

ITEM C

**Former Infinity Foods Site 45 Franklin Road
& 67 67a & 67b Norway Street Portslade**

**BH2013/01278
Full planning**

09 OCTOBER 2013

BH2013/01278 Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade



<u>No:</u>	BH2013/01278	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade		
<u>Proposal:</u>	Demolition of existing buildings and construction of a three-storey commercial building (class B1 office space) and two and three storey buildings to form 31no dwellings with associated car parking, access and landscaping works.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	21/05/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Woolf Bond Planning, The Mitfords, Basingstoke Road, Three Mile Cross, Reading, RG7 1AT		
<u>Applicant:</u>	Taylor Wimpey (South West Thames) Ltd, C/O Woolf Bond Planning, The Mitfords, Basingstoke Road, Three Mile Cross, Reading, RG7 1AT		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a Section 106 agreement and the conditions and informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to an industrial site located on the west of Norway Street, south of Franklin Road and north of St Andrews Road. This site is known as the Franklin Road Industrial Estate and is currently vacant. The site is divided up into four separate industrial units. Infinity Foods Co-Operative Ltd occupied most of the site and have now relocated to Shoreham. Infinity Foods occupied three buildings within the site; the large pitched roofed warehouse building adjacent the southern boundary, the middle pitched roofed warehouse building centre to the rear of 47-63 Norway Street and the two-storey brick building facing Franklin Road to the north.
- 2.2 The site included a separate business at 67A Norway Street, which is now also vacant. BBP Printers was a printing firm occupying the middle two-storey flat roofed brick building. The site is accessed via a vehicular access off Norway Street between 65 & 69 Norway Street. The brick building to the north also includes a vehicular and pedestrian access.
- 2.3 The site is predominately surrounded by residential properties. To the east and south of the site, the industrial units back onto narrow alleyways to the rear of the gardens of the two-storey houses at St Andrews Road and Norway Street.

To the north, the brick building is on the opposite side of the road of a three-storey block of flats on the corner of Denmark Road. Vale Park lies directly to the west of the site. The site includes an electrical sub-station which remains in situ.

3 RELEVANT HISTORY

BH2011/01713 – Infinity Foods, 45 Franklin Road. Installation of Solar PV Panels to south facing roof. Approved 19th August 2011.

BH2010/00637 - Infinity Foods, 67 Norway Street. Application to extend time limit for implementation of previous approval BH2007/01655 for a replacement warehouse on southern part of site including mezzanine floor and covered loading bay. Approved 25th May 2010.

BH2007/01655 - Infinity Foods Co-Operative Ltd, 67 Norway Street. Replacement warehouse on southern part of site including mezzanine floor and covered loading bay. Approved 20th August 2007.

BH2007/00359 - Infinity Foods Co-Operative Ltd, 67 Norway Street. Construction of an open sided delivery area canopy. Approved 3rd April 2007.

BH2004/02510/CL - 67 Norway Street. Certificate of lawfulness to establish the use of the premises for the manufacture/assembly/finishing, and storage of furniture (use class B1 & B8). Approved 9th October 2004.

BH2004/02404/FP - Retrospective application for the change of use of mixed uses B1 (light industry) & B8 (warehousing) to mixed uses B1, B8 & A1 (retail). Refused 23rd September 2004. Subsequent appeal withdrawn.

BH2004/00580/FP - Infinity Foods, 45 Franklin Road. Removal of asbestos cement sheeting to warehouse roof and replacement with insulated grey plastisol coated steel composite panels and rooflights and pale green trim. Approved 2nd March 2004.

BH1997/01814/FP - Infinity Foods, 45 Franklin Road. Change of use from B1 (light industrial) to B8 (warehouse).

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of all the industrial units on site and the construction of 31 dwellings and a three-storey commercial block. The commercial block is located in the north west corner of the site adjacent to the entrance with Vale Park and comprises 740sqm of Class B1 office space. The scheme includes 18 parking spaces for the commercial block. The commercial block is proposed with its own vehicular access from Franklin Road.

4.2 The residential units comprise the following:

- A three storey block to the north of the site adjacent to Franklin Road containing 6 two-bed flats.

- 13 x 3 bed two and three storey dwellinghouses.
- 11 x 4 bed two-storey dwellinghouses.
- A two-storey block with undercroft parking and one first floor 2 bed flat.
- 46 car parking spaces are allocated for the residential properties.
- Vehicular access to the residential properties is from Norway Street utilising the existing access. Some residential parking spaces are also accessed from Franklin Road.

4.3 As amended, the scheme includes 7 units of affordable housing. Two of the 3 bed family dwellinghouses to the north of the site have been allocated for affordable housing. 5 of the 6 units in the three-storey block of flats are allocated for affordable housing.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eight (8)** letters of representation have been received from **25, 49, 51, 53, 55 Norway Street, 15 Denmark Road, 30 Gordon Road** and **67 Vale Road** objecting the application for the following reasons:

- An objection is raised to the proximity, density and location of the large building adjacent to 43-45 Norway Street. A space should be maintained between the buildings. This three storey building will have a detrimental impact on the amenity of adjacent properties.
- The scheme does not have adequate parking for the proposed residential and commercial spaces. The developers should consider allocating spaces for immediate neighbours. This area already suffers from limited parking for local residents.
- The scheme does not include a through road. This could result in traffic flow problems in the area.
- The scheme is 'gross' overdevelopment of the site and will have a detrimental impact on the infrastructure in the area. Additionally, there are not enough schools, dentists and doctors to supply the existing homes.
- The commercial block near the park should be maintained as a commercial premises and not turned into residential.
- The buildings need to be pulled back from the Norway Street gardens so that these properties are not overlooked.
- The scheme results in a higher density when compared to the surrounding area and would heavily overpopulate the area.
- The scheme would result in noise pollution due to the proximity of the development to adjacent properties.
- The design is commonplace and unimaginative and will not enhance the area.

