

PLANNING COMMITTEE ADDENDUM

11.00AM, WEDNESDAY, 4 MARCH 2020

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

ITEM

Late/Additional Representations

4th March 2020 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
19	Sussex Cricket Ground	BH2019/02948	<p>Transport: The LHA have asked that the following be clarified:</p> <ul style="list-style-type: none"> a) There will be a loss of between 2 and 3 shared (resident permit and pay and display) on-street parking spaces on Eaton Road b) Amend paragraph 7.1 to read, “The proposal’s traffic predictions will need to be agreed with the Highways Authority.” c) Amend paragraph 7.2 to read “Until there is consensus on traffic predictions you should not carry out a detailed air quality assessment. In this case it is possible that weekday traffic additions to the AQMA can be screened out and a detailed air quality assessment is not required. “ d) Amend the final bullet point in paragraph 10.138 to read, “On going concerns about the design of the new shared access between the new residential/commercial development (because this area is part of the public highway and the responsibility of the council as the LHA) and the Ashdown building and also the new service access proposed off Eaton Road e) Amend the first bullet point of paragraph 10.140 to read “A large number of the concerns have already been addressed through clarifications, amendments and further design work undertaken by the applicant’s team and further review by the LPA’s expert consultant” f) There will be a need to relocate the bus stop for the City Sightseeing service; although this can be agreed with the bus operator. <p>The LHA’s position at this point is to propose objection to the development based on their current view of the proposals.</p> <p><u>Comment:</u> Planning Officers are of the view that none of these additional points or clarifications alter the balance of the overall judgement on the scheme, as summarised already in paragraph 10.141 of the report.</p>

			<p>Support from Brighton & Hove Economic Partnership: The application aims to improve the visitor experience for the Sussex County Cricket club as well as provide much needed, high quality commercial office space; build 37 new homes as well as create a new, well-equipped conference venue. Overall the project will provide:</p> <ul style="list-style-type: none"> • £20 million capital investment • 37 new homes • 2,360 sq metres of commercial space • 153 new jobs • £1.86m annual economic impact including £269,000 in public section receipts • Additional visitor and conference benefits <p>In summary the proposed scheme will deliver an exceptional legacy for the city and region by securing the future of cricket in a sustainable and high growth context for generations to come.</p> <p>Additional comment from BRE: The BRE have reviewed the additional information received from the applicant regarding the proposed standard of accommodation.</p> <p>The BRE have advised that the applicant has shown that nearly all rooms would have reasonable daylight without the balconies in place, however, since the scheme retains the balconies, the figures are irrelevant. A number of suggested amendments, including on the first floor there is a very poorly lit living room; it would be better to change the layout and swap it with a bedroom, with a similar layout to the upper floors. The north westernmost living room on the lower three floors (R15/200, R13/201, R8/202) has poor daylight levels due to the very large balcony above. These would be improved by adopting a similar layout to rooms R12/201 and R9/202 on the other side of the building, which have a window that is not covered by the balcony.</p> <p>The applicant has since re-considered this and whilst amendments will not be made to the first floor balcony as the balcony would only then be accessed from a</p>
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			<p>bedroom rather than the lounge, amendments have been made to the other 3 units listed above.</p> <p><u>Comment:</u> The standard of accommodation was a concern identified in the report and the amendments now proposed improve the standard of accommodation.</p> <p>Error in the report: Paragraph 10.75 states that only 16 units would benefit from private balconies/terraces error. This is an error. 35 out of the 37 units would have access to private amenity space in the form of a balcony or terrace. On this basis, the private amenity space provided in the scheme is considered acceptable and does not weigh against the scheme in terms of the planning balance.</p> <p>Amended plans: Amended plans have been received in respect of the terrace areas at sixth and seventh floor reducing their size along the western elevation to reduce overlooking.</p> <p><u>Comment:</u> The amended plans are considered to satisfy the concerns raised in respect of overlooking. Officers did request amendments to the terrace on the eighth floor, however, following the submission of sight lines vertically and horizontally, it is not considered necessary to reduce the size of the terrace area on the eighth floor.</p> <p>Amended information: The applicant has advised that the supporting information submitted with the application inaccurately listed the mix of residential accommodation. The submitted floor plans accurately showed the correct mix. The correct mix is as follows:</p> <p>10 x 1 bed units (27%) 18 x 2 bed units (49%) 8 x 3 bed units (22%)</p>
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			<p>1 x 4 bed units (3%)</p> <p><u>Comment:</u> This does not affect the consideration of the application in terms of mix of units, however, contributions are affected by the changes and this is reflected in the amendments to the Head of Terms below:</p> <p>Amend Head of Terms: To include s278 works</p> <p>Education contribution: £50,545.40 Open space contribution: £113,624.20</p> <p>The changes do not alter the Transport contribution.</p> <p>At the time of printing the late reps list, the viability consultant appointed by the Local Planning Authority is reviewing mix and whether the error in the supporting information impacts on the viability of the scheme. This will be verbally reported at committee.</p> <p>Amend conditions:</p> <p>1 Plans List Condition – to be updated at Committee</p> <p>5 No works pursuant to this permission in respect of Phase 1 (other than demolition works and enabling works, and works to trees) shall commence on the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:</p> <p>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 BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,</p>
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			<p>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 a scheme (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.</p> <p>AND</p> <p>c) The phase 1 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme 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).</p> <p>Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:</p> <ul style="list-style-type: none"> i. built drawings of the implemented scheme; ii. photographs of the remediation works in progress; iii. certificates demonstrating that imported and/or material left in situ is free from contamination. <p>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.</p> <p>NC No works pursuant to this permission in respect of Phase 2 (other than demolition works and enabling works, and works to trees) shall commence on the respective phases, until there has been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> 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 BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then, b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is
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			<p>developed and proposals for future maintenance and monitoring. Such a scheme (a remediation method statement) shall include nomination of a competent person to oversee the implementation of the works.</p> <p>AND</p> <p>c) The phase 2 part of the scheme shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme 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).</p> <p>Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:</p> <ul style="list-style-type: none"> i. built drawings of the implemented scheme; ii. photographs of the remediation works in progress; iii. certificates demonstrating that imported and/or material left in situ is free from contamination. <p>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.</p>
		15	<p>Within 6 months of first occupation of the non-residential development in the Phase 1 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One</p>
		16	<p>Within 6 months of first occupation of Phase 2 development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has</p>

			<p>achieved a minimum BREEAM New Construction rating of Excellent and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.</p>
		24	<p>Within 6 months of commencement of development of Phase 1, a timetable for delivery of the public realm upgrade works in Phase 2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed timetable.</p> <p>Reason: To ensure the satisfactory appearance of the development and to mitigate the Heritage harm identified in Phase 1 and to comply with policies HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.</p>
		26	<p>With the exception of the space shown as A3/A4 at ground floor level, the commercial premises hereby permitted in Phase 1 shall be used as flexible B1/D1 space 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). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.</p> <p>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 supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.</p>

			<p>48 Notwithstanding the plans hereby permitted, no development shall take place (other than demolition works and enabling works and works to trees) until detailed drawings of the access road and pavements within the ownership of the Cricket Ground have been submitted to and approved in writing by the Local Planning Authority. These shall include, but not be limited to, construction details covering the following:</p> <ul style="list-style-type: none"> (i) Pavement design, including dropped kerbs and tactile paving (ii) Surface finishes (iii) Levels (iv) Drainage (v) Street lighting (vi) Street furniture <p>The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.</p> <p>Reason: In the interests of highway safety and for the benefit of the public and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.</p>
			<p>53 Notwithstanding the submitted details, prior to the commencement of Phase 1 a Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during demolition; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period; iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway;

			<p>v) The safe means of access of demolition traffic to the site;</p> <p>vi) Routing agreement for demolition traffic; and</p> <p>vii) The hours in which deliveries and demolition works would take place.</p> <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>NC Notwithstanding the submitted details, prior to the commencement of construction works on Phase 1 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <p>i) The control of noise and dust during the development process;</p> <p>ii) Traffic management and signage during construction;</p> <p>iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period;</p> <p>iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway;</p> <p>v) The safe means of access of construction traffic to the site;</p> <p>vi) Routing agreement for construction traffic; and</p> <p>vii) The hours in which deliveries and construction works would take place.</p> <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>54. Notwithstanding the submitted details, prior to the commencement of Phase 2 a Demolition Environmental Management Plan shall be submitted to and</p>
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			<p>approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during demolition; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the demolition period; iv) Arrangements during the demolition period to minimise the deposit of mud and other debris on to the adjacent highway; v) The safe means of access of demolition traffic to the site; vi) Routing agreement for demolition traffic; and vii) The hours in which deliveries and demolition works would take place. <p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One</p> <p>NC Notwithstanding the submitted details, prior to the commencement of Phase 2 a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan, which shall include:</p> <ul style="list-style-type: none"> i) The control of noise and dust during the development process; ii) Traffic management and signage during construction; iii) Provision for all site operatives, visitors and construction vehicles loading, parking and turning within the site during the construction period; iv) Arrangements during the construction period to minimise the deposit of mud and other debris on to the adjacent highway; v) The safe means of access of construction traffic to the site; vi) Routing agreement for construction traffic; and vii) The hours in which deliveries and construction works would take place.
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			<p>Reason: In the interests of amenity and road safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.</p>
		70	<p>No development above ground floor slab level on Phase 1 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have 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 and thereafter retained.</p> <p>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 policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.</p>
		71	<p>No development above ground floor slab level on Phase 2 hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird/bee/bat boxes or bricks have 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 and thereafter retained.</p> <p>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 policies QD18 of the Brighton and Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.</p>
		75	<p>The stands in Phase 3 and 4 of the development shall not exceed the following heights in each of the following positions within the site:</p> <ul style="list-style-type: none"> a) The terrace in Phase 3 shall not exceed 5.5 metres in height b) The terrace in Phase 4 shall not exceed 6 metres in height <p>Reason: To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City</p>

			<p>Plan Part One and QD27 of the Brighton and Hove Local Plan.</p> <p>Additional condition: No development beyond Phase 2 shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The works will include:</p> <ul style="list-style-type: none"> • Creation of a new vehicle crossover to the south west of the site from Eaton Road. Works will include the installation of new textured concrete edging, tactile paving and repairs/reinstatement of existing flagged paving • Repairs and reinstatement of the existing flagged paving on the existing footway that runs between the entrance to the ground and the Ashdown building and Wilbury Lodge • Repairs to the tarmacadam paving adjacent to the side of the Ashdown building and reinstatement with matching flag paving • Refurbish and upgrade the existing access off Eaton Road to include new tactile paving, textured concrete edging and new block paving. The works will also include new brick wall planters and planting along the side of the new apartment block <p>Where applicable indicating proposals for:</p> <ul style="list-style-type: none"> • Existing levels of the finished highway tying into building threshold levels • Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works • Signing, street furniture, street trees and pits • Structures on or adjacent to the highway • Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement) <p>No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.</p>
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			<p>Prior to first use of Phase 4 of the proposals these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.</p> <p>Delete conditions: Remove condition 32 as condition 33 covers sound insulation. 50 & 51 as they duplicate conditions 34 & 35 73 as it is a duplicate of conditions 22 & 23 Remove condition 65 as other suitable surface drainage measures are in place</p> <p>Add Informative: The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out. Please contact the Highway Authority's City Transport team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions: I. Drafting the Agreement II. A Monitoring Fee III. Approving the highway details IV. Inspecting the highway works NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved</p>
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99	Sackville Trading Estate	BH2019/03548	<p>Additional Consultee Comment:</p> <p>Hove Station Neighbourhood Forum: <u>Support</u></p> <p>The Hove Station Neighbourhood Forum supports this application, albeit reluctantly in the context of a likely maximum 10% affordable housing provision, subject to the satisfactory resolution of the potentially adverse impacts on the local road network of the very high-density development proposed.</p> <p>Conclusion This major and strategic brownfield site with its excellent access to public transport should be redeveloped to the highest density which is consistent with the creation of a sustainable 21st century neighbourhood, which has minimum dependency on car transport and contributes to the emergence of a carbon neutral Hove Station Quarter, whilst providing an acceptable balance of negative and positive neighbourhood impacts.</p> <p>The MODA proposal will make a major contribution to city's housing supply when compared with other possible, more conventional, private sector development scenarios led by the construction of owner-occupied housing. In doing so it will go a long way to realizing the overall vision and strategic objectives of the Hove Station Neighbourhood Plan, with MODA as a stakeholder in the ongoing process of creating a 21st century neighbourhood as an important component of a diverse Hove Station Quarter.</p> <p>In this context, the Forum is clear that the proportion of 'affordable' new homes must be as high as possible. But the fact is that the higher this proportion the lower the price the landowner receives for selling the land and/or the lower the profit the developer receives. The harsh reality is that the changes in the planning system since 2010 have favoured development interests and weakened the powers of local planning authorities to influence the operation of the land and property markets. This</p>
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is why the proportion of affordable housing in this case is effectively determined by the Coal Pension Properties Limited acting on behalf of retired coal miners, and why, unless it can be persuaded to be more generous, 10% will be the highest possible level for the MODA development.

This is not a sensible way to go about providing affordable housing, which should be provided by local councils building genuinely affordable social rented housing. But government policy is that most affordable housing must be provided through the planning process.

Nonetheless BHCC has been allowed to develop a programme to deliver some 500 plus homes, using Council funds, to be allocated to low income households at genuinely affordable rents. The council owns significant land in the Conway Street area, which can be used to provide social rented housing. The Neighbourhood Plan policy is that social housing should be included in the comprehensive redevelopment of the area and will be pressing the Council to use some of its land to achieve just that.

By comparison the Council has much stronger powers to deal with the traffic and parking impacts of the MODA development. BHCC transport planners have not objected to the development as they are now satisfied that the mitigation measures they have secured in their negotiations will avoid significant and disruptive additional traffic flows through the Shoreham Road – Sackville Road junction. The Forum and the Council can do nothing but hope that they are right. We do not have access to the computer modelling which underpins this judgement.

But we are now pressing for the Council to give a high priority to preventing overspill parking in Poets Corner, the Artists' Quarter, the Orchards and the Fonthill Road areas. Moreover, through our negotiations with BHCC officers to finalise the Neighbourhood Plan's transport policies we are also pressing the Council for an urgent review of traffic management policies to take account of the cumulative impact of both the further development projects in the pipeline for the Hove Station Quarter and the likely impact of the Toads Hole development and the eventual

			<p>redevelopment of the King Alfred site.</p> <p>The overall conclusion is that, within the constraints of existing planning law and national planning policies, both the Council and the Forum have no real choice but to pragmatically accept that the MODA proposal is the best possible deal for the urgently needed and long-awaited redevelopment of the largest remaining brownfield site in the city.</p> <p>Additional Representations</p> <p>Hove Civic Society <u>support</u> the scheme.</p> <ul style="list-style-type: none"> • We wrote in support of the earlier application (BH2018/03697) and were disappointed that the Planning Committee refused that application, contrary to the recommendation of Council officers. We are aware that the refusal is now undergoing appeal. • We felt that the reasons formally given for the refusal were something of a “stretch”, given the advice submitted by officers - but that will of course be a matter for the appeal. However, it seems to us that the new application has directly addressed the issues set out in the Planning Committee Decision and, in doing so, has made some beneficial changes to the scheme, which we welcome: <ul style="list-style-type: none"> - Employment. The increase in the amount of office space. - Housing mix. The shift in the overall balance, away from studio flats and towards two- and three-bed flats. - Amenity and daylight. The overall increase in private amenity space - and the reconfiguration of the “care community” development in ways which improve daylight levels. • Heritage. The final main point in the reasons for refusal of the earlier scheme was about the protection of heritage assets, specifically those of the Hove Station Conservation Area. In the new application the applicant has quite reasonably emphasised the balance that must be considered in the planning system between the benefits of the development & regeneration of the area,
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			<p>and any negative impacts. In our view the impacts of the development on the heritage value of the Hove Station Conservation Area are in any case relatively small (or “less than substantial” as officers advised on the first application). There are many things which currently detract from the quality of this conservation area, and which we consider need improvement. But we do not consider this proposed development will significantly detract from those existing heritage assets.</p> <p>The Brighton Society <u>object</u> to the scheme. We have lodged strong objections to the previous proposals for this development. There is nothing in the current proposal which changes the views expressed in our earlier objections.</p> <p>The importance of our heritage assets in this city cannot be underestimated, so it is important we re-iterate our previous objections.</p> <p>The massive differences in scale between this conglomeration of tall buildings will completely change the character of Hove into something more like Croydon. Its enormous scale and height, bulk and massing will not only completely overpower the Hove Station Conservation Area but also have a detrimental effect on the wider environment including views from the locally listed Hove Park and other views of Hove from the wider city area.</p> <p>In our view the changes are so small, and the differences are so insignificant in relation to the huge impact this proposal will have on the character of Hove set out in the Council’s grounds for refusal that approval of this latest proposal would be a travesty.</p> <p>We emphasise that we are not against development of this site and have consistently argued for high density low-rise developments of city sites to provide the housing which is so urgently required. But schemes such as this are outrageously dominant and are not the best, the most sensitive, polite or appropriate answer to</p>
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			<p>the problem.</p> <p>Councillor O’Quinn and Councillor Allcock (Both adjoining Goldsmid Ward) <u>object</u> to the application. Their joint representation is attached.</p> <p>Neighbour representation There has been an additional neighbour representation <u>objecting</u> to the scheme.</p> <p>Assessment of additional consultee responses / representations. None of the further representations received have raised any additional issues or points that have not been fully considered within the assessment of the planning application. These representations do not alter the recommendation in the committee report.</p> <p>Changes to Conditions There are a number of alterations, additions and omissions to conditions which have been set out below:</p> <p>Alterations Condition 24 – BREEAM. We have removed the requirement for ‘Excellent’ for the A1/A3 units. It is accepted that these are smaller units which cannot practicably meet the requirements. They will still be required to meet ‘very good’. Condition 27 – slight extension to opening hours (just for the for D1/D2 use) Condition 29 - Clarified that this should only apply to the A1/A3. Condition 53 – Clarification in respect of requirements for the example 1:20 bay studies. Condition 56 – Wind condition revised to clarify safety. Condition 58 – altered clear glass condition to be for all glazed frontages other than plant, bin or cycle store.</p> <p>A number of the other conditions have also had minor alterations to the wording to ensure the development parcels can come forward independently of each other and</p>
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do not delay the delivery of development on the site. In addition, some references to Live/work have been removed as no longer relevant.

Additional Condition

Condition 59 - Sets out the precise quantities of development as they are not in the description (was omitted in error from original list of conditions).

Condition 60 - Relates to boiler emissions (was omitted in error from original list of conditions).

Deleted Conditions

Condition 28 – this duplicated much of condition 27 and as such is considered unnecessary.

Condition 35 – added in error – there is no live/work units in the scheme.

Condition 55 – duplicate.

Heads of Terms

Employment

It has been noted that the Employment Contribution for the care home has been calculated incorrectly. This has been corrected by the Economic Development Team and as such this has resulted in an overall reduction by £52,000 to **£249,560**.

Review Mechanism

The applicant's offer of 10% affordable housing at 75% of market rent was only made on the basis that there would **not** be a viability review in the s106 legal agreement. The LPA would normally seek to include a viability review in schemes of this scale. Subsequent to the publishing of the Committee Report the applicant submitted a further statement dated 27 February 2020 setting out their reasoning as to why an obligation requiring a viability review is not appropriate or justified for this scheme.

The statement sets out that this specific site is one of only 4 sites across the city that

			<p>have been 'Nil rated' due to the specific viability issues and that this was made clear in the Inspector's Report on the examination of the draft CIL charging schedule, which was issued on 7 February, where the Inspector agreed that setting a rate 'NIL rate' CIL charge for Sackville Trading Estate was, "justified by the available evidence and appropriate."</p> <p>The Statement also sets out that the independently verified viability position clearly shows that the scheme cannot viably provide affordable housing and thus when the 10% affordable housing offer is also added into the mix on top of the existing position that it is unrealistic to suggest that the current deficit can be bridged. It is further noted that the scheme is to be built out in as one operation and is not a phased scheme.</p> <p>Officers have considered the specific and individual circumstances of this application and the terms of the affordable housing offer that have been set out and in this case an exception is considered justified for the removal of the requirement for a review mechanism in this instance given the unique circumstances to this particular application for the redevelopment of this particular site.</p> <p>Miscellaneous</p> <p>The Sustainable Transport contribution figure has remained unchanged but there have been some alterations to some of the detailed wording of some obligations, including the travel plan measures.</p>
257	218 Dyke Road	BH2019/02289	<p>Additional Condition</p> <p>Prior to the erection of the fence, full details of the proposed fencing in the garden area, along the new boundary with 218 Dyke Road, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.</p> <p>Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.</p>

299	Land Rear Of 19 & 21 Isfield Road, Brighton	BH2019/02677	<p>Amended Condition 6</p> <p>No development above slab level shall take place until a scheme setting out highway works to provide a 2 metre wide pedestrian footpath with dropped kerbs linking the existing footway on the west side of Lambourne Road and the carriageway in a location to be agreed opposite the development site and in between the houses 13 and 15 Lambourne Road has been submitted to and approved in writing by the local planning authority. No dwelling comprised within the proposed development shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.</p> <p>Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.</p>
333	2A Lowther Road	BH2019/01214	Remove condition 8 (porous materials for approved hardstanding) as it is contradictory to condition 4 (Re-use red brick pavers from existing)
393	55 Centurion Road	BH2019/03209	<p>Further neighbour objection (Farrer & Co letter on behalf of resident) received following amended plan: <u>Comment:</u> Doesn't raise anything new</p> <p>Additional condition: The dwelling shall be occupied as either a dwelling (C3) or as a small House in Multiple Occupation (C4) unless otherwise agreed in writing by the Local Planning Authority. Reason: As this matter is fundamental to the acceptability of the permission hereby approved.</p> <p>Delete condition 6: Given that the scheme relates to an existing C3 use to a flexible C3/C4 use, it is not considered necessary to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation.</p>

407	95 Heath Hill Avenue	BH2019/03433	<p>Additional plan Additional plans (02B and 03B) has been received to show the off-street parking arrangement/swept path analysis which supersedes drawings 02A and 03. As such condition 2 should now read as follows:</p> <table border="1"> <thead> <tr> <th>Plan Type</th><th>Reference</th><th>Version</th><th>Date Received</th></tr> </thead> <tbody> <tr> <td>Proposed Drawing</td><td>0123.A.03B</td><td></td><td>26 February 2020</td></tr> <tr> <td>Location Plan</td><td>0123.A.01</td><td></td><td>18 November 2019</td></tr> <tr> <td>Proposed Drawing</td><td>0123.A.02B</td><td></td><td>26 February 2020</td></tr> </tbody> </table> <p>Additional consultee comment <u>Highways</u> A verbal comment has been received from the Highways officer who confirms that the parking details submitted are acceptable.</p> <p>Removal of condition As a result of the additional plan received condition 5 can now be removed from the application.</p>	Plan Type	Reference	Version	Date Received	Proposed Drawing	0123.A.03B		26 February 2020	Location Plan	0123.A.01		18 November 2019	Proposed Drawing	0123.A.02B		26 February 2020
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28th February 2020

Dear officer,

**Ref: Sackville Trading Estate planning application form MODA
BH2019/03548**

I have been following this 2nd application since it first came forward, actually from pre-application stage, as this is a Major development scheme with a capital M. It abuts Goldsmid Ward and will have a significant and detrimental impact upon it. Councillor Allcock and I have, serious reservations about this scheme and have discussed these at various times with members of the Hove Station Neighbourhood Forum (who support the scheme but with some reservations), members of Hove Gold and with local residents on the Clarendon and Ellen Estate and the surrounding area and also the Newtown Road area all of who would be greatly affected by the development.

The application is for a brownfield site in a very central part of Hove, near to Hove Station, much of which is listed and declared as a Heritage Asset and to Hove Park. Both myself and Councillor Allcock very much welcome a development on this site as there have been several failed applications before and it could provide a really exciting affordable and sustainable residential and employment opportunity for residents of Hove. Unfortunately, this 2nd application, although there have been some minor improvements, doesn't do that, especially as it has only 10% affordable rental units and a disappointing amount of employment and retail space, although slightly more than in the 1st application. The creation of truly affordable homes in the current housing crisis along with sustainable employment must be a priority for our city.

Appearance – height

The frontage to Sackville Road makes an effort to blend in but the tower blocks at the centre and back of the site are far too high and close together and create a canyon effect. It has already been stated that the wind between these tower blocks could be quite uncomfortable for both residents and pedestrians and that is still the case.

This is a tall buildings designated area – DA6 – of heights up to 6 storeys and it would have been appreciated by local residents if this had been adhered to. CAG/Heritage have stated that the altered plans are still very oppressive as there are 13 buildings of 10-15 storeys and they will have a significant impact on the Heritage sites nearby. The 13 tower blocks tower still have few, if any, redeeming architectural feature, and nothing has been done to change that. Indeed, it has been said that the appearance of this development will make it look as if 'Croydon has come to Hove'.

It is also considered by CAG that it will be harmful to 'designated heritage assets' such as Hove station and the surrounding conservation areas. The views to the sea from Hove Park – a locally listed heritage asset will be lost entirely as can be seen in the photos on the application site. Another worrying point is that there are still issues over lights as many units will still only meet minimum BSE sunlight recommendations or fall just below them.

We also note that there has been only a very insignificant increase in the amount of private amenity that each unit would have. This is deeply worrying on a site of this density where residents will be cheek by jowl effectively.

Lots of landscaping would help on this site but it's depressing to read how difficult it will be for trees to survive in an environment where there will be little daylight for much of the year, which trees need in order to thrive. The range of trees which can be planted, but which again may not thrive, is very narrow and so there will be little diversity.

Impact on local area

There is little doubt that this Major development will have a significant impact on the local area and beyond. Some of the blocks are nearly twice the height of the Clarendon and Ellen estate and this will greatly affect views in the surrounding area.

The biggest impacts will be on the local transport system and general infrastructure – schools, GP surgeries, parking etc. The junction at Sackville Road and Old Shoreham Road is exceptionally busy and whatever adjustments are made they are unlikely to resolve the issues that arise, especially if the Toad Hove Valley application is granted whereby the junction would just become gridlocked. Sackville Road itself is already very busy and large numbers of cars entering it from the MODA site will present serious difficulties and we still do not feel reassured by the measures in the 2nd application. We are told that S106 money will sort all of this out but there is little detail offered that provides reassurance on this matter – moving bus stops and giving money to residents towards the cost of a bike doesn't quite solve the problem.

Parking is a serious concern as it is unlikely that large numbers of residents will opt for cycles or public transport, as has been implied. Naively, I thought that the Mayfield Care Community residents would not have cars as most would be in their 70s, but I was assured by one of the directors of the homes that the majority of residents did in other Mayfield homes. There will also be carers, delivery drivers, workers etc all coming to the site, via the one and only entrance in Sackville Road. As all the surrounding roads have little extra capacity for parking one wonders where all the cars that travel to this development will go. It is stated that gaps have been left so that in the future routes can be created that link the site up with Newtown Road, a road that is already hard pressed with traffic and parking issues.

The pollution from all the extra vehicles is also a worrying aspect of this development, especially as the council have just declared a Climate Emergency. There needs to be more emphasis on avoiding more pollution in the city and creating a sustainable environment. At first the developers stated they were incorporating a Medical Centre into the development but on closer questioning it became clear that they meant a gym. As local GP

surgeries are at full capacity one wonders where the extra residents will go for medical treatment?

We would respectfully ask that the committee refuses this application and asks the developers to go back to the drawing board again and make more significant changes than they have done so far, particularly with regard to the massing, height and density of the tower blocks, private amenity and wind issues etc.

Kind regards

Councillor Jackie O'Quinn Goldsmid Ward
Chair of Licensing

Councillor John Allcock Goldsmid Ward
Chair of Children and Young People Committee

<u>No:</u>	BH2019/03548		<u>Ward:</u>	Hove Park Ward	
<u>App Type:</u>	Full Planning				
<u>Address:</u>	Sackville Trading Estate and Hove Goods Yard Sackville Road Hove BN3 7AN				
<u>Proposal:</u>	Demolition and comprehensive redevelopment of Sackville Trading Estate and Hove Goods Yard, comprising "build to rent" residential units (C3) with associated internal and external amenity provision; a care community (C2) together with associated communal facilities, flexible office accommodation (B1); flexible retail floorspace (A1 and/or A3) and community/leisure floorspace (D1/D2); car and cycle parking; integrated public realm; and vehicular access via existing entrance from Sackville Road.				
<u>Officer:</u>	Chris Swain, tel: 292178		<u>Valid Date:</u>	11.12.2019	
<u>Con Area:</u>	N/A		<u>Expiry Date:</u>	11.03.2020	
<u>Listed Building Grade:</u>			<u>EOT:</u>		
<u>Agent:</u>	Oxalis Planning Ltd Unit 7 Wheatcroft Business Park Landmere Lane Edwalton NG12 4DG				
<u>Applicant:</u>	Coal Pension Properties Limited And Moda Living (Sackville R C/O Oxalis Planning Ltd Unit 7 Wheatcroft Business Park Landmere Lane Edwalton NG12 4DG				

RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the **20 May 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Build to Rent Housing:

- A restriction that all homes are held as 'Build to Rent' under a covenant for at least 15 years
- Inclusion of a 'clawback' arrangement to fund the consequent affordable housing requirement in the event of any private rented housing being sold or taken out of the Build to Rent sector based on values of units at that particular time (as assessed for viability) within the 15 year covenant period.
- All units to be self-contained and let separately under unified ownership and management
- Submission of a Management and Servicing Agreement
- Submission of a Marketing Agreement
- Submission of a Tenancy Agreement, for example of at least 3 years available to all tenants (unless tenants agree a lesser period) with a break clause of 1 month after initial 6m months. No upfront fees of any kind except deposits and rent in advance
- A minimum of 5% of all residential units to be built to wheelchair accessible standard and evidenced before first occupation. Marketing Agreement to include provision that all reasonable endeavours will be used to ensure wheelchair units are matched with disabled tenants.

Affordable housing:

- Provision of **10%** affordable housing units on site based on rent levels 75% of market level
- Provision of **5 x studios, 20 x 1-bed, 27 x 2-bed and 4 x 3-bed** affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same. At least **6** of the affordable units will be to wheelchair accessible standard (initially - as location may change over time)
- Affordable housing units to be secured in perpetuity and inclusion of a mechanism to 'clawback' the value of the affordable housing provision based on values of the specific units at that particular time if circumstances arise where the all or part of a build to rent scheme is sold or converted to another tenure.
- Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users
- Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)
- Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information

Sustainable Transport and Highways:

Sustainable Transport Contribution

- A contribution of £457,550 to be allocated towards the following works and initiatives.
 - A scheme to introduce early start facilities for cyclists at the junction of Neville Rd, Old Shoreham Rd and Sackville Rd, as well as related minor changes to traffic islands to improve safety for cyclists and reduce capacity issues.
 - A scheme to declutter and resurface/upgrade footways and introduce seating within the areas surrounding the above junction, to improve its attractive as the nearest local centre for residents of the development and thereby reduce the need for travel; and/or
 - A scheme to improve signalised junctions south of the development on Sackville Rd, including amongst other things the potential implementation of a SCOOT or other linked control system, to improve journey times by public transport and sustainable modes.
 - A scheme to improve pedestrian amenity and accessibility along Clarendon Rd, to enhance connection between the development and Hove Station; and/or
 - A scheme to improve child pedestrian and cyclist safety to one or more local schools from the development; and/or
 - A scheme to improve pedestrian accessibility and amenity from the development to local shopping centres on New Church Rd and Portland Rd and cyclist safety to one or more local schools from the development; and/or
 - Introducing additional BTN Bike Share stations in the wider area around the development; and/or
 - Providing on-street cycle parking hangars to streets within the Artists Corner and Clarendon Rd areas; and/or
 - A lighting and amenity/appearance improvement scheme for the railway bridge over Sackville Rd south of its junction with Prinsep Rd to improve pedestrian comfort and amenity. This may also be partly funded by artistic contributions

Note that this is a reduced figure from the £637,050 that would otherwise be due as £160,000 worth may be provided as S278 highways works in lieu. The section 278 Highway Works and Sustainable Transport contribution combined shall not total more than the value of £637,050.

S278 Highway Works

- A scheme setting out the following highway works shall be submitted to the Council and be approved by the Local Highway Authority. The development shall not be occupied until the approved works have been implemented.

- Relocating existing bus stops on Sackville Rd to be closer to the site (and/or providing additional stops close to the site)
- Improving facilities at nearby bus stops on Sackville Rd and Old Shoreham Rd through the introduction of new shelters, accessible kerbs and real time information displays.
- Providing a crossing between bus stops on Sackville Rd to improve access from the development
- Amending the site access junction at Sackville Rd/Poynter Rd to tie in with proposed internal changes and increase suitability for use by cyclists, including by providing improved right-turn facilities for cyclists approaching the site from the south and better conditions for cyclists passing through the junction from the north – the latter to be achieved by removing or revising the existing left turn slip lane.
- Alterations to Sackville Rd to improve traffic flow to the junction with Old Shoreham Rd and to address related comfort and journey delay issues for cyclists and buses.
- Resurfacing/upgrading the eastern footway of Sackville Rd between the junctions with Old Shoreham Rd and Clarendon Rd, and introducing seating opportunities, to improve pedestrian accessibility and amenity.
- Resurfacing/upgrading of footways and pedestrian accessibility improvements to the western side of Sackville Rd and associated junctions between the closest bus stop to the development and the related new crossing, including to the area of the bus stop itself.
- (If the stop is retained in its existing position) introducing a bus border build-out with accessible kerb to the existing bus stop on the eastern footway of Sackville Rd outside the Young People's Hall, and relocating the existing bus shelter and real time information display to this, to reduce the obstruction to pedestrian access posed by those items of street furniture whilst reducing delay to bus services.
- AiP for any changes to the retaining wall and structure abutting the eastern footway of Sackville Rd.

Other

- 3 no. off-site car clubs bays to be provided in the following streets before first occupation of the development:
 - 2 bays to be provided on one or more of: Leighton Rd, Frith Rd, Poynter Rd, Landseer Rd or Prinsep Rd.
 - 1 to be provided on one or more of: Park View Rd, Orchard Gardens, Orchard Ave, Orchard Rd.
- 2 no. on-site car club bays and vehicles to be provided prior to first occupation of the development in conjunction with a local car club provider/operator.
- Provision of a BTN bike share hub for 20 cycles within the development site along the Sackville Rd frontage, for use by occupants and the public.
- A Permissive Path Agreement to permit public access to all publicly accessible areas of the site, including street facing thresholds, to residential core entrances, and public amenity areas.

- A Walkways Agreement to permit public access and use of the external lift in the south-west corner of the site, abutting Sackville Rd.
- Fees for the Highway Authority's time checking the conditioned Street Design proposals for internal streets and spaces and related actions like road safety audit.

Travel Plans

- A Travel Plan covering a minimum 5 year period. The first version of the plan should be submitted and approved before first occupation of the development.
 - Agreement of objectives, targets, actions and measures/incentives is delegated to officers but shall include reducing single occupancy trips by motor vehicles and reducing trips by delivery and servicing vehicles.
 - Monitoring shall be implemented throughout the minimum 5 year period,
 - As a minimum, the measures and incentives in Appendix A shall be secured to support the delivery of Travel Plan objectives and targets.
 - A Travel Plan Coordinator shall be appointed by the developer to implement the Travel Plan.

(The following measures are applicable across all individual uses)

- Establishing a Bicycle User Group (to meet every 2 months) for residents and employees which can cover the entire site. This should be subsidised for the duration of the Plan to provide –
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.
- The Bicycle User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan.
- Providing basic cycle maintenance and repair tools within the cycle stores for resident and employee use.
- Offering formal cyclist training to residents and employees on request, to be marketed throughout the development.
- Providing and maintaining a notice board in a prominent communal location containing information on the following:

- road safety
 - local sustainable travel options,
 - Travel Plan objectives, targets, measures and progress
 - Bicycle User Group
 - initiatives being promoted by residents and employees, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above
 - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.
- (For the C2 Care Home Travel Plan)
 - Providing a Travel Pack to each new resident (or their lead family member/carer), which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
 - Providing the first occupants of each apartment (or their lead family member/carer) with 1 year of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services.
 - Local buses and/or local train services;
 - BTN Bike Share, and
 - Credits for use with a Car Club (due to the residential nature of the C2 use on this site),
 - Providing residents (or their lead family member / carer) with a voucher of >£150 to go towards the cost of purchasing a bicycle, which may be an electric bicycle
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
- (For the C3 Residential Travel Plan)
 - Providing a Travel Pack to each new resident, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
 - Offering the first occupants of each apartment with subsidised tickets/memberships for each of the following local public and shared transport services -
 - Local buses and/or local train services;
 - BTN Bike Share, and
 - Credits for use with a Car Club (due to the residential nature of the C3 use on this site),
 - Providing residents with a voucher of >£150 to go towards the cost of purchasing a bicycle, which may be an electric bicycle
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
 - Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.

- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- (For the A1-3 Retail, D1/2 and MODA Management Suite Travel Plan)
- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest free loans to employees for the purchase of local bus and rail season tickets and bicycle purchase.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training.
- (For the B1 Office Travel Plan)
- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest free loans to employees for the purchase of local bus and rail season tickets and bicycle purchase.
- Offering annually to each employee and where accepted providing a personalised travel planning service.
- Offering annually to each employee and where accepted providing formal cycle training.

Management Plans

- A Delivery & Service Management Plan (DSMP). This should be submitted and approved before development commences. Amongst other things it should include

- Details of proposed infrastructure (e.g. loading bays)
- Detailed demand forecasts and probability analysis to demonstrate that proposed infrastructure can accommodate this given proposed management measures.
- Details of access routes, signage, access controls, turning areas and management/coordination arrangements. Amongst other things this should include how vehicles will be directed to hubs and other appropriate facilities (to avoid unnecessary turning on site) and how deliveries will be distributed out from these around the site. Details of physical controls to limit access to the boulevard should also be provided, along with controls and management measures to prevent vehicles from reversing in any shared surface areas
- Swept path analysis to demonstrate that vehicles can use proposed facilities and turn within the site without creating unreasonable risk to other users.
- A Demolition & Environment Management Plan (DEMP). This should be submitted and approved before demolition commences.
- A Construction & Environmental Management Plan (CEMP). This should be submitted and approved before construction commences.

Education

- A financial contribution of **£480,210.80** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

Public art

- Commissioning and installation of an Artistic Component to the value of **£450,000** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

Open space and recreation/sports:

- Provision of a financial contribution of **£1,742,647.68** towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space at the following locations:

- Outdoor sport (£426, 841.97) - Kingsways / Hove Seafront, Knoll Park, Aldrington Recreation Ground, Wish Park, Hove Park, Neville Recreation Ground
- Indoor sport (£280,672) - Withdean Sports Complex and / or King Alfred Leisure Centre
- Children's Play (£35, 290.48) - Hove Park, Stoneham Park
- Parks and Gardens (£624,730.08) - Hove Park and Stoneham Park, Aldrington Recreation Ground, St Ann's Well Gardens,
- Allotments (£61,260.96) - The Weald and / or St Louis and /or North Nevill Allotments and / or Eastbrook and /or Foredown and or Rowan Avenue
- Amenity Green Space - (£50,088.78) - Hove Park and Stoneham Park and / or Three Cornered Copse and / or Hove Lawns
- Natural and semi-natural - (£279,870.08) Hove Park and Stoneham Park and / or Three Cornered Copse

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£259,560** towards the Local Employment Scheme

Care Community

- Eligibility criteria based on age / care needs,
- Minimum package of care
- Communal facility access for the residents

Phasing

- To include a phasing plan and details of the phasing of the scheme.

Conditions

1. List of approved plans.
2. Development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any individual parcel of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of that parcel of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used,
 - c) samples of all hard-surfacing materials,
 - d) details of the proposed window, door and balcony treatments,

e) details of all other materials to be used externally,

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the submitted plans no parcel of the development hereby permitted shall be occupied until a scheme for the storage of refuse and recycling within that parcel, including details confirming adequate operational capacity for the relevant bin stores has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of that parcel 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

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

6. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) 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). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

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

years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the submitted drawings prior to occupation of any parcel of the development hereby permitted, a scheme for landscaping for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping for that parcel shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants which shall include details of appropriate shade tolerant species and including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight,
 - d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
 - e. The planting of long-living and large-growing species of both native and exotic broad-leaved species in prominent locations within the site, particularly near the entrance of the site from Sackville Road to the west;
 - f. details of all existing and proposed boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. Prior to the commencement of the development hereby approved on any parcel (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) including details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

10. The development of any land parcel hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting in relation to that parcel is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development of each land parcel shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

11. Prior to the occupation of any land parcel in the development hereby approved details of the proposed Access Facilitation Pruning (see BS5837:2012) for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works within that land parcel shall be carried out in accordance with BS3998:2010. Due to the importance of elm trees to the City of Brighton and Hove (Brighton and Hove City Plan - Policy QD16 3.70) and home to the National Elm Collection, and to help elm disease management in the City, elm trees must be pruned between the dates 1st October to 31st May.

Reason: To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with SPD 06, QD 16 (Trees and Hedgerows).

12. Prior to first occupation of any parcel of the development hereby permitted, a scheme in relation to that parcel shall have been submitted to and approved in writing by the Local Planning Authority to provide that
- the residents of both the C2 and C3 uses have no entitlement to a resident's parking permit;
 - the entitlement to visitor permits for the C3 use shall be 25 permits per unit per year; and
 - the entitlement to visitor permits for the C2 use shall be removed.
- Reason:** To ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

13. Notwithstanding the plans hereby permitted, the parking areas for motor vehicles set out in the tables below shall be available for use prior to occupation within each development parcel and the number of car parking spaces within these shall not be above or below any stated maximums and minimums, as applicable. Details of spaces (including numbers and types), allocations (to uses and users), circulation, signing and lining including the marking out of disabled bays, car club bays and electric charging bays and pedestrian and vehicular access ways shall have been submitted to the Local Planning Authority and approved by them prior to the car parks and parking areas being brought into use, and the number, type and allocation of spaces in the submission shall be in accordance with the tables below.

Parking Area within Development	Number of motor vehicle parking spaces	
	Minimum (where relevant)	Maximum (where relevant)
Development Parcel 01: ground floor undercroft	19	19
Development Parcel 03.B: undercroft	36	141
On-site surface parking	70	128
Total within whole development	124	288

The minimum figures shall be as follows:

Land-use and user	Number of motor vehicle parking across all parking areas in the table above		
	Minimum, all spaces (where relevant)	Minimum, disabled user spaces (where relevant)	Minimum, motorcycle parking spaces (where relevant)
C2 Residents		As SPD14	5% of total
C2 Staff	25		
C2 Visitors			
C3 Residents		As SPD14	5% of total

C3 Visitors	20		
B1 Staff & Visitors	52	2	5% of total
A1/A2/A3 Staff & Visitors	9	3	5% of total
D1/2 Staff & Visitors	4	3	5% of total
Car club	2		

Reason: To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policies TR7 and TR18 of Brighton & Hove Local Plan policy, policies QD27 and CP9 of the Brighton and Hove City Council City Plan Part One, and SPD14 Parking Standards.

14. Notwithstanding the plans hereby approved, prior to first occupation of any parcel, a car parking management plan for that parcel shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following

- The allocation of car parking spaces between land-uses, users, bay types and locations within the development
- A scheme for conveying allocations to occupiers of the development
- A scheme to bring spaces with passive electric car charging points into active service
- Controls to limit access to and within parking areas
- A scheme to provide security for users of parking areas.

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

Reason: To ensure that adequate parking provision is retained for all types of users, To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and prevent excess overspill onto surrounding streets, and to comply with policy TR18 of Brighton & Hove Local Plan policy TR18 of the Brighton & Hove City Council Local Plan, CP9 of the Brighton and Hove City Council City Plan Part One and SPD14 Parking Standards.

15. Notwithstanding the plans hereby permitted and prior to first occupation/use within each development parcel hereby permitted, details of secure, inclusive and accessible cycle parking facilities for the occupants of, and visitors to, that parcel of the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities within each development parcel shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

16. Notwithstanding the submitted plans, prior to first occupation/use of the B1 accommodation within each development parcel hereby permitted, details of secure cycle parking facilities and showers and changing facilities for the occupants of, and visitors to, the B1 office space hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the B1 office floorspace within each development parcel 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.
17. Prior to the first use/occupation of any parcel within the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections for that parcel shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.
18. Notwithstanding the plans hereby permitted, prior to commencement of the proposed development in any parcel above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved for that parcel 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 each development parcel within the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.
19. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence within each development parcel until details of the design of internal streets and spaces for that parcel have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall -
- Include full details, of the following -

- Geometry and layout, including dimensions and visibility splays
- Pavement constructions and surfacing, kerbs and edge restraints
- Levels and gradients
- Lighting
- Drainage
- Street furniture
- Trees and planting
- Traffic signs and road markings;
- Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
- Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and
- Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation.

Prior to first occupation within each development parcel of the development -

- the scheme for that parcel shall be implemented in full as approved; and a stage 3 road safety audit in accordance with DMRB GG 119 (or Local Highway Authority equivalent standard) with the Local Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme.

Thereafter the approved scheme within each development parcel (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.

Reason: In the interest of highway safety, sustainability, quality design, the and public amenity and to comply with policies TR7, TR14 and QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the City Plan Part One.

20. Notwithstanding the plans hereby permitted, no external doors within any building shall open outwards, other than as an emergency means of escape or if requested by a statutory utility organisation.

Reason: In the interests of pedestrian safety and equality and to ensure compliance with Brighton & Hove Local Plan policy TR7 and Brighton & Hove City Plan Part One policy CP12.

21. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation within each development parcel and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation within each development parcel and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the

development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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.

22. No residential unit (C2/C3) within each development parcel hereby approved shall be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

23. No residential unit within each development parcel hereby approved shall be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

24. Within 4 months of first occupation of each non-residential unit hereby permitted a BREEAM Building Research Establishment Post Construction Review Certificate must be issued confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' for the B1 and D1/D2 units and 'Very Good' for the A1 / A3 units and such certificate shall have 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 CP8 of the Brighton & Hove City Plan Part One.

25. Prior to the commencement of development in any parcel (other than demolition works and works to trees) evidence should be submitted to demonstrate that the energy plant/room(s) for that parcel have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example, physical space to be allotted for installation of heat exchangers and any other equipment required to connection.
- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA6 and CP8 of the Brighton & Hove City Plan Part One.

26. Prior to first occupation of the relevant parcels, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

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

27. No customers of the hereby permitted commercial units shall remain on the premises outside the hours of 07.00 to 23.00 for the A1/A3 uses and outside the hours of 06.00 to 23.00 for the D1/D2 uses. No activity associated with the operation of the A1/A3 uses within the site shall take place between the hours of 23.30 and 06.30 daily. No activity associated with the operation of the D1/D2 uses within the site shall take place between the hours of 23.30 and 05.30 daily.

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

28. No machinery and/or plant (excluding chiller/freezer condensers) associated with the A1 and A3 retail units shall be used at the premises except between the hours of 7.00 and 23.00

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

29. No servicing (i.e. deliveries to or from the premises) to the retail unit (A1) hereby permitted shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays,

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.

30. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the scheme, including calculations/specification of how this standard will be

achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

31. No development parcel of the development hereby permitted containing either A3 or C2 uses with a commercial kitchen shall be first occupied until a scheme for the fitting of odour control equipment (to include the sound insulation of the odour control equipment) to the specific unit(s) for that parcel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

32. No development above ground floor slab level in any development parcel hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for that development parcel has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

33. No parcel of the development hereby permitted shall be first occupied until
i) details of external lighting for that parcel, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 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 i).

iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.

34. No development in any parcel, including demolition and excavation, shall commence until a Site Waste Management Plan for that parcel has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

35. The development hereby permitted shall not exceed ground floor slab level in any development parcel until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each residential unit within the development parcel, 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. The approved scheme for each development parcel shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and thereafter retained.

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.

36.

- (1) No works on any parcel pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority the following relating to that parcel:

- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) 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 BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

- (c) 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 a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (2) No parcel of the development hereby permitted shall be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report relating to that parcel by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)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 the verification report shall comprise:

- a) 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.

- 37. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

- 38. Prior to the commencement of development, other than demolition and works to trees, within any development parcel hereby permitted an Acoustic Report which shall include an Acoustic Design Statement for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required for the users of the site

and those living and working nearby are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme for each development parcel shall be implemented prior to occupation of any of the development within that development parcel and shall be permanently retained thereafter. Prior to occupation of each development parcel details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

Reason: To protect the amenity of future residential and commercial occupiers of the development and to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

39. Prior to completion and occupation of each development parcel, details of all plant and machinery incorporated within that development parcel and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery 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 the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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.

40. Prior to the first occupation of development parcel 01 hereby permitted a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the parcel, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

Reason: To protect the amenity of future residential and commercial occupiers of the development and to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

41. Prior to the first occupation of each development parcel (02a, 02b 02c, 03a and 03b) hereby permitted a Noise Management Plan for that parcel shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed, including details of the management of the communal external amenity spaces, including roof terraces, smoking arrangements for commercial operations and management of on-site events.

Reason: To protect the amenity of future residential and commercial occupiers of the development and to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

42. No development within any development parcel hereby permitted shall be commenced (other than demolition works, site clearance, remediation and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage and disposal for that development parcel using sustainable drainage methods as per the recommendations of the Drainage Impact Assessment Report, and Flood Risk Assessment dated 28th November 2018 has been submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of an appropriate soakaway test in accordance with BRE 365 to determine whether the former coalyard currently infiltrates to the ground or discharges off site. The approved drainage system shall be implemented in accordance with the approved detailed design.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU3 and SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton and Hove City Plan Part One.

43. No development above ground floor slab level of any parcel of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable for that parcel, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

44. No development to any parcel hereby permitted shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development parcel hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy

in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission 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 and paragraph 170 of the National Planning Policy Framework

45. The development hereby permitted shall not commence on any parcel until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports has been submitted to, and approved in writing by, the local planning authority for that parcel. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

46. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with policy SU3 of the Brighton & Hove Local Plan.

47. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning

Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

48. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes for each parcel shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that require retention post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of that parcel.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policy SU3 of the Brighton & Hove Local Plan.

49. No development shall take place for any development parcel until an ecological design strategy (EDS) addressing measures for the protection of biodiversity and enhancement of that development parcel for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

50. No parcel of the development hereby permitted shall be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes in that parcel has been submitted to and approved in writing by the Local Planning Authority.

The scheme for each development parcel shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.

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 policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

51. No development above ground floor slab for any development parcel shall take place until an example bay study showing full details of window(s) and their reveals and cills relating to each building typology within the parcel, and any commercial ground floor frontages in that parcel, including 1:20 scale elevational drawings and sections for the development hereby permitted in that development parcel have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details for each parcel and shall be retained as such thereafter.

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

52. All boiler flues shall have vertical termination above roof.

Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

53. No more than 75 percent of the build to rent residential units hereby permitted shall be occupied prior to the completion of all the B1 floorspace, unless otherwise agreed in writing with the local planning authority. **Reason:** To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

54. Prior to occupation of any development parcel of the development hereby permitted a wind mitigation scheme within each development parcel outlining specific landscaping and screening to ensure safe use of the public realm and the external amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety and amenity of future occupiers and comply with policy QD27 of the Brighton and Hove Local Plan.

55. Prior to occupation of any development parcel of the development hereby permitted a Scheme for Crime Prevention Measures for the development within that parcel shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

56. Other than for plant rooms, bin and cycle stores the glazed frontages to the ground floor non-residential uses on Sackville Road and The Boulevard and the Hub Square shall be fitted with clear glass which shall be retained and kept unobstructed at all times.

Reason: To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One and QD5 of the Brighton and Hove Local Plan,

57. No development shall take place (other than demolition, site clearance and tree works) in any parcel until the applicant has secured the implementation of a programme of archaeological works for that parcel (where relevant) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

58. No parcel of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that parcel has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post – investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 57.

59. The development shall provide for 564 residential units (C3 use), 260 care community units (C2 use) 5,164sqm of office floorspace (B1 use), 684sqm of flexible retail floorspace (A1/A3 use) and 946sqm of D1/D2 floorspace within buildings of up to 15 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient commercial floorspace within the Policy DA6 Development Area, ensuring active frontages to Sackville Road, ensuring an appropriate housing mix and density and to ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton & Hove Local Plan and DA6, CP1, CP2, CP3, CP12, CP14, CP15 and CP19 of the Brighton & Hove City Plan Part One and SPGBH15 Tall Buildings.

60. Any Ultralow NOx boilers within the development shall have NOx emission rates of less than 30 mg/kwh. **Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

Informatives.

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
3. The applicant is advised that the scheme required to be submitted by Condition 12 shall include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
4. The applicant is advised that the scheme submitted for approval under condition 13 shall be expected to comply with SPD14 parking standards – including amongst other things in respect to any C2 provision (noting that SPD14 does not permit any parking for residents of such uses). Officers have also noted that the amount of on-site surface parking is likely to need to reduce by at least 10 spaces to provide adequate pedestrian access around the site. The maximum permissible figure stated in the table for that area does not take account of that potential reduction. As such that maximum may not necessarily be achievable.
5. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this. Under any circumstances do not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.

7. The water efficiency standard required under condition 23 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
8. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild 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.
10. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
11. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether a statutory nuisance is occurring and if any action is appropriate.

The applicant should also note that any grant of planning permission does not confer override the need to obtain any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission the shorter of the two periods will apply.
12. For the avoidance of doubt the specific land parcels outlined in the conditions above are set out in the Indicative Implementation Drawing Plan received on 21 February 2020.

