

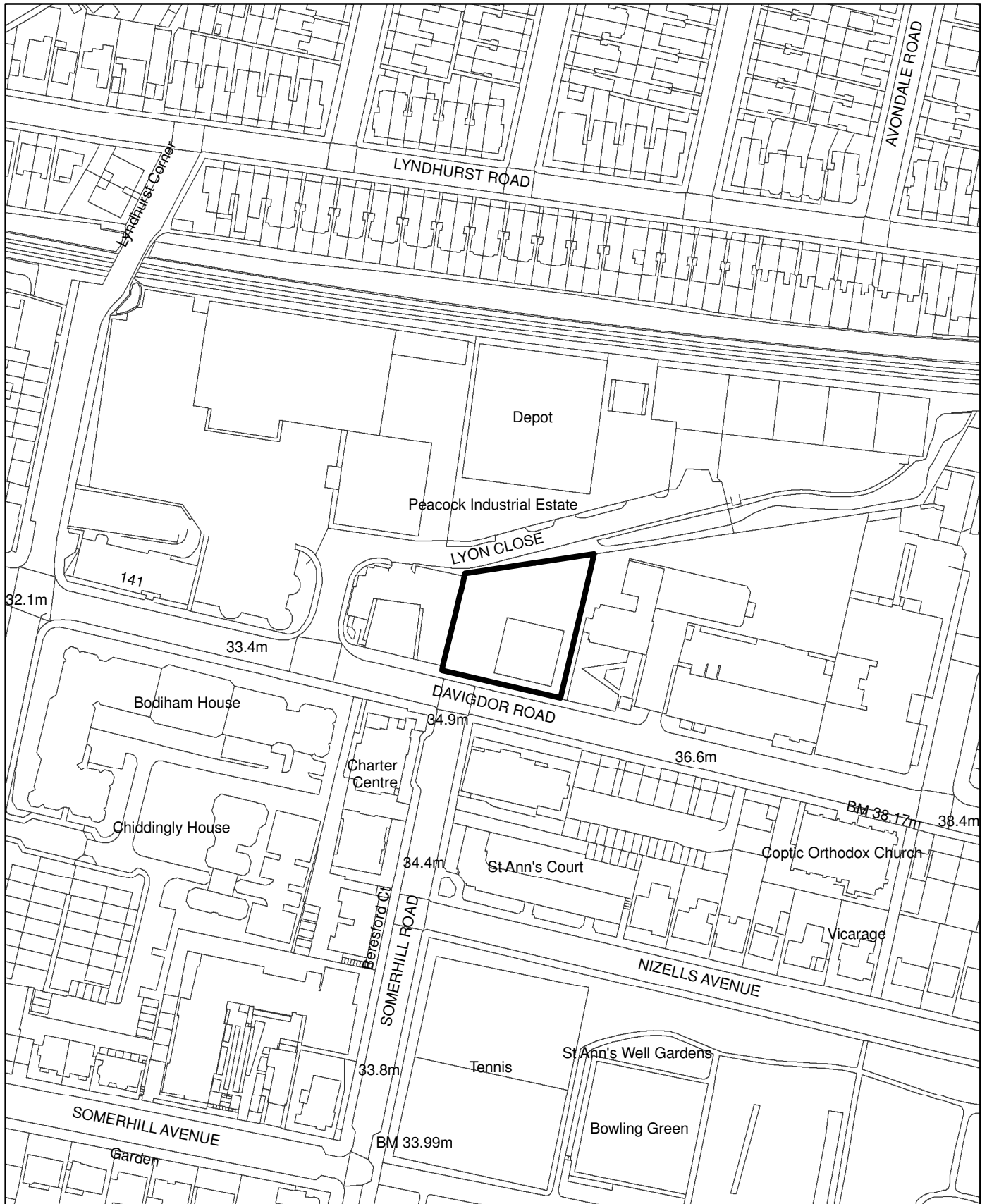
ITEM A

113-119 Davigdor Road, Hove

BH2014/02308
Full planning

29 OCTOBER 2014

BH2014/02308 113-119 Davigdor Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

PLANNING COMMITTEE LIST- 29 OCTOBER 2014

<u>No:</u>	BH2014/02308	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	113-119 Davigdor Road Hove		
<u>Proposal:</u>	Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	22 July 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 October 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Hyde Newbuild, Mr J Martin C/O Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		

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 a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a modern two storey building located on the north side of Davigdor Road comprising 700sqm of office accommodation. Associated parking is located to the west side and rear of the site, with access from Lyon Close to the rear.
- 2.2 The site is bordered to the east by the seven storey P&H office building and three storey Preece House, and to the west by the four storey Cambridge House (Happy Cell), which comprises a mix of B1 and D1 uses. A number of single storey retail warehouses and trade counters sit across Lyon Close to the rear, with the mainline railway beyond. A mix of two, three and four storey residential houses and flats sit opposite to the south. The site is not designated for any purpose in the proposals map for either the Brighton & Hove Local Plan or the Submission City Plan Part One.

3 RELEVANT HISTORY

3/95/0769(F)- New office building and associated parking. Approved 04/09/1996.

3/84/0055- New seven storey office building and underground parking with associated ancillary facilities. Approved 18/01/1985.

