

Planning Committee

Date: **22 April 2020**

Time: **2.00pm**

Venue ***Please Note:** In response to current Central Government Guidance it is envisaged that this meeting will be “virtual”, webcast live and accessible by skype. Public Speaking and engagement opportunities will be available.

Members: **Councillors:**Hill (Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Childs, Fishleigh, Janio, Mac Cafferty, Miller, Shanks and Yates

Conservation Advisory Group Representative

Contact: **Penny Jennings**
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AGENDA

114 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

115 MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 23 March 2020 (copy attached)

116 CHAIR'S COMMUNICATIONS

117 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 16 April 2020.

118 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

119 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Each application will be called over by the Democratic Services Officer.

MAJOR APPLICATIONS

- | | | |
|---|---|-----------------|
| A | BH2019/02578 - Victoria Road Housing Office, Victoria Road Portslade BN41 1YF - Full Planning | 11 - 54 |
| | RECOMMENDATION – MINDED TO GRANT <i>Ward Affected : South Portslade</i> | |
| B | BH2019/03590 - 9 - 12 Middle Street Brighton BN1 1AL - Full Planning | 55 - 88 |
| | RECOMMENDATION – MINDED TO GRANT <i>Ward Affected : Regency</i> | |
| C | BH2018/03356 - KAP Limited, Newtown Road, Hove BN3 7BA - Full Planning | 89 - 188 |
| | RECOMMENDATION – MINDED TO GRANT <i>Ward Affected : Hove Park</i> | |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| D | BH2019/03819 - Land Adjoining 9 Ridgeway Gardens Brighton BN2 6PL - Full Planning | 189 - 204 |
| | RECOMMENDATION – GRANT <i>Ward Affected : Woodingdean</i> | |
| E | BH2019/02862 - Fairway Trading Estate Eastergate Road Brighton BN2 4QL - Full Planning | 205 - 214 |
| | RECOMMENDATION – GRANT <i>Ward Affected : Moulsecoomb and Bevendean</i> | |
| F | BH2020/00538-Land Rear of 9 Hayes Close, Portslade BN42 2BQ - Full Planning | 215 - 238 |
| | RECOMMENDATION – GRANT <i>Ward Affected: South Portslade</i> | |

120 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

Please refer to the text set out in respect of Item 118 above.

INFORMATION ITEMS

121 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

Currently no new hearings.

122 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

239 - 244

(copy attached).

123 APPEAL DECISIONS

245 - 248

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 23 MARCH 2020****HOVE TOWN HALL - COUNCIL CHAMBER****MINUTES**

Present: Councillors Hill (Chair), Miller and Shanks

(Other Members were not in attendance inline with COVID-19 meetings guidance).

Officers in attendance: Paul Vidler (Planning Manager), Luke Austin (Principal Planning Officer), Joanne Doyle (Senior Planning Officer), Shaun Hughes (Democratic Services), Hilary Woodward (Senior Solicitor) and Abraham Ghebre-Ghiorghis (Executive Lead Officer - Strategy Governance & Law).

PART ONE**PROCEDURAL BUSINESS****a) Declarations of substitutes**

1. None

b) Declarations of interests

2. Councillor Hill declared in regard to item A they had spoken to developer and objected to the previous application but this one was different, and she had an open mind; She had received an email on 55 Centurion Road, but she had an open mind.
3. All committee members received an email regarding the application at 55 Centurion Road.
4. Councillor Miller stated they had been contacted regarding items A and E but remained of an open mind in relation to the items.
5. Councillor Shanks stated they had been contacted regarding items A and E but remained of an open mind in relation to the items.

c) Exclusion of the press and public

6. In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present

during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

7. **RESOLVED** - That the public are not excluded from any item of business on the agenda.

MINUTES OF THE PREVIOUS MEETING

1. **RESOLVED:** That the minutes from the previous meeting were to follow.

CHAIR'S COMMUNICATIONS

1. This meeting is being recorded and will be capable of repeated being viewing via the online webcast.
2. Welcome committee members and members of the public, to this meeting at Hove Town Hall.
3. All Major applications starting with those with speakers will be heard first today, followed by minor applications with those with speakers being heard first.
4. The Chair requested Members ensure that their mobile phones were switched to silent.

COVID-19 AND DEMOCRATIC DECISION-MAKING

1. Abraham Ghebre-Ghiorghis introduced the report before the committee that proposes the establishment of an Urgency Sub-Committee of the Planning Committee for urgent decision-making during the next 4 months taking into account the risk posed by the Covid-19 pandemic but also the need to preserve democratic accountability and compliance with legal requirements. The proposals have been developed with cross - party support follow consultation with Leaders Group.

Questions for Abraham Ghebre-Ghiorghis

2. Councillor Joe Miller was informed that Policy & Resources Committee had given permission to officers to make decisions. Councillor Miller felt more committee members than three would be better for decision making and felt that a virtual meeting would be better, with perhaps the public phoning in to ask questions. It was noted that the Policy & Resources Committee felt that majority decisions were best and Councillors decisions cannot be overridden.
3. Councillor Sue Shanks noted that the Committee was not political and a virtual meeting to include all committee members making decisions would be better. Councillor Shanks was informed that the report gave the committee options.
4. Councillor Tracey Hill stated they would prefer more Members to be involved in the decision making process and noted that if an urgency sub-committee were to be called it would need to be agreed who would attend.
5. **Vote:** The Committee voted unanimously to agree the recommendations.

6. Resolved:

- 2.1 That Members note the risk that running Council meetings as usual poses and the need for a different approach;
- 2.2 That Members agree the establishment of a Planning (Urgency) Sub -Committee with a Membership of 1 Labour, 1 Green and 1 Conservative;
- 2.3 That Members note the general indicative approach as agreed by the Policy & Resources Committee;
- 2.4 That Members note the government's intention to consider changes in legislation to allow remote meeting and remove the need to hold annual Council on a temporary basis and that officers will review the situation and report back to members as necessary.

105 PUBLIC QUESTIONS

1. One public question from Christopher Hawtree

The question was as follows:

“During the previous Administration I asked a Question about the state of 20 The Drive and I was told that Enforcement would take place. I heard nothing of consequence afterwards, and the building (the childhood home of Ivy Compton-Burnett) looks as dismal as before. Would you please tell us what is going on - especially at a time when Hove and Brighton are in a housing crisis?”

2. Chair's response:

The condition of 20 The Drive was investigated in the Spring of 2019 by the Enforcement Team. At the time it was deemed that the condition of the building was not sufficiently poor to warrant further action. I understand you were updated accordingly when the case was closed. At the time the case officer did note that we would re-look at the case if the building deteriorated further and I understand officers have actioned this in light of your question.

3. Supplementary Question

Thank you for the response. Please guarantee enforcement action.

4. Chair's response:

The Enforcement team will look into the matter.

106 SACKVILLE TRADING ESTATE: BH2018/03697 - APPEAL

1. The Committee noted the report which asked the committee to agree formally to withdraw its reasons for refusal of planning application ref. BH2018/03697 (“the appealed application”) in the light of the Committee's Minded to Grant resolution of the 4 March last in relation to planning application BH2019/03548 which is identical to the appealed application.

2. **Resolved:** That the Committee:
 - 2.1 agreed to withdraw its reasons for refusal in relation to planning application reference BH2018/03697.

107 270 OLD SHOREHAM ROAD, HOVE: BH2019/00544 - CEMP

1. The Committee noted the report which asked the Committee to agree that a Construction Environmental Management Plan (CEMP) monitoring fee is not required in relation to planning application reference BH2019/00544: 270 Old Shoreham Road, Hove.
2. **Resolved:** That the Committee:
 - 2.1 Agreed that the s106 Planning Obligation to be entered into in respect of planning application BH2019/00544 does not include a requirement for a Construction Environmental Management Plan monitoring fee to be paid.

108 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

1. There were none.

109 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2019/03700 - 39 - 47 Hollingdean Road, Brighton - Full Planning

1. It was noted that the application site was the subject of site visit before the committee meeting.
2. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of development, including the loss of the former car sales/repair unit, the loss of the existing dwelling and houses in multiple occupation (HMOs), the proposed PBSA, the design of the proposed building and the impact on the streetscene, wider views and heritage assets, the standard of accommodation proposed, the impact on neighbouring amenity, land contamination, sustainable transport, sustainability, landscaping and ecology/biodiversity.

Speakers

3. Simon Bareham (Lewis & Co Planning) spoke on the application and stated that the site will be professionally managed. It was noted there is a lack of student accommodation and this puts a huge amount of pressure on the city. The current application is significantly different to the previous refused application. Education providers have not yet committed to the scheme, but it is hoped they will. The enlargement of the development by 10% is felt to improve the impact on the street scene as a stand-alone building lower than others in the area that have been approved. The scheme is considered to preserve and improve the residential amenities with a reduction in proposal density near neighbouring properties.

Questions for Speaker

4. Councillor Joe Miller was informed the application site would be car free with parking spaces for disabled units only. The proposal would mean that the highway access would be used less than the current use as a garage. It was noted that the 'back to back' relationship with neighbouring properties had been improved with 15 metres between nearby cottages and the proposal.
5. Councillor Sue Shanks was informed by Lap Chan (Morgan Carn Architects) that the site would be aimed at post graduate students.
6. Councillor Tracey Hill was informed that 'soft' discussions had taken place with three education providers.

Questions for officer

7. Councillor Joe Miller was informed that no expressions of interest by education providers had been included in the application.

Debate

8. Councillor Joe Miller stated that they felt the proposal was better than the previous scheme and an improvement on the current garage business with less traffic movements. The application had received only two objections. The scheme was lower in design than others in the area and student accommodation is much needed. Councillor Miller felt it was a good use of the site and supported the application against the officer recommendation to refuse.
9. Councillor Tracey Hill stated they supported the officer recommendation as the development would have a greater impact on neighbouring properties than the current situation. Concerns were expressed regarding the impact on the properties on the opposite side of the street, which it was felt did not impinge on neighbours, the lack of letters of interests from education providers and the accommodation being high-end studio flats not the less costly cluster schemes.
10. Councillor Sue Shanks stated that they supported the scheme which is lower than neighbouring buildings.
11. **Vote:** The Committee voted against the officer recommendation to refuse by 2 to 1.
12. A motion was put forward by Councillor Joe Miller to approve the application as the scheme was a benefit in providing further student accommodation whilst not significantly impacting on neighbouring occupiers. Councillor Sue Shanks seconded the motion. It was agreed that conditions and s106 terms would be agreed by the Planning Manager.
13. **Vote:** The Committee voted to approve the application by a vote of 2 to 1. The recorded vote was: For = Councillors Miller and Shanks, Against = Councillor Hill.

14. **Resolved:** The Committee have taken into consideration the officer's report and reasons for refusal and has decided to Grant Planning Permission for the reasons given by Councillor Miller.

B BH2019/03817 - 10 Shirley Drive, Hove - Reserved Matters

1. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the impact of the development upon the character and appearance of the site and surrounding area. The neighbour objection with regard to the impact on property values was noted, however is not a material planning consideration.

Questions for Officer

2. Councillor Joe Miller was informed that the balcony balustrades would include clear glass.
3. Councillor Sue Shanks was informed that the top floor would have terracing as outside space.
4. Councillor Tracey Hill was informed that materials could be submitted to the Chair's briefing for approval.

Debate

5. Councillor Joe Miller stated they wanted the balcony glass to be obscured and this could be covered by condition.
6. Councillor Tracey Hill supported the inclusion of a condition relating to approval of materials.
7. A motion to add a condition to require materials to be approved and balconies to be obscured glazed was proposed by Councillor Miller and seconded by Councillor Hill.
8. **Vote:** The committee voted unanimously to support the motion.
9. **Vote:** The committee voted unanimously to Grant Planning permission.
10. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

C BH2019/03789 - 9 The Upper Drive, Hove - Full Planning

1. Luke Austin (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs.

It was noted that the main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided, highways and sustainability issues. Concerns from residents regarding impact on property values, inconvenience from the build, development for commercial gain, lack of existing maintenance of the site and potential structural issues are noted, however are not material planning considerations.

Questions for officer

2. None

Debate

3. None
4. **Vote:** The committee voted unanimously to Grant Planning Permission.
5. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

D BH2019/02967 - The Priory, London Road, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

E BH2019/03209 - 55 Centurion Road, Brighton - Full Planning

1. Joanne Doyle (Senior Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport impacts of the proposal.

Speakers

2. Paul Bowes spoke on the application as an objector and stated that:
 - No. 55 is in a terrace of 3 bed houses, 3 of which are already Houses of Multiple Occupancy (HMO) and the proposal is for 5 bedrooms;
 - Street parking in the area is an issue, the proposal should be car free. The s106 agreement needed to refuse parking.
 - Noise is an issue: no sound insulation has been proposed for the dwelling. The walls of the property are very thin allowing a large amount of noise to filter through to neighbours.
 - This is a Conservation area. There are a number of HMOs in the area, some like 46 St Nicholas Road occupied by 3 university students are not recognised as official HMOs.
 - If the application were to be granted permission, 50% of terrace will be HMO. Please refuse.

Questions for Speaker

3. None
4. Ward Councillor Lizzie Dean spoke on the application and stated that there had been 18 objections to the proposals and residents were very concerned. The application site is in a Conservation Area where the social fabric will be altered and eroded by the granting of permission. The number of HMOs nearby can be misleading as Council Tax records show a number of houses in the area may be HMOs as they have different names living there. When campaigning it was noted that many houses seemed mixed and these were not recorded. There is parking for one vehicle only even though there could be as many as five, which seems an oversight.

Questions for Ward Councillor

5. None.

Questions for officer

6. Councillor Joe Miller was informed that the Environmental Health team were not always consulted on applications for HMOs. It was noted that a sound proofing condition could be added to the scheme and that the application was not car free as the proposal relates to an existing C3 use to change 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.
7. Councillor Sue Shanks was informed that the applicant can be flexible and move between the C3 and C4 uses.
8. Councillor Tracey Hill was informed that the house would be flexible to accommodate a family or students under the two uses.

Debate

9. Councillor Sue Shanks stated they did not support the application feeling that the flexible use was not good, and the applicant should choose one.
10. Hilary Woodward informed the committee that it was lawful to be flexible between the two uses.
11. Councillor Joe Miller stated if there were other HMOs in the area that were not listed, residents should note and report to the Local Authority. Parking is an issue and a car free development would be better. Sound proofing would also be an improvement. Subject to these additions, Councillor Miller supported the application.
12. Councillor Tracey Hill stated they supported the application and the flexible use from family home to HMO accommodation. Any informal HMOs should be reported and investigated.

13. Councillor Joe Miller put forward a motion to attach conditions requiring the development to be car free and for sound proofing to be installed. Councillor Hill seconded the motion.

14. **Vote:** The committee agreed to the motion by a vote of 2 to 1.

15. **Vote:** The committee voted by a majority to Grant Planning Permission.

16. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2019/02564 - 52 Stonecross Road, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

G BH2019/02844 - 31 Dartmouth Crescent, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

110 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

1. There were none.

111 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

1. None were reported to this meeting.

112 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

1. None were reported to this meeting.

113 APPEAL DECISIONS

1. None were reported to this meeting.

The meeting concluded at 3.49pm

Signed

Chair

Dated this

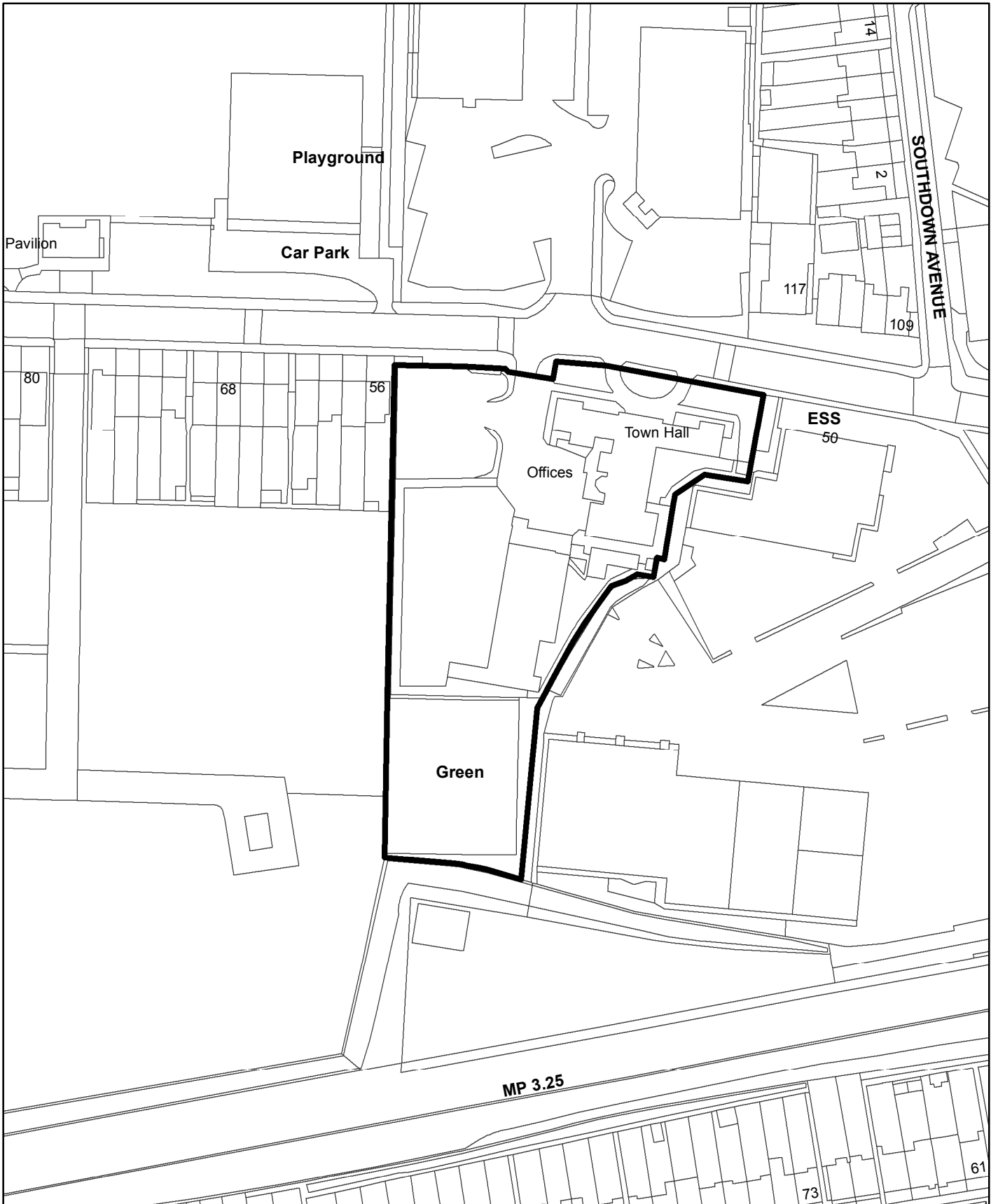
day of

ITEM A

**Victoria Road Housing Office
BH2019/02578
Council Development (Full Planning)**

DATE OF COMMITTEE: 22 April 2020

BH2019 02578 - Victoria Road Housing Office



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|-----------------------------|
| <u>No:</u> | BH2019/02578 | <u>Ward:</u> | South Portslade Ward |
| <u>App Type:</u> | Council Development (Full Planning) | | |
| <u>Address:</u> | Victoria Road Housing Office, Victoria Road Portslade BN41 1YF | | |
| <u>Proposal:</u> | Erection of 2no buildings behind Portslade Town Hall, accommodating 42no residential units (C3). The north building will be a part three and part four storey block, with 17no one and two bed flats. The south building will be a five storey block, with 25no one, two, and three bed flats. The proposal also incorporates: a new car park; landscaping; and associated works. | | |
| <u>Officer:</u> | Matthew Colley- Banks/Maria Seale 292175 | <u>Valid Date:</u> | 01.10.2019 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 31.12.2019 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | 30.04.2020 |
| <u>Agent:</u> | Brighton And Hove City Council Property and Design Hove Town Hall Norton Road Hove BN3 3BQ | | |
| <u>Applicant:</u> | Brighton And Hove City Council Estate Regeneration Team Hove Town Hall Norton Road Hove BN3 3BQ | | |

