate a 5-year housing

supply which makes the need for housing more pressing. Furthermore, the proposal would deliver 100% affordable rented housing.

- 10.4. Whilst the proposed development is of a notably increased scale and density when compared to the surrounding area, it is not considered to be incongruous and policy CPP1 expects development within identified Development Areas to achieve a minimum of 100 dwellings per hectare. The site is also identified as an 'Indicative area for tall buildings'. However, it is not considered that the proposal would have an unacceptable impact on the outlook, light and privacy available to neighbouring residential properties.
- 10.5. The layout of the site and the location of the Community Hub, skatepark and plaza would help to activate Hodshrove Lane, and landscaping and informal play areas throughout the site are well considered.
- 10.6. The proposed development would generally provide a good standard of accommodation with an appropriate mix of units ranging from 1 bed to 4 bed. The majority of the residential units would also have private amenity space in the form of a balcony or ground floor patio area.
- 10.7. The proposed development would provide sustainable transport improvements including an acceptable provision of cycle parking and a Travel Plan which will offer a number of measures to reduce reliance on the private car.
- 10.8. Whilst it is acknowledged that the proposed 3G pitch and, to a lesser extent the proposed skatepark, would have some impact on existing residents and future occupiers of the proposed development, the noise and disturbance can be mitigated through hours of operation, noise attenuation barriers and the production of noise/area management plans.
- 10.9. Other factors including impacts relating to sustainability, ecology, landscaping, arboriculture, drainage, land contamination, and air quality have been assessed and are considered to be acceptable.
- 10.10. It is therefore considered that the proposed development complies with national and local planning policies and planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and subject to the conditions within the report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable after the issuing of planning permission. However, given the existing floorspace on site which will be demolished and the fact that much of the proposed development comprises affordable housing (which is

exempt from CIL), it is anticipated that the CIL liability will be relatively low for this proposed development.

## **12. EQUALITIES**

- 12.1. The public realm, building access points and building layout (lift/stair core positions) have all been carefully considered to respond to the natural steep slope of the site.
- 12.2. Wheelchair accessibility has been achieved throughout all public realm spaces. Ramps are integrated into the landscape design to connect the series of spaces and create clearly designed routes between buildings and public areas.
- 12.3. Over the scheme, 15 (just over 7%) of the proposed dwellings are designed to Building Regulation M4(3): Wheelchair user dwellings which is significantly higher than the requirements of Policy DM1 of the CPP1 which requires 10% of the 40% of affordable units obligated under the S106 agreement to meet Building Regulation M4(3). The remaining dwellings are all designed to Building Regulations M4(2): Accessible and adaptable.
- 12.4. Wheelchair user dwellings are located at the building entrance level to avoid dependency on lifts.
- 12.5. The majority of the buildings (except the family houses and Block D) contain two lifts. The majority of buildings (except Block K) have access points at two levels.
- 12.6. Of the 115 parking spaces provided on the site, 19 of the spaces are wheelchair accessible and are distributed evenly throughout the proposed development.

## **13. CLIMATE CHANGE / BIODIVERSITY**

- 13.1. The application proposes a 46% improvement in carbon emissions over Building Regulations Part L 2013 for the residential units which significantly exceeds the 19% target of Policy CP8 as well as the new Building Regulations target of 31%.
- 13.2. It is proposed that the non-residential component of the proposed development, which predominantly comprises the Community Hub building, will meet the BREEAM 'Excellent' standard in line with Policy CP8.
- 13.3. A site-wide communal heating system is proposed for the residential units powered by Ground Source Heat Pumps. The Community Hub would be heated via Air Source Heat Pumps and there would be no new gas connections throughout the scheme. Photovoltaic panels are also proposed throughout the development.
- 13.4. Through the introduction of low or restricted water use appliances and fittings, all residential units would achieve a water efficiency of 105 litres/person/day.

- 13.5. EV Charging Spaces would be provided throughout the site in line with Part S of the Building Regulations.
- 13.6. Despite a significant loss of trees and existing green space on the site, the proposed development offers opportunities for biodiversity enhancements in the longer-term and an Ecological Design Strategy will be secured by condition.

#### **14. S106 AGREEMENT**

- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
  - 1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
  - 2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  - 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  - 4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policy CP9 of the Brighton & Hove City Plan Part One.
  - 5. The proposed development fails to provide an artistic component, the absence of which would have a detrimental impact on the local distinctiveness of the public realm and sense of place, contrary to Policy CP13 of the City Plan Part One.
  - 6. The proposed development fails to secure the provision and long-term maintenance and management of the Community Hub potentially resulting in an unacceptable loss of community facilities on site, contrary to Policy DM9 of the City Plan Part Two.
  - 7. The proposed development fails to secure the provision and long-term maintenance and management of the proposed 3G pitch, skatepark, play areas, open spaces and landscaping, which would potentially result in a loss of sports provision and open space on the site as well as have a detrimental impact on the appearance of the proposed development,

contrary to policies CP16, CP17 of the City Plan Part One and DM22 of the City Plan Part One and DM22 of the City Plan Part Two.