5.2 **Vale Park Residents Association:** Object:

- The density of the housing development is too high giving rise to overcrowding and loss of privacy to adjoining properties.
- The design of the building does not take the impact upon the neighbours into consideration.

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- The area is poorly provided with schools, health and other essential services.
- Vale Park is already well used at the present time and the parking facilities are already oversubscribed.
- The traffic, road safety and parking in the Vale Park area are already very dangerous. An urgent review of the traffic arrangements must be undertaken before any consideration is given to this redevelopment. Given the one way system in this area and the main entrance to the site, the scheme is likely to result in traffic congestion.
- The hours of use of the B1 commercial unit need to be stipulated so as not to cause disturbance to the neighbourhood.
- The scheme raises concerns regarding its construction and the impact of working hours, dirt and dust etc on residential amenity and the foundations of adjacent properties.

5.3 **Brighton & Hove Archaeological Society:** Comment. The Portslade area has in the past produced finds from the Neolithic period and it is possible that vestiges of archaeology may remain. The society refers to the County Archaeologist for his recommendations.

5.4 **East Sussex County Council Archaeologist:** No objection.

5.5 **East Sussex County Council Ecologist:** No objection.

5.6 **East Sussex Fire & Rescue Service:** No objection.

5.7 **Environment Agency:** No comment.

5.8 **Southern Water:** No objection subject to the following:

- Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
- Details of the measures which will be undertaken to divert public sewers prior to commencement of development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
- The applicant is to enter into a formal agreement with Southern Water for connection to the water supply and to provide the necessary sewerage infrastructure to service this development.

5.9 **Sussex Police:** No objection.

5.10 **Valuation Office Agency:** The viability assessment submitted is a reasonable and balanced assessment of the proposed development.

Internal:

5.11 **Access Consultant:** No objection subject to the following:

- One parking space per house should be capable of being widened to 3.3m.

- All entrances should have a level or gently sloping approach.
- Confirmation that handrails on common stairs will extend 300mm beyond top and bottom rails.
- Stairs in the houses should have a clear width of 900mm between the wall and face of the balustrade.

5.12 **Arboricultural Section:** No objection.

5.13 **Children and Young Peoples Trust:** No objection subject to the following:
A contribution towards the cost of providing educational infrastructure for the school age pupils this development for £197, 056.40.

5.14 **Economic Development:** Support subject to the following:
A contribution of £22,930 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer to using 20% local employment during the demolition and construction phase.

5.15 **Environmental Health:** No objection subject to the following

- A desktop study and site investigation report in respect of land contamination to be submitted to the Local Planning Authority for approval prior to commencement of works.
- Noise associated with plant and machinery incorporate within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed 5dB below the existing LA90 background noise level.
- No deliveries or waste collection shall occur at the B1 premises between the hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- The use hereby permitted shall not be open to customers except between the hours of 08:00 and 19:00 on Mondays to Fridays and 09:00 and 17:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- Details of the external lighting of the site shall be submitted to and approved to and approved in writing by the Local Planning Authority prior to commencement of works.
- A Construction and Environmental Management Plan to be secured via a Section 106 agreement.

5.16 **Heritage:** No comment.

5.17 **Housing:** Comments: (as originally submitted)
In line with Policy HO2 of the local plan and our affordable housing brief this scheme should provide 40% affordable housing on this site which equates to 12 units. The proposal is that this scheme will provide 6 units of affordable housing which equates to 19%. The wheelchair accessible unit is to be built to fully wheelchair accessible standards in line with the Affordable Housing Brief. The affordable units should be owned and managed by one of our Registered Providers of affordable housing. The Housing Section are unable to support

the existing application for 19% affordable housing and only 6 affordable homes.

The Housing Team have been unable to comment on the viability case submitted by the applicant.

5.18 Planning Policy: No objection:

The site is allocated in the emerging City Plan for employment led mixed use development, with no loss of employment floorspace, under Policy CP3 which is considered to hold more weight than the equivalent Local Plan policies. Although there is a significant loss of floorspace, evidence has been provided to justify this and the overall level of employment provided by the site is not expected to diminish. The level of affordable housing provided is 19%, less than the 40% stated in policy HO2 of the Local Plan, however evidence has been provided to show that a higher level would not be viable, and the mix of housing sizes, in particular the large proportion of family homes, is welcomed under Policy HO3.

5.19 Sustainability: No objection subject to the following:

- The application should be approved with standard planning conditions to secure a BREEAM 'excellent' standards as a minimum, and 60% in energy and water sections in respect of the commercial elements.
- Code Level 4 for residential development.
- Considerate constructors scheme and Lifetime Homes.
- A feasibility study should be undertaken for rainwater and greywater harvesting.

5.20 Sustainable Transport: No objection subject to the following:

- The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the development as a whole 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.
- Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development.
- To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £10,500 to help finance off-site highway improvement schemes such as pedestrian infrastructure improvements on and around the Upper Drive and/ or pedestrian and cycle infrastructure improvements on Dyke Road.