P&H House 106-122 Davigdor Road

BH2014/03006- Prior Approval for change of use from offices (B1) to residential (C3) to form 57 flats. Under consideration.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing office building and the erection of a part four, part five, part seven and part eight storey building comprising 700sqm of office accommodation at ground floor level and 68 residential flats on the upper floors (32 one-bedroom flats, 22 two-bedroom flats and 14 three-bedroom flats). The application details that 40% (27) of the units would comprise affordable housing.
- 4.2 Car parking for 38 vehicles is to be provided within a basement car park accessed from Lyon Close to the rear. The application details that 8 of the spaces would be allocated to the office uses and 30 to the residential flats. An area of landscaping would be provided to the front of the site.
- 4.3 Amendments have been received during the course of the application to reduce the height of the eastern side of the building from eight storeys to seven, and from the front of the building from five storeys to four. The number of units has been reduced from 76 to 68, whilst the basement parking arrangement has been revised to maximise the number of residential bays.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirty Two (32)** letters of representation have been received from **18, 24(x2), 32, 48, 50, 54, 56, 58 (x2), 60b, 62 (x2), 94, 98, 100 Lyndhurst Road; 20, 22 Nizells Avenue; 22 Montefiore Road; 59 Addison Road; Flats 1, 13 & 22 Park Court, Flat 2 76 Davigdor Road; 28 Aylesbury, York Avenue; Flat 8 Amber Court; 25 Glendale Road; saveHOVE; Peacock Trading Estate; and P&H house (x3), objecting** to the application for the following reasons:
- The building is too large, too tall and has too great a massing. The Goldsmid ward is predominantly low rise housing below 3 storeys, with the immediate area low rise employment uses and warehouses
 - The choice of materials increases the massing of the building
 - Overdevelopment of the site
 - The building is not in a tall buildings node
 - The building would loom over both Davigdor Road and the properties to the rear
 - The building is at least one storey too tall on each element
 - The comparison with Preece House (P&H) is spurious and would give reason for high rise development along the north side of Davigdor Road
 - Tall buildings and high rise living has had a poor reputation since the 1960s, are unpopular with tenants and have a strong association with psychological, social and environmental problems
 - The building should be closer to 3-4 storeys in height

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- The design is just another unimaginative modernist set of boxes lacking any tie in or design cues from the surrounding area and is poorly articulated.
- Amenity/green space for residents is minimal and the development will reduce the amenity value of St Anns Wells Gardens further
- Potential disturbance from wind buffeting
- The area is already densely overpopulated with the south of the site at 331 people per hectare
- Building more and more housing within a finite area is not sustainable
- The sustainability level of the development should be higher than Code 4
- The application effectively places an additional 236 persons equivalent load on local services and facilities
- There is no capacity within local schools and doctor's surgeries to cater for the development. The proposal should not be entertained until a new school has been built.
- The building will dominate the western end of St Anns Wells Gardens with an angular and unsympathetic skyline
- The daylight/sunlight assessment does not take into account the impact on adjacent office occupiers
- Increased traffic and traffic noise, particularly on Lyon Close
- Increase noise and light pollution to adjacent residents, including south facing bedrooms along Lyndhurst Road
- Construction noise on adjacent residents and office occupiers. A CEMP should be submitted to address construction dust, noise, vibration and traffic
- Insufficient parking onsite will create on-street pressure
- Loss of daylight and sunlight to both residential properties and P&H house, which is also applying to change to residential use
- Overshadowing
- Overlooking and loss of privacy for adjacent properties at P&H, Preece House, Park Court, Happy Cell and houses in Lyndhurst Road
- Loss of views
- Loss of trees
- Loss of health to neighbouring residents from loss of light, privacy
- There is no demand for office accommodation on Davigdor Road
- The application has been made before a neighbourhood plan has been established.
- Bats have been seen in the area
- Noise and traffic from the existing A1 and B8 uses in the Peacock Trading Estate to the rear may raise noise complaints from future residents that impact on businesses
- Highway safety issues from existing HGV traffic on Lyon Close and traffic entering/exiting the site
- Prejudicial impact on use and potential development of P&H house

5.2 **Councillor Buckley** has objected. A copy of the email is attached.

- 5.3 **County Archaeologist:** No objection.
- 5.4 **Environment Agency:** No objection.
- 5.5 **UK Power Networks:** No objection.
- 5.6 **Sussex Police:** No objection.
- 5.7 **Southern Water:** No objection.
- 5.8 **East Sussex Fire and Rescue Service:** No objection.

Internal:

- 5.9 **Ecology:** No comment.
- 5.10 **Education:** No objection.