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 satisfactory amended plans, a s106 agreement based 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 **12 August 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of this report:

Section 106 Head of Terms:

Affordable Housing:

- Provision of a minimum of 40% affordable housing (affordable rent) in perpetuity

Sustainable Transport & Highways:

- A financial contribution of £62,550 to enhance and promote use of sustainable transport modes in the vicinity of the site including in order of priority:
 - (i) Improvements to the bus stop on the northern side of Victoria Road, which may include provision of a shelter, real time information, upgrading the cage and accessible kerbs; and/or
 - (ii) Pedestrian access improvements between the site and Portslade shops / town centre

- Submission of a detailed design of proposed new site access junction with Victoria Road and associated footways (including amendments) to be agreed and secured via a section 278 agreement and implemented prior to occupation
- Submission of a Residential Travel Plan and implementation of associated measures to encourage sustainable modes including subsidised public transport tickets and cycle purchase, provision of information measures including travel packs and cyclist training

Education:

- A financial contribution of £52,904.80 in respect of secondary/sixth form education at Portslade Aldridge Community Academy.

Artistic Component:

- An artistic influence within the public realm within or in the immediate vicinity of the site to a value of £25,000

Open Space and recreation and sports:

- A total financial contribution of £124,739.62 towards the enhancement of open space and sports provision in the vicinity of the site, to include:
 - £49,901.47 towards enhancement of outdoor (£30,105.47) and indoor (£19,796) sports provision at Victoria Road Recreation Ground
 - £3,182.46 towards enhancement of children/youth play area in Victoria Park/Victoria Road Recreation Ground
 - £44,062.66 towards enhancement of parks and gardens in Victoria Park/Victoria Road Recreation Ground
 - £3,532.80 towards enhancement of amenity green space in Victoria Park/Victoria Road Recreation Ground
 - £19,739.44 towards enhancement of natural and semi-natural open space at either Green Ridge/Coney Hill and/or Westdean/Withdean Woods and/or Three Cornered Copse
 - £4,320.78 towards enhancement of allotment provision in the vicinity of the site including Eastbrook and/or Camp Site and/or St.Louie Home allotments

Employment:

- Submission of an Employment & Training Strategy
- A financial contribution of £14,600 towards the Local Employment Scheme
- Use of 20% local labour during the construction phase

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below. [to be inserted in Late Representations List]
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development of the existing bowling greens and pavilion shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that contracts have been entered into for the construction of the replacement bowling and sports facilities agreed under planning permission ref BH2019/01804.
Reason: To ensure that appropriate sports facilities are retained within the vicinity of the site for use by the public to replace those lost as part of the development, to comply with policies CP16 and CP17 of Brighton and Hove City Plan part one.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological works 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 the National Planning Policy Framework and 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

5. The residential development shall not be first brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and submitted to 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 4 above.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and 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

6. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

- (v) Details of hours of demolition and construction including all associated vehicular movements
- (vi) Details of the demolition and construction compound
- (vii) A plan showing demolition and construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

7. No development, including demolition and excavation, shall commence until a Site Waste Management Plan 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.
8. No burning of demolition/construction waste materials shall take place on site.
Reason: to protect the amenity of local residents from smoke, ash, odour and fume to comply with policy QD27 of the Brighton and Hove Local Plan.
9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the submitted Drainage Design Strategy, Revision A dated April 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.
10. No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
Reason: To comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.
11. The residential development hereby permitted shall not be first occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person in line with the reports produced by Ashdown for this application, and that the remediation scheme required and approved 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 any imported and/or material left in situ is free from contamination.

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.

12. If during construction, contamination not previously identified is found to be present at the site, 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 the Local Planning Authority for approval in writing. 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 and to comply with policy SU11 of the Brighton & Hove Local Plan.

13. The residential development hereby permitted shall not be first occupied until evidence that an Acoustic Scheme relating to noise mitigation measures as outlined in the Anderson report submitted with this application has been implemented within the development has been submitted to and approved in writing by the Local Planning Authority. The agreed Scheme shall be permanently maintained within the development thereafter.

Reason: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

14. If relying on closed windows to meet the acoustic guide values in connection with the condition above, details of appropriate alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the residential development. If applicable, any room should have adequate ventilation e.g. trickle ventilators (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L of Building Regulations and the removal of pollutants such as moisture and CO₂ under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

Reasons: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

15. The residential development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the Party ceilings, floors and walls between residential units and the service areas (plant rooms, bin stores, etc) and residential units have been designed to achieve airborne and impact sound

insulation values of at least 5dB better, than that required by Building Regulations Approved Document E performance standards.

Reason: To protect the amenity of future occupants and/or neighbours to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

16. The residential development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, measures to minimise light spillage and pollution and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) evidence that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a further report to demonstrate what measures are required to reduce the levels to those agreed in part i) shall be submitted to and approved in writing by the Local Planning Authority.

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 comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

17. No development shall take place (including any ground clearance, tree works, demolition or construction), until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of all trees to be retained and removed, details of all tree protection measures including fencing and construction exclusion zones, together with measures for related monitoring, reporting to the Local Planning Authority and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) and details of phasing of works. The development and tree protection 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.

18. The residential development hereby permitted shall not be first brought into use until a scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the residential development, whichever is the sooner. The approved hard landscaping and means of enclosure shall be implemented before first occupation of the

development and shall thereafter retained. 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 some fruit trees) 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 and details of maintenance regime;
- c) details of all boundary treatments and means of enclosure to include the type, position, design, dimensions and materials including the boundaries of the parking area;
- d) details of a pathway and link within the site to the existing gate to the cemetery on the western boundary of the site
- e) details of segregated footways within the site

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.

19. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:

- I. Geometry and layout, including dimensions and visibility splays
- II. Pavement constructions and surfacing, kerbs and edge restraints
- III. Levels and gradients
- IV. Lighting
- V. Drainage
- VI. Street furniture
- VII. Trees, other planting, growing media and planting aids
- VIII. Traffic signs and road markings;

The scheme shall include a completed a Road Safety Audit up to stage 2 in accordance with the Highway Authority's standards at that time, with the Highway Authority acting as Overseeing Organisation. The Road Safety Audit Brief and Report, and all other road safety audit documents, shall be submitted with the scheme.

If the scheme proposes that any areas are shared between pedestrians and vehicles or where recommendations in Guidance On the Use of Tactile Paving Surfaces are not met the submitted scheme shall also include:

- a) A Participative Inclusive Design Statement. This shall explain how the engagement findings and suggestions have shaped the submitted design

proposals and other management plans, and set out reasons where it has not been considered possible to accommodate findings and suggestions; and
b) An Equality Assessment. As a minimum this shall identify and explain: each adverse impact arising from the proposals for different protected character groups; how these are known (which may be from appropriate consultation/engagement, research or guidance relevant to the protected character groups impacted); the alternatives considered to avoid or minimise these impacts; and, where some residual adverse impact remain, the objective justifications for why complete avoidance is not considered possible and why the scheme should nonetheless be considered acceptable.

The agreed scheme shall be implemented within the development prior to first occupation of the residential development and shall include the implementation of the recommendations of the stage 3 Road Safety Audit, with the Highway Authority acting as Overseeing Organisation. Thereafter the approved scheme shall be retained.

Reason: In the interest of highway safety, sustainability, quality design, public amenity and accessibility and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD25, QD26 and QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

The development shall be carried out in accordance with the approved details.

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

21. Notwithstanding the drawings submitted, no development above ground floor slab level shall take place until details of new canopies over the top balconies and revised brickwork detailing including plinth have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained.

Reason: To improve the visual appearance of the development, to comply with policies CP12 and CP13 of the Brighton and Hove City Plan Part One.

22. Notwithstanding the location and type of bicycle parking stores shown on the submitted drawings, no development above ground floor slab level shall commence until details of secure cycle parking facilities for a minimum 66 spaces for the occupants of, and visitors to, the residential development and

Portslade Town Hall 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 residential 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 and CP8 of Brighton and Hove City Plan Part One.

23. Notwithstanding the drawings submitted, the residential development hereby permitted shall not be first occupied until details of the vehicle parking areas including disabled spaces for the Town Hall and new residents including clear demarcation for each user have been submitted to and approved in writing by the Local Planning Authority. The parking areas shall include at least 4 disabled spaces for the residents and 2 to serve the Town Hall and shall include 4 motorcycle parking spaces. The agreed spaces shall be laid out ready for use before occupation of the residential development and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development hereby approved and Portslade Town Hall. The approved parking areas shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to encourage use of modes other than the private car, to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards and TR18 of the Brighton and Hove Local Plan.

24. The residential development hereby permitted shall not be occupied until a Car Park Management Scheme for vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following measures.
- (i) Timing restrictions on car parking spaces allocated for Portslade Town Hall (7am-10pm)
 - (ii) Details of how each car parking space including disabled parking will be allocated and managed;
 - (iii) Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

The above scheme and works shall be implemented prior to the occupation of the residential development and shall thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

25. Notwithstanding the submitted drawings, the residential development hereby permitted shall not be first occupied until full details have been submitted to and approved in writing by the Local Planning Authority of 8 electric charging points to serve both the Town Hall and new residents car parking spaces. The agreed charging points shall be implemented before first occupation of the residential development and shall thereafter be retained.

Reason: In the interests of sustainability, to comply with policies CP8 and CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

26. Prior to first occupation of the residential development hereby permitted, a Service and Delivery Management Plan which includes the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented within the development before first occupation of the residential development and the measures shall be adhered to thereafter.

Reason: In the interests of meeting the parking demand for the development and highway safety, and to protect residential amenity, to comply with policies TR7 and TR18 and QD27 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

27. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The agreed green walls shall be installed before first occupation of the residential development and shall thereafter be maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and visual amenity of the locality and in the interests of sustainability in accordance with policy CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

28. A minimum of one bee brick per residential block shall be incorporated within the south or south-west facing external walls of the residential development facing green amenity space before first occupation and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

29. The residential development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird and bat nesting boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 2 sparrow terraces per block and 2 bat bricks/boxes per block on south or south-west facing elevations of the development, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details before first occupation and shall thereafter retained.

Reason: To safeguard these 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.

30. Prior to first occupation of the residential development, the ecological measures and works as detailed and recommended within the Preliminary Ecological

Appraisal Report (Urban Edge Environmental Consulting, November 2018) and the Bat Survey Report (Urban Edge Environmental Consulting Ltd, November 2018) submitted with the planning application shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the City Plan Part One.

31. If the development, specifically demolition of the Housing Offices, hereby approved does not commence by August 2020, further evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the approved ecological measures secured through the condition directly above have been reviewed and, where necessary, amended and updated and evidence of this shall be submitted to the Local Planning Authority for written approval. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable and retained.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed, to comply with policy CP10 of the Brighton and Hove City Plan Part One.

32. Prior to first occupation of the residential development, a minimum of 42 swift bricks shall be incorporated within the external walls of the residential blocks and shall comprise a series of groups of between 3-6 bricks, with each group at least 1 metre apart and the bricks shall be installed at least 5 metres above ground level in shaded locations away from windows. The swift bricks shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

33. An access gate on the western boundary of the site shall be retained where one currently exists and it shall incorporate access control to allow resident's access to the adjacent cemetery, prior to first occupation of the residential development.

Reason: For the amenity of residents and to prevent crime, to comply with policy CP16 and CP12 of the Brighton and Hove City Plan Part One.

34. A minimum of ten percent (4) of the dwellings hereby permitted shall be wheelchair accessible and completed in compliance with Building Regulations Optional Requirement M4(3) (2b) (wheelchair accessible dwellings) prior to first occupation 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.
35. Notwithstanding the location of the refuse and recycle stores as shown on the submitted drawings, no development of the residential development above ground floor slab level shall take place until further details of the refuse and recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority. The stores may require relocation to ensure that highway safety within the site is not compromised. The agreed stores shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to ensure highway safety, to comply with policies QD27 and TR7 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.
36. None of the residential units hereby approved shall be occupied until each residential unit built 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.
37. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
38. The residential development hereby approved shall not be first occupied until the sustainable building measures as outlined in the Energy & Sustainability Statement February 2020 submitted with the application have been implemented within the scheme. The measures shall thereafter be retained.
These shall include: use of passive design measures, provision of thermal efficient fabric exceeding requirements of Part L of Building Regulations, all heating and hot water to be generated by a ground source heat pump, use of photovoltaic panels, use of sustainable drainage, incorporation of green living walls, use of rainwater harvesting, provision of recycling and waste management facilities, materials, provision of cycle storage, provision of raised beds for opportunities for food growing, incorporation of fruit trees.

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.

39. Within 3 months of first occupation of the residential development hereby approved evidence shall be submitted to the Local Planning Authority for written approval to demonstrate that crime prevention measures have been incorporated within the development. This evidence may comprise submission of a Secure By Design certificate. The agreed measures shall be retained.

Reason: To help prevent crime, to comply with Strategic Objective SO23 and policy CP12 of the Brighton and 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. Where possible, bee bricks required by the condition above should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
4. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate. It is required for the western store to be relocated the east side, to ensure that the pedestrian route is maintained only for those travelling on foot.
6. 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).

7. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk.
8. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.
9. The 110 litre water efficiency standard required under the above condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

SITE LOCATION:

The location of the site is very mixed in terms of character, uses and appearance. The site is located to the south of Victoria Road opposite a car dealership and Portslade Recreation Ground, which itself is bordered to the north by the A270 Old Shoreham Road. Portslade Station is located to the east of the site. Victoria Road is a bus route. Portslade Cemetery is located immediately to the west of the site. It was opened in 1872 and includes two Victorian chapels, which are on the council's local list of Heritage Assets. The railway line is located to the south, a minimum of 33 metres away from the site boundary, separated by a steeply sloping bank and commercial premises. Much of the area to the east of the site is designated as employment use, including several car sales and servicing facilities. There are residential properties to the north-west.

The site contains a vacant, former council building (a housing office) and bowling greens and pavilion set back from the main road frontage. Portslade Town Hall is located to the front of the site and is a locally listed heritage asset owned by the council. It is currently used as office space and by local community groups.

The northern edge of the site falls within an Archaeological Notification Area. There are a number of trees within the site, mostly within Category 'C'.

APPLICATION DESCRIPTION:

The proposals are for the redevelopment of the housing office and bowling facilities to provide 42 flats. This proposal forms part of Brighton and Hove City Council's 'Homes for Neighbourhoods' scheme, delivering all housing as 100% affordable rent. A housing mix of 1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%) and 3 bedroom units: 10 (24%) is proposed. The proposal includes 4 wheelchair accessible homes and all flats above ground level are served by a lift. On-site car parking for 33 vehicles is proposed in a reconfigured car park to serve the Town Hall (7 spaces) and the new residents (26 spaces), including a total of 6 disabled spaces. A remodelled access onto Victoria Road is proposed.

The project will involve the re-location of the existing Portslade Bowls Club to Victoria Recreation Ground to the north of the site (see History section below). Permission has been granted for the construction of a joint Bowls Club and football changing facility. The former Housing Office and Reception is now contained within Portslade Town Hall. The council's Estates Team extended and refurbished the Town Hall about 6 years ago, to enable this to happen.