5.21 Workplace Travel Plan Officer: No objection subject to the submission of further updated Travel Plans following the occupation of the development.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing. Affordable housing – a definition.
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP3	Employment Land

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the loss of the industrial units, provision of affordable housing and viability considerations, the design and appearance of the proposed development, impact on residential amenity, standard of accommodation, transport and highway concerns, land contamination, sustainability and ecology considerations and crime prevention measures.

Principle of proposed use and loss of industrial uses:

8.2 Policy EM1 of the Brighton & Hove Local Plan identifies sites which should primarily be retained for industrial and business uses (under Classes B1 and B2). This site is identified within policy EM1 as Franklin Road Industrial Area comprising 0.54ha of industrial / business uses.

8.3 Policy EM3 of the Brighton & Hove Local Plan states that land in industrial uses will not be released for other uses unless the site has been assessed and found

unsuitable for modern employment needs. Sites will be assessed to determine whether they are suitable for modern industrial purposes.

- 8.4 The starting point for this site is its EM1 designation in the Local Plan for industrial and business uses and whether it should be released for other uses, such as residential, given its previous activity on site. It should be noted that the Employment Land Study 2006 assessment did raise the issue of the quality and potential other uses of this site if it were to be released. However, the overall conclusion of the 2006 study was that none of the Local Plan employment sites should be released.
- 8.5 Policy CP3 of the Brighton & Hove Submission City Plan Part One is particularly relevant to this scheme. Policy CP3 states that ‘in order to secure good quality employment, flexible employment floorspace the council will allow employment-led (residential and employment) mixed use development’ on the certain sites. This includes the Franklin Road Industrial Estate. The policy states that there should be no net loss in employment floorspace.
- 8.6 The Policy Section has commented on the scheme and advised that since January 2013, when the City Plan was agreed for submission to the Secretary of State, the City Plan has gathered greater weight in the determination of planning applications. Policy CP3 is allocated significant weight in the determination of this planning application as it builds on an adopted Local Plan policy.
- 8.7 The National Planning Policy Framework (NPPF) is also relevant in the determination of this application. Paragraph 22 of the NPPF states that ‘planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’
- 8.8 This scheme proposes a mixed use scheme of 31 residential units and a commercial block of 740m² of B1 office space. The total of the existing commercial floorspace on site is 4,373m². The existing floorspace is primarily Class B8 (warehousing) with ancillary B1(a) (offices) and B1(c) (light industry).
- 8.9 The scheme would represent a significant reduction in employment floorspace. However the proposed B1 uses would offer a higher job density than the previous uses which included B8 warehousing. As such, evidence has been provided that the number of jobs expected to be provided on site increases from 58 (when the sites were operational) to 61. Evidence has also been provided from an estate agent suggesting that 8,000 square feet (743m²) is a realistic maximum level of B1 space that could be supported by this site and in this location.

- 8.10 The Employment Land Review 2012 is also a consideration in the determination of this application. The review states that the site ‘is surrounded by a built-up residential area resulting in the employment site being relatively incompatible within this location given the constrained residential roads and difficult access. There may be viability issues given the location of the site away from any established employment locations which it may be possible to overcome through cross-subsidy with some residential development on the site.’
- 8.11 Overall, policy CP3 is considered more compliant with the NPPF than Policy EM1 as it has been based on more recent reviews of employment allocations (as outlined above).
- 8.12 Due to the particular issues facing this site (the constrained access, the need for townscape and public realm improvements and proximity to residential properties), there is a recognition that it would be difficult to replace the 4,373sqm of employment floor space with a similar amount of floorspace which would be viable. On this basis, this employment led scheme offers a mixed use development and would provide a similar level of employment, albeit less floorspace, to that which existed on site. Accordingly, the change to higher job density B1a employment floorspace is acceptable in principle and the net loss of employment floorspace is therefore considered to be satisfactory given that employment levels are maintained on site and the site specific issues relevant to this site.
- 8.13 It should also be noted that the former occupants of the site have relocated to alternative sites and retained the existing jobs. Infinity Foods are a growing business and they found that the site had grown too small for their needs. The site was not capable of further large scale expansion given its proximity to residential properties. Given their needs for expansion, Infinity Foods have now relocated to larger premises in Shoreham. The former printers on site (BPP) have also relocated their business to their head office in Hove leaving the entire site vacant.
- 8.14 The Economic Development Team fully supports the scheme. The site has been actively marketed by well established local commercial agents for a sustained period of time. However, due to the nature of the site and the existing buildings, its location and access, there was no interest from business occupiers. The scheme has been subject to pre-application meetings to ensure the maximum amount of suitable and appropriate employment floorspace is provided as part of the wider mixed use scheme.
- 8.15 The applicant has also provided detailed information in respect of the commercial element of the proposal as part of the Planning Statement submitted to support the application which is also supported by the Economic Development Officer. The office space will have the ability to accommodate a single user but also have the flexibility to be offered to multiple occupiers depending on the demand for the space.
- 8.16 In conclusion, whilst the scheme is contrary to policy EM1 of the Brighton & Hove Local Plan, as outlined above, the scheme is in accordance with policy

CP3 of the emerging City Plan which has significant weight in the determination of this application. The scheme is also in accordance with NPPF which encourages alternative uses to be considered for redundant employment sites.

Provision of affordable housing and viability considerations:

- 8.17 Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing.
- 8.18 The scheme, as originally submitted, proposed 6 affordable housing units. The units were located in the three-storey block of flats located in the north east corner of the site. The affordable units were proposed to be two-bedroom units with one of the units proposed to be a wheelchair accessible unit. 6 units equates to 19%.
- 8.19 Additionally, the scheme results in the necessity to mitigate the impact. The total amount of contributions expected for this scheme comes to £385,000.
- 8.20 In accordance with SPD8, the scheme is required to deliver level 4 of the Code for Sustainable Homes for the residential units. The applicant has stated that this also unviable and that the units would only meet level 3 of the Code.
- 8.21 To support the amount of affordable housing, contributions and level of Code for Sustainable Homes, the applicant has submitted a Viability Report.
- 8.22 Paragraph 173 of the NPPF states that ‘to ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.’
- 8.23 Having regard to the NPPF, it is appropriate for the applicant to submit a viability assessment to justify a scheme which is not fully policy compliant. To assist the Council in the assessment of the viability report, the Council has sought the professional advice of the District Valuer (DV).
- 8.24 The DV has assessed the applicant’s report and evidence. The DV concluded that the information provided was comprehensive and reasonable and the viability methodology was acceptable.
- 8.25 The DV concluded that it was clear from the calculations that a fully policy compliant scheme is not viable for this site. A fully compliant scheme is not viable due to the specific site constraints and anomalies of this site (such as land contamination) and the need to deliver an employment led scheme which includes a clearly defined commercial element.
- 8.26 Notwithstanding the DV’s findings, the applicant has agreed to an additional affordable housing unit on site. This brings the total amount of affordable units to 7 which equates to 22%. The applicant has also agreed to all residential

units meeting level 4 of the Code for Sustainable Homes, which is in line with the requirements of SPD8. The applicant has agreed to the additional unit and Code level 4 on the basis that they wish to bring the scheme forward immediately.

- 8.27 The scheme as amended now proposes 7 affordable units. 5 out of 6 two-bed flats the three-storey building adjacent Franklin Road are now allocated for affordable housing. The other two affordable units are now within the two, 3 bed town houses adjacent to the block of flats. The applicant has stated that a registered social landlord, Affinity Solutions, will take on the affordable units.
- 8.28 The Housing Team are unable to support a scheme with less than 40% affordable housing; however, they have been unable to assess the assessment of viability case submitted.
- 8.29 Having regard to all matters with respect to viability the level of affordable housing and contributions is considered appropriate in this case.
- 8.30 In order to review affordable housing provision, a condition is recommended which states that from two years of the date of the permission the amount of affordable housing can be revisited if construction has not reached an advanced stage. This condition will ensure the delivery of affordable housing taking into account viability.

Design:

- 8.31 Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context.
- 8.32 Policy HO4 states that to make full and effective use of the land available, residential development will be permitted at higher density than those typically found in the locality where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.33 The scheme proposes the demolition of all the existing industrial buildings on site and the construction of 31 dwellings and 3-storey office block. The site is comprised of large industrial buildings which are not worthy of retention and there is no objection to the loss of the existing buildings on site.
- 8.34 The proposal is for a mews style mixed development of 31 dwelling units and a three storey block of offices. The housing is mainly comprised of pitched roofed houses formed in 7 blocks of two and three storey dwellings positioned around the main vehicular and pedestrian access to the site between 65 & 69 Norway Street. The majority of the proposed houses face either east or west. This results in the creation of a streetscape with a clearly defined building line and street scene which is replicated in the commercial block.

- 8.35 The three storey townhouses include front gable ends which would be tile hung. These gable ends bookend the block of 5 houses on the western side of the site and would be the most visible feature of the scheme when viewed from Norway Street. The rest of the proposed dwellings are two-storeys high and would include small front and rear dormers allowing accommodation in the roof space.
- 8.36 Every house includes either a flat roofed or lean-to roofed canopy over the front entrance and is proposed with sliding sash timber windows. The houses also include banding detailing to the bottom of the windows and quoin detailing to the side of the buildings. The dwellings are all proposed in a buff coloured brick. The buff brickwork and detailing match the existing terraced housing on Norway Street and would give the development some visual context when compared to the surrounding area.
- 8.37 The scheme includes a flat above undercroft parking. Additionally, in the north east corner of the site, a three-storey block of 6 flats is proposed fronting Franklin Road adjacent the side of elevation of 43B Norway Street. The design of these two buildings matches that of the proposed houses with matching fenestration, buff brickwork and small front and rear dormers to the three-storey block.
- 8.38 The commercial block proposed in the north west corner of the site is different in design to the rest of the development in that it has more of a more modern design. This building would be three-storeys tall with a mixture of flat and mono-pitched roofs and a large eaves detail. Whilst modern in design, the building includes some of the detailing of the rest of the residential development proposed with proposed buff brickwork, detailing under the windows and quoin detailing to its sides. This building is separated from the rest of the development and includes its own vehicular access from Franklin Road.
- 8.39 The townscape character of this part of Portslade is characteristically defined by straight corridors of two-storey terraced houses on a strong build line, commonly with dwarf walls at the footway edge enclosing small front gardens. A strong rhythm of projecting bays or gables reinforces this regularity.
- 8.40 In terms of townscape, the design of the proposal replicates the urban grain form of adjacent development. Building widths, depths and heights are similar to adjacent developments and existing housing. The form of the proposed layout incorporates a 3-storey terrace vista which is the visual termination of the development when looking along the proposed access from Norway Street. In addition, the commercial and residential apartments along Franklin Road provide buildings which would match the scale and design of the existing block of flats opposite the proposed block of commercial units on the corner of Denmark Road.
- 8.41 The street design includes hard and soft landscaping with block paving, timber bollards, incidental raised shrub planters and trees within the street. This is unlike the surrounding roads, which are comprised of lay-by parking to each side and short front gardens to mainly terraced housing. In the current scheme

the front gardens are replaced by parking spaces. This along with the design of the houses gives the scheme a mews style appearance.

- 8.42 Overall, it is felt that the development is of an appropriate height, scale, bulk and design and would make a positive contribution to the visual quality of its surroundings. Subject to the submission of materials, the scheme is considered in accordance with the above policies.

Impact on Amenity:

- 8.43 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.
- 8.44 The proposed site is in close proximity to residential properties which surround the site. Immediately to the east, the site backs onto the rear garden of 43-79 Norway Street and to the south, the site backs onto the rear gardens of 54-72 St Andrews Road. To the north, the site faces houses across Franklin Road at 58-62 Franklin Road and block of 15 flats at 17A Denmark Road. To the west of the site, the development faces Vale Park.
- 8.45 In respect of the houses on Norway Street and St Andrews Road, the scheme would not result in a significant impact on the amenity of these premises. The scheme proposes two storey houses adjacent to the boundaries of these houses which are separated from the existing houses by an appropriate distance. The rear elevations of the proposed houses to the rear of 43-65 Norway Street are set a distance of over 20m from the existing houses. This includes proposed rear gardens for the houses. To the rear of 56-60 St Andrews Road, there is a distance of over 25m between the proposed houses and the existing houses. To the rear of 66-70 St Andrews, the scheme proposes the side wall of a two-storey dwelling facing east which would be over 17m from the rear elevations of the existing houses.
- 8.46 Given the distance between the proposed houses and the existing houses, the scheme would not result in a significant impact on the amenity of the residential properties on Norway Street and St Andrews Road in terms of loss privacy, increased sense of enclosure, loss of outlook or overshadowing. It should also be noted that the scheme results in the loss of the existing warehouse structure which formed an imposing structure in comparison to the proposed housing.
- 8.47 To the northern part of the site, a three-storey block of 6 flats and 3-storey commercial block are proposed. The proposed block of flats is within close proximity of the side facing wall of 43B Franklin Road. The proposed side elevation of the block of flats is in line with the side elevation of no.43B Franklin Road and this newly built dwelling does not include any side facing windows which would be affected by the proposal. The proposal includes rear windows for the block flats facing south. Due their orientation, these windows would not result in a significant loss of amenity of adjacent properties in respect of overlooking.

- 8.48 In respect of the properties to the north of the site, these properties are on the opposite side of Franklin Road and would not be significantly affected by the proposed redevelopment of the site.
- 8.49 The scheme does result in a higher density of residential properties when compared to the existing residential pattern in the locality. However, the higher density proposed would not result in a significant impact on the amenity of any adjacent properties.
- 8.50 The proposed site immediately overlooks Vale Park to the west of the site. There is a play area near the boundary of the site which would be partly overlooked by the rear windows of some of the proposed houses. It should be noted, that the play area is already overlooked by properties surrounding the park. Additionally, there are existing trees along the eastern boundary of the park. These trees will remain and will shield views from the rear windows of the proposed houses of the play area to some extent.
- 8.51 As the site is within close proximity of residential properties and involves extensive demolition, a Construction Environmental Management Plan is required to be submitted and approved by the Local Planning Authority. This will ensure the scheme would minimise disturbance for adjacent properties in relation to construction noise, dust, hours of operation, etc, and can be secured within a Section 106.
- 8.52 Overall, the scheme would not result in a significant impact on the amenity of any adjacent properties and is in accordance with the above policy.

Standard of accommodation:

- 8.53 Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme proposes dwellings with adequate light and outlook to habitable rooms and is deemed to provide a suitable standard of accommodation.
- 8.54 Policy HO5 requires the provision of private amenity space in new residential development where appropriate to the scale and character of the development. The proposal includes a garden for all 25 of the proposed dwellinghouse and a communal area for the block of six flats. The scheme does not include an outside amenity area for the first floor flat proposed in the two-storey building. The largest of the proposed gardens are 10.5m long and the smallest gardens proposed are 7m long. Whilst small in comparison to most of the existing gardens serving adjacent properties (with the exception of gardens of 43A & 43B Franklin Road), the scheme would provide suitable outside private amenity space for the majority of the development.
- 8.55 In accordance with policy HO13, the development will be required to fully comply with Lifetime Homes Standards. The Access Officer has commented that some minor amendments are required in order to fully comply with Lifetime Homes.

8.56 Policy HO13 responds to the objectives of securing housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. As the scheme is for new build residential, the scheme would be expected to fully meet Lifetime Homes standards. Therefore, it is important that the comments of the Access Advisor are fully addressed. A condition is therefore recommended requiring details to be submitted and approved by the Local Planning Authority which indicate that the scheme would fully meet Lifetime Homes Standards.

Sustainable Transport:

8.57 In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling. Scheme should include cycle parking for units which are secure and covered.

8.58 To address the parking and highway impacts of the scheme, the proposal includes a Transport Statement and Travel Plan which have been assessed by the Council's Transport Manager. The scheme utilises the existing vehicular access from Norway Road for the residential units and proposes a new vehicular access from Franklin Road for the proposed commercial block.

8.59 The scheme includes on-site parking for the proposal which comprises the following:

- 18 spaces for B1 offices including 5 dedicated disabled spaces.
- 46 spaces for residential use including 3 dedicated disabled spaces.
- 6 existing spaces for neighbouring residents adjacent the entrance from Norway Road.

8.60 The Council's Transport Manager has commented that the provision of parking is acceptable for the residential and commercial units and is within the parking standards as outlined in Supplementary Planning Guidance Note 4 on Parking Standards.

8.61 The Transport Manager has commented that the disabled parking indicated on the plans is below the standards required for a scheme of this size. However, the scheme has been amended to allow the conversion of the spaces into appropriate disabled spaces in the future if required. This is indicated in the submitted Travel Plan. The Transport Manager has commented that an enhanced Travel Plan, which requires annual monitoring of the use and availability of disabled parking, could be submitted for the approval of the Local Planning Authority. Based on the findings of the Travel Plan, existing parking spaces could be converted to disabled spaces if required. On this basis, the disabled parking proposed is deemed acceptable.

8.62 In respect of cycle parking, the proposal would provide sheds for each house and cycle stores for the commercial units and flats. The Transport Manager has commented that the number of type of stores proposed is unclear. Accordingly, a condition is recommended requiring the submission of full details of the cycle storage proposed for the scheme to be submitted to and approved by the Local Planning Authority in writing prior to commencement of the development.

- 8.63 The Transport Manager has stated that the applicant has successfully demonstrated using the TRICS database that the impact of the scheme on local traffic will be minimal.
- 8.64 To comply with the Brighton & Hove Local Plan policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011, the Transport Manager has commented that the applicant should make a financial contribution of £10,500 to help finance off-site highway improvement schemes in the area. The improvements would include replacing speed cushions, installing tactile paving and new dropped kerbs.
- 8.65 Finally, the applicant has submitted a Travel Plan which addresses travel and transport issues. The Council's Workplace Travel Plan Officer and the Transport Manager have stated that Travel Plan and Transport Assessment are acceptable, subject to the provision of cycle parking and the implementation of the Travel Plan. It is therefore felt that the scheme will not result in an unacceptable demand on traffic or parking in the area.

Land Contamination:

- 8.66 Policy SU11 of the Brighton & Hove Local Plan states that proposals for the development of known or suspected polluted land will ensure that the application is accompanied by a site / building assessment and details for the treatment, containment and / or removal of the source of contamination.
- 8.67 Given the industrial nature of the site, the Council's Environmental Health Section has commented that the site is a brown field development. The application is accompanied by a land quality assessment. The report includes an addendum which summarises gas testing carried out on site.
- 8.68 The Environmental Health Officer has commented that whilst the report has assessed the site in line with nationally published best practice, it concludes that further works need to be carried out to fully assess the site. To this end, the officer recommends a condition requiring the submission of a desktop study and a potential site investigation report which document the ground conditions of the site which also incorporates chemical and gas analysis as appropriate. These reports are to be submitted to the Local Planning Authority for approval in writing prior to commencement of works. Compliance with this condition will ensure the safety of the land for future occupiers in respect of land contamination.

Sustainability:

- 8.69 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.70 Under Supplementary Planning Document 8 (SPD8) major new built non-residential development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections. The application commits in the Design and Access Statement and Sustainability Checklist to achieving this standard for the office development under BREEAM office.

- 8.71 Under SPD8, a major scheme for residential development would be expected to meet level 4 of the Code for Sustainable Homes. Under the viability assessment (as outlined above), the applicant originally stated that the scheme would only meet level 3 due to the additional cost of securing level 4.
- 8.72 The Council's Sustainability Officer commented that it was unacceptable that the scheme would not meet level 4 and that it was achievable. In only meeting level 3, the scheme would be below national standards in terms of energy performance. The applicant has subsequently agreed to the scheme meeting level 4 of the Code for Sustainable Homes.
- 8.73 The Council's Sustainability has verbally commented that with level 4 for the Code for Sustainable Homes in place, the scheme is deemed appropriate subject to conditions to secure the following:
- BREEAM office 'excellent' and 60% in energy and water sections.
 - Code level 4 for residential development.
 - Considerate Constructors scheme and Lifetime Homes.
 - Feasibility study for rainwater and grey water harvesting.

Other Considerations:

- 8.74 Policy QD18 of the Brighton & Hove Local Plan relates to the protection of protected species and states that measures will be required to avoid any harmful impact of a proposed development on such species and their habitats.
- 8.75 The applicant has submitted a bat survey report which examines the possibility of bats within the existing buildings at Franklin Road Industrial Estate. The report concludes that there no evidence of bats was found within any of the buildings and that the majority of the buildings were not considered to have any significant potential to support bat roosts.
- 8.76 The County Ecologist has commented that the report is acceptable. As a precautionary measure, the demolition contractors should be made aware that if any evidence of bats is found during demolition, work should stop and advice sought from a suitably qualified bat ecologist.
- 8.77 The ecology report submitted indicates that the brick 2-storey building fronting Franklin Road includes nesting sparrows. The Ecologist has commented that under the Wildlife and Countryside Act 1981, wild birds are protected from being killed, injured or captured. The Ecologist recommends that the demolition of this building should be undertaken outside the nesting season (generally March to August indicative) and replacement sparrow nesting boxes should be provided within the new development as specified within the Ecological Appraisal Report.
- 8.78 Policy QD16 of the Brighton & Hove Local Plan relates to the retention and protection of existing trees on site. There are no existing trees on site but there are substantial trees adjacent the boundary of the site within Vale Park. The scheme would result in the pruning of the adjacent trees. The Council's Arboriculturist has commented that the pruning works should be carried out in

full accordance with British Standard 3998 (2010) Recommendations for Tree Work.

- 8.79 Policy QD7 of the Brighton & Hove Local Plan states that large scale developments will be approved where it has been demonstrated how crime prevention measures have been incorporated into the layout and design of the proposal. The Design & Access Statement outlines crime prevention measures such as ensuring spaces within the development where everyday human activity would be the greatest in order to minimise the risk of crime.
- 8.80 Sussex Police Crime Prevention Officer has commented that design and layout of the development has created outward facing dwellings which provides good surveillance over vehicles and allows the residents to self police their own environment. The office was also pleased to note that there are rear access paths to the rear gardens with front gates which deters unauthorised access to the rear. Having regard to the crime prevention officer's comment, the scheme is considered in accordance with the above policy.

9 CONCLUSION

- 9.1 The development is of an appropriate height, scale, bulk and design and would make a positive contribution to the visual quality of its surroundings. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.
- 9.2 Additionally, the scheme delivers an appropriate mixed use scheme for residential and commercial office floorspace which is in accordance with policy CP3 of the Brighton & Hove Submission City Plan Part One. Given the viability assessment of the proposal, the scheme also delivers an appropriate amount of affordable housing.

10 EQUALITIES

- 10.1 The new houses would be required to fully comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 11.1 Section 106 agreement to secure:
- An employment strategy to secure at least 20% local labour during construction of the project.
 - A Construction Environmental Management Plan.
 - Contribution of £10,500 towards improving sustainable highway infrastructure in the area.
 - Contribution of £60,500 towards open space contribution in the area.
 - Contribution of £79,000 towards educational improvements in the area.

and subject to the following Conditions and Informatives:

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11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of two years from the date of this permission.
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
Planning Layout	011202-WIM-SWT-01	D	25 th September 2013
Information Layout	011202-WIM-SWT-02	B	13 th August 2013
Storey heights Plan	011202-WIM-SWT-03	B	13 th August 2013
Tenure Plan	011202-WIM-SWT-04	C	25 th September 2013
Unit Types Plan	011202-WIM-SWT-05	B	13 th August 2013
Location Plan	011202-WIM-SWT-06	A	13 th June 2013
Refuse Strategy	011202-WIM-SWT-07		22 nd April 2013
Street Scene	011202-WIM-SWT-SSCC		7 th May 2013
Street Scene	011202-WIM-SWT-SSDD		13 th June 2013
Street Scene	011202-WIM-SWT-SSBB		13 th June 2013
Type F Floor Plans	011202-WIM-F-P1		22 nd April 2013
Type E Floor Plans	011202-WIM-E-P1		22 nd April 2013
Type G Floor Plans	011202-WIM-SWT-G-P1		22 nd April 2013
2BF Apartments Ground Floor Plans	011202-WIM-SWT-2BF-P1		22 nd April 2013
2BF Apartments First Floor Plan	011202-WIM-SWT-2BF-P2		22 nd April 2013
2BF Apartments Second Floor Plans	011202-WIM-SWT-2BF-P3		22 nd April 2013
Apartment Block 2BF, Front Elevation	011202-WIM-SWT-2BF-E1		22 nd April 2013
Apartment Block 2BF, Side Elevation	011202-WIM-SWT-2BF-E2		22 nd April 2013

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Apartment Block 2BF, Side Elevation	011202-WIM-SWT-2BF-E3		22 nd April 2013
Apartment Block 2BF, Rear Elevation	011202-WIM-SWT-2BF-E4		22 nd April 2013
Bin / Cycle Stores Elevations & Floor Plans	011202-WIM-SWT-BS1	A	13 th August 2013
Commercial Building First Floor Plan	011202-WIM-SWT-COM-P2		22 nd April 2013
Commercial Building Second Floor Plan	011202-WIM-SWT-COM-P3		22 nd April 2013
Commercial Offices, Front Elevation	011202-WIM-SWT-COM-E1		22 nd April 2013
Commercial Offices, Side Elevation	011202-WIM-SWT-COM-E2		22 nd April 2013
Commercial Offices, Side Elevation	011202-WIM-SWT-COM-E3		22 nd April 2013
Commercial Offices, Rear Elevation	011202-WIM-SWT-COM-E4		22 nd April 2013
Type D Floor Plans	011202-WIM-SWT-D-P1		22 nd April 2013
Type A Floor Plans	011202-WIM-A-P1		22 nd April 2013
Type B Floor Plans	011202-WIM-B-P1		22 nd April 2013
House Type A & B Front, Side & rear Elevations	011202-WIM-SWT-A-B-E1		22 nd April 2013
House Type C & D Rear & Side Elevations	011202-WIM-SWT-C-D-E2	A	23 rd April 2013
House Type C & D Front Elevation	011202-WIM-SWT-C-D-E1	A	25 th September 2013
House Type G Front & Side Elevation	011202-WIM-SWT-G-E1		22 nd April 2013
House Type G Front & Rear Elevation	011202-WIM-SWT-G-E2		22 nd April 2013
House Type E & F Rear & Side Elevation	011202-WIM-SWT-E-F-E2		22 nd April 2013
House Type E & F Front & Side Elevation	011202-WIM-SWT-E-F-E1		22 nd April 2013
House Type C & D Rear & Side Elevation	011202-WIM-SWT-C-D-E2		22 nd April 2013
Application Street Scenes			13 th June 2013
Planting Proposals	CSa/2139/102		22 nd April 2013
As Existing Arrangement Building 'No.67'	B2612/13_02		21 st May 2013
As Existing Plans Building 'No.67B'	B2612/13_03		21 st May 2013
As Existing Elevations 'No.67B'	B2612/13_04		21 st May 2013
As Existing Arrangement	B2612/13_05		21 st May 2013

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Building 'No.67A'			
Tree Constraints Plan	8086/01/ Rev A		22 nd April 2013
Topographical Survey	17398		22 nd April 2013
External Works Plan	CSa/2139/103		22 nd August 2013
Planting Proposals	CSa/2139/102		22 nd August 2013

- 3) The affordable housing shall provided in accordance with the Tenure Plan drawing 011202-WIM-SWT-04/C which secures 7 affordable units.
Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

- 4) The proposed development shall not commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. Save where condition 5 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

and for the purposes of this condition 4 and conditions 5 below 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

- 5) Should all the residential units hereby approved not have been constructed to at least first floor level by the third anniversary of the date of this permission, a viability assessment which assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment, shall be submitted to, and for approval in writing by, the local planning authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall include:

- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

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- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.
- iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

- 6) The hard surface 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.

- 7) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, (Classes A – E) of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 8) The first floor side window in the elevation of the proposed dwelling hereby permitted immediately adjacent the southern boundary of the site (as indicated on drawing no.0011202-WIM-SWT-E-F-E1) shall be obscure glazed and non-opening, unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 9) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB 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 4142:1997.

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

- 10) 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.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 11) The employment/commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 12) No deliveries or waste collection shall occur at the B1 premises except between the hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.

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

- 13) The office accommodation shall not be open except between the hours of 08:00 to 19:00 Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.

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

11.3 Pre-Commencement Conditions:

- 14) One of the 7 affordable units is to be built to wheelchair standards. No development shall commence until details of the wheelchair accessible unit have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

Reason: To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 15) No development shall take place until a written Waste Minimisation Statement & Plan, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning

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Authority. The measures shall be implemented in strict accordance with the approved details.

- 16) Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 17) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
- 18) No development shall commence until details of the proposed means of foul and surface water sewerage disposal and measures to be undertaken to divert public sewers have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details.
Reason: To ensure that adequate surface water and foul sewerage drainage is available prior to the development commencing and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.
- 19) No development shall commence until full details of the phased construction programme have been submitted and agreed in writing by the Local Planning Authority. The programme shall specify that the commercial element shall be built to shell and core prior to occupation of the residential units. The scheme shall be implemented fully in accordance with the agreed details unless otherwise agreed in writing.
Reason: So as to ensure the implementation of the entire scheme and to comply with policies TR1, TR2, TR4, TR7, TR14, TR18, TR19, SU2, QD1, QD2, QD3, QD4, QD5, QD6, QD15, QD16, HO2, HO3, HO4, HO5, HO6 and HO13 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove Submission City Plan Part One.
- 20) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 21) No development shall commence until details showing the type, number, location and timescale for implementation of the compensatory bat boxes

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

- 22) 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.

- 23) No development shall commence until full details of Lifetime Homes standards have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 24) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units 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.

- 25) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' of relevant BREEAM assessment 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

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of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 26) No development shall commence until a feasibility study for rainwater harvesting has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed details.
Reason: To ensure the development is sustainable in terms of rain water harvesting and in accordance with policy SU2 and SPD8: Sustainable Building Design of the Brighton & Hove Local Plan.
- 27) No development shall commence until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
- 28) No development shall commence until full details of the existing and proposed land levels of the proposed building in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 29) No development shall take place 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 in full as approved 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 policy QD27 of the Brighton & Hove Local Plan.
- 30) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,

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- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
 - a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (b).

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

- 31) 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, boundary treatments (including new boundary treatments), 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.

Pre-Occupation Conditions:

- 32) 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.

- 33) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum 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.

- 34) The non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum 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.

- 35) Within 6 months of occupation of the residential and commercial development hereby approved, the applicant or developer shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers)).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including

Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-
The development is of an appropriate height, scale, bulk and design and would make a positive contribution to the visual quality of its surroundings. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.

Additionally, the scheme delivers an appropriate mixed use scheme for residential and commercial office floorspace which is in accordance with policy CP3 of the Brighton & Hove Submission City Plan Part One. Given the viability assessment of the proposal, the scheme also delivers an appropriate amount of affordable housing.

- 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). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 5) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 6) The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

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- 7) The applicant is advised that an agreement with Southern Water, prior to commencement of the development, is required for measures to be undertaken to divert/protect the public water supply main.
- 8) The applicant is advised that advice regarding permeable and porous hard surfaces 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).
- 9) The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
- 10) All tree pruning works shall be carried out in full accordance with British Standard 3998 (2010) Recommendations for Tree Work.
- 11) The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
- 12) The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. The applicant should note that there appear to be nesting sparrows in the building fronting Franklin Road and care should be taken when demolishing this building.
- 13) The Travel Plan shall cover both the residential and commercial units and shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - ii) A commitment to reduce carbon emissions associated with business and commuter travel:
 - iii) Increase awareness of and improve road safety and personal security:
 - iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - v) Identify targets focussed on reductions in the level of business and commuter car use:

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- vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- vii) Make provision for an annual report to the Council of the results of a survey of the use and availability of disabled parking, and subsequently convert general parking to disabled parking if requested by the Council on the basis of its analysis of the monitoring report.
- viii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- ix) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.