The closest primary schools to the development are Davigdor Infant School and Somerhill Junior School, neither of which have any surplus capacity. The next closest primary schools are Cottessmore RC Primary School, Stanford Infant and Junior Schools, St Mary Magdalene RC Primary School, St Andrews CE Primary School, West Hove Infant School, Connaught Road Annexe, St Bartholomews CE Primary School and Middle Street Primary. None of these schools have any surplus capacity and it is anticipated this will be the case for the foreseeable future.
- 5.11 Consequently it is appropriate to request a sum of money for nursery, primary and secondary education in respect of this development. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 3,313 primary places available and currently there are 3,364 children on roll. This means that there is no surplus in this part of the city whatsoever. A development of 68 residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice whatsoever. Developers should ensure that their developments are sustainable in the broadest sense of the word and this should include funding the education infrastructure that their development demands.
- 5.12 If this application were to proceed a contribution of £109,457.60 towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate should be sought.
- 5.13 Contributions received as a result of S106 agreements are not usually large enough to allow for increasing the size of a school. Instead the council uses the contributions towards the cost of expanding schools in the area of the development. In this instance the schools team are currently undertaking a consultation to expand St Andrew's C E primary School by a form of entry and any contributions received from this development would be put towards that scheme if it were to progress. Secondary contributions would be spent at either Blatchington Mill School or Hove Park School.

5.14 Environmental Health: No objection.

The site has a history of potentially contaminated land uses such as a garage as early as 1938 to 1974, with the later being a Caffyns site. Printers and chemists are also listed, as are formal railway sidings. The submitted contaminated land report correctly acknowledges that the site will have a large basement and this should be born in mind when suggesting a targeted approach for any further site investigation and risks. It is concluded that further works are necessary to characterise the site and any further works should be targeted to the conceptual site model as listed in section 9 of the report.

5.15 The Planning Noise Report identifies road traffic from Davigdor Road as being a dominant source of potential noise disturbance. The report concludes that with standard double glazing, most facades will meet the required internal noise standard, however the British Standard 8233:2014 would be exceeded with open windows. Similarly, it is shown from the noise data that there are a number of noise events over a night time period which would preclude an individual from opening their window as they would inevitably be disturbed. The report therefore suggests an enhanced double glazing unit for facades on Davigdor Road having a reduction of 37dB and that all bedrooms will require additional ventilation. This can be addressed by condition.

5.16 There is also the potential for noise from the ground floor commercial uses to interfere with the enjoyment of those living immediately above. One particular area of concern might be the commercial and residential bin units stored immediately underneath bedrooms and living areas. A condition should be applied to secure improvements beyond Part E of the Building Regulations

5.17 The application includes balconies which would overlook Davigdor Road. From the modelling carried out, they may experience noise levels above the Work Health Organisation Guidelines on community noise for annoyance. The levels predicted are 67dB, whereas the levels in the WHO guidance are 55dB for the onset of annoyance. However the WHO guidelines are merely guidelines and there needs to be a level of expectation and buyer beware about individuals purchasing such properties.

5.18 The acoustic report also acknowledges that the commercial office uses may well have plant, although at this stage it is unclear as to the type and location. For this reason it is suggested that a condition may be applied to control plant noise levels. Given the mixed nature and size of the development 10dB(A) below background, as per BS4142 is appropriate.

5.19 Servicing and opening hours are currently not known, however 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 Saturdays are acceptable office working/opening hours. No servicing of the premises should be carried out, outside of these hours.

5.20 Given also the residential areas to the South, a construction, environmental management plan (CEMP) is necessary to place the initiative on the developer/s to consider how best to implement the consent with minimal disruption to

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neighbours. This should be secured through the section 106 process and should also contain the requirement for a developer to apply for a section 61 agreement under the Control of Pollution Act 1990.

5.21 No details on lighting have been provided. It is recommended that the local planning authority apply a specific condition to ensure that lighting is not a problem to existing or future residents.

5.22 **Housing:** No comment.

5.23 **Planning Policy:** Support.

The principle of the proposed development is acceptable given that it provides a significant contribution of residential units towards the city's unmet housing need, with the inclusion of 40% affordable housing, in line with the requirements of Local Plan Policy HO2 and Submission City Plan Policy CP20. It would be preferable for a greater proportion of the units to be family sized dwellings, but, on balance given the proportion of affordable housing to be provided, the mix of sizes is considered acceptable in the context of Policy HO3. There will be no net loss of employment floorspace and policies EM5 of the Local Plan and CP3 of the Submission City Plan are therefore not considered to apply.

5.24 As no open space provision is made on the site, a contribution towards off site provision of £185,578.97 is recommended, which includes £29,792 towards indoor sport.

5.25 **Sustainability:** No comment.

5.26 **Sustainable Transport:** No objection.

The application is considered acceptable subject to the S106 contribution and conditions recommended below.

5.27 The revised parking provision proposed for the residential use is generally consistent with SPG4 and is acceptable. The proposal is for 26 general and 6 disabled spaces compared to SPG4 guidance requiring at most 82 general and at least 7 disabled spaces. For the office use SPG4 recommends at most only 2 general operational only spaces and at least 7 disabled bays, compared to the provision proposed of 2 general spaces and 6 disabled bays. The layout of bays is satisfactory. Although the written revised submission implies this the ground floor spaces are not indicated on the plans as being for the office use and formal confirmation should be sought that this is the case. The 2 general office bays should be for operational use (which excludes commuters) only and this should be required by condition.

5.28 The applicants have considered the scope for displaced parking and proposed that residents should be prevented from acquiring residents parking permits on the basis that the development should be regarded as partly car free. Policy HO7 on car free housing does not apply in cases where a small amount of parking is available. The application site is within Area O of the CPZ and this means that little long stay on street parking is available. There is currently no waiting list in for permits in Area O and the policy of only selling permits up to a limit will ensure

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that new residents' applications for permits will not make parking unavailable for existing residents. The applicants have carried out acceptable parking beat surveys which show that there is spare parking capacity locally overnight when parking by existing residents is maximised and the parking controls are not in force. This capacity is 85-95 spaces (surveys were carried out on 2 nights). If every flat had 1 car then the potential displacement would be 57 cars (i.e. 76 cars-19 cars). More realistically if car ownership was at the same level as that for Goldsmid ward as a whole, which from census data is 71%, the potential displacement would be 35 spaces (i.e. (76 cars X 0.71)-19 cars). The surveys show that in either case this extra demand can be accommodated. Although there may be a degree of inconvenience to existing residents, especially overnight, in that it would be more difficult to find parking, the parking would be available and it is considered that this aspect of the application is acceptable. Inconvenience would not justify a recommendation for refusal and there are no practical measures available to prevent this inconvenience without causing other problems in this case, as the area is already in a controlled zone.

- 5.29 In terms of cycle parking the proposal is for 8 spaces for the offices compared to the minimum of 5 and for the residential use 82 compared to 91. In addition to the shortfall in residential numbers the nature of the cycle parking is unsatisfactory, consisting largely of stackers which are difficult for some people to use. Revised plans should be required for approval by condition which provide the required amount and maximise the use of Sheffield stands even if this requires the expansion of the area used for cycle parking. Any remaining stacker cycle parking should be accompanied by levers to assist less strong users and information notices for first time users, with the details again required by condition and subject to approval.
- 5.30 The applicants have produced acceptable TRICS based estimates of likely car trip generations and these are 23 inbound and 18 outbound in the AM peak and 16 inbound and 23 outbound in the PM peak. This level of impact is not considered material by the DfT. There are clusters of accidents locally at the junctions of Davigdor Road with Holland Road and Montefiore Road. However given the small expected traffic impact, the fact that remedial works for the Davigdor Road/ Montefiore Road junction are committed, and the applicants' acceptable accident analysis which suggests that design did not substantially contribute to the accidents which have happened locally, it is accepted that it would be unreasonable to require that accident remedial works should be funded by the applicants. The Road Safety Manager has suggested that the pedestrian refuge on Davigdor Rd. should be replaced by a zebra crossing as the number of pedestrian and vehicle trips at this point will be increased. This is recommended and should be included in the S106 agreement referred to below. A construction environmental management plan should be required by condition to control construction access routes and delivery times.
- 5.31 The standard contributions formula suggests that a contribution of £40,500 towards sustainable transport infrastructure would be appropriate to enable the development to meet policy TR1. This should be spent on measures to facilitate and encourage the use of sustainable modes locally as follows-

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(1) Provision of zebra crossing outside the application site in Davigdor Rd. as described above at a cost of £10,000 approx.

(2) Provision of real time information and a shelter at the Lyon Close westbound bus stop at a cost of £15,000 approx.

(3) Provision of dropped kerbs, tactile paving and one kerb buildout locally at a cost of £15,500 approx.

These facilities would be provided at Davigdor Rd., Holland Rd., Lyndhurst Rd., Wilbury Crescent, Caburn Rd., Wolstonbury Rd., Chanctonbury Rd. and Cissbury Rd. The total estimated cost of these schemes is £40,500.

5.32 The applicants have produced a draft workplace travel plan and a draft residential travel information pack and final versions of these should be required for approval by condition.

5.33 **Economic Development:** No objection.

A contribution through a S106 agreement for the payment of £38,000 towards the Local Employment Scheme should be sought in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction works.

5.34 **Arboricultural:** No objection.

No objection to the content of the arboricultural report submitted with the application. The two trees remaining onsite are of little arboricultural value, whilst the Sycamore and Hawthorn trees adjacent to the site would be unaffected by the development.

5.35 **Access:** No objection.

The wheelchair units should not just be one-bedroom units

5.36 **Public Art:** No objection.

A contribution of £35,700 should be sought towards the provision of public art

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.
- 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
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

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EM5 Release of redundant office floorspace and conversions to other uses

Supplementary Planning Guidance:

SPGBH4 Parking Standards
SPGBH15 Tall Buildings

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable development
CP1 Housing delivery
CP12 Heritage
CP14 Housing density
CP16 Open space
CP19 Housing mix
CP20 Affordable housing

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues.

Principle of Development:

8.2 The site is not designated for employment use or any other use within either the Brighton & Hove Local Plan or the Submission City Plan Part One. As existing the site accommodates an office building comprising 700sqm of employment floorspace. The proposal seeks to retain this same 700sqm provision within the ground floor of the building, therefore policies EM3 & EM6, which seek to retain employment floorspace, would not be compromised as there would be no loss of employment floorspace. Given the absence of any particular allocation within the development plan, the principle of residential development on the site is considered acceptable, subject to all other material considerations set out below.