RELEVANT PLANNING HISTORY:

BH2019/00123 Demolition of Victoria Road Housing Office. Prior Approval Not Required 27/2/19

(Victoria Recreation Ground)

BH2019/01804 Erection of Sports Pavilion (D2) to replace existing East Pavilion (D2), proposed new bowling green to the north of the proposed pavilion building and provision of additional car parking spaces to existing car park and associated alterations. Granted 16/12/19.

Pre-application discussions:

The proposal was discussed at Design Review Panel in February last year. The Panel considered that the brief to make better use of council owned land to deliver high quality affordable housing and provide improved sports facilities in Victoria Recreation Ground is highly positive. The Panel stated that as Brighton and Hove City Council will retain ownership of the scheme, and the design is being handled in-house, it is an exciting opportunity to create an exemplar project with the potential to raise design standards in the wider area.

At that relatively early stage in the design process, the Panel thought the proposals were generally logical and well-considered. However, they encouraged additional options be explored to ensure the scheme reached its fullest potential. They advised these should focus on issues including the creation of a better-defined external amenity space, and the way in which the scheme might best relate to the surrounding area, particularly the Cemetery. Combining blocks to create a more continuous form running the length of the site, or else separating blocks out further to create a central garden could help to achieve this. Simplifying forms and increasing the amount of repetition has the potential to improve design quality as well as reducing costs. The Panel felt that the scheme at that time gave too much of the site over to carriageway and parking. They advised that limiting how far vehicles penetrate into the site and adjusting the location and scale of parking could allow a more meaningful amenity space to be developed.

REPRESENTATIONS

External:

Two (2) letters of objection citing the following concerns have been received:

- insufficient parking
- excessive traffic generation
- overdevelopment of the site
- inappropriate height

Conservation Advisory Group: (No objection) and commented as follows:

- a lost opportunity has been made on this BHCC owned site in terms of design which is bland and not interesting
- the Group sited the recently successful Norwich Eco housing scheme and ask why the same could not occur on this site
- It felt there could be lower height but higher density here
- the loss of the bowling green facilities which are to be relocated elsewhere is noted, though the proposed removal of the clutter of buildings as the present backdrop to locally listed asset PTH will not be harmed by their replacement

County Archaeology: (Comment)

The applicant has submitted a Heritage Statement and an archaeological desk-based assessment with their application, which are considered satisfactory.

The latter concludes that the application site has low archaeological potential for nearly all periods with the exception of the Roman period, when a cemetery was in use nearby, and the Later Post-Medieval period, when part of the application site was a piggery and then later became incorporated into the grounds of a polish factory. The low potential for the prehistoric period is acknowledged as questionable given the lack of recorded archaeological data. Although significant localised impacts derived from modern development is apparent, some areas of the application site may only have suffered superficial impacts in the modern period.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works, that can be secured by condition. In addition a written scheme of investigation should be secured.

It is considered that the potential risk of damage to archaeology is mitigated by the application of appropriate planning conditions.

County Ecologist: (Comment)

Whilst the application documentation has not met best practice standards and/or the requirements of the NERC Act and NPPF, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions. These can ensure compliance with measures outlined in the submitted biodiversity method statement, and impose a time limit on development before further surveys are required and ensure satisfactory provision for swift, sparrow, bat and bee bricks/boxes.

RSPB: 10-12 swift nest bricks should be installed via planning condition.

The Regency Society: Support the proposal on grounds the Society are particularly pleased that the new housing provided will be 100% affordable social housing. This will be a welcome addition to housing stock of Brighton and Hove. The Society think that the positions of the two blocks work well on the site. Overlooking of private gardens to the West has been minimised. The Society has slight reservations about the flat nature of the elevations but we welcome the introduction of living walls and a variety of materials. The Society are wondering how easy the complex landscaping design will be to maintain.

Southern Water: (Comment)

All SW infrastructure should be protected during works. The developer needs to work with SW to ensure satisfactory infrastructure can be provided to meet the demand created by the development. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. Long term maintenance arrangements are needed for SUDs It is requested that a condition requiring details of foul and surface water sewerage disposal be imposed.

Sport England: The proposed development does not fall within our statutory remit for consultation.

Sussex Police: (Comment)

The layout and design of the scheme should have regard to Secure By Design principles.

The development has outward facing dwellings and no individual gardens. This has created a good active frontage with the public areas being overlooked. Perimeter fencing must be adequate. It is important that the boundary between public space and private areas is clearly indicated. The gate situated on the west side of the development leading from the cemetery should have access control and be kept locked, unless there is an intention to use it to access other external areas in the future.

The car parking area at the north end of the site is within view of residents within the north end of the northern building and also from the Town Hall. Each type of respective space for different users should be clearly demarcated. At the entrance to the development brick piers or pillars in conjunction with a change of colour or texture of the road surface can be very effective in raising awareness that one is entering a semi-public area. This can have a psychological effect on visitors raising awareness of the residential area and the residents who themselves can experience a sense of ownership and pride in their surroundings.

All windows and access doors should be appropriately designed and controlled to deter crime and have surveillance as per recommendations. Appropriate lighting and postal arrangements should be considered. Cycle and bin storage needs to be secure. Appropriate planting should be considered.

Internal:

Arboriculture: (comment)

The information submitted with regard to trees appears reasonable, as do the conditions suggested, which require a detailed Arboricultural Method Statement to be submitted to protect trees. Appropriate conditions should be imposed.

Artistic Component: (Comment)

To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement. The figure is arrived at after the internal gross area of the development (in this instance approximately 4,850sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £25,000.

City Clean: The proposals are acceptable

City Parks: S106 monies for enhancement of natural and semi-natural space should be targeted to either Green Ridge/Coney Hill and/or Westdean/Withdean Woods and/or Three Cornered Copse

Economic Development: (Support):

City Regeneration fully supports this application. Whilst there is no employment space included in this development, provision of additional accommodation in the city will contribute to addressing the council's challenging housing needs and should benefit residents of the city who may otherwise be living in temporary accommodation and less able to seek employment and contribute to the economic wellbeing of the city.

With reference to the council's Technical Guidance for Developer Contributions, due to the size of the development, if this application is successful, there will be a requirement for a developer contribution to be made for the sum of £14,600. In addition, there will also be a requirement to submit an employment and training strategy in respect of both the demolition phase (if applicable) and construction phase.

Education: (Comment)

In this instance we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £52,904.80 if this development was to proceed. The development is in the catchment area for Portslade Aldridge Community Academy which has some surplus capacity at the moment but the number of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

Environmental Health (Air Quality): (Comment)

If the development contributes more traffic than 100 light vehicles a day to the AQMA (Trafalgar Rd & Wellington Rd) a detailed air quality assessment will be required. Traffic as a result of the development will need to be agreed and confirmed by the Transport Authority. For local air quality and climate change reasons, the design would benefit from no emission to air arising from gas combustion.

Environmental Health (noise/lighting/contamination): (Comment)

There is no objection to the proposal subject to imposition of appropriate conditions to mitigate potential impacts.

The submitted Anderson Acoustics report June 2019 is generally acceptable, but does not take account of the possibility of deliveries, plant/equipment use at the commercial estate next door, especially between the hours of 23:00 and 7:00. For example, the air conditioning plant to the climbing centre adjacent is open until 10pm at night and plumbing merchants have deliveries outside of opening hours. Commercial activity would be most audible in the middle of the site alongside the commercial estate and no SLM was sited here.

Additional ventilation in the new flats should be considered and secured by condition in case residents must leave windows closed at night. As an 'agent of change' the development must ensure that robust glazing units are also included. A condition will be needed to restrict vehicle movements on the site as rubbish collections will take place alongside some bedrooms.

The Ashdown contaminated land investigations dated October 2018 & March 2019 concluded: '...with the exception of locally elevated concentrations of petroleum hydrocarbons which may rule out the use of PE water supply pipe, no complete pollutant linkages are considered to be present. Other than consultation with the water supply company and the adherence to their requirements, there is not considered to be a requirement for any specific remedial works at the site, or for any further risk assessment.' Therefore, it is agreed that a discovery approach should be adopted and barrier pipework considered in conjunction with the local water authority prior to commencement and secured by condition.

Conditions are also recommended to secure a Construction Environmental Management Plan (CEMP), no burning of materials on site, a written verification report for land contamination, implementation of acoustic measures, sound insulation and external lighting.

Heritage: (Support)

Advice was provided in January 2019, at an early stage in the development of this scheme, at which time the potential to impact the heritage assets was identified principally as the effect on the silhouette of the Portslade Town Hall resulting from taller buildings set within the site, and the possible loss of the secluded nature and rural feel of the cemetery and consequently the setting to the chapel buildings that will result from taller buildings appearing behind and above the lush green boundary which currently screens the low scale modern development beyond.

The proposal currently submitted is considerably revised from the initial scheme. The reduced footprint and linear alignment of the blocks minimises the amount of development affecting views of the Town Hall from the north, and by using the sloping ground profile to place the taller element furthest away, the apparent height is reduced and the historic building thereby retains its prominence within the setting.

The development has also been moved away from the western boundary which lessens the visual encroachment on the open setting. The retention and reinforcement of this green buffer will both benefit the new residents and retain a level of seclusion for the cemetery. The inclusion of sections of living wall and flint facing panels on the west elevation will also help settle the development into its surroundings.

The proposal for the northern part of the site is significantly changed in the current scheme, however the removal of the recycling bins from the street frontage is still proposed and remains most welcome.

Although the continuation of the existing housing pattern across the site frontage was previously encouraged, it is considered that with careful detailing, tree planting and high quality materials the walled parking area would provide an appropriate neighbour to the town hall. The consequences that keeping the parking at the front of the site has for the planning of the open spaces around the buildings is most beneficial and the 'civic' space proposed next to the Town Hall is considered a significant enhancement. It is therefore considered that the planning and design of the scheme has taken account of the significance of the heritage assets and the resulting proposal will deliver positive benefits that outweigh the harm. Subject to further details regarding the boundaries to the parking area, which can be secured by condition, the Heritage Team is able to support this application.

Housing Strategy: (Support)

Council policy CP20 – Affordable Housing requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net). The applicant proposes 100% affordable housing. The provision of 42 affordable rent dwellings is welcomed and will contribute towards meeting the city's need for affordable homes. The provision of 4 x wheelchair accessible homes as affordable rent tenure meets identified housing need.

The council's published Affordable Housing Brief sets out the following broad tenure split as a citywide objective:

- 55% Social Rent or Affordable Rent
- 45% Intermediate e.g. Shared Ownership

The proposal here is for 42 homes to be provided all for affordable rent which is welcomed. When the development is completed the city council will be able to nominate people from the housing register to all of the properties.

Policy HO13 requires 10% of any affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. In this case the scheme includes four properties meeting the 10% requirement. Affordable rent is the preferred tenure for wheelchair housing provided as part of the affordable housing provision, and this has been confirmed in this application.

The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief expects self-contained homes to meet the new nationally described space standards where possible. The proposed units meet or exceed nationally described space standards in all cases except one property,

Public Sector Housing: No Comment.

Planning Policy: (Comment)

Principle of housing development:

The site is allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted.

City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

The area occupied by the former bowling and practice greens are defined as open space. City Plan Policy CP17 states that planning permission resulting in the loss of open space, including the beach, will only be granted where at least one of four criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained which satisfies criterion (a) "The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually)".

This is a City Council proposal on Housing Revenue Account (HRA) land and forms part of the New Homes for Neighbourhoods (NHFN) programme with the site being allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings. The proposed development has been subject to pre-application Design Panel review and consultation with local residents, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted.

The site is now vacant but was in previous use as one of the Council's housing offices accommodating staff and providing front desk reception for enquiries from the general public and the payment of rent or council tax bills. As such, the previous use is considered to fall under Use Class A2 and would not be subject to the requirements set out in Policy CP3 (Employment Land) for the safeguarding of existing employment land (Use Classes B1-B8).

Housing Mix:

City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

The proposed housing mix [1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%), 3 bedroom units: 10 (24%)] is considered to be an appropriate housing mix in this location which responds to the city's demographic needs as set out in the supporting

text to Policy CP19. The high proportion of two- and three-bedroom family sized units is particularly welcomed, however the views of the Council's housing officers should also be taken into account in this issue.

The site density is approximately 87 dwellings per hectare which is in excess of the minimum requirement (50dph) of City Plan Policy CP14 and represents an efficient use of the site, subject to design and massing considerations.

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. All proposed homes have the benefit of either a private walled patio space, or private balcony, all a minimum of 1.5m deep, and no concerns are raised with regard to this policy.

Loss of sports facility:

The proposal involves the loss of a bowling green formerly used by Portslade Bowls Club, however the relocation of the bowls club to a new location within Victoria Road Recreation Ground has already been approved under application number BH2019/01804. The delivery of this development would result in new, modern facilities for the club representing an improved facility compared to the existing.

The area occupied by the former bowling and practice greens are defined as open space. City Plan Policy CP17 states that Planning permission resulting in the loss of open space, including the beach, will only be granted where at least one of four criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained which satisfies criterion (a) "The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually)".

The development will generate a requirement for open space and sports provision for the new residents. The open space ready reckoner has been used to determine the level of need for the various open space typologies and indoor sport. This has provided an appropriate contribution of £124,739.62 if all the requirement was to be provided off site, however the figure should be adjusted to take account of any on-site provision.

Waste Management:

Significant quantities of construction and demolition waste are likely to be produced and Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction, demolition and excavation. A Site Waste Management Plan should be secured by condition.

Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.

Sports Facilities (Support)

The BHCC Sports Facilities Team would support this development proposal in the knowledge that any S106 monies would be used to improve the existing local sport &

leisure provision. Any such investment will support the residents of this development and ultimately the wider local community.

From the proposed allocation of residential dwellings the contribution we would be looking to achieve in relation to sport is:

Space Equivalent off site contribution
Outdoor Sports Facilities £30,105.47
Indoor Sports Provision £19,796.00

In terms of local sports provision there is an opportunity to direct the S106 funds towards the proposed development in nearby Victoria Recreation Ground - in relation to the outdoor bowls provision and associated bowls and football pavilion (depending on planning approvals).

Sustainable Transport: (Comment)

Summary:

Further information has been submitted by the applicant to enable a fuller assessment of the proposals. An updated Transport Statement (TS2) has been provided which is welcomed and responds to the majority of items previously raised. However, the proposed internal layout is below the expected quality standard and should be improved. From our own review, we believe that the number and nature of the required amendments are reasonably limited and should be able to be accounted for relatively simply. Conditions may be able to address some of the issues raised. Revised plans showing an amended layout should be sought. In other respects, the development appears to comply with transport policies or we anticipate can be made compliant through the proposed planning conditions.

Main comment:

Site Access:

Vehicle Access:

The principle of retaining and improving the existing vehicular access off Victoria Road is acceptable. A Stage 1 Road Safety Audit has been provided and raised one issue regarding the provision of tactile paving across the site access junction. It is proposed to be dealt with at detailed design via Stage 2 of the RSA process. Whilst we would prefer to see further details of the scheme at this stage, this response is accepted.

Pedestrian Access:

The plans and RSA included with the TS2 show the segregated pedestrian route, but this currently terminates at the 'civic area' located between the proposed car parking area (on the west), town hall (to the east) and proposed dwellings to the south. The RSA recommends that tactile paving is provided at this location which the applicant has accepted and further details are proposed at detailed design and through Stage 2 of the RSA process. The RSA also recommends that the pedestrian route is extended through the development so that there is a clear strategy through the site for the residential units. Whilst this has also been accepted by the applicant, no further details have been provided. As a number of details regarding the pedestrian route, civic area and access areas to the proposed dwellings are unclear, we do require that the scheme is amended to address these issues, in order for us to provide a positive

recommendation. As a minimum, the following elements of the street design to be mitigated are:

- An uncontrolled pedestrian crossing facility across the civic area will be required, to allow residents and their visitors to safely pass between the proposed pedestrian route which runs parallel with the access road and the new dwellings further to the south;
- To mitigate issues with the configuration of the proposed shared access area on the eastern side of the development (discussed further below), the pedestrian route currently shown on the western side of the new dwellings should be designed and secured as a traffic free route for pedestrian use only (this will include the requirement to relocate the western of the two cycle stores away from this area – discussed further below). This should help provide an attractive, safe pedestrian environment and act as an alternative to the shared area on the eastern side of the new homes, which will also cater for delivery and servicing activities;
- Disabled access, including to the four wheelchair accessible dwellings, is required to be available from the north (as proposed for two of the units) and the west. Ideally, the two units currently shown as being accessed from the east should be switched so that they are accessed instead from the west. Level access with wider doors should also be provided from the west for other disabled users including visitors, as whilst this route is more convoluted it will be safer via the western entrances, lobbies and where onward access on the eastern shared use side is required protection should be provided with bollards;
- Swept path analysis has been provided which shows large vehicles, including a fire tender and refuse vehicle (the specification of which has still not been confirmed) using the access junction, passing south along the eastern side of the proposed car park area, through the 'civic area' and then along the eastern side of the proposed dwellings, with a turning area provided toward the southern end of the scheme. The swept path analysis indicates that some movements will be very tight for large vehicles and the layout needs to be amended at the northern end in respect of the building line. Further south, the refuse store needs to be re-positioned and the hammerhead extended;
- The pedestrian areas closest to the building on the eastern side of the development should be protected with bollards to ensure pedestrian safety when large vehicles are servicing the site in this area.

Servicing:

The movement of servicing and delivery vehicles are discussed above in respect of the swept path analysis and a condition is required to manage how these activities are undertaken. Additionally, the condition will also include the requirement for setting out controls on how access to the shared area on the eastern side of the development will be managed to restrict this to only those vehicles associated with deliveries and servicing.

Whilst proposals that would omit a physically separated footway altogether can be considered, supporting information should be provided demonstrating that other equality compliant arrangements have been considered and if relevant, why these are not feasible. Additionally, if a shared surface scheme is proposed, proposals will need to be justified through an Equality Impact Assessment (EqIA) and to have been shaped through Participative Inclusive Design (PID). Any designs should take account of how access into this area will be prevented for other vehicles and cyclists and how

indiscriminate parking can be prevented. Either way, designs are encouraged that promote and support pedestrian priority and social activity within all parts of the route. This information is required via amendments or would need to be secured through a condition notwithstanding the plans submitted.

Parking:

Cycle Parking:

The applicant is proposing a total of 66 cycle parking spaces; 52 of which are to be provided as long-stay spaces with 14 as short-stay visitor spaces, which accords with the council's Parking Standards SPD14 and is welcomed.

However, the design of the cycle parking remains unclear and the form of the cycle parking for which BHCC require a minimum of 50% of the residential spaces to be provided as Sheffield stands and 5% of them being able to accommodate larger cycles has not been confirmed, nor have the dimensions and layout of the facilities. We believe that policy compliant cycle parking can be provided but we do require revised plans to demonstrate this or if they are not provided at this stage, this would need to be secured through a condition notwithstanding the plans submitted.

As noted above, we will also request through the condition that the western cycle parking store is relocated to the eastern side of the dwellings, to ensure that the pedestrian route on the western side is retained only for those travelling on foot.

Disabled/Blue-badge Holder Parking:

The applicant is proposing a total of 4 disabled parking spaces for the new homes, on the basis that 4 of the dwellings will be wheelchair accessible units but not necessarily occupied by wheelchair users. They contend that not all of the disabled provision is likely to be used and therefore they do not propose to deliver the further provision for visitors that is required to comply with the council's Parking Standards SPD14. For the reasoning provided and given that 2 further disabled spaces will be retained for the Town Hall use that may be able to be used by residents when the Town Hall is not open, the proposed provision is considered acceptable in this instance. It is recommended that the proposed residential disabled parking spaces are allocated to the wheelchair accessible units, to ensure their availability and also minimise travel distances between the spaces and the dwellings in respect of BS8300-1. This will be secured by condition.

Electric Vehicle Charging Points (EVCP):

The applicant has continued to propose a total of 7 electric vehicle charging spaces. This is based on application of the council's Parking Standards SPD14 to the proposed general car parking provision (33 spaces) but excluding disabled provision (6 further spaces). The standard should be applied to the overall total of 39 spaces, therefore requiring 8 electric vehicle charging spaces to be provided. This can be demonstrated through updated plans or by condition.

General Car and Motorcycle Parking:

Within the updated TS2 document, the applicant has presented new survey information which is welcomed. The survey data demonstrates that the existing east and west town hall car parking was observed to have a maximum demand of 12 spaces. 7 spaces are proposed to be retained for Portslade Town Hall (including 2 accessible spaces). For

the demolished housing office car park which comprises 20 spaces, the maximum observed car parking demand was 10 spaces, meaning that 10 remained available. It is therefore anticipated that any surplus demand associated with the Town Hall could be accommodated within the former housing office car park or on-street. The parking arrangements for the retained Town Hall facility on the adjacent site are therefore accepted. The 7 spaces for the Town Hall should be allocated for this purpose, during normal working hours (including evenings) and this will be secured by condition.

The car parking provision proposed for the new homes has been updated according to the 'outer area' criteria in TS2, which is welcomed, and justification for the proposed provision has been set out. As such, 26 spaces are proposed for the 42 residential apartments, including 4 disabled spaces. This level of provision sits within the acceptable level set out by SPD14 of up to 63 spaces, whereby up to 42 would be provided for residents with 21 for visitors.

The applicant has analysed census car ownership data for all tenures, for South Portslade ward (where the site is located) and neighbouring wards of Eastbrook and Wish. Average car ownership demand in South Portslade has been identified as 21 vehicles for the proposed scheme, rising to 24 in both neighbouring wards, which reflects the sites more direct access to public transport. When looking at car ownership by tenure (noting that the proposed scheme comprises 100% affordable dwellings), the forecast demand is 17 vehicles in South Portslade. It is noted that census data does not take into account visitor demand and therefore this would still need to be accounted for. A remaining capacity of 9 spaces (26 – 17) for visitors is in this instance, considered acceptable for the proposals, noting that the site is not located in a CPZ area and that there is some available on-street provision in the vicinity which could supplement this. The proposed level of provision of 26 spaces is therefore accepted, will not result in undue parking stress in the area and can be secured by condition.

In respect of motorcycle parking, the applicant has updated their proposal according to the 'outer area' criteria which is welcomed. As such, 4 motorcycle parking spaces are now proposed, which accords with the minimum requirements of SPD14. This can be satisfactorily secured by amended plans or condition.

Deliveries and Servicing:

Delivery and servicing movements have already been discussed above. The management of delivery and servicing activities are discussed further within the operational impact section of this response.

Traffic Forecasts:

Proposed development trip generation and modal distribution:

Based on our own assessment, the revised rates are higher than those presented in TS2, however, we do share the view that the trip impact associated with the proposals is not expected to be material and we have no objection to raise on this matter. We have applied the 24hr BHCC revised net daily average trip rates to calculate the S106 requirement for the sustainable transport contribution in accordance with the council's Guidance on Developer Contributions as follows:

12hr daily trips = 347 trips

24 hr total daily person trips = 417 (uplift factor of 1.2 derived from local ATC survey data)

417 (increase in trips) * £200 (contribution value) * 0.75 (reduction factor) = £62,550

This is in order to provide for sustainable and safe access to the site and cater for the increase in trips in accordance with Brighton & Hove City Plan Part One policy CP7.

This shall go towards:

- Improvements to the bus stop on the northern side of Victoria Road, which may include provision of a shelter, real time information, upgrading the cage and accessible kerbs; and/or
- Pedestrian access improvements between the site and Portslade shops / town centre;

Operational Impact:

Deliveries and Servicing:

Some limited further information has been provided in respect of forecast delivery and servicing activities. Whilst we do not accept the approach taken by the applicant to forecast potential demand and note that a capacity analysis regarding these movements has still not been provided, we have undertaken our own assessment and confirm that we do not expect a material impact arising associated with delivery and servicing trip activities. We do not therefore wish to raise an objection on the grounds of the volume of potential delivery and servicing trips for this development.

We do not accept that any such activities would take place from Victoria Road given the relative distance from the highway to the proposed dwellings. Accordingly, it is anticipated that such activities will generally occur from the car parking area, 'civic area' or shared area on the eastern side of the dwellings themselves. A delivery and servicing plan will be required by condition to manage these activities and access to the eastern area of the site shall need to be restricted accordingly, for only delivery and servicing activities.

Equality:

The Equality Act 2010 places a range of duties on the Council. Amongst others these require decision makers to be aware of the potential impacts of its decisions, at the point when they take them, on people with characteristics that are protected by the Act. The areas that need to be addressed are: the provision of cycle parking for adaptable bikes, the quantum of disabled parking spaces, and design and disabled access to dwellings.

Conditions/S106:

The conditions and S106 highlighted in sections above are recommended if approval is to be recommended. In addition, amended plans should be sought as recommended. S106/conditions also recommended to secure details of site access works (via s278), a Construction Environmental Management Plan (CEMP) and a Travel Plan. Travel Plan to include travel packs and the following:

- The provision of up to date public transport information within the building and to users of the building
- Providing information packs to each resident including information on local options for sustainable transport, the other measures and offers above, and road safety.

- Providing residents with 1 or more years of free or heavily subsidised tickets/memberships for each of the following local public and shared transport services
- Providing formal cyclist training to residents on request, to be marketed throughout the development.
- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
- Providing residents a voucher of \geq £150 to go towards the cost of purchasing a bicycle.
- Establishing a Bicycle User Group for residents.
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following road safety, local sustainable travel options, Bicycle User Group, initiatives being promoted by residents, 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.

Sustainable Urban Drainage: No response.

Sustainability: (Support:)

This is an exemplary development which shows how a small scale social housing site can meet and exceed the requirements of planning policy CP8. Proposals for the building fabric, renewable energy and particularly the care given to developing the heating strategy help to show the way for new home builds in Brighton & Hove.

The results of the Ricardo Energy study and the preferred energy (GSHP) and superstructure (Sigmat) options for the Victoria Road Housing Scheme are noted and welcomed. The report also references the other sustainability measures which would be implemented in relation to the scheme i.e. PV's and living walls.

This development has an exemplary energy strategy which supports the City's objectives for low carbon buildings which are affordable in operation for residents. In particular, the comprehensive assessment of low carbon heating options including air source and ground source heat pumps, demonstrates the potential to introduce these technologies at a reasonable cost.

The development amply meets and exceeds the requirements of CP8 and emerging policy DM44 and therefore approval is recommended.

Urban Designer: (Comment)

Summary:

The proposals present a very well-considered and successful residential community with exemplary external amenity facilities and a sustainable approach to transport and neighbourhood integration. Generally, comments from the Design Review Panel have been addressed successfully. However, the proposals could be enhanced by making improvements to the architectural form and appearance, as well as reconsideration of the proposed balcony typology.

Main Comment:

The Design Panel commented that too much site area is given to vehicular traffic (carriageway and parking), and it is considered that the panel's initial concerns in this respect have been addressed, with parking now contained to the front of the site and no paved primary road extending beyond the parking area. This has allowed areas previously shown as hardstanding to be reclaimed as landscaped, planted amenity. The proposed site and external works plans indicate refuse and emergency vehicular access only to the full length of the east site boundary over shared surface areas, which is a major improvement with regard to dominance of vehicular traffic on the site.

The Panel commented that more meaningful / better defined external amenity space was required, and that consideration should be given to either amalgamating the two blocks or separating them further around a central amenity space. It is therefore considered that the repositioning of the two proposed blocks away from the western site boundary and in alignment with the existing Portslade Town Hall presents a greatly improved amenity space with enhanced outlook for residents, which now connects more positively to and presents a more sympathetic relationship with the adjacent cemetery. The panel had suggested that concentrating built form to the north and south of the site could achieve a central amenity space akin to the Almshouse Courtyard typology. However, this would be difficult to achieve on the long, narrow site and the positioning of built form as shown presents a strong and legible boundary between two distinct amenity areas to the east and west of the site. The design team could go further to reduce the area of gravel pathways in the western garden in order to increase planting and food growth potential.

The Panel commented that the block layout, architectural form and unit mix could be simplified to create a more unified and less complex building proposal. It is considered that the revised proposals have been significantly simplified following the design review, particularly in reference to the south building. As such, the panel's concerns have been addressed.

The Panel commented that a neighbourhood integration strategy is lacking and that the proposals should be considered in line with proposed improvements to the Victoria Recreation Ground, and access could be considered from the site into the adjacent cemetery. Access has since been proposed into the adjacent cemetery, offering an improved connection to public space from the site. Any improved connection north to the Victoria Recreation Ground is outside of the site boundary and thus should be considered as additional infrastructural improvements addressed via Section 106 agreements. The proposed improvements to public realm adjacent to Portslade Town Hall present a greatly improved connection from the site into the wider neighbourhood.

The Panel commented regarding appearance, stating that the west elevation should be "calm, dignified and well ordered" to respect the cemetery setting, and that the proposed projecting brick detail is positive. In this regard it is considered that projecting balconies as proposed present a reduced sense of security and sense of ownership as compared with inset or semi-inset balconies. The design team is encouraged to consider ways to provide a more enclosed balcony typology. It is considered that the step up in height in the north building could be replicated in the south building to present a continuation of the gently increasing height gradient. If not an extra storey to the south block, this could be achieved by introducing an exaggerated parapet,

distinguishing the southern element of the south block, breaking up the architectural form and thus reducing the perceived overall mass of the proposals.

The proposed material palette is pleasing and presents a contemporary yet soft and natural tone with textural quality and high interest. To enhance this palette, the design team could consider the addition of a softer accent material; for example, a natural or charred timber. The inclusion of living wall elements is particularly well received. Also, the use of flint detailing to demarcate entrances is very successful.

However, the distinction of the ground floor as a plinth element in darker brick is considered to be less successful and moves the proposals more towards a commercial aesthetic than domestic. The northern element of the north building being 3 storeys in height presents an opportunity to reference the 2-storey + roof ratio of the adjacent Portslade Town Hall and Victoria Road housing. To achieve this, the design team could consider a material distinction between first and second floors rather than ground and first, with a darker and lighter-weight material to the upper storey (roof). It is considered that the verticality gained by the introduction of living walls and articulation in architectural form is successful and could reference a townhouse typology in aesthetic when combined with the 2/3-storey + roof ratio, especially in the north building. However, this is in conflict with the horizontal ground floor plinth. The south building being 5 storeys in height is perhaps too tall to reference a townhouse typology in the same way, though the introduction of a ground floor plinth here would enable a 3-storey + roof material ratio above.

The proposed elevational composition and fenestration presents as somewhat contrived and rigid and could be livelier and more playful in appearance. Whilst the stacking of internal layouts is noted as a sensible and cost-effective solution, perhaps the design of fenestration could be altered between units and in conjunction with the composition of materials.

Aligned with comments above with regard to projecting balconies and elevational composition, it is considered that these balconies present a somewhat cluttered appearance and do not provide relief to the principle architectural form in the same way that inset or semi-inset balconies do by casting shadow and creating depth. As a result, they exacerbate the hard and regimented general aesthetic of the proposals.

MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)

Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP1 Housing delivery
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP13 Public Streets and Spaces
 Cp14 Housing density
 CP16 Open space
 CP17 Sports provision
 CP18 Healthy city
 CP20 Affordable Housing

Brighton & Hove Local Plan (retained policies March 2016):

SU3 Water resources and their quality
 SU5 Surface water and foul sewage disposal infrastructure
 SU9 Pollution and nuisance control
 SU10 Noise nuisance
 SU11 Polluted land and buildings
 TR4 Travel plans
 TR7 Safe Development
 TR14 Cycle access and parking
 TR18 Parking for people with a mobility related disability
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD5 Design - street frontages
 QD15 Landscape design
 QD16 Trees and hedgerows
 QD18 Species protection
 QD25 External lighting
 QD26 Floodlighting
 QD27 Protection of amenity
 HO20 Retention of community facilities
 HE10 Buildings of Local Interest

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD06 Trees & Development Sites
 SPD11 Nature Conservation & Development

CONSIDERATIONS

The main considerations in the determination of this application relate to:

- The principle of development (and loss of existing bowling green and housing office),
- Proposed housing mix (including percentage of affordable housing), size and accessibility
- The density, design, mass and height of the scheme particularly in the context of the adjacent locally listed building (Portslade Town Hall),
- The amenity of existing and prospective residents
- Sustainable transport, parking and highway safety
- Sustainability

Also of consideration are environmental health matters, biodiversity, arboriculture, drainage/flood risk, site waste management and archaeology.

The principle of housing development

There is no objection to the principle of redevelopment of this site for housing.

The site is allocated for residential development in the Proposed Submission City Plan Part Two through Policy H1 with an indicative minimum requirement of 37 dwellings, and will make a welcome contribution towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The principle of residential development on the site has therefore been accepted. City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. The proposed scheme comprises 100% affordable Council rent accommodation – this is strongly welcomed and no concerns are raised with regard to CP20.

In this particular case there is no objection to the loss of either the existing offices or the bowling facilities/open space on the site. The offices are vacant and their function already replaced within the Town Hall. There is no objection to loss of offices which were deemed to be in A2 use (unlike B1 offices which are safeguarded by policy CP3). The area occupied by the former bowling greens are defined as open space. City Plan Policy CP16 & CP17 state that Planning permission resulting in the loss of such open space and sports facilities will only be granted where certain criteria are met. In this instance, the site is allocated for housing in the Proposed Submission City Plan Part Two, the built form does not occupy the entire site and elements of open space have been retained. In addition the sports facilities will be replaced within modern improved facilities recently granted permission in the park opposite, in compliance with policy (and will be secured by condition). Portslade Town Hall will be able to continue to function in conjunction with the proposals.

The council's Planning Policy Team therefore raise no objection to the principle of developing the site for housing.

In addition to the above, weight is given to the fact the council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is

currently unable to demonstrate a five year housing land supply, increased weight is therefore given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Proposed housing mix (including percentage of affordable housing), size and accessibility

Both the council's Planning Policy and Housing Strategy Team raise no objection with regard to the proposed mix and type of proposed housing. City Plan Policy CP20 sets out that the council will seek 40% onsite affordable housing provision on sites of 15 or more (net) dwellings, and as this proposal comprises 100% affordable Council rented accommodation – this is strongly welcomed and no concerns are raised with regard to CP20. Only 40% may however be secured via S106, in compliance with the policy.

The proposed housing mix [1 bedroom units: 14 (33%), 2 bedroom units: 18 (43%), 3 bedroom units: 10 (24%)] is considered to be an appropriate housing mix in this location which responds to the city's demographic needs as set out in the supporting text to Policy CP19. Incorporation of 4 wheelchair accessible units is welcomed, and accords with policy HO13. The layout of the scheme including pedestrian walkways and access for the disabled as recommended by the Transport Team will be secured by condition.

The density, design, mass and height of the scheme and impact to locally listed buildings

City Plan policies CP12 and CP13 seek good quality design and developments which are sympathetic to their surroundings. Policy CP15 seeks to protect heritage assets. Local Plan policy HE10 seeks to protect the setting of locally listed heritage assets, such as Portslade Town Hall.

The character and appearance of the locality is very mixed and it is considered that the proposal would relate sympathetically to its surroundings. The proposal has been reviewed by both the Design Panel and the council's Urban Designer and is considered to be acceptable in terms of design, layout, mass and height. The scheme has evolved positively since the pre-application stage and has largely addressed the Panel's recommendations, as can be seen by the Urban Designer's comments. The Urban Designer states that the scheme is a very well-considered and successful residential community with exemplary external amenity facilities and a sustainable approach to transport and neighbourhood integration. It is considered, therefore, that the proposal is acceptable and accords with relevant design policies. Some further changes have been suggested to the applicant by the Urban Designer to enhance the scheme, and the applicant has committed to looking into some of these (namely the incorporation of a canopy over top balconies and revised brickwork for plinth and elevations), and this is welcomed. Whilst not all their suggested changes have been taken on board, these proposals will nevertheless enhance the scheme and it is considered that more significant changes cannot be insisted upon. Amended plans have been requested and these will be reported on the Late Representations List (or will be secured by condition).

The site density is approximately 87 dwellings per hectare which is in excess of the minimum requirement (50dph) of City Plan Policy CP14 and represents an efficient use of the site. Sufficient open space would be retained within the site.

Given the supportive comments of the Heritage Team, no concerns are raised with regard the impact of the proposal on the setting of Portslade Town Hall. the

Residential amenity

Local Plan policies SU10, QD25, QD26 and QD27 seek to protect the amenity of existing and future residents. Policy QD27 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The impact on the occupiers of adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified, given the distance away and the relatively limited height of the proposal. The repositioning of the two proposed blocks away from the western site boundary and in alignment with the existing Portslade Town Hall since pre-application stage presents an improved amenity space with enhanced outlook for both existing and proposed residents, which now connects more positively to and presents a more sympathetic relationship with the adjacent cemetery. Retention of a cemetery access gate will be conditioned so residents can make use of this amenity.

All the proposed flats will meet Nationally Described Space Standards, which ensure a satisfactory level of amenity for residents, and is welcomed in accordance with emerging policy.

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. All proposed homes have the benefit of either a private walled patio space, or private balcony, and communal amenity space is proposed, therefore no concerns are raised with regard to this policy.

The development will generate a requirement for open space and sports provision for the new residents. In this case this it is considered appropriate to seek this off-site and a financial contribution is sought via S106 towards provision of formal and informal open space and sports provision, to include provision towards facilities in Victoria Recreation Ground opposite the site.

With regard to potential land contamination, noise or light pollution, the Environmental Health team confirm they raise no objection subject to imposition of appropriate conditions. The site is close to an Air Quality Management Area (Trafalgar/Wellington Roads) and in this regard the limited on-site parking and encouragement of sustainable modes via a Travel Plan is welcomed. The proposed use of ground source heat pumps for heating and hot water is welcomed and will help lower overall emissions from the site.

On the basis of the above, the impact on the amenity of existing and proposed residents is considered acceptable, and complies with relevant planning policies.

Sustainable transport, parking and highway safety

City Plan policy CP9 seeks to ensure developments met the demand for travel they create and promote the use of sustainable modes of transport. Local Plan policy TR7 seeks to ensure highway safety and TR18 seeks appropriate disabled parking provision and TR14 seeks cycle parking provision.

In response to initial comments received from the Transport Team, the applicant submitted a revised Transport Assessment, a Stage 1 Road Safety Audit (RSA), parking surveys, further census analysis and further supporting information. Subsequent Transport comments received raise no objection in principle to the development however some internal site layout changes are recommended and the imposition of appropriate conditions.

With regards to highway safety, the RSA Stage 1 highlighted only one issue (the need for a segregated footway further into the site and need for tactile paving either side of the main access), and this can be satisfactorily addressed at detailed design stage and RSA Stages 2 and 3. The final design of access works and footway layout in and out of the site will be secured by S106 and condition and will ensure highway safety and disabled access are not unduly compromised. The site area and general layout have the capacity to accommodate some alteration as sought by the Transport Team, and revised drawings of the internal roads and footways have been requested and shall be reported on the Late Representations List (or can be secured by condition).

The proposed development is relatively modest being 42 units and is on a previously developed site housing an office building and sports facility. The Revised Transport Assessment (TA) demonstrates that any increases in traffic over and above the previous uses will be very limited and not significant.

The TA and associated parking surveys are considered to provide sufficient justification to demonstrate that the provision of 33 on-site car parking spaces and 4 motorcycle spaces will adequately meet the anticipated demand. The information submitted is considered to show the existing Town Hall car park is under-used, and the proposal will not unduly compromise continued use of the Town Hall for visitors. Conditions can ensure submission of a Car Park Management Plan and ensure the respective car parking spaces are appropriately demarcated for each type of user. It is considered that appropriate disabled parking (4 residential, 2 for Town hall) would be provided to meet identified demand. Seven electric charging points are proposed, which are welcomed, however a condition is recommended to ensure 8 are provided to meet policy requirements.

In addition, the site is well located to take advantage of buses and trains and other local amenities. An appropriate Sustainable Transport contribution will be secured via S106 in line with the council's adopted Technical Guidance to enhance existing bus and pedestrian facilities. The use of sustainable modes will also be promoted via a Travel Plan secured by S106. There is sufficient space within the site to ensure satisfactory cycle parking (66 spaces) can be provided, and this will be conditioned.

Servicing and deliveries can occur within the site and there is space for vehicles, including refuse vehicles, to turn. This could however be improved as suggested by the

Transport Team, as some areas are quite tight to buildings, therefore amended layout plans have been sought (or can be secured by condition). In addition, further details regarding servicing can be controlled via a Servicing and Delivery Management Plan condition.

On the basis of the above and the information submitted therefore, it is considered that the proposal would comply with relevant transport planning policies.

Sustainability/Biodiversity/Arboriculture

Policy CP8 seeks to ensure that all new developments incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change. For residential schemes the policy seeks to ensure that developments achieve a 19% carbon reduction improvement against Part L of Building Regulations and a maximum daily water usage of 110 litres per dwelling.

The applicant has submitted an Energy & Sustainability Statement and a Heating Options Assessment which explore various technologies and options and commits to the provision of a significant package of sustainable measures. The Sustainability Officer welcomes the proposed sustainable measures and considers the development to be an exemplar which meets or exceeds policy. These measures shall be conditioned to ensure they are delivered, and include:

- use of passive design measures
- provision of thermal efficient fabric exceeding requirements of Part L of Building Regulations
- all heating and hot water to be generated by a ground source heat pump
- use of photovoltaic panels
- use of sustainable drainage
- incorporation of green living walls
- use of rainwater harvesting
- provision of recycling and waste management facilities
- incorporation of a construction site waste management plan
- use of sustainable materials
- provision of cycle storage
- provision of raised beds for opportunities for food growing
- incorporation of fruit trees
- use of electric vehicle charging points

In addition, conditions will be imposed to secure the 19% carbon reduction and 110 litre water usage.

The proposal is therefore considered to comply with policy CP8.

Detailed ecological reports have been submitted with the application. As recommended by the County Ecologist, a number of conditions are recommended to ensure enhancement of biodiversity within the site, including incorporation of bat, bee and bird bricks/boxes. Green amenity areas are also proposed and a landscaping condition can

ensure wildlife friendly species are installed. This would ensure the proposal complies with policy CP10, which seeks to protect and enhance biodiversity.

The application contains an arboricultural report. No trees within the site are covered by a Tree Preservation Order. The majority are Category 'C' trees. Most of the trees will be retained within the site (13 of 15), which is welcomed, and those to be removed are one unsafe/poor condition tree and one low amenity value category C tree. All other trees would remain (11 Cat C and 2 Cat B). The Arboriculturalist considers the submitted information to be reasonable and raises no objection to the proposals provided appropriate tree protection conditions are imposed. The proposal would therefore accord with relevant policies in this regard.

On this basis the proposal is considered to be acceptable with regard to sustainability.

Other matters:

With regard to archaeology, drainage and crime prevention issues and other matters, the comments made by relevant expert consultees are noted and it is considered that appropriate conditions can be imposed to ensure any potential impacts are effectively mitigated against. The proposals would as a result comply with relevant planning policies.

Conclusion:

Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out of date planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the harm.

As noted above, the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 must be applied.

The creation of additional residential units, all of which meet the Nationally Described Standards with an acceptable housing mix weighs in favour of the scheme. The scheme is considered an acceptable design and is unlikely to have a detrimental impact on neighbouring amenity.

Subject to compliance with the conditions and s106, the scheme is not considered to have a detrimental impact on transport, biodiversity and sustainability. For these reasons the application is recommended for approval.

EQUALITIES

The proposal includes 4 wheelchair accessible homes. All flats above ground level are served by a lift. Accessible parking spaces are proposed. All accessible measures will be satisfactorily secured by condition.

Reasons for Refusal if Section 106 not completed:

In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

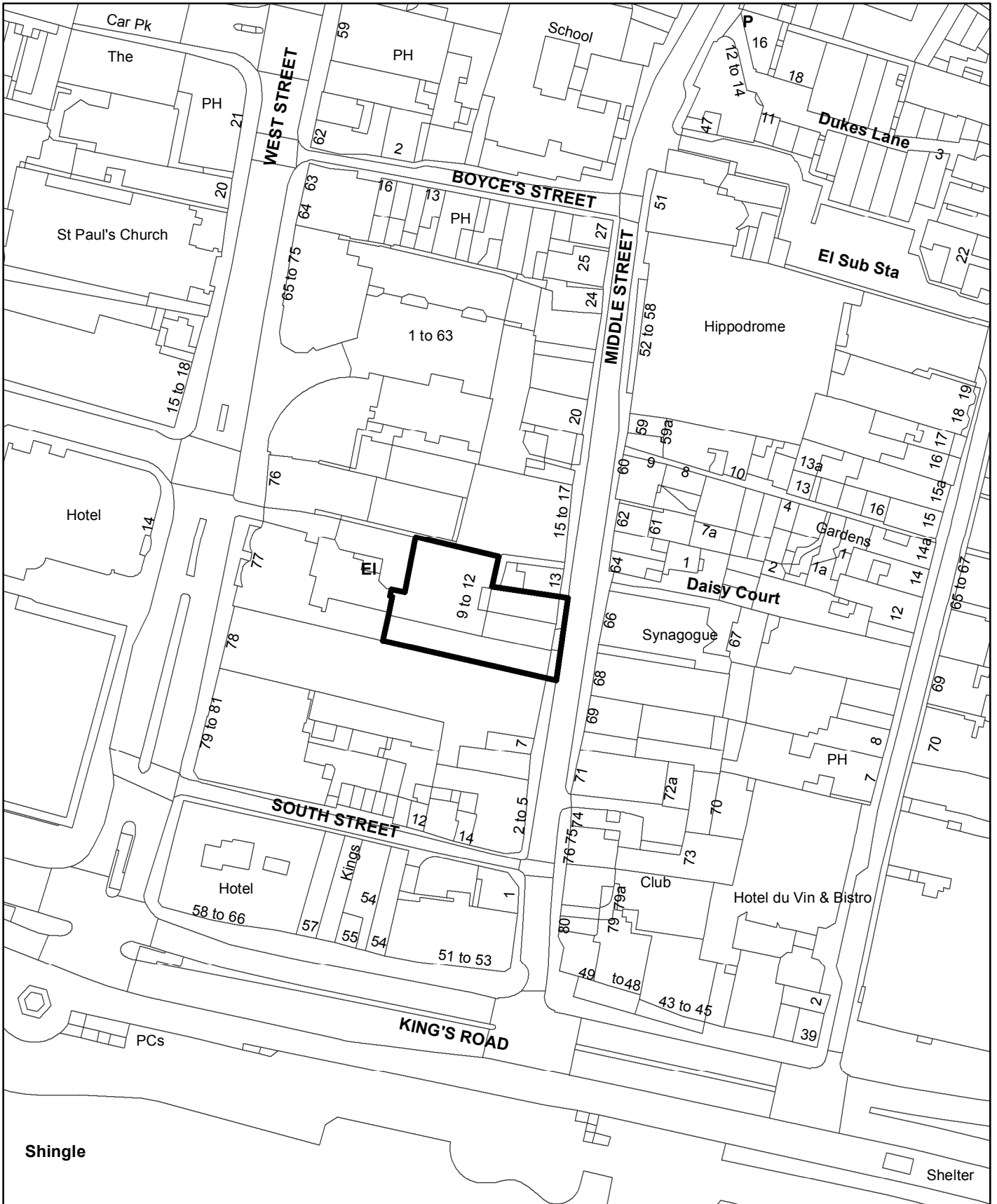
1. The proposal fails to provide 40% affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards off site sports provision contrary to policies CP16 and CP17 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a financial contribution towards enhancement of sustainable transport measures or promote use of sustainable modes of transport via a Travel Plan and fails to provide and implement details of a safe site access, contrary to policy TR7 of the Brighton and Hove Local Plan and policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

ITEM B

**9-12 Middle Street
BH2019/03590
Full Planning**

DATE OF COMMITTEE: 1st April 2020

BH2019 03590 - 9-12 Middle Street



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---------------------|
| <u>No:</u> | BH2019/03590 | <u>Ward:</u> | Regency Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 9 - 12 Middle Street Brighton BN1 1AL | | |
| <u>Proposal:</u> | Demolition of existing building and construction of a part three storey (to rear), part six storey, plus basement with associated roof top plant mixed use replacement building incorporating B1, A3 (Café) and A3/A4 (Restaurant/Bar) uses with associated hard and soft landscaping, ancillary cycle parking and other associated works. | | |
| <u>Officer:</u> | Luke Austin, tel: 294495 | <u>Valid Date:</u> | 09.12.2019 |
| <u>Con Area:</u> | Old Town | <u>Expiry Date:</u> | 09.03.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Morgan Carn Partnership Brighton BN1 6FA | Blakers House | 79 Stanford Avenue |
| <u>Applicant:</u> | Kruton (No2) Limited 9-12 Middle Street Brighton BN1 1AL | | |

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **12 August 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- A contribution of £10,600 to the Council's Local Employment and Training Strategy.
- A Sustainable Transport contribution of £23,900 to be put towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- A Travel Plan to promote sustainable transport use by future occupiers/users of the site including:
 - A travel Pack to each new employee;
 - Interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase;
 - Provision and maintenance of cycle tools and maintenance stands for future employees
 - Establishing a Bicycle User Group for employees including doctor bike sessions; and

- Providing and maintaining a notice board in the development containing information on road safety, local sustainable travel options, Travel Plan objectives, targets, measures and progress.
- A Section 278 Agreement to reinstate the redundant vehicle crossover, reinstate the double yellow lines, increase the size of the loading bay to the north of the site and install two disabled parking bays adjacent to the site on Middle Street.

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|------------------|------------------|----------------|----------------------|
| Proposed Drawing | 194899/A/01 | A | 5 March 2020 |
| Proposed Drawing | 1816-P-123 | A | 21 January 2020 |
| Proposed Drawing | 1816-P-124 | a | 21 January 2020 |
| Location Plan | 1816-P-101 | A | 3 December 2019 |
| Block Plan | 1816-P-107 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-108 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-109 | C | 5 March 2020 |
| Proposed Drawing | 1816-P-110 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-111 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-112 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-113 | B | 21 January 2020 |
| Proposed Drawing | 1816-P-114 | B | 21 January 2020 |
| Proposed Drawing | 1816-P-115 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-116 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-117 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-118 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-119 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-120 | B | 21 January 2020 |
| Proposed Drawing | 1816-P-121 | A | 3 December 2019 |
| Proposed Drawing | 1816-P-122 | A | 3 December 2019 |

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

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

3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan 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.

4. No demolition shall take place until an asbestos survey (and associated remediation strategy if required) has been submitted to the Local Planning Authority for approval. If asbestos is found, no demolition shall take place the agreed remediation measures have been implemented.
Reason: To prevent land contamination and ensure there is no risk to public health or water supplies, to comply with policies SU9, SU11 and QD27 of the Brighton and Hove Local Plan.
5. If during construction, 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 the Local Planning Authority for approval in writing. 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 and to comply with policy SU11 of the Brighton & Hove Local Plan.
6. Restrict use of premises (B1 office) (for purposes of safeguarding B1 office supply) The premises hereby permitted, marked as OFFICE on the ground, first, second, third and fourth floors on the approved plans, shall be used as an office (Use Class B1(a)) 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.
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 policy CP3 of Brighton & Hove City Plan Part One.
7. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there shall be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
8. No development above ground floor slab level shall be commenced until samples of the following materials to be used in the construction of the external

surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples 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 QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

11. No development (excluding demolition) shall take place until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
12. No development (excluding demolition) shall take place until details of the construction of the biodiverse green roofs of the area as shown on the submitted plans, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, details of at least one insect boxes/'hotels' in each area of green roof and a maintenance and irrigation programme. The green roofs shall be chalk grassland and use a species that are locally native and of local provenance. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained and maintained as agreed thereafter.
Reason: To ensure that the development contributes to sustainability and ecological enhancement on the site and in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.
- 13.
- i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
 - ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with 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.
14. Unless otherwise agreed in writing, the development hereby permitted shall not be first occupied until details, including specification, scale and appearance of the proposed photovoltaic array at roof level plans has been submitted to and approved in writing by the Local Planning Authority. The agreed array shall be implemented before first occupation.
Reason: To ensure the development is sustainable and reduces carbon emissions and has an acceptable appearance, to comply with policies CP8 and CP12 of the Brighton and Hove City Plan Part One.

15. Within 3 months of first occupation of the non-residential floorspace hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential floorspace built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for approval.
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.
16. No development hereby permitted shall take place until detailed plans and evidence have been submitted to and approved by the local planning authority to demonstrate how the building will be able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:
- a) Energy centre size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
 - b) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network, demonstration of where connections will be made into the blocks, space on site for the pipework connecting the point at which primary piping comes onsite 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 the development.
- The approved future-proofing measures shall be implemented before first occupation of the buildings within which they are located/ connected to and shall be retained.
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.
17. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Preliminary Drainage and Flood Strategy 15648/01/FRA submitted with the application has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in perpetuity accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
18. No development above basement slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in

consultation with 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.

19. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

20. Prior to first occupation of the development hereby approved a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers and waste/refuse management.
Reason: To safeguard the amenities of occupiers of the adjoining properties, to ensure parking provisions are effectively managed and to comply with SU10 and QD27 of the Brighton and Hove Local Plan, Policy CP9 of the Brighton and Hove City Plan Part One and SPD14.

21. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

22. The development hereby permitted shall not be first occupied until the showers and associated changing/locker areas in the ground level have been provided and fitted out ready for use.
Reason: To promote the use of sustainable modes of transport to comply with policy CP9 of the Brighton and Hove City Plan Part One.

23. No customers of the A3/A4 uses hereby approved within the development shall remain on the premises outside the hours of 10:00am to 02:30am on Mondays to Fridays, 10:00am to 03:30am on Saturdays and 10:00am to 01:30am Sundays and Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and occupiers of the development and nearby residential properties, to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

24. No development shall commence until the specification of any mechanical extraction/kitchen exhaust required for the A3/A4 use is submitted to and approved by the Local Planning Authority. Such details to include full specifications of all filtration, deodorising systems, noise output and termination points. Reference shall be had to 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA including 'Minimum requirements for Discharge Stacks' and 'Odour Arrestment Plant Performance.' The measures shall be implemented in strict accordance with the approved details prior to the 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.

25. Alternative ventilation that does not compromise the facade insulation or increase internal noise levels shall be installed as per the approved details contained within the Ventilation Strategy, dated 28th November 2019 and produced by Freeman Beesley Building Services Engineers. The alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

Reason: To protect the amenity of future residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

26. The development hereby permitted shall not be first occupied until:
- i. details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation 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 i) 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).

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 comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within

a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

28. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with 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.

29. 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

30. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of demolition and construction including all associated vehicular movements
- (vi) Details of the demolition and construction compound
- (vii) A plan showing demolition and construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
4. 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
5. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a four storey building located to the west of Middle Street, within the Old Town Conservation Area. The existing development on the site appears to date from the 1930s, however the development to the rear is relatively basic and may be the result of later alteration and extension. The stone façade appears 3 storey within the street scene as the top floors are set well back. The site has under croft vehicular access to a large vacant yard/carpark to the rear of the site. The building is set

opposite the Grade II* Listed Synagogue and in close proximity to a number of other listed buildings within the street.

- 2.2. The building is mostly vacant other than a karaoke bar at ground floor level however the remainder of the site was last used as offices within the upper floors and a bar/club at ground/basement level.
- 2.3. The site has a previous permission for an additional storey to provide further office space which was approved in 2011 however this proposal was not implemented.
- 2.4. Permission is sought for demolition of the existing building and the erection of a six storey replacement building comprising 2500sqm of B1 office floorspace and 430sqm of commercial uses at ground/basement floors including A3/A4 uses.
- 2.5. The application follows a pre-application submission and has been amended in accordance with the advice given including reductions in the quantum of development proposed.
- 2.6. The site adjoins a substantial building (78 West Street and 7-8 Middle Street) which was granted permission in March 2017 (ref. BH2015/04577) for demolition and construction of a mixed used development comprising a hotel and several commercial uses.

3. RELEVANT HISTORY

- 3.1. **BH2010/03558** - Erection of additional level at 4th floor and associated works. Approved 11.01.2011.
- 3.2. **BH2010/02589** - Proposed four storey office development within existing car park incorporating open plan parking area on ground floor level. Refused 21.10.2010.
- 3.3. **BH2010/02542** - Erection of additional level at 4th floor and associated works. Refused 21.10.2010.
- 3.4. **BH2009/00820** - Change of use from A1 retail to Sui Generis private karaoke based entertainment venue. Interior alterations including restoring of historic features. Approved 25.09.2009.
- 3.5. **BH2006/00176** - Change of use from Retail (class A1) to Restaurant/Public House (class A3/A4). Refused 03.04.2006
- 3.6. **96/1219/FP** - Partial changes of use including the first floor left to a cinema; ground floor to a retail unit and a public meeting room in the basement. Approved 11.09.2001.

- 3.7. **95/1076/FP** - Alterations, including new shopfronts and gates, to change the use of basement and part ground floor from offices to cafe/bar. Approved 11.09.2001.

4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received, objecting to the proposed development for the following reasons:
- Adverse effect on the conservation area
 - Additional traffic
 - Poor design
 - Restriction of view
 - Loss of privacy
 - Loss of traditional façade and internal features
 - The same space can be offered through upgrading the existing building

5. CONSULTATIONS

Internal:

- 5.1. **Sustainable Drainage:** Comment
No objections subject to the inclusion of a condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.2. **Sustainability:** Comment
It is recommended that the development is approved, with the following conditions:
- Meet the BREEAM "excellent" standard
 - Provide and safeguard a route for a connection to a future heat network
- 5.3. **Environmental Health:** Comment
The application has been with regards to any environmental health issues impacting upon occupiers of nearby properties and the future occupants of the proposed dwellings.
- 5.4. The site is located in close proximity to the main seafront area of Brighton, various commercial premises, hotels and licensed premises.
- 5.5. As such, it is reasonable to assume that occupiers of the premises could potentially be exposed to frequent, prolonged, and varying levels of noise that could be associated with the general activities around the site - an area with busy daytime, night-time and seasonal activity.
- 5.6. Therefore, it is welcomed that alternative ventilation is proposed that will enable windows to be closed, vastly reducing internal noise levels and at the same time, improving thermal comfort and internal air quality.

- 5.7. This can be secured by attaching an appropriately worded condition to any permission to develop.
- 5.8. Overall no objections are raised subject to conditions securing the following:
- Alternative ventilation
 - Hours of operation
 - Plant noise requirements
 - Odour control equipment
- 5.9. **Air Quality Officer: No objection**
No objection subject to the use of combined heat and power on site and conditions securing low emission boilers and any flues to terminate at least 1.5m above the highest roof apex
- 5.10. **Heritage: Second Comment - Seek Amendments/Further Information**
Whilst the submitted long section drawing shows that the glazed balustrade, in its new set back position, would not be visible from the street directly opposite, it appears likely that it would be visible in the more oblique views such as the ones illustrated in the CGIs submitted with the application, particularly from the north. It would therefore be helpful to amend the CGIs to show this.
- 5.11. The larger scale details of the front and rear facades are fine and clarify the quality of the scheme.
- Initial Comment - Seek Amendments/Further Information
- 5.12. The principle of the loss of the existing building is considered to be acceptable under policy HE8 and, subject to a an appropriately-designed and high quality replacement office building, the appearance and character of the conservation area would be preserved. The provision of a high quality office development, with active ground floor uses and frontage, has the potential to contribute towards the much-needed regeneration of Middle Street.
- 5.13. The footprint of the proposed development would be a significant increase over the existing building but the area of open courtyard is now considered to be just large enough to sufficiently respect the urban grain of Old Town, having regard to historic maps.
- 5.14. The design of the front elevation of the scheme has developed positively from the original preapplication submission and is generally supported. However, the proposed front elevation drawing suggests a glazed balustrade above the parapet, which is not shown on the section drawing S03. Such a balustrade would visually detract from the strong parapet line and would appear to increase the building height in street views. It should be deleted.
- 5.15. Materials samples can be left to condition the application should nevertheless include an annotated front and rear elevation clarifying the materials and a larger scale sample detail for the front elevation would also be helpful at this stage.

- 5.16. Subject to the above amendment and further detail it is considered that the development would preserve the appearance and character of the Old Town conservation area and would preserve the settings of the listed buildings referred to above, including the Synagogue.
- 5.17. **Economic Development:** No objection
City Regeneration supports this application. Should the application be approved, we request, through a S106. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy agreement, the submission of £10,600.
- 5.18. There is currently a lack of good quality office space within the city centre. It is understood that this space has been empty for such a long time and the photos submitted, shows that the quality of the inside is not up to standard. The design and access statement states that 'Stiles Harold Williams Chartered Surveyors have advised that the ongoing liability for repairs and the costs of dilapidations at the end of the lease is a serious impediment to securing quality tenants to the existing building. Even with extensive structural repairs and regular maintenance there is an excessively high risk that defects would reoccur'.
- 5.19. Whilst City Regeneration understands that the building façade may not withstand reuse, we do encourage the principles of circular economy within the design and construction industry and would rather that retrofit is considered over demolition. Where this is not possible the preferred option would be deconstruction and the reuse of materials used in the existing building.
- 5.20. **Planning Policy:** No objection
The proposed increase in the level of B1 office floorspace by 1,100m² and the provision of new, Grade A provision is therefore this is strongly welcomed.
- 5.21. The retention of the leisure commercial uses at ground floor level is welcomed and will maintain the vitality of the street. Active ground floor uses in mixed use developments in central Brighton are promoted by Policy SA2.
- 5.22. A considerable quantity of construction, demolition and excavation waste will be produced through the demolition of the existing building and construction of the replacement. It is disappointing that the existing building could not be retained and renovated as a more sustainable solution although it is noted that the application mentions structural issues with the current façade.
- 5.23. **Sustainable Transport:** Latest Comment - Seek further information
- 5.24. All details now agreed other than delivery and servicing forecasting methodology.
- 5.25. In response to this an amended delivery and service management plan shall be secured by condition.

Initial Comment - Seek further information
Access

- 5.26. The proposed pedestrian/cycle access is considered acceptable.
- 5.27. The existing vehicular access should be removed, and that the redundant vehicle crossover condition be attached to ensure that the crossover is reinstated to footway.

Cycle/Vehicle Parking

- 5.28. The number of cycle parking spaces is in accordance with SPD14 guidance; however, further details of and amendments to the design are required.
- 5.29. As the applicant has noted the crossover will be removed, this space could provide for additional disabled parking. This would help to mitigate the absence of off-street provision.
- 5.30. It is recommended that the on-street parking and loading be rearranged to provide additional disabled parking which will not be provided on-site (see comments below).
- 5.31. No car parking is provided which is in accordance with SPD14 guidance.

Traffic Forecasts

- 5.32. It is not considered the development to result in a significant increase in vehicle trips and therefore no objections are raised in this instance.
- 5.33. TRICS data is not considered sufficient for determination of the number of deliveries the site may expect during the day as many deliveries are now made by car/powerful two-wheeler and these cannot be isolated from occupant trips by the same mode. Therefore, an unacceptable impact on highway safety or residual cumulative impact on the road network cannot be ruled out.

s106/Developer Contributions

- 5.34. The proposed development would result in an additional 239 person trips. A transport contribution of £23,900 is therefore required to be allocated to towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- 5.35. A Sustainable Travel Plan is also required to be secured by s106.
- 5.36. The proposal includes significant demolition and construction in an area with high footfall whilst the type of vehicles and routing of vehicles through the Lanes will need to be carefully planned and managed. A Construction Environment Management Plan should be secured as part of the S106 agreement.

Additional Information:

- 5.37. Further details are required relating to:
- Delivery and servicing trips
 - Amended plans showing further cycle parking facilities

- External:**
- 5.38. Conservation Advisory Group: Objection
The group recommend refusal.
- 5.39. **Ecology:** No objection
The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for nature conservation.
- 5.40. The proposal to provide a native wildflower biodiverse roof is welcomed. To help meet Biosphere targets, it is recommended that chalk grassland species are used. To complement the green roof, bee insect boxes should be installed, and given the height of the proposed development, swift boxes should also be provided.
- 5.41. **Brighton & Hove Archaeological Society:**
Second Comment - No objection
No objection subject to conditions securing a programme of archaeological works and a watching brief.
- Original Comment - Objection
- 5.42. This proposed development lies in the archaeologically sensitive centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods.
- 5.43. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 5.44. **County Archaeology:** Initial Comment - Objection
In the light of the potential archaeological interest of this site, the developer should provide further details in the form of an updated desk-based assessment and heritage impact assessment to clarify the archaeological significance of the site. This assessment should be undertaken before the application for planning permission is decided, so that archaeological issues can be fully considered when the planning decision is made.
- 5.45. **Historic England:** No objection
On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 5.46. **UK Power Networks:** Comment
The proposed development is in close proximity to a UK Power Network Substation and therefore necessary measures are required in order to ensure the substation is not affected by the proposed development.
- 5.47. **Southern Water:** Comment
No objection subject to a condition securing means of foul and surface water sewerage disposal and informatives added to the permission to advise the

developer of New Connections Services Charging Arrangements documents, requirements of SUDS and details of disposal of surface water.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| SA2 | Central Brighton (Special Area Policy) |
| CP1 | Housing delivery |
| CP2 | Sustainable economic development |
| CP3 | Employment land |
| CP5 | Culture and tourism |
| CP7 | Infrastructure and developer contributions |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP11 | Flood risk |
| CP12 | Urban design |
| CP13 | Public streets and spaces |
| CP15 | Heritage |
| CP18 | Healthy city |

Brighton and Hove Local Plan (retained policies March 2016):

| | |
|------|--------------------------------|
| TR4 | Travel plans |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU9 | Pollution and nuisance control |

| | |
|------|--|
| SU10 | Noise Nuisance |
| QD5 | Design - street frontages |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD18 | Species protection |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO9 | Residential conversions and the retention of smaller dwellings |
| HO13 | Accessible housing and lifetime homes |
| HO20 | Retention of community facilities |
| EM4 | New business and industrial uses on unidentified sites |
| SR4 | Regional shopping centre |
| SR5 | Town and district shopping centres |
| SR6 | Local centres |
| SR7 | Local parades |
| SR8 | Individual shops |
| HE1 | Listed buildings |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |
| HE12 | Scheduled ancient monuments and other important archaeological sites |

Supplementary Planning Documents:

| | |
|-------|---|
| SPD03 | Construction & Demolition Waste |
| SPD06 | Trees & Development Sites |
| SPD09 | Architectural Features |
| SPD11 | Nature Conservation & Development |
| SPD12 | Design Guide for Extensions and Alterations |
| SPD14 | Parking Standards |

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of developing the site for a B1 office led proposal, the impact on the character and appearance of the locality, conservation area (CA) and nearby listed buildings, the impact on neighbouring amenity, impact in terms of sustainable transport, sustainability and biodiversity.

Principle of Development/Planning Policy:

- 8.2. The application site is located within central Brighton; an area designated as a Special Development Area with the Brighton & Hove City Plan Part One. SA2 seeks to protect existing office space within the centre and promote the refurbishment and upgrading of existing office space. SA2 also seeks to promote a balanced range of evening and night-time economies and mixed-use developments which retain active ground floor uses are encouraged.

- 8.3. City Plan Part One Policy CP2 (Planning for Sustainable Economic Development) seeks to promote and secure inward investment opportunities and bring forward a mix of employment floorspace within the City.
- 8.4. Similarly, City Plan Part One Policy CP3 (Employment Land) supports proposals for the upgrade and refurbishment of existing employment floorspace in order to contribute to the shortfall of B1 employment floorspace within the city; there is a positive forecast for B1 floorspace over the City Plan period and the city has experienced low vacancy rates, low stock and low delivery rates in recent years.
- 8.5. The existing site comprises a four storey mixed use building located within a central area, within the Old Town Conservation Area. The ground floor and basement accommodate a vacant bar (A4) and a Karaoke bar (Sui Generis) which cover a cumulative floorspace of 470sqm. The upper floors accommodate the main office (B1) use with an area of 1400sqm.
- 8.6. The proposed development would include 430sqm of commercial floorspace set within the ground and basement levels, including A3, A4 and Sui Generis uses spread across two units as set out below:
 - L00.06 (basement and ground floor) - 320sqm - A3/A4 restaurant/bar
 - L00.07 (ground floor) - 54sqm - A3 café to be associated with the office
- 8.7. Within the upper floors the proposed building would include 2500sqm of B1(a) office floorspace.
- 8.8. The provision of a newly refurbished building including Grade A B1 office space with an additional 1100sqm over the existing building within a central sustainable location is strongly welcomed and would be in accordance with the aims of SA2, the objectives of policies CP2 and CP3 and local development plan aspirations generally.
- 8.9. The retention of leisure commercial uses at ground floor level is also welcomed as this will maintain and encourage vitality at street level through the implementation of an active frontage within a high quality building with an interesting façade. It is noted that Local Plan Policy SR12 restricts new large A3 and A4 venues over 150sqm unless a number of criteria are met. The proposed development would include an A3/A4 venue of 320sqm. The existing building however includes a vacant bar/nightclub and an active karaoke bar which cumulatively accommodate 470sqm. On this basis when taking account of the existing uses on site, the proposed development is not considered to trigger the requirements of policy SR12.
- 8.10. It is acknowledged that where possible, policy encourages the re-use and upgrading of existing buildings in order to make best use of the existing resources available. The existing building is however in a poor state and does not lend itself to modern office requirements, as set out more in detail below.
- 8.11. The provision of an office led mixed use redevelopment is therefore supported in principle on this site, subject to the detailed assessment as set out below.

Design and Appearance/Heritage:

- 8.12. The existing building is set within a central area of the city within the Old Town Conservation Area; an area characterised by a tight urban grain with a number of varied architectural styles and forms set on tight streets. Old Town is bounded by North Street, West Street and East Street; Middle Street is the principal street at the heart of the Old Town grid and is an important north-south thoroughfare. Middle Street was the earliest to be developed in the centre of the area but has been subject to some redevelopment in the later 19th and 20th centuries and now has a mixed character and appearance, with a mix of uses which are predominantly commercial. It has a largely consistent three-storey height and an irregular building line.
- 8.13. Immediately opposite the site is the grade II* listed Middle Street Synagogue. Also nearby are the grade II listed buildings of 18-20, 60 and 74-76 Middle Street. The site backs onto the rear of the grade II listed 77 West Street. The site adjoins 78 West Street and 7-8 Middle Street to the south; a substantial building which is largely vacant and was granted permission in 2017 (subsequently amended) for demolition and redevelopment of a mixed used hotel/commercial building, where works have begun. To the north of the site fronting Middle Street is a two storey pub or traditional design with a number of commercial buildings of both modern and traditional design beyond. Directly to the north of the site is an electrical substation and a five storey modern flatted development (Avalon Court) beyond.
- 8.14. The existing building is four storeys in height and was originally constructed in 1930 as a replacement to 3 storey Victorian buildings. The principal elevation is three bays wide and four storeys high, with the uppermost storey set back from the street frontage, and largely hidden behind the parapet, meaning the building appears 3 storey when viewed from street level. The rear element of the building extends in an L shape with an outrigger along the southern boundary. The remainder of the site comprises an open courtyard/carpark with an undercroft vehicular access from Middle Street.
- 8.15. Although relatively modern, the building is considered to be a well-proportioned and carefully detailed example of 1930s facadism which is sympathetic to neighbouring buildings and surrounding historical context. As such the building (specifically the façade) is considered to contribute positively to the Conservation Area and, its retention and refurbishment would be preferential, where possible.
- 8.16. Local Plan policy HE8 requires buildings that make a positive contribution to the character and appearance of a Conservation Area to be retained unless it has been demonstrated that the existing building is beyond economic repair, viable alternative uses cannot be found and the redevelopment of the site preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss.
- 8.17. The application has been submitted with a supporting Structural Engineering Report which outlines the current condition of the building, the past/current

maintenance and the likely ongoing works required. The supporting evidence has not demonstrated conclusively that the existing building is beyond economic repair, it does however clarify that the building currently suffers from poor structural integrity and as a result has a limited lifespan. The structural report indicates that the façade has deteriorated in recent years and that significant works would be required in order to rectify the issues. The majority of the stonework would require replacement and the entire brick rear elevation would require replacement, which would compromise the appearance of the building and would require ongoing maintenance.

- 8.18. The proposed building would deliver a considerable amount of employment floorspace space and would assist in the regeneration of Middle Street; an area which has suffered from high vacancy rates and anti-social behaviour for many years. On this basis the demolition of the building is considered acceptable, subject to the erection of a high quality replacement building.
- 8.19. The design of the scheme has evolved positively from the pre-application proposals and advice provided by the council has been incorporated into the current scheme. The overall design concept has been shaped around the positive features of the existing building whilst paying respect to the adjacent buildings and surrounding Conservation Area.
- 8.20. The building proposed would be six storeys tall with the fifth and sixth storeys set back in addition to plant room located on the roof. The building steps down to three storeys within the rear element which would extend along the western (rear) boundary. The proposal would cover the majority of the site leaving a courtyard to the rear with an under-croft access for pedestrians and cyclists. The proposed footprint and scale of the building would be significant in comparison to the existing building however it is considered that the open courtyard would be sufficient to respect the urban grain of the Old Town Conservation Area.
- 8.21. The front façade would be divided into three bays with fenestration and vertical panels set between a stone framework. The façade would also feature a double height curved glazed section accommodating the reception area which would be a striking feature and is considered to add visual interest to the street whilst creating a successful junction between the building and the under croft access. The front elevation has been carefully designed in order to achieve an appropriate integration of horizontal and vertical proportions and the projecting stone work would provide a positive feature when seen from oblique views.
- 8.22. This arrangement is considered appropriate as it would reflect the existing building whilst paying respect to the Synagogue opposite. The parapet would replicate the height of the existing building which would provide a strong finish to the façade whilst concealing the setback upper storeys from direct views within the street.
- 8.23. The building would be finished in Portland stone cladding for the main frame of the façade with blue faience tile edge detailing with glazing with reveals to the front elevation. The rear elements of the building would be predominantly

glazed with sections of brick cladding. Overall the palette of materials is considered acceptable, and material samples shall be secured by condition in order to ensure an appropriate finish.

- 8.24. Heritage concerns were raised in relation to the installation of a glazed balustrade at fourth floor level as this would undermine the strong parapet line. The developer provided amended plans in order to set the balustrade back from the façade in addition to 3D visuals which illustrate that the balustrade would generally not be visible from street level. Whilst the heritage concerns are noted, the overall design is considered acceptable, and officers are satisfied that the balustrade would not be prominent within the streetscene.
- 8.25. Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. This sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the proposed building would be six storeys and would have a max height of 21m. The policy guidance on tall buildings emphasises the importance of the design and it is possible for tall buildings to integrate successfully with their surroundings, if they are designed sensitively with regard to the local context.
- 8.26. The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of views that indicate how the building would appear from locations on Middle Street.
- 8.27. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site and, due to the tight and densely developed nature, the site would not be readily visible from any strategic view points. The application submission includes a detailed assessment of the scale of buildings within the area which are of comparable scale to the proposed building. Furthermore, as set out above, the upper storeys would be set back, creating the appearance of a four storey building.
- 8.28. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Furthermore, when considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.29. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 8.30. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.31. For the reasons set out above, it is considered that the proposal would not result in significant harm to the setting of adjacent listed buildings nor the surrounding Old Town Conservation Area. The loss of the existing building is considered to 'less than substantial' in the terms set out in the NPPF, however the harm is not considered so significant as to warrant the refusal of the application, when taking account the public benefits associated with the proposal; including the improvement to the streetscape through the implementation of a high quality development with an active frontage, and the resultant knock on effects this would likely in contributing to the regenerating the area.
- 8.32. Overall it is considered that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the street whilst paying respect to the adjacent listed buildings and wider conservation area. The proposed landscaping and courtyard will add significant quality to the appearance of the scheme. The visual impact of the scheme would be acceptable and would comply with local and national planning policies which seek to secure a high standard of design.

Impact on Amenity:

- 8.33. The site is set within a central area which consists of a tight urban grain resulting in a high density in terms of built form. The vicinity comprises a mix of uses, the majority of which are commercial and a number associated with leisure and the night time economy. There are also a number of residential sites interspersed within the local area including several which are located within close proximity to the application site as set out below:
- Avalon Court (5 storey block of flats to the north)
 - 63 Middle Street and 64 Middle Street (four storey block of flats to the east of Middle Street)
 - 71 Middle Street (3 storey block of flats to the east of Middle Street)
 - 13A Middle Street (flat above the Hop Pole Pub)

Scale bulk and overshadowing

- 8.34. The existing building is four storeys in height and leaves the majority of the rear courtyard area open. The proposed building would be six storeys in height in addition to a setback section housing the plant room, and the courtyard would be reduced. The proposed building would therefore be significantly larger than the existing arrangement and therefore would result in additional overshadowing and loss of outlook to neighbouring windows. The majority of the adjacent buildings are however commercial uses and the existing courtyard is surrounded to the east, west and south by tall buildings. 78 West Street and 7-8 Middle Street to the south adjoins the site has been granted permission in 2017 for a building of similar scale to the current proposal; works relating to the development are currently underway. Furthermore, the section of the site nearest to the closest residential units would include the landscaped courtyard and would step down in height to three storeys, which is comparable in scale to the adjacent buildings and would allow for outlook above the roof.

- 8.35. It is agreed that the building would introduce new bulk within the area that is currently open, however, given the local context and tight urban grain, the new building would respect the general pattern of development in this area, with large buildings sited alongside and to the rear of smaller buildings. As such introducing a building of this scale and in this arrangement is in keeping with the area.
- 8.36. In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which sets out that all adjacent windows tested would achieve acceptable levels of daylight/sunlight.
- 8.37. Overall in regard to overshadowing and daylight, it is acknowledged that the proposed building is significant in scale and located within close proximity to residential units. However taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which would warrant refusal of planning permission.

Overlooking/Loss of Privacy

- 8.38. Regarding overlooking, the proposed windows and balconies to the northern and eastern elevations of the new block, will result in additional overlooking towards 13A Middle Street and Avalon Court. The resultant relationships will impact upon the sense of privacy that some neighbouring residents benefit from. However, the existing building includes a number of windows facing to the north including several which are located within close proximity to 13A Middle Street which would be removed as part of the development. Furthermore, as detailed above the proposed development would step down to a comparable height nearest to adjacent residential units and would retain a sufficient level of separation due to the retained courtyard. Additionally, the proposed building would be in keeping with the pattern of development in the area, the site is in a central location where large buildings are characteristic and a level of overlooking is to be expected. Overall it is considered that the resultant relationships would be appropriate.

Noise Impact/Operation of Commercial Uses

- 8.39. The proposed development is commercial in nature and would include a mixture of uses including office and leisure uses within the units at ground/basement fronting onto Middle Street. The application submission does not provide exact details/layouts of the proposed uses in order to allow some flexibility for the future operator/occupier of the site, however it is indicated that unit L00.06 (basement and ground floor) is to be a restaurant/bar and L00.07 (ground floor) is to be a café used in association with the main office use.
- 8.40. The proposal indicates that the restaurant/bar use will be open 10:00am - 02:30am Monday - Friday, 10:00am - 03:30am on Saturdays and 10:00am - 01:30am on Sundays and Banks Holidays. Given the central location, and the comparable opening hours of the existing and nearby uses, the proposed opening hours are considered acceptable in this case and can be secured by condition.

- 8.41. As the submission includes a lack of detail relating to the exact nature of the intended uses of the commercial units, an operational management plan shall be secured for approval at pre-occupation stage; a time when an operator for this site has been identified.
- 8.42. The site also includes roof plant which has the potential to generate noise impact. Exact details for the ventilation have not been included for the proposed A3/A4 uses however it is considered likely that some sort of ventilation will be required. Overall it is considered that any potential for nuisance or pollution arising from and to the development in terms of noise, lighting, odour or contamination can be satisfactorily dealt with by condition.

Summary

- 8.43. The proposed development would have a partial impact on amenity. Loss of outlook and overlooking would be caused however the number of residential units effected is relatively low and all windows would achieve acceptable daylight/sunlight levels. Furthermore, it is considered that the resultant scenario and relationships would be in keeping with the pattern of development in the immediate area, and a degree of enclosure and overlooking caused by larger buildings is expected in a central location. On this basis therefore, taking into account all factors, including the benefits which the proposed development would deliver, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Sustainable Transport:

- 8.44. This existing pedestrian/vehicle access is through the undercroft to the rear of the site. The new primary pedestrian access to the proposed development will be via the main office lobby directly from Middle Street. There are separate accesses to each commercial unit, into the lobby of the development and to the outside garden courtyard area to the north. A new undercroft would be included providing access for pedestrians and cycles to the rear/courtyard area. This arrangement is considered acceptable.
- 8.45. Following amendments, the proposed cycle parking would including a total of 39 spaces, 25% of which would be Sheffield stands. Shower/changing facilities are also provided within the cycle parking area to cater for a minimum of 10% of staff. This element of the proposal is therefore acceptable and in accordance with SP14 guidance. Implementation of the cycle parking shall be secured by condition.
- 8.46. Within the Central Area, the maximum parking allowance for B1, A3 and A4 uses is for disabled parking only. The proposed development does not include any on site parking and is therefore acceptable in this regard. As the carpark to the rear of the site is to be removed, the vehicle access and crossover is no longer required. The transport team requested that this newly created space could be used to provide two disabled parking bays in order to serve the development.

- 8.47. The transport also team raised concerns relating to the use of the loading bay as it was unclear from the original submission whether a refuse vehicle would be able to access the bay given the constraints of the narrow street. The loading bay has now been made larger and a swept path analysis has been provided which indicates that a refuse vehicle would be able to access the loading bay and vehicles would be able to pass.
- 8.48. The applicant has agreed to the requested highway works set out above which can be secured via a s278 agreement.
- 8.49. With regards to trips to and from the site, the potential impact of the proposed mixed use has been considered with regard to the impact of a re-activation of the existing office use and commercial uses of the site could have. With regards to vehicle movements, the proposed development would result in an additional 8 vehicle trips within peak hours which is not considered significant and therefore no objections are raised in this regard. It is considered that the proposed development would result in an additional 239 person trips on a 24 hour daily basis and therefore a sustainable transport contribution of £23,900 is required in addition to a Travel Plan to promote sustainable transport to and from the site, as set out in more detail below.
- 8.50. A delivery and serving management plan has been submitted with the application in order to address how this aspect of the development will be achieved. The submission indicates that deliveries will utilise the existing loading bay on Middle Street, approximately 13m to the north of the site. The management plan indicates that the proposed development is likely to generate approximately 9 daily vehicle trips per day. The sustainable transport team have raised concerns relating to the applicant's calculation used on order to establish the rate of vehicle movements per day as it does not take account of the specific types of vehicles/deliveries which would take place in addition to the likely dwell times. On this basis, an amended Service and Delivery Management Plan can be secured by condition.
- 8.51. Overall, subject to the conditions and s106 recommendations set out above, which include measures to address the deficiencies in the applications submission, the proposed development is considered to be acceptable in regard to sustainable transport impacts.

Sustainability, Biodiversity and Environmental Matters:

- 8.52. The application contains a BREEAM Pre-Assessment which shows that the development is capable of meeting a BREEAM standard of 'excellent'. This is welcomed and complies with policy CP8.
- 8.53. SPD10 seeks opportunities to secure improvements to biodiversity via development. A Biodiversity Checklist has been submitted which indicates that the site has no biodiversity value presently, and this is confirmed by the County Ecologist. The development does however provide the opportunity to include measures to enhance biodiversity and this can be secured by condition to comply with relevant policy. Conditions are recommended to secure details of

the green roof, details bird nesting boxes and bee/insect boxes, and details of a landscaping scheme which includes planters.

- 8.54. The application contains a Drainage and Flood Risk Strategy which concludes that the risk of flooding from all sources is low and the proposed development will not adversely affect neighbouring properties in terms of flood risk. A detailed maintenance plan of the sustainable drainage can be secured by condition.
- 8.55. A preliminary Ground Contamination Risk Assessment Report has been submitted to establish the expected ground conditions, the development history and current use of the site in order to investigate potential land contamination. The report indicates that no sources of contamination have been identified however a discovery strategy is recommended and can be secured by condition.

Air Quality:

- 8.56. The site is located adjacent to an Air Quality Management Area due to the high levels of traffic associated with the A259 to the south and West Street to the west. A net increase in daily trips including vehicle trips is expected however this would not amount to a level considered severe.
- 8.57. Soft landscaping is to be secured as part of the development which will have some positive impact upon air quality. Furthermore, as detailed above a number of measures are to be secured to encourage use of sustainable transport modes, and the proposal will not include any on-site vehicle parking.
- 8.58. The proposed development will be designed to achieve BREEAM excellent as set out above and will include a number of sustainable measures including renewable energy sources such as air source heat pumps and photovoltaic panels.

9. CONCLUSION:

- 9.1. The proposed development would provide 2500sqm of Grade A office space within a central sustainable location where regeneration is encouraged. The proposed development would be significant in comparison to the existing building, however it is considered that a larger building can be accommodated on the site whilst respecting the Old Town Conservation area and adjacent listing buildings.
- 9.2. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene.
- 9.3. The proposed development is acceptable in transport, sustainability and ecological terms subject to conditions / s106 requirements recommended to secure the necessary measures.

- 9.4. The scheme would result in the loss of the existing building, which is regrettable, however it has been demonstrated that the building is in poor state and would require substantial works to rectify which would compromise its appearance. Furthermore, as set out above, the proposed replacement building is considered high quality and appropriate within this context.
- 9.5. The proposed new building would have a slight negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in a central area such as this and overall the harm which would be caused does not warrant the refusal of planning permission.
- 9.6. Overall, it is considered that the scheme would deliver substantial benefits including; a significant delivery of high quality office space which would meet modern requirements, an active frontage which would help to kickstart the much needed regeneration of the street and a well designed modern building which would complement the nearby heritage assets. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1. The proposed development would provide two additional on-street disabled parking bays.

11. DEVELOPER CONTRIBUTIONS

S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £10,600 to the Council's Local Employment and Training Strategy.
- A Sustainable Transport contribution of £23,900 to be put towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to, Middle Street and the A259 Kings Road/ Grand Junction Road.
- A Travel Plan to promote sustainable transport use by future occupiers/users of the site including:
 - A travel Pack to each new employee;
 - Interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase;
 - Provision and maintenance of cycle tools and maintenance stands for future employees
 - Establishing a Bicycle User Group for employees including doctor bike sessions; and
 - Providing and maintaining a notice board in the development containing information on road safety, local sustainable travel options, Travel Plan objectives, targets, measures and progress.

- A Section 278 Agreement to reinstate the redundant vehicle crossover, reinstate the double yellow lines, increase the size of the loading bay to the north of the site and install two disabled parking bays adjacent to the site on Middle Street.
- A Construction Environmental Management Plan

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

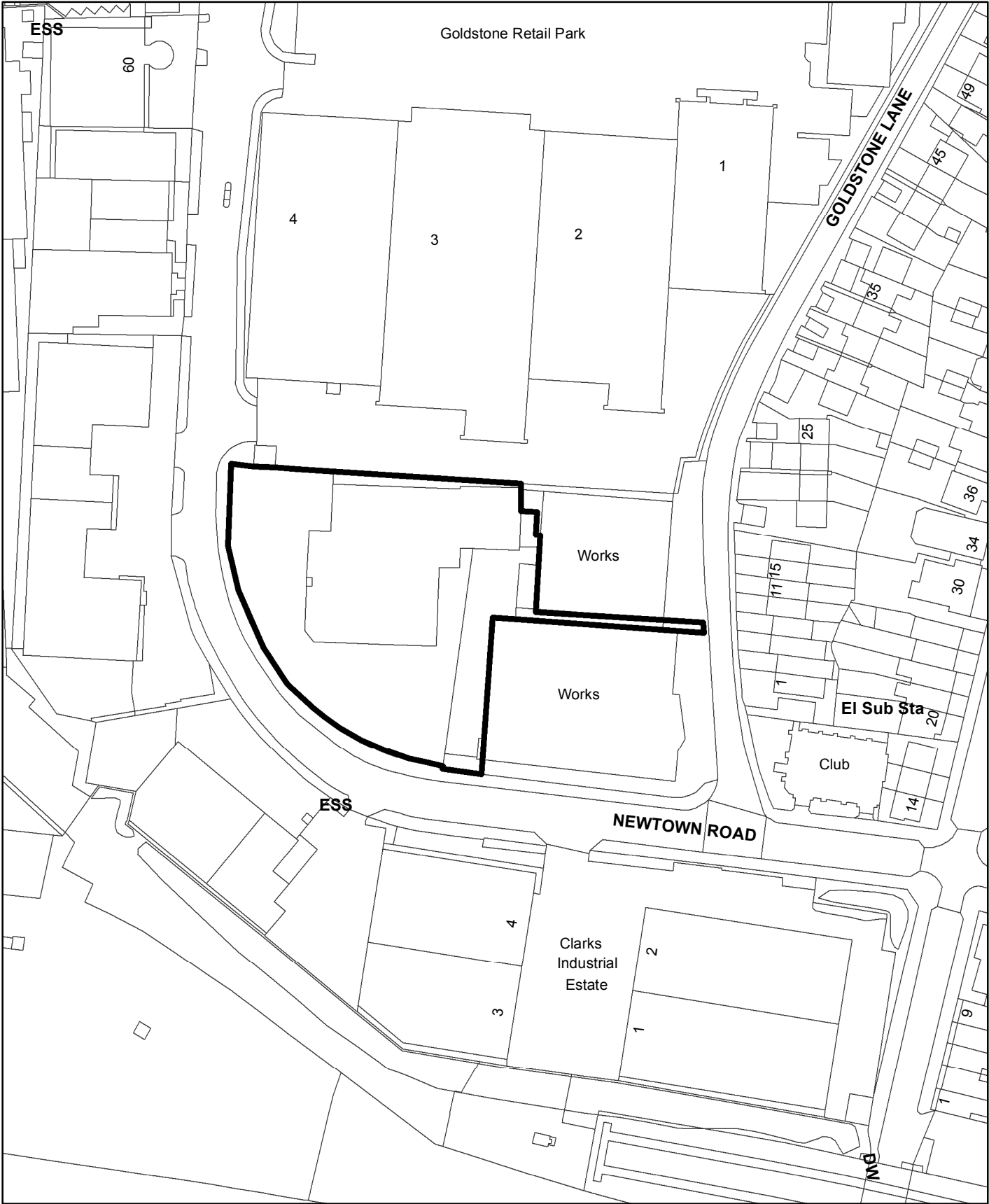
1. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

ITEM C

**Kap Ltd, Newtown Road
BH2018/03356
Full Planning**

DATE OF COMMITTEE: 22 April 2020

BH2018 03356 - Kap Ltd, Newtown Road



Scale: 1:1,250

| | | | |
|-------------------------------|---|---------------------|--|
| No: | BH2018/03356 | Ward: | Hove Park Ward |
| App Type: | Full Planning | | |
| Address: | Kap Ltd Newtown Road Hove BN3 7BA | | |
| Proposal: | Demolition of existing buildings in association with car dealership (sui generis) to facilitate the erection of a mixed use redevelopment to provide 148 dwellings (Class C3), 954sqm of office floorspace (Class B1), within a scheme of 3no Blocks ranging from 4 to 11 storeys in height with associated underground car parking, cycle parking and landscaping and 22 sqm of cafe floorspace (Class A3). | | |
| Officer: | Chris Swain, tel: 292178 | Valid Date: | 15.11.2018 |
| Con Area: | N/A | Expiry Date: | 14.02.2019 |
| Listed Building Grade: | EOT: | | |
| Agent: | Mr Guy Dixon | Second Floor | 72 High Street SEVENOAKS TN13 1JR |
| Applicant: | Tudor Holdings (UK) Ltd KAP Peugeot | | |

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **12 August 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:

Affordable housing:

- Provision of 20 x 1-bed and 20 x 2-bed affordable housing (22%) with a split of 18 homes for affordable rent and 14 as shared ownership.
- Viability Review mechanism (including funds for providing specialist re-assessment of viability) after a certain time period. Review would allow for an update to costs and values initially assessed at application stage once additional details regarding actual sales prices and actual costs have been established.

Sustainable Transport and Highways:

Sustainable Transport Contribution

A sustainable transport contribution of **£130,200**. This will be allocated towards the following, in order of priority:

- Improving infrastructure at existing bus stops on Old Shoreham Road, including adding accessible kerbs, real time information and shelters where these are absent, and potential minor relocation.
- Improving pedestrian access along footways between the development and Hove Station, and other public transport infrastructure - including potential lighting improvement to the viaduct tunnel on Fonthill Rd.
- Improving local cycling infrastructure to enhance access for pedal cyclists between the development and other local destinations.
- Implementing additional BTN bike share docks/bikes in surrounding streets to encourage greater uptake of cycling for trips to/from the development.

S278 Highway Works

The following works to facilitate this development should be secured via a section 278/s38 agreement (to be secured in turn via a section 106 agreements).

- Introducing two new inset servicing bays outside the site within the northern footway of Newtown Road.
- Removing and reinstating four existing vehicle cross overs along Newtown Road
- Introducing a vehicle access to the far west of the proposed site.
- Introducing improved street lighting as required on the north side of Newtown Road.
- Adoption of additional public highway around the new loading bays to ensure that effective footway is maintained at no less than 2 metres wide.
- Resurfacing and alteration of Newtown Road as required.

A scheme setting out the above 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.

Other obligations

- Permissive path agreements to provide public access through the site to link with the two existing alleys that interface with the eastern boundary.

A 5 year Residential Travel Plan including monitoring.

(For the C3 Residential Travel Plan)

- Offering the first occupants of each residential unit with subsidised tickets/memberships for each of the following local public and shared transport services -
 - Local buses and/or train services;
 - Brighton & Hove Bike Share; and
 - Enterprise Car Club
- Providing formal cyclist training to residents on request, to be marketed throughout the development,
- Providing maintenance stands together with pumps and basic tools within the cycle stores for resident use.
- Providing resident's a voucher of \geq £150 to go towards the cost of purchasing a bicycle.

- Establishing a Bicycle User Group. This should be subsidised for the length of the Plan to provide –
 - ‘Bike buddy’ services to other residents/workers thinking of taking up cycling
 - Several social rides per year, including an allowance for refreshments.
 - 2 or more ‘Doctor Bike’ sessions per year with both a direct repair and a teaching element.
- The User Group should also be consulted when reviewing the Travel Plan and in relation to ongoing operational management of cycle parking facilities. The later role should continue beyond the life span of the Plan.
- Providing information on sustainable transport options and measures in all marketing material (including any on-line).
- On site information boards.

A 5 year Workplace Travel Plan including monitoring.

(For the B1 Office Travel Plan)

- Providing formal cyclist training to staff on request, to be marketed throughout the development,
- Providing maintenance stands together with pumps and basic tools within the cycle stores for staff use.
- Providing interest-free loans to staff for the purchase of bus and rail season tickets and bicycle purchase.
- Providing annual personalised travel planning to employees for the duration of the plan.
- Establishing a Bicycle User Group, as for the residential component.

Education

- A financial contribution of **£116,128.00** 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 **£62,500** 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 **£369,278.66** towards enhancement of outdoor/indoor sports, parks and gardens, children’s playspace, allotments, amenity greenspace and semi-natural space at the following locations:
- Outdoor sport (£89,124.13) - Kingsways / Hove Seafront, Knoll Park, Aldrington Recreation Ground, Wish Park, Hove Park, Neville Recreation Ground,
- Indoor sport (£58,604.00) - Withdean Sports Complex and / or King Alfred Leisure Centre,
- Children’s Play (£9,421.34) - Hove Park, Stoneham Park,
- Parks and Gardens (£130,442.94) - Hove Park and / or Stoneham Park and / or Dyke Road Park / and or Three Cornered Copse,

- Allotments (£12,791.22) - The Weald and / or St Louis and /or North Nevill and /or Campsite and / or Eastbrook and / or Rowan Avenue,
- Amenity Green Space - (£10,458.49) - Hove Park and Stoneham Park and / or Three Cornered Copse, and / or Dyke Road Park and / or Hove Cemetery
- Natural and semi-natural - (£58,436.56) Three Cornered Copse and /or Green Ridge / and or Waterhall.

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£46,200** towards the Local Employment Scheme

Conditions:

1. List of approved plans. To be added to the Additional Representations List
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 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 and tiling,
 - 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. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of 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. Notwithstanding the submitted drawings prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development 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 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 and paragraph 110b of the National Planning Policy Framework.

9. Notwithstanding the plans hereby permitted no development shall commence on site until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of the layout of the bays and access within the basement car park, and any other motor vehicle parking areas, including provision of 5% of the total spaces for motor cycle use.
- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of measure of control for vehicles entering and exiting the site.
- Details of electric charging bays, including arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.
- Details of personal security measures for users of the car park.
- Basement carpark to include a minimum of 7 visitor parking spaces for residents.

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

10. Prior to the first use/occupation of 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 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.

11. 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 and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance 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.

12. None of the residential units hereby approved shall be occupied until each residential unit built 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.

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

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

14. Within 6 months of first occupation of the non-residential 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.

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.

15. Prior to the commencement of development (other than demolition works and works to trees) evidence should be submitted to demonstrate that the energy plant/room(s) 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.

- 16. Prior to first occupation of the development hereby approved, details of the rooftop photovoltaic array referred 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.

- 17. 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.

- 18. No development above ground floor slab level shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for the 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.

- 19. No development hereby permitted shall be first occupied until
 - i) details of external lighting, 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 part1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part 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.

- 20. No development, including demolition and excavation, shall commence until a Site Waste Management Plan 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.

- 21. The development above ground floor slab level shall take place 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, 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 provide 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.

22.

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

- (a) A 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) The development hereby permitted shall not 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 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.
23. 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.
24. Prior to the commencement of development hereby permitted, other than demolition, an Acoustic Report which shall include an Acoustic Design Statement 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 shall be implemented prior to occupation of any of the development and shall be permanently retained thereafter. Prior to occupation the development 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 also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

25. Prior to completion and occupation of the development hereby permitted, details of all plant and machinery 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.

26. Prior to the first occupation of development 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 site, 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 also to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. 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 policy SU3 of the Brighton & Hove Local Plan.

28. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in

consultation with 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.

29. No development 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.

30. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. 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.

31. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with 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.

32. 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.

33. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes 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.

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.

34. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of 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.

35. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details 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.

36. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages 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 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.

37. 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.

38. Prior to occupation of the development hereby permitted a wind mitigation scheme outlining specific landscaping and screening to ensure the 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.

39. Prior to occupation of the development hereby permitted a Scheme for Crime Prevention Measures for the development 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.

40. The glazed frontages to the ground floor office use adjacent to Newtown Road, other than for plant / storage 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.

41. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

42. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of proposed planters and screening to balconies and flat roofs to ensure the protection of amenity for future and neighbouring residents been submitted to and approved in writing by the Local Planning Authority. The screening shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development is in accordance with policy QD27 of the Brighton & Hove City Local Plan.

43. No development shall take place until a Demolition & Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:

- (i) The phases of the Proposed Demolition including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Demolition until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the any demolition compound
- (vii) A plan showing demolition traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

44. No development, **including demolition**, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

45. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements shall be submitted to and approved in

writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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 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.
4. The water efficiency standard required under condition XX 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](#).
5. 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).
6. 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.
7. 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

8. 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 or not a statutory nuisance is occurring and if any action is appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located to the north eastern side of Newtown Road on a prominent corner plot. As existing there are a collection of single storey buildings with a large expanse of hardstanding. The site is currently vacant but up until recently operated as a car dealership which included sales, servicing / repairs and vehicle recovery.
- 2.2. To the east the site adjoins a recently constructed residential scheme 'New Wave' which comprises of up to six storeys of apartments and several town houses which front onto Goldstone Lane. To the north of the site is Goldstone Retail Park where there are a number of large-scale retail sheds. The opposite side of Newtown Road consists of further industrial / warehouse sheds.
- 2.3. The gradient of the land on the site slopes up gently from south to north.
- 2.4. A number of revisions to the proposal were sought during the life of the application which included a reduction in the footprint of the built form and design, amenity, legibility, access and public realm improvements. The revised proposal is for the demolition of the existing commercial buildings on the site and the erection of a mixed-use redevelopment providing three blocks of 4, 8 and 11 storeys in height comprising the following:
 - 148 dwellings (Class C3) with a combined mix of 80 x one-bedroom units, 59 x two-bedroom units and 9 x three-bedroom units,
 - 954sqm of office floorspace (Class B1),
 - 22sqm Café (A3)
 - Underground vehicle parking with 103 spaces for residential and commercial occupiers,
 - Underground and surface cycle parking.

3. RELEVANT HISTORY

- 3.1. There is no relevant history of planning applications on the site but a number of pre-application proposals for mixed-use developments submitted were presented to the council during 2018 for consideration.

Design Review Panel

- 3.2. Two previous schemes were taken to the external Design Review Panel (February and May 2018). A summary of the comments is set out below.

February 2018

- 3.3. Mixed use residential-led development comprising 159 one, two and three bedroom residential units with outdoor amenity space and retention of 741 sqm of employment floor space up to twelve storeys in height.
- 3.4. This is a complex site that presents some very challenging conditions. We appreciate the ambition shown to raise the quality above the standard but feel fundamental aspects of the proposal must be addressed relating to issues such as how the building sits in the wider area, the level of overshadowing and façade design.
- 3.5. We feel further work is required to demonstrate how the scheme relates to its setting, exploring key issues such as how long-distance views from Hove Park will be affected and how this scheme could form a visual termination to Newtown Road. As well as the existing context, this proposal needs to further consider how the area is likely to develop. A masterplan summarising these issues and exploring how this scheme should respond should be developed.
- 3.6. The massing of this proposal is a concern, both in the level of overshadowing to the courtyard and the ambiguity of public and private space created. We feel that façade designs are overly complex and should be simplified, and that an energy strategy needs to be developed.

May 2018

- 3.7. Demolition of the existing buildings and the erection of 161 residential units, 431 sqm of A1 floorspace, 208 sqm of A3 floorspace and 440 sqm of B1 floorspace with associated landscaping. Three elements proposed with tallest up to 16 storeys.
- 3.8. The way the proposal integrates with and contributes to the surrounding area has improved since the previous review, with increased pedestrian permeability and more generous public spaces. However, we are concerned by the quality and function of some of these spaces and feel a clearer purpose for the main square is required and the early contribution of a landscape architect will be essential for this. The narrow alleyway forming the eastern connection is also problematic and, if retained, should be made more generous.
- 3.9. We have significant concerns over the architectural treatment of the proposal and feel some fundamental revisions will be required. Although façade proposals have been simplified to some extent since the previous review, the

form of the proposal is now overcomplicated. A lack of coherence is caused by the large degree of variation from plinth to upper levels as well as between blocks. A more elegant and efficient scheme should be developed, particularly as this may set a precedent in an area where large scale development is likely to take place.

- 3.10. The panel consider that it is essential for input from a landscape architect and sustainability/energy specialists be obtained before the design is taken any further.

Pre-application scheme presented to members – August 2018

- 3.11. Members reviewed a proposal that was similar in scope to the current planning application for a scheme of 148 residential units and 1400sqm of B1 office floorspace. The following observations by members are set out below under the key headings below:

3.12. Planning Policy

- The scheme was not ‘employment led’ in accordance with policy CP3 and the wider DA6 policy and justification would be required for the approach taken.
- Notwithstanding the above it was acknowledged that there was no loss of employment floorspace and the flexible office space to be provided would be a higher density than existing.

3.13. Design / massing / townscape / landscaping

- Members were generally in agreement that the overall design approach in respect of height, massing, appearance and form was appropriate for the site though this would still need to be demonstrated with CGI’s of the key views. Members who had viewed earlier versions of the scheme commented that the proposal had improved in quality,
- The use of brick for the facades and glazing / perforated metal for the balconies was generally supported,
- In discussion it was noted that the metal-clad ‘set back’ top storeys at the One Hove Park and the New Wave developments detracted from the appearance of those buildings and it was suggested a design without a set-back element would work better visually, specifically on the tallest tower,
- Measures should be implemented (eg. obscure glazing, set-backs) to ensure that additional ad hoc clutter / screening is not erected on balconies,
- The landscaped area to the front was seen as a positive addition subject to high quality implementation and maintenance.

3.14. Amenity

- Members all agreed that it would need to be clearly demonstrated that the development would not have a detrimental impact on the adjoining New Wave development in respect of residential amenity.

- Regarding the proposed residential units these should provide a good standard of accommodation for future occupiers in regard to light, outlook, layout, privacy. It was queried whether the lowest block (C) would be somewhat overshadