

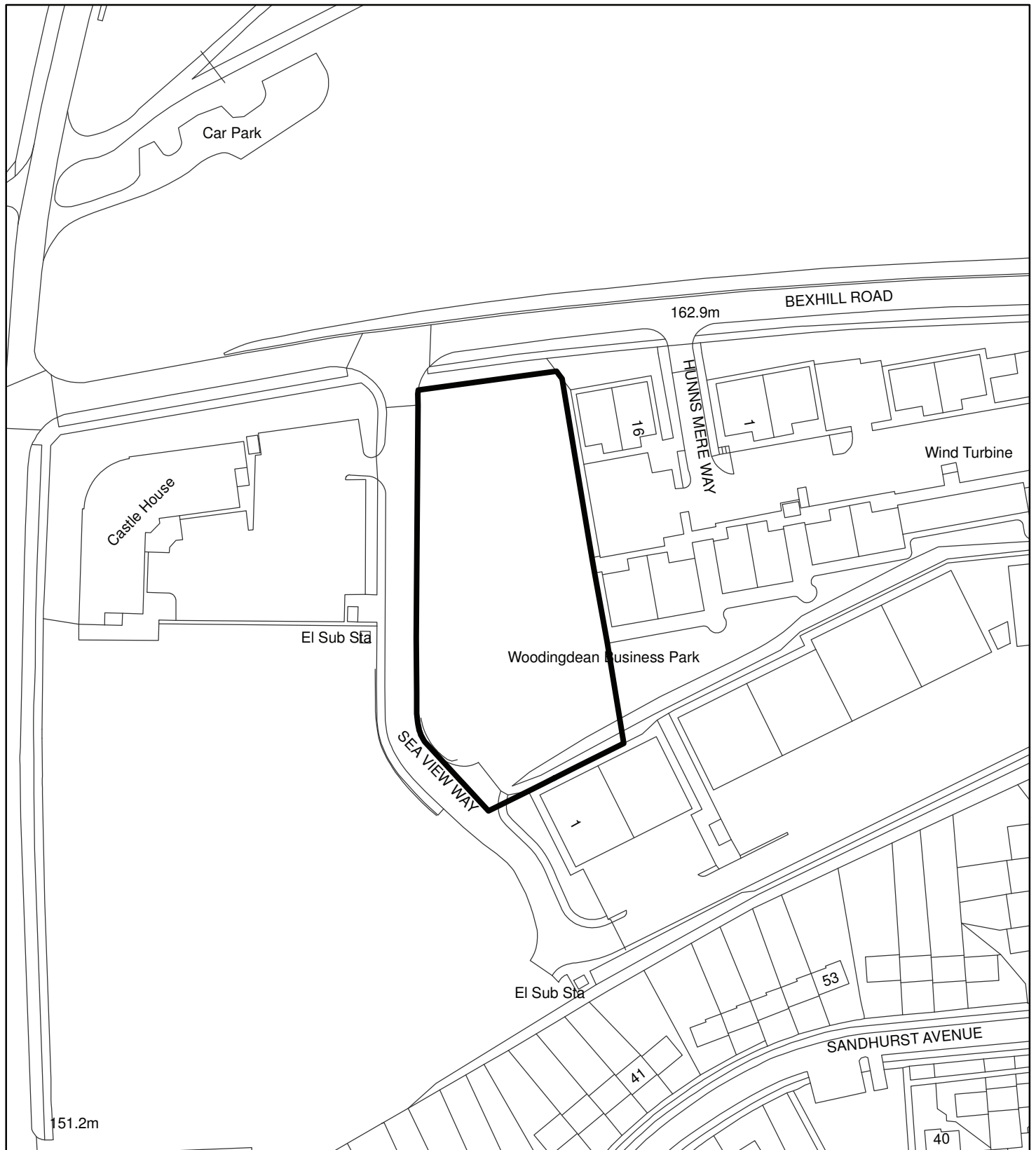
**PLANS LIST
ITEM B**

**Woodingdean Business Park, Sea View
Way, Brighton**

**BH2012/03050
Full planning consent**

12 DECEMBER 2012

BH2012/03050 Woodingdean Business Park, Sea View Way



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03050	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Woodingdean Business Park, Sea View Way, Brighton		
<u>Proposal:</u>	Erection of storage/distribution building (B8) with associated offices, service area, parking and landscaping.		
<u>Officer:</u>	Liz Arnold, Tel 291709	<u>Valid Date:</u>	04/10/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03/01/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ECE Architecture Limited, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	St Modwen Developments Ltd, Sir Stanley Clarke House, 7 Ridgeway Quilton Business Park, Birmingham		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and that it is **MINDED TO GRANT** planning permission subject to completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a 0.37 hectare site set along the northern boundary of the larger 3.9 hectare commercial development site, located to the south-east of the junction of Falmer Road and Bexhill Road. The application site is known as Phase 6 of the business park and is the final phase.
- 2.2 The wider site is allocated under policy EM1 of the Brighton & Hove Local Plan, for industry and business uses and managed starter units, high technology uses.
- 2.3 The Business Park, which Phase 6 will complete the development of, is located in a sensitive location on the periphery of the Woodingdean residential area and is located in close proximity to boundaries of the South Downs National Park.
- 2.4 Due to the topography of the area the overall site drops significantly down southwards, in a series of terraces previously created to accommodate an extensive bakery development, now fully demolished. The rest of the business park has been developed as follows;
- Phase 1 (to the west) – office development,
 - Phase 2 (to the south-east) – industrial units,
 - Phase 3 (to the east) – office units,
 - Phase 4 (to the south-west) – industrial units, and
 - Phase 5 (to the south-west) – industrial units.

- 2.5 The area further to the south and to the west (on the western side of Falmer Road) is predominately residential comprising two storey dwellings.

3 RELEVANT HISTORY

Previous development

An extensive bakery complex was developed on former farmland on this 3.9 hectare property following planning permission in the early 1960's, with numerous applications having been made to extend and intensify, through to 1988.

Original Outline Proposals (Whole Site)

BH2002/00022/OA: Outline application for the demolition of existing buildings and the erection of industrial units within use class B1(b & c) and B2. Approved 25/07/2002.

BH1998/01731/OA: Demolition of existing buildings and erection of industrial units within Class B1 (b and c) and Class B2. Approved 29/10/1998.

Phase 1

BH2004/02860/FP: Variation of condition of 2002/03151, to allow for occupation of greater than 220sqm floorspace by one entity. This condition had been attached to ensure that the units would be available as starter units. Approved 16/11/04.

BH2002/03151/FP: Variation of Condition 12 of consent ref: BH1999/02960/RM to allow for B1(a) Office Use in addition to the consented B1(b) Research and Development and B1(c) Industrial. Approved 19/03/2003.

BH1999/02960/RM: Erection of two storey building in north-west corner comprising 1780 sq metres of floorspace within class B1 (light industrial/research and development). Provision of 73 car parking spaces, new circulation roads and footpaths (reserved matters following outline approval BH1998/01731/OA granted 29/10/98). Approved 05/10/2001

Phase 2

BH2002/02611/RM: Approval of Reserved Matters for the erection of 8 industrial units with a total of 2544sqm floorspace and 73 car parking spaces in the south eastern corner of the site. Approved 20/04/04.

Phase 3

BH2012/02411: Application for Approval of Details Reserved by Conditions 8, 14, 15 and 18 of application BH2007/01018. Approved 24/09/2012.

BH2007/01018: Construction of 8 two-storey buildings, each consisting of two Class B1(a) office units, erection of a wind turbine, provision of 109 car parking spaces, 44 cycle parking spaces and landscaping. Resubmission of refused scheme BH2006/03649. Approved 25/06/2007.

BH2006/03649: Construction of 8 two-storey buildings, each consisting of two Class B1(a) office units. Provision of 110 vehicle parking spaces, 30 bicycle parking spaces and landscaping. Refused 08/02/2007.

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Phase 4

BH2012/00819: Application for Approval of Details Reserved by Condition 1 of application BH2010/01923. Approved 22/05/2012.

BH2011/03743: Application for variation of condition 25 of application BH2011/00362 to allow HGV's (with the exception of articulated vehicles) to enter the site and service the units. Original permission BH2008/00955 (continuation of master plan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping). Approved 30/04/2012

BH2011/02988 - Application for Approval of Details Reserved by Condition 3 of application BH2010/01923. Approved 01/12/2011.

BH2011/02734: Application for Approval of Details Reserved by Conditions 1, 10, 12 and 15 of application BH2010/01923. Split Decision 08/12/2011.

BH2011/02639: Application for Approval of Details Reserved by Conditions 2, 8, 13 and 21 of application BH2010/01923. Approved 06/03/2012.

BH2011/00736: Application for Approval of Details Reserved by Conditions 1, 3, 5, 7, 10, 14 and 15 of application BH2010/01923. Split Decision 14/06/2011.

BH2011/00362: Application for removal of condition 25 of application BH2010/01923 (Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes)) which states that no more than 50% of the total floor space of the development shall be occupied by Class B8 users. Approved 10/05/2011.

BH2010/01923: Application for variation of condition 23 of BH2008/00955 to allow class B8 use (storage & distribution) in addition to class B1(b) and (c) uses (light industrial processes). Approved 08/09/2010.

BH2008/00955: Continuation of masterplan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping. Approved 13/08/2008.

Phase 5

BH2012/01859: Application for Approval of Details Reserved by Condition 34 of application BH2011/02290. Approved 06/08/2012.

BH2012/00821: Application for Approval of Details Reserved by Conditions 4 and 13 of application BH2011/02290. Approved 22/05/2012.

BH2011/03751: Application for Approval of Details Reserved by Condition 39 of application BH2011/02290. Approved 03/02/2012.

BH2011/03529: Non Material Amendment to BH2011/02290 to obtain approval to the appearance of the bergey 15m 10KW wind turbine on a galvanised ram mast as indicated on drawing BGY-15M-10KW - P001. Approved 15/12/2011.

BH2011/03190: Application for Approval of Details Reserved by Condition 14 of application BH2011/00255. Approved 12/01/2012.

BH2011/02990: Application for Approval of Details Reserved by Condition 26 of application BH2011/02290. Approved 01/12/2011.

BH2011/02900: Non Material Amendment to BH2011/00255 for the re-location of bin stores to West side of development site. Approved 24/10/2011.

BH2011/02745: Application for Approval of Details Reserved by Conditions 3,4,7,9,10 and 35 of application BH2011/02290. Split Decision 02/12/2011.

BH2011/02290: Application for variation of condition 19 of BH2011/00255 (Erection of industrial and storage buildings with associated offices and a wind

turbine together with provision for access, servicing, parking and landscaping) to amend the permitted wind speeds specified for the wind turbine. Approved 08/11/2011.

BH2011/00974: Application for Approval Of Details Reserved by Condition 3, 5, 8, 10, 11, 14, 22, 27, 31, 33, 36, 37, 39 and 40 of Application BH2011/00255. Split Decision 07/07/2011.

BH2011/00255: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 18/03/2011.

BH2010/01454: Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping. Approved 23/08/2010.

Church Proposals

BH2003/02979/RM: Construction of church-centre complex for public worship and community activities (Approval of reserved matters following outline approval under reference BH1999/02996/OA). Approved 22/12/2003.

BH1999/02996/OA: Outline application for the erection of a 1500sqm church. Refused 08/05/2000. Allowed at appeal 05/00.

4 THE APPLICATION

- 4.1 The application seeks consent for the development of Phase 6 (the final phase) of the business park. This development would comprise the erection of a storage/distribution building (Use Class B8) with ancillary offices, service area, parking and landscaping.
- 4.2 Phase 6 would occupy a 0.37ha area, including the proposed landscaped areas. The proposed building footprint would measure approximately 1,197m² within a gross internal floor space of approximately 1,340m². An 8m landscaped buffer zone would be located to the north of the proposed building.
- 4.3 The office element of the proposed development would be located on the northern end of the building with the warehouse at the southern end, set into an excavated area.
- 4.4 Parking provision within the site would comprise of 25 car parking spaces, including 2 disabled spaces and 7 lorry parking spaces.
- 4.5 It is indicated within the application that negotiations are advanced with GB Liners, a depository/removal firm which is currently located within the City centre to occupy the proposed warehouse development.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No responses received.
- 5.2 **East Sussex Fire and Rescue Service:** Have no comments.

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- 5.3 **Environment Agency:** Considers planning permission could be granted subject to conditions relating to the disposal of foul and surface water and land contamination. Without these conditions the proposed development on the site poses an unacceptable risk to the environment and would object to the application.
- 5.4 **Lewes District Council:** Have no objections to the proposal.
- 5.5 **Southern Gas Networks:** There are low/medium/intermediate pressure gas mains in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3m of the intermediate pressure system. The developers should, when required, confirm the position of mains using hand dug trial holes.
- 5.6 **Southern Water:** Requires formal application for a connection to the public foul sewer and request informative is attached regarding the connection to the public sewerage system.
- 5.7 **Sussex Police:** Are unaware of the end user for the development but provides advice following Secured by Design principles and standards in an attempt to reduce the opportunity for crime and fear of crime, regarding all external doors and windows, access control systems, vehicle roller shutter, cycle storage and fitting of monitored intruder alarm.
- 5.8 **UK Power Networks:** No objections.
- Internal:**
- 5.9 **Arboriculturist:** Comments 13/11/12 following discussions with Case Officer) Further to original comments, it has been brought to the attention of the team that the boundary fence to the east of the site would be changed as part of the application. An Arboricultural Method Statement should therefore be submitted to state how this boundary would be constructed in the vicinity of tree roots in order that it does not damage the trees on the other side, the eastern side, of the fence and outside of the development site. Subject to a suitable condition being attached, has no objection to the proposals.
- 5.10 **City Clean:** Comments that they would not run any collections from this development as currently only collect householder waste and recycling. However, request that the development has suitable storage areas for containing their waste and be able to separate recycling for collection. Any waste and recycling receptacles must be kept off the public highway, apart from designated collection time slots, if appropriate. Receptacles must be secure and the waste cannot become a source of litter.
- 5.11 **Ecology:** (Original comments 31st October 2012) The proposal takes no account of biodiversity. Further comments awaited following receipt of a Ecology Phase 1 Survey.
- 5.12 **Economic Development:** Supports the application and requests a contribution through a S106 Agreement for the payment of £6,230 towards the Local

Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using local employment during the construction phase.

- 5.13 **Environmental Health:** Recommends approval subject to conditions relating to external lighting, land contamination, outside working and noise.
- 5.14 **Planning Policy:** The proposal would help support an existing local company to locate to a more suitable location, safeguarding jobs in the City. It is therefore considered that this proposal would positively meet business needs, in accordance with the National Planning Policy Framework. Policy EM1 allows for B8 use on identified sites so long as the tests in EM7 are met. It is considered that the tests of EM7 a) and b) have been met and subject to the tests c) to e) being found to be met by the Case Officer, the proposals would therefore comply with the requirements of Policy EM1 of the adopted Brighton & Hove Local Plan.
- 5.15 **Public Art:** A sum for public art in connection with Local Plan QD6 is not sought. The scheme is unlikely to fall within the policy QD6 definition of major development with regard to public art contributions as defined in paragraph 3.30 of the Brighton & Hove Local Plan.
- 5.16 **Sustainability:** Under policy SPD08 major development is expected to achieve BREEAM excellent and 60% in energy and water sections. Sustainability policy has not been addressed well within this application and a reduced BREEAM standard has been requested by the applicant on financial and technical grounds. 60% in the water section and 50% in the energy section of BREEAM has been committed to, under an overall score of BREEAM Light Industrial 'very good'.
- 5.17 Information submitted to justify a reduced sustainability standard presents financial viability issues for not achieving BREEAM 'excellent' but there are contradictions and omission in the information presented to justify a lower energy standard.
- 5.18 Overall the development fails to address sustainability well. Policy aspects that have not been addressed well include: installation of renewables, use of grey or rainwater, use of sustainable materials and passive design.
- 5.19 In order to make this application acceptable in terms of local sustainability policy it is recommended that a condition be applied which requires a minimum of at least BREEAM 'very good' and a score of 60% minimum in the energy and water sections of BREEAM.
- 5.20 **Sustainable Transport:** (Original comments 31st October 2012). There are issues with the parking provision. Some of these can be resolved by conditions but there are 2 points of principal, transport impact and HGV parking substantially above that recommended by SPG4, which cannot be dealt with in this way and these constitute reasons for refusal.

5.21 (Further comments 22nd November 2012 following receipt of revisions and further information) Issues regarding SPG4 arise with this application but the parking proposals are acceptable in the particular circumstances of the application. The application is consistent with the outline consent and acceptable subject to conditions regarding cycle storage and travel plan provisions.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton & Hove Local Plan 2005 (saved policies post 2004).

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste

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SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
EM7	Warehouses
NC8	Setting of the South Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues in the determination of this application are the principle of the development, the impact on the street scene and the wider area, amenity issues, highway issues, ecology and sustainability.

Planning Policy:

- 8.2 The Brighton & Hove Local Plan identifies Woodingdean Business Park as an employment site under policy EM1. This policy confirms that such sites are identified primarily for industrial and business use under Use Classes B1 (b) and (c) but not excluding B1 (a). Guidance in the indicative table for Woodingdean Business Park suggests industrial/business uses and managed starter units, high technology uses.
- 8.3 The application relates to Phase 6, the final phase of the re-development of the former bakery site. Outline consent was given in 2002 (BH2002/00022/OA) for the re-development of the whole business park with an overall mix of employment uses secured. This 2002 approval allowed for the provision of 35,000ft² B8 use within the overall 120,000ft² of employment space development. It is noted that within the determination of this previous application it was seen appropriate to retain the flexibility in the mix of uses to be brought forward.

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- 8.4 Phases 1, 2 and 3 have been implemented and provide employment within B1 (a) and B1 (c) uses classes. Phase 4 provides small B1 and B8 business units whilst the recently completed Phase 5 provides B1 production units with ancillary offices and a total of approximately 1,942m² of B8 storage.
- 8.5 The proposal seeks planning permission for the construction of a B8 Warehouse with a total of 1,411m² gross internal floorspace including 74m² of ancillary office space.
- 8.6 Warehousing (Use Class B8) will not be permitted on EM1 sites unless it is ancillary to the main use(s) or in accordance with the criteria set out in policy EM7, a policy which sets out the tests when considering new warehouse development. Trade counters will not be acceptable in the B8 units. The tests of EM7 are as follows;
- a) the number of jobs created would not be significantly less than those which would be likely to be generated by Class B1 or Class B8 use;
 - b) there are no vacant warehouse buildings existing, under construction or with planning permission in the Brighton & Hove area;
 - c) there is no adverse environmental impact due to increased traffic and noise;
 - d) the development will not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
 - e) there is satisfactory provision for access, parking and servicing.
- 8.7 It is indicated within the application that negotiations are advanced with GB Liners, a depository/removal firm which is currently located within the City centre. The current location of this potential occupier is not best suited for modern day removal operations and the existing site is operating at capacity and cannot accommodate additional business for the company.
- 8.8 The current GB Liners site in the City centre has the benefit of a recently renewed planning permission for the demolition of the existing B8 depot building and the construction of a new building providing 3,327m² of flexibly designed gross B1 floorspace. The redevelopment of this City centre location is however dependent on GB Liners finding suitable alternative premises. The relocation of this firm to Phase 6 of the Woodingdean Business Park would therefore allow for the redevelopment of the City Centre site for modern office accommodation whilst retaining an existing company within the confines of the City. This application would therefore help bring forward a modern office development in addition to supporting an existing local company re-locate to a more suitable location, safeguarding jobs within the confines of the City.
- 8.9 The Planning Policy Officer has stated that policy EM7 of the current Local Plan did not envisage a quantitative requirement for general industrial or warehousing floorspace over the plan period (providing commitments were implemented and sites are re-used for those purposes), based on Structure Plan Guidance and the 1998 and 2006 Employment Land Study. However emerging findings from the 2012 review indicates a modest requirement for B2 and B8 floorspace over the City Plan timeframe to 2030. Therefore providing modern B8 floorspace on an existing industrial site would meet an identified need for the Brighton & Hove economy.

- 8.10 In respect of criterion a of policy EM7 it is stated that the floorspace proposed (1,340m² gross internal) could generate 27 jobs and that this would be of a similar level of jobs to a B1 (c) occupier, this increased level of employment generation is welcomed.
- 8.11 In respect of criterion b it has been stated that whilst there are industrial/warehousing units currently available these units would not meet the needs of the potential occupier of the development (GB Liners). The Council's Economic Development Officer has confirmed that Council has been aware of the aspirations of the potential end user, GB Liners, to move to more modern premises to meet their business needs and allow them to expand their operation and have been working with them for a number of years to find a suitable alternative location.
- 8.12 Policy NC8 relates to development located within the setting of the South Downs National Park and confirms that development will not be permitted if it would be unduly prominent in, or detract from views into, or out of the National Park.
- 8.13 The site is a brownfield site as a result of being cleared of previous commercial buildings and is specifically allocated in the Local Plan for industrial redevelopment, pursuant to which overall outline permission and, subsequently, detailed phases have already been approved and constructed.
- 8.14 Notwithstanding the above, it is considered in any event that the impact of the proposed development upon the setting of the South Downs National Park would be limited. It is therefore not considered that the proposal conflicts with policy NC8.

Design:

- 8.15 Policy QD1 relates to design and the quality of new development. In respect of this policy all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.
- 8.16 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasis and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:
- a. height, scale, bulk and design of existing buildings,
 - b. topography and impact on skyline,
 - c. natural and developed background or framework against which the development will be set;
 - d. natural and built landmarks,
 - e. layout of streets and spaces,
 - f. linkages with surrounding areas,
 - g. patterns of movement with the neighbourhood, and
 - h. natural landscaping.

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- 8.17 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.
- 8.18 The proposed development would be located on the southern side of Bexhill Road and the eastern side of Sea View Road. The development would comprise a large warehouse building including a mezzanine, with ancillary offices within the northern section of the building. Due to the existing topography of the site the proposed warehouse element of the development would sit into an excavated area which would result in the building appearing as single storey when viewed directly from the north, within Bexhill Road. The ground level of the warehouse element would be approximately 157.500 Ordnance Survey Datum (OSD), whilst the floor height of the proposed mezzanine level and ancillary offices and facilities would be approximately 162.140, a level change of approximately 4.64m.
- 8.19 The proposed building would be orientated on a north to south basis and would have a main gable end pitched roof over the proposed warehouse section and a mono-pitched roof over the ancillary office and facilities area. 12 rooflights would be inserted within the main roof of the development. The roof over the proposed office section of the development would be located lower than the roof of the warehouse element.
- 8.20 The proposed development would comprise the following external materials;
- Main Facing Bricks - Istock London Yellow Multi Stock (or similar to match buildings within Phases 3 and 5),
 - Recessed Brick Panel – Freshfield Land Selected Dark Facings (or similar to match buildings within Phase 3),
 - Engineering Brick – Istock Staffordshire Slate Blue Smooth (or similar to match buildings in other phases),
 - Profiled Metal Cladding – Colour Goosewing Gray (Profile to match Phase 4),
 - Profiled Metal Cladding Band (High Level) – Colour Mid Grey (Profile to match Phase 4),
 - Profiled Metal Roofing – Colour Goosewing Grey (Profile to match Phase 4),
 - Aluminium Trim to Columns and Corners – RAL Colour 7000,
 - Aluminium Double Glazed Windows – RAL Colour 7011,
 - Loading Bay Doors – RAL Colour 3003,
 - Factory Finished Steel Personnel Door – RAL Colour 7011,
 - Aluminium Bull-Nose Fascia – RAL Colour 7000,
 - Glazed Canopy,
 - Cladded Canopy to Loading Bay Door – Goosewing Grey with RAL Colour 7000 trims,
 - Rooflights,
 - 2.4m Green Weld-Mesh Fence (to match Phase 5),
 - Roads - Tarmac,
 - Northern Car Park - Block Paving, and
 - Service Yard – Concrete

8.21 This proposed range of external finish materials is considered to be acceptable subject to a condition being attached to an approval requiring the submission and approval of a sample for each proposed finish materials.

8.22 Overall it is considered that the scale, design and appearance of the development is acceptable and would integrate effectively with the rest of the Woodingdean Business Park.

Landscaping:

8.23 Policy QD15 of the Brighton & Hove Local Plan relates to landscape design. It confirmed that all proposals for development must submit details to show that;

- a) adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process,
- b) the proposal includes suitable open space provision,
- c) high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use,
- d) effective use has been made of existing landscaping features;
- e) where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f) if the location is appropriate, the site contributes to the Brighton & Hove Greenway Network.

8.24 It is stated that the overall landscape principle for Phase 6 would continue the theme from the previous phases. An 8m wide landscaped buffer would be located to the north of the building to reflect the existing northern buffers relating to Phases 1 and 3, with indigenous species planted, also to match the adjacent phases. Landscaping is also proposed to the west, east and south of the building however no further details of such landscaping has been submitted. Conditions are therefore recommended to ensure that full landscaping details are submitted and approved prior to the commencement of the development.

8.25 Policy QD16 relates to trees and hedgerows. This policy states that all applications for new development;

- should accurately identify existing trees, shrubs and hedgerows,
- must seek to retain existing trees and hedgerows, and
- wherever feasible include new tree and hedge planting in the proposals.

8.26 The site is currently covered in self-seeded scrub such as brambles however it does not contain any trees and as a result is not considered to be of any Arboricultural value. However two Whitebeam saplings are located to the east of the site within land related to Phase 3. It would appear from the information submitted that the existing timber fence located along the boundary between Phases 3 and 6 would be replaced with a 2.4m high mesh security fence. As a result it is recommended that a condition is attached to an approval requiring the submission and approval of an Arboricultural Method Statement stating how the new boundary treatment would be constructed in the vicinity of the existing tree roots, in accordance with policy QD16.

Impact on Amenity:

- 8.27 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.28 The site is surrounded by Phases 1, 2, 3 and 5, all of which are complete. The northern boundary of the site borders Bexhill Road. As a result the proposed development would not adjoin any residential properties and would be cushioned by the existing developments within the completed phases located to the south, east and west and the proposed landscaping strips discussed above surrounding the proposed development.
- 8.29 As part of the proposal 5 pole mounted lights would be installed, 3 to the north and 2 to the south of the building in addition to proposed wall mounted lighting. As a result of the topography of the site and the wider area the Council's Environmental Health Officer is concerned that if the lighting is not carefully controlled, light could escape the site boundaries and impact upon neighbouring occupiers, such as those located within Sandhurst Avenue to the south in addition to users of Falmer Road, located to the west. The plan to include time-clocks and photocells to limit both energy use and light spillage is welcomed. It is recommended that a condition is attached to an approval relating to external lighting.
- 8.30 It is noted that no reference is made within the application to the installation of any fixed external plant or machinery. Such installation would require subsequent planning approval, in which the impacts upon the amenities of neighbouring properties would be assessed.
- 8.31 Given the industrial/commercial setting it is considered appropriate to consider a scheme for any vehicles belonging to the development having a smart reversing system in order to protect the amenities of neighbouring occupiers.
- 8.32 At present the proposed hours of use of the development are unknown. It is considered that hours of use and hours of servicing and deliveries to the site can be controlled via the attachment of a condition.

Sustainable Transport:

- 8.33 The proposed development would include two parking areas, one to the north of the office area and one to the south of the warehouse element. Following the construction of a new footpath on the eastern side of Sea View Way both vehicular and pedestrian access would be provided to both these proposed parking areas from Sea View Way.
- 8.34 Since submission of the application amendments have been made to the layout of the proposed parking areas and the provision proposed in order to address concerns raised by the Council's Transport Officer. Following these amendments, the proposed northern sited car park would provide 14 car parking spaces, including two disabled spaces. The southern sited parking area would provide a service yard for the proposed warehouse and as a result would

include a 7.7m access road with associated drop-kerb bell-mouth from Sea View Way. In addition to car parking spaces 7 HGV spaces would be provided in this lower parking area. As part of the application swept path layouts have been provided to demonstrate how the service yard has been designed to accommodate large vehicle movements.

- 8.35 It is acknowledged that the proposed disabled parking provision does not accord with SPG4, which requires the provision of 4 such spaces, whilst the proposal would provide an excess of HGV parking provision. However the applicant has argued that work within a warehouse is unsuitable for disabled people and that the requirements of SPG4 should only be applied to the office element of the proposal. This argument is considered reasonable and as such no objections to the provision of only 2 dedicated disabled parking spaces are raised. Furthermore given the nature of the proposed development, namely a warehouse to be occupied potentially by a depository/removal firm, and the fact that it has been demonstrated that no capacity problems would arise and the distance from residential properties, it is concluded that the number of proposed HGV parking spaces would not cause substantial difficulties in practice.
- 8.36 It is stated that pedestrian access into the service yard and related loading area would be via a gated pedestrian footpath and that changes in material would be used to differentiate hard surface uses and define pedestrian routes.
- 8.37 Some of the proposed car parking spaces are double width. Since submission of the application it has been confirmed that, in respect of the proposed end-user GB Liners, it is anticipated that operatives who share lorries would arrive and leave the site at around the same time and therefore the management of the joint car parking spaces would be managed effectively.
- 8.38 The plans submitted indicate the provision of a cycle store to the west of the office element. It is stated that this facility would provide for the storage of 3 cycles however no further details have been provided. It is considered that further details can be sought via a condition.
- 8.39 Measures to mitigate against the expected transport impact of the re-development of the business park as a whole were agreed under the outline consent and secured via a S106 agreement. These measures have subsequently been satisfactorily implemented. However individual phases such as the current application must demonstrate consistency with the outline consent to ensure that the impact remains no greater than that originally expected. Using the TRICS database the applicant has demonstrated that if the application is approved then the number of vehicular trips expected to be generated, together with the estimated generations for the previously consented phases, would be slightly below the estimated generations from the outline consent. This implies that the impact on the network would be no greater than that expected and mitigated against at the time of the outline consent and is therefore deemed acceptable.
- 8.40 An up-to-date Travel Plan is required in respect of the development an issue which can be controlled via the attachment of a condition.

Sustainability:

- 8.41 Policy SU2 of the Brighton & Hove Local Plan and SPD08 on Sustainable Building Design, requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.42 SPD08 requires new non-residential developments over 1000m², on brownfield sites such as that proposed, to be constructed to meet an overall BREEAM rating of 'Excellent' and 60% in the energy and water sections of the BREEAM assessment. However a reduction in this sustainability standard is sought, to BREEAM 'very good'.
- 8.43 Since submission of the application justification for a reduced BREEAM standard and a pre-assessment with comments against each credit area has been submitted. The request for flexibility with regards to the sustainability standards relate to financial viability and site constraints for some of the credits.
- 8.44 It is noted that there are some contradictions between the information submitted with regards to the possibility of the installation of low and zero carbon technologies and the scores indicated for the energy and water section of the BREEAM assessment. However following an assessment of the proposal and the documents submitted, regardless of the contradictions, it is considered that a relaxation of the required BREEAM standard, from 'excellent' to 'very good', is acceptable given the applicant's concerns regarding financial viability.
- 8.45 Within the information submitted it is stated that the developer would aim to achieve 50% in the energy and 60% in the water sections of a BREEAM assessment, it is considered that the proposed development is capable of delivering a score which complies with local policy and SPD08 in respect of the energy and water sections, namely 60% and therefore it is recommended that conditions are attached to ensure such compliance.
- 8.46 It is noted that a reduction from BREEAM 'Excellent' to BREEAM 'Very Good' was approved in respect of developments on Phases 4 and 5 of the Business Park, following submission of significant justification on grounds of non-feasibility and additional benefits.
- 8.47 It is also requested that any conditions regarding the submission of a Post-Construction Certificate allows for the occupation of the building prior to the submission of such certificate, it is requested that 6 months post-occupation be allowed for such submission.
- 8.48 The justification information submitted is considered acceptable as is the request to submit a Post-Construction Certificate after occupation of the building.
- 8.49 Under legislation introduced on the 6th April 2008, in the form of Site Waste Management Plans Regulations 2008, the proposed development is of a scale which would require a Site Waste Management Plan; therefore it is not necessary to secure any details of waste minimisation measures under this application for planning permission.

Ecology/Nature Conservation:

- 8.50 It is noted that the applicant does not believe that the plot constitutes a derelict site as stated within the Council's Ecologist's comments as it is stated that the plot has been active over the last few years as a builders compound, used for material storage, site cabins, construction workers car park, welfare and amenity establishment. However such a use appears to have been unauthorised and as such the Local Planning Authority considers the site to constitute a derelict site. Regardless of the applicants opinion since submission of the application an Ecology Phase 1 Habitat Survey has been submitted following initial comments by the Council's Ecologist.
- 8.51 The information within the submitted report can be summarised as follows;
- identifies habitats of neutral semi-improved grassland, tall ruderal, ephemeral vegetation, dense shrub, amenity grassland, hard standing and rubble piles. The botanical interest and value of the site is deemed relatively 'low' as the species and habitats present on the site are common and widespread,
 - the site possess some small areas of optimal habitat for protected species of reptile, however the site itself is relatively isolated and any reptile populations present are likely to be small and a remnant population from the previous land use. As a result the site has been designated as possessing 'medium' potential for the presence of protected species of reptiles, and
 - 7 to 10 reptile survey visits are recommended during early Spring 2013 to create a reliable estimation of the reptile populations if present. An estimation of the population size would allow the site value to local reptiles be analysed and would guide the level of mitigation if required, prior to the commencement of the development.
- 8.52 The applicants have been unable to commission a full reptile survey as the reptile season has now ended. The next available time for such a survey would be Spring 2013. Should any reptiles, as protected under the Wildlife Conservation Act 1981 (as amended) be present on site, SPD11 'Nature Conservation and Development' requires a contribution via a Section 106 Agreement, towards their translocation to an alternative habitat. The Council currently operates a site at Wild Park suitable for reptile translocation. In this case, Annex 6 of SPD11 requires a contribution of £5,788 towards the preparation and 10 year upkeep of a new reptile habitat at Wild Park, with all costs associated with the capture and translocation of any reptiles also to be borne by the applicants.
- 8.53 In order to proceed with the determination of this application in a timely manner it is considered reasonable to require a full reptile survey prior to the commencement of works. This survey would link with a Section 106 Agreement (completed prior to the formal determination of the application) to provide the above contribution and undertake the species translocation. In the event that no protected species are found onsite by a subsequent survey, the related requirements of the Section 106 would have no force.

Land Contamination:

- 8.54 In respect of land contamination, as part of the application a Desk Top Summary of Site Investigation, dated September 2012, has been submitted. Woodingdean Business Park has been subject to five earlier phases of re-development and as a result five previous phases of site investigations, which have proceeded to intrusive survey and testing for land contaminants as well as geotechnical parameters to inform the design process. However due to the proposed excavation works required to accommodate the proposed development it is recommended that a condition be attached to an approval requiring the submission of further information if contaminants previously not identified are found during construction of the development, especially as the site is located above the Seaford chalk formation, a principal aquifer.

9 CONCLUSION

- 9.1 The proposed development of this brownfield site would positively meet business needs within the City in accordance with policies of the Brighton & Hove Local Plan.
- 9.2 The proposed building is considered to be of acceptable design which would sit comfortably within the site, the comprehensive Woodingdean Business Park and the wider area. Given the previous use of the site and the previously approved neighbouring developments it is not considered that the proposal would have significant adverse impacts upon the amenity of neighbouring properties.
- 9.3 Subject to full compliance with the attached conditions the proposal is considered to be in accordance with policies of the Brighton & Hove Local Plan.

10 EQUALITIES

- 10.1 The proposed development includes the provision of level entrances, a dedicated disabled toilet and shower provision and the provision of a disabled parking space close to the northern entrance to the building.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Planning Obligation:

Section 106 to secure:

- A contribution of £6,230 towards Local Employment Scheme,
- An Employment and Training Strategy to secure 20% local employment during the construction phase.
- Payment of a contribution of £5,788 prior to commencement of the development should reptiles be found as a result of a survey required by condition 14.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	001	Rev. B	04/10/2012
Proposed Block Plan	002	Rev. B	04/10/2012
Proposed Site Plan	003	Rev. C	20/11/2012
Proposed Floor Plans & Sections	004	Rev. B	04/10/2012
Proposed Elevations	005	Rev. B	04/10/2012
Existing Land Levels	-	August 2012	20/09/2012
Electrical Services Car Park Lightning	1286 – E1	-	20/09/2012

- 3) No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

- 4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 6) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

- 7) The use of the premises shall not be open to the public except between the hours of 07.00 – 22.00 Mondays to Saturdays and 08.00 – 20.00 on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining occupiers and to comply with policies SU12 and QD27 of the Brighton & Hove Local Plan.

- 8) No deliveries nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 – 22.00 Mondays to Saturdays and 09.00 – 19.00 on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of adjoining occupiers and to comply with policies SU12 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of at least 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of rating of at least 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 10) No development shall commence until details of the external lighting of the site have been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2011) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

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- 11) Prior to the first occupation of the site a scheme for site vehicles to be fitted with a smart reversing system has been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) No development shall commence on the site until full details of a scheme to dispose of foul and surface water sewerage has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 13) No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification/Method Statement for the erection of the new boundary fence on the eastern side of the site has been submitted to and approved in writing by the Local Planning Authority. This statement shall provide for the long-term retention of the trees located within the site to the east on the other side of the eastern boundary. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.
Reason: To protect the trees which are to be retained to the east of the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 14) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) No development shall commence until a full reptile survey of the site has been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out between the months of March and September and any reptiles protected under the Wildlife and Countryside Act 1981 (as amended) found to be present onsite shall be re-located in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the protection of any protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
- 16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

11.4 Pre-Occupation Conditions:

- 17) Prior to the first occupation of the site, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a timeframe which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review and this review shall be submitted to and approved in writing by the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of the Woodingdean Business Park re-development.

Reason: In order to promote sustainable choices and to reduce reliance on the private car, to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of the date of completion of the approved development a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.5 Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed development of this brownfield site would positively meet business needs within the City in accordance with policies of the Brighton & Hove Local Plan.

The proposed building is considered to be of acceptable design which would sit comfortably within the site, the comprehensive Woodingdean Business Park and the wider area. Given the previous use of the site and the previously approved neighbouring developments it is not considered that the proposal would have significant adverse impacts upon the amenity of neighbouring properties.

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2. The applicant is advised that in respect of condition 8 a lux lighting contour plan should be submitted.
3. The applicant is advised that formal applications for the connection to the public sewerage system and to requisition water infrastructure, are required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel. 01962 858688) or www.southernwater.co.uk.
4. The applicant is advised that due to the presence of pressure gas mains in proximity of the site, Southern Gas Networks has requested that no mechanical excavations are to take place above or within 0.5m of low pressure and medium pressure systems and 3m of the intermediate pressure system. The position of mains should be located using hand dug trial holes.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).