8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out

a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

Housing mix:

- 8.4 The application proposes 68 residential flats, of which 40% would be affordable housing (27). This provision of 40% affordable housing meets the requirements of policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One and is secured by condition. Within the building as a whole, 32 of the flats would be one bedroom units, 22 two bedroom units, and 14 three bedroom units. The affordable housing would all be on a shared ownership basis and be of a suitable mix of 15 one-bedroom units, 5 two-bed units and 7 three-bed units. No social rent housing is proposed however there is no policy basis to refuse permission on this ground. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured by condition. Subject to this condition the proposal is considered appropriate having regard policies HO2 & HO3 of the Brighton & Hove Local Plan and policies CP19 & CP20 of the Submission City Plan Part One.

Design and Appearance:

- 8.5 The site is currently occupied by a two storey building that makes an inefficient use of the site. Given the presence of the taller P&H building to the east and Cambridge House to the west, it is considered that a taller building that makes a better and more effective use of the site can be supported in principle.
- 8.6 The building proposed would be 'T' shaped with the majority of the massing set along the depth of the eastern site boundary. The lower part five, part seven storey element would project to the west with parking access to the rear and a landscaped entrance courtyard to the front. The front element would be lower at four storeys to reflect the general scale of the adjacent Preece House and Cambridge House. The building would be completed in brick with zinc (or material of equivalent appearance) cladding to the top floor and part east elevation, and aluminium windows throughout. This palette of materials would be appropriate within the context of the site, which is of mixed quality with no strong design/material rhythms, and an improvement on the stark red brick of the P&H buildings and black glazing to Cambridge House. Samples of all materials are secured by condition.
- 8.7 In terms of scale, the building would be seven storeys (eight floors) in height (25.8m) at its maximum point and as such would constitute a 'tall building' as defined in SPGBH15 'Tall Buildings'. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement within the Design & Access Statement to help justify the scale of building proposed in the local and wider city context.

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- 8.8 The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.9 In this instance the surrounding townscape comprises a mix of single storey retail warehouses and trade counters, 2-4 storey residential buildings, and 3 to 7 storey commercial buildings of between 8m and 28.8m in height. This variance in scale, which is most pronounced on the northern side of Davigdor Road, is such that a building that meets the mean height of all surrounding development (approximately 18m) would be lower than the P&H building (max 28.8m) but taller than the adjacent Cambridge House (12.5m) and warehouses to the rear (approximately 8-10m). Given the presence of the scale and massing of the P&H building immediately adjacent to the east it is considered that a building of broadly similar height, whilst taller than the mean height of all surrounding development, would not necessarily be 'significantly taller' such that policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan would be compromised.
- 8.10 The plans as originally submitted showed a building taller than the main bulk of P&H house, including a front wing taller than the main bulk of Preece House and Cambridge House which form the main Davigdor Road frontage. The plans have been subsequently revised to reduce these elements by one storey such that the height of the building now relates more appropriately with the scale and massing of the adjacent buildings. In particular the front wing now suitably aligns with the buildings immediately fronting Davigdor Road and reinforces the sense of continuity and scale at this point. The submitted visuals detail that the building would not be readily visible or dominant in views from Dyke Road park to the north and St Anns Wells Gardens to the south, and confirm that the lower massing to the front of the building would continue the general four storey built form to the north side of Davigdor Road. The overall scale and massing of the building would be most noticeable from the north, in particular from the railway bridge to the west. However, against the backdrop of P&H house, Cambridge House and the retail warehouses to the foreground, this impact is not considered so harmful as to warrant refusal.
- 8.11 For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street. The building would be an appropriate addition to the street in accordance with policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan and the tall buildings guidance within SPGBH15.

Landscaping, ecology and open space:

- 8.12 The site as existing is soft landscaped to the rear with an area of raised grassed land and low level planting amounting to approximately 400sqm. There are no trees on the site as those previously at the rear of the site have been lawfully removed. The arboricultural report submitted with the application identified the three removed trees as being category B (9m Sycamore), C (5m Palm) and U

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(3m Pine) of generally limited amenity value. The report identifies that the most valuable tree, the Sycamore, was not suitable for retention given its restricted growing conditions adjacent to a low wall and hardstandings. The Council's arboriculturalist has raised no objection to their loss, noting that the nearest trees outside the site would not be unduly impacted by the development.

- 8.13 The existing landscaping appears incidental to the site as a whole and, although identified as open space on the proposals map for the submission City Plan Part One, has little broader amenity value. It is not considered that this existing open space at the rear of the site is of sufficiently high quality such that its retention in situ would outweigh the wider benefits of the scheme in bringing forward 68 housing units within a development that makes a more efficient use of the land.
- 8.14 The proposal would replace this area of open space with built form, accessways and a small terrace to the rear office unit. To the front, a new area of 357sqm of amenity space would be formed fronting onto Davigdor Road. The plans detail this space would be largely hard landscaped with paving punctuated by raised planters and seating. A detailed planting scheme is included in the Design and Access statement which shows eight Alder trees, one Katsura tree and four Pear trees to be set in the planting beds, alongside other specified plants. The trees would be approximately 4.5m when planted and would provide immediate amenity value. Subject to conditions to secure a finalised planting scheme, this proposed amenity space would present an attractive entrance to the site and would be more regularly used and appreciated than the existing low quality space at the rear. Further, the planting detailed in the submission would soften the appearance of the building and improve the general quality of the northern side of Davigdor Road. Although the rear of the site would be more sparsely treated, within the industrial/warehouse context of Lyon Close this is considered acceptable. An existing embankment of trees rear of the adjacent P&H building would be retained and provide some softening of the building in rear views. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.
- 8.15 The scale of the development is such that it would not provide the necessary open space and outdoor recreation space within the site to comply with the requirements of policy HO6. In such circumstances policy HO6 allows for contributions within the s106 agreement to offset the needs generated by the development. Further detail is set out in the Developer Contributions Technical Guidance paper. In this instance the standard formula recommends that a contribution of £185,578.97 is recommended, which includes £29,792 towards indoor sports, should be sought. This contribution would go towards improving facilities at St Anns Wells Gardens to the south of the site and Dyke Road Park to the north, as well as improving other recreational facilities in the area. This level of contribution is secured within the s106 heads of terms.
- 8.16 A local resident has identified the potential for bat roosts to be in the area. Whilst there is no evidence of bat roosts being within the site itself, for the avoidance of doubt an informative is attached to remind the applicants that 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. A condition is also attached seeking a scheme to improve the biodiversity offer of the site, in accordance with policy QD17.

Standard of Accommodation:

8.17 Each residential unit is of a good size with all rooms having good access to natural light and ventilation and each flat having access to a private balcony as well as the communal open space to the front. Although set at right angles in a 'T' shape building, the positioning of windows could give rise to overlooking between units. However, it is not considered that potential overlooking between flats would be of significant harm to warrant refusal of the application. A Noise Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road and Lyon Close, and from the rail line. The Assessment calculates the likely noise levels on each façade of the proposed building based on existing recorded levels, and concludes that standard double glazing would be sufficient on all elevations except the main Davigdor Road elevation which will require glazing with increased acoustic performance to the bedroom windows. The Assessment also recommends that all bedrooms to the building and the living rooms fronting Davigdor Road be fitted with alternative means of ventilation to avoid the need for open windows. These measures are secured by condition and will ensure a satisfactory standard of accommodation for future occupiers. Further conditions restricting the hours of operation and ensuring adequate soundproofing between the office and residential elements are also secured by condition, as recommended by the Environmental Health officer, to protect the amenities of future residents.

8.18 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The policy requires that 5% wheelchair accessible housing is provided in all developments of more than 10 units, with 10% secured in affordable housing schemes. The application details that all flats will be built to Lifetime Homes standards and this is secured by condition. The proposal would provide 5 wheelchair accessible affordable units, four one-bedroom flats and one two bedroom flat, which equates to 7% of the total units and 18% of the affordable housing units.

Impact on Amenity:

8.19 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.20 The nearest residential properties are located opposite Davigdor Road to the south and along Lyndhurst Road to the north. Residents of both sets of properties have raised concerns over loss of amenity from the proposed building. The applicants have submitted a daylight/sunlight assessment calculated in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' and BS8206-2.

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- 8.21 To the north, the properties along Lyndhurst Road are set at a minimum separation of approximately 100m from the rearmost part of the proposed building. This separation across the roofs of the warehouses on Lyons Close and the railway line beyond is sufficient to ensure that views from the rear terraces would not be significant or invasive. Further, the separation is sufficient to ensure that the building would not be excessively enclosing or dominating of outlook and would not result in an appreciable loss of daylight or sunlight. Residents of Lyndhurst Road have raised concern over noise impact from future occupiers and vehicular movements, however given the separation and presence of trade counters and the railway line, such impact is not considered significant.
- 8.22 To the south, Park Court forms a four storey block of flats set at the junction of Davigdor Road and Somerhill Road. Many of the flats have a northerly aspect towards the application site, however this aspect is partially obscured by street trees and low level hedging within the site. The proposed building would have a greater and more dominating impact on outlook to these flats, however given the separation of 20m across a main road and the set back of the main bulk of the building, this harm is not considered excessive. The daylight/sunlight report confirms that daylight and sunlight levels would meet the BRE test and would not result in significant harm. In terms of overlooking, facing balconies to the development would undoubtedly result in increased overlooking potential, however again given the separation of the development across the main road and the set back of large parts of the building, this level of overlooking is not considered sufficiently intrusive to withhold permission.
- 8.23 Further properties are set adjacent to Park Court however their amenities would be largely preserved, with the proposed building set at an angle to their main northerly aspects thereby avoiding excessive loss of light, outlook or privacy.
- 8.24 The scale of the building on the eastern boundary would result in loss of light to the side windows to P&H house as well as potential overlooking from the east facing balconies. However, given the employment use of this building and thereby its temporary occupation, and its separation of 5m (front section) and 13.4m (main rear section) from the proposed development, this harm is not considered to be significant. A similar acceptable impact would be had on Cambridge House to the west and the trade counters to the rear.
- 8.25 It is noted that an application for Prior Approval for the conversion of P&H house to residential flats has been submitted, however this application remains under consideration and there is no indication that such a conversion would inevitably take place in the event prior approval is granted. In any case, the indicative floor plans show the main bulk of residential units to be to the east side of the building. The two levels of flats to the lower front building would be orientated north-south with limited overlooking potential to/from the nearest windows and balconies. Six flats in the main section of the P&H building would have a direct west facing aspect towards the proposed building, one per floor, however it is not clear where windows would be located as no details of elevational treatments have been provided. There is though sufficient potential

to orientate windows north-south should the need arise, whilst the separation to the development at this point would be approximately 13.5m. As such it is not considered that the proposed building would unreasonably prejudice the existing or potential future potential of the P&H building.

- 8.26 On this basis no significant harm to the amenities of residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan. A Construction and Environmental Management Plan is required within the s106 to ensure that disruption to adjacent businesses and residents is suitably minimised.

Sustainable Transport:

- 8.27 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.
- 8.28 The site as existing provides 26 parking spaces (3 disabled) in a car park to the west and rear of the building. This car park is accessed off Lyons Close. The application proposes 38 parking spaces of which 3 would be at ground floor level and 35 at basement level. The plans indicate that 8 of the spaces (including 6 disabled) would be allocated to the office use, and 30 spaces (including 6 disabled) would be allocated for the 68 flats. This level of general parking provision falls within the maximum standards set out in SPG4, however there is a shortfall of 2 disabled parking bays. Residents have raised concern that the overall level of parking provision is insufficient to meet the needs of the development and would result in increased pressure on street parking in the area.
- 8.29 The site is located in a Controlled Parking Zone (Zone O) with double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. Given the provision of parking as part of the scheme it is not possible to require that the development is made car-free under policy HO7. Residents would therefore be able to apply for parking permits in the area. Given that permits are restricted in number according to the number of bays in each zone and the nearest streets outside of the Controlled Parking Zones are a minimum 15 minute walk, it is not considered that overspill parking would be likely or significant. In any case, based on the applicants surveys of surrounding streets, there is sufficient parking capacity overnight to cater for the development. The surveys calculate that approximately 85-95 bays are free at a time when residential parking is at its maximum and the bays are unrestricted. This is sufficient to cater for any overspill parking the development may generate, and provides assurance that existing residents would not be significantly inconvenienced.
- 8.30 The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs. On this basis, and having regard the location of the development within a CPZ, the

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overall level of parking is considered acceptable. This view is supported by Sustainable Transport officers.

- 8.31 In terms of cycle parking, 90 spaces are proposed. This level of provision exceeds that required under SPG4 and is appropriate for a development of this scale and is secured by condition.
- 8.32 Give the uplift in trips generated by the development a contribution of £40,420 is sought to improve sustainable transport infrastructure in the vicinity of the site, in particular to provide a pedestrian zebra crossing fronting the site, an improved west bound bus stop, and improved dropped kerbs and tactile paving to junctions in the area. The zebra crossing in particular would assist residents safely crossing the street to St Anns Wells Gardens to the south and when walking to the town centre. Subject to this contribution secured in the s106 heads of terms the proposal would meet the transport demand it would generate in accordance with policies TR1, TR2, TR4, TR7, TR8 & TR14 of the Brighton & Hove Local Plan.

Sustainability:

- 8.33 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. For major new-build residential schemes SPD08 requires proposals to meet level 4 of the Code for Sustainable Homes and achieve zero net annual CO2 from energy use, however proposed revisions to the submission City Plan Part One reduce this to level 3. The new-build non-residential element is required to meet BREEAM 'very good' with 50% in the water and energy sections.
- 8.34 The application is supported by a Sustainability Checklist, an Energy Statement, and Code for Sustainable Homes and BREEAM pre-assessment estimators. The Sustainability Checklist, Planning Statement and pre-assessment estimators detail that all residential units will achieve level 4 of the Code for Sustainable Homes whilst the office units will achieve BREEAM 'very good'. The specific measures incorporated into the proposal to achieve these standards include passive solar design maximising access to natural light and measures to reduce water consumption below building regulations requirements. Provision for a bank of solar panels are proposed on the flat roofs to the building have been indicated on the plans. The position of these banks is acceptable in design terms and excludes the front wing, where their visible impact would be most apparent.
- 8.35 The plans detail that the non-residential element of the proposal would achieve BREEAM 'very good', sufficient to exceed the standard recommended in SPD08. This is secured by condition.
- 8.36 Refuse and recycling facilities appropriate to the scale of the development are proposed in semi-open compounds within the western section of the building. This provision is secured by condition. For these reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards required by Policy SU2 and SPD08.

Other Considerations:

- 8.37 The application includes a Phase 1 Contaminated Land Assessment. The assessment identifies that the site has a history of uses that is likely to have resulted in potentially contaminated land. The Environmental Health officer has agreed with the report and its recommendation that further investigation works are required. This is secured by condition.
- 8.38 The Economic Development officer has raised no objection to the proposed development, subject to a contribution of £34,000 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction works. This is secured via the s106 heads of terms.
- 8.39 Residents have raised concern that there are insufficient schools places in the area to meet the uplift in demand this development would create. The Head of Education has confirmed that there is a shortfall in available primary school places in the area and the schools team are undertaking a consultation to expand St Andrew's C E primary School by a form of entry to address this. Consequently, and in line with the methodology set out in the Developer Contributions paper, a contribution of £109,457.60 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate. A contribution of £35,700 or a scheme of equivalent value is also sought towards public art as required under policy QD6.

9 CONCLUSION

- 9.1 The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing, without the loss of employment floorspace, and without significant harm to the amenities of adjacent occupiers. Subject to conditions and the s106 agreement the development would accord with development plan policies.

10 EQUALITIES

- 10.1 The development has been designed to meet Lifetime Homes Standards with 6 of the units being fully wheelchair accessible.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £40,420 towards improving sustainable highway infrastructure in the vicinity of the site.
- Contribution of £185,578.97 towards open space contribution in the area.
- Contribution of £109,457.60 towards education provision.

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- Contribution of £34,000 towards the Local Employment Scheme
- Contribution of £35,700 towards public art
- Construction and Environmental Management Plan

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 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 and block plan	1000	00	10/07/2014
Existing site layout	A139-01	A	10/07/2014
Existing site survey	007	0	10/07/2014
Existing elevations	008	00	10/07/2014
	009	00	10/07/2014
Proposed site plan	1001	01	01/10/2014
Proposed basement plan	2008	02	01/10/2014
Proposed ground floor plan	2000	01	01/10/2014
Proposed first to second floor plan	2001	01	01/10/2014
Proposed third floor plan	2002	01	01/10/2014
Proposed fourth floor plan	2003	02	14/10/2014
Proposed fifth floor plan	2004	01	01/10/2014
Proposed sixth floor plan	2005	02	01/10/2014
Proposed seventh floor plan	2006	02	01/10/2014
Proposed roof plan	2007	01	01/10/2014
Proposed elevations	2100	01	01/10/2014
	2101	01	01/10/2014
	2102	02	01/10/2014
	2103	02	01/10/2014
Proposed context elevations	2110	01	01/10/2014
	2111	01	01/10/2014
Proposed bay study	2120	00	10/07/2014
Proposed landscaping	A139-02	A	10/07/2014
Proposed planting schedule	A139-03	A	10/07/2014

- 3) 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.

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- 4) 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 10dB 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.
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.
- 5) Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The vehicle parking areas as detailed on drawing nos 2008 rev.02 and 2000 rev.01 received on 1 October 2014 shall not be laid out as such and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 7) The Party Walls/Floors between the ground floor units and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) The offices shall only be occupied and serviced between the hours of 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays with no working or servicing on Sundays, bank or public holidays.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The ground floor of the development hereby permitted shall be used for the provision of B1(a) offices only and for no other purpose (including any other purpose in Class B 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).

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Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 10) All hard surfaces hereby approved within the development site 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 site.

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.

11.3 Pre-Commencement Conditions

- 11) No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the development meets the housing needs of the city and to comply with policies HO2 & HO3 of the Brighton & Hove Local Plan.

- 12) No development approved by this permission shall be commenced 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. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 13) 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

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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.

- 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) (i) Prior to the commencement of the development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in Part 1.
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
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.
- 16) 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.

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- 17) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the office development has achieved a minimum BREEAM rating of 50% 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.
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.
- 18) 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, 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.
- 19) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 20) Prior to the commencement of development, a written scheme shall be submitted for approval to the local planning authority on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 21) (i) No works pursuant to this permission shall commence 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 received on 10 July 2014 in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,
(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

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and proposals for future maintenance and monitoring. Such scheme shall include 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 a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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;
- 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 condition (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.

11.4 Pre-Occupation Conditions

22) 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.

23) 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.

24) Unless otherwise agreed in writing by the Local Planning Authority, the office development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction

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Review Certificate confirming that the office development built has achieved a minimum BREEAM rating of 50% 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.

- 25) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 26) The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

- 27) The residential units hereby permitted shall not be occupied until the measures to minimise road traffic noise disturbance set out in paragraph 5.6 of the 7th Wave Acoustics Planning Noise Assessment received on 10 July 2014 have been fully implemented. The measures shall thereafter be retained as such.

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

- 28) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. A minimum of five units shall be built to wheelchair standards to the satisfaction of the Local Planning Authority.

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.

- 29) Within 6 months of first occupation of the 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 (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.

11.5 Informatives:

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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 proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing, without the loss of employment floorspace, and without significant harm to the amenities of adjacent occupiers. Subject to conditions and the s106 agreement the development would accord with development plan policies.
3. 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.
4. 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.
5. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
6. The applicant is advised that a formal connection to the public sewerage system and water supply is 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

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7. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.

From: Ruth Buckley
Sent: 05 August 2014 15:08
To: Adrian Smith
Cc: Jeanette Walsh
Subject: BH2014/02308

Adrian,

I object to this application BH2014/02308 due to:

- The size and appearance of the proposed development
- I believe neighbours will suffer from overshadowing and loss of privacy
- The additional occupants will create additional noise
- During the building period, neighbours will suffer increased noise and traffic
- I believe the road infrastructure in the area cannot support a building of this size

Additionally, I am aware this isn't a 'true' planning consideration; however I believe the additional school places this development will create will impact negatively on the local school – of which the development will fall into the catchment. Davigdor and Somerhill Schools have seen two enforced bulge years in recent years due to the number of children in the area alongside the high number of faith schools. This proposed development, along with a lack of substantial S106 education money will cause a very real problem.

Regards,
Ruth

Cllr Ruth Buckley

Green Councillor for Goldsmid Ward

Deputy Leader (External) of B&H Council

Mobile: 07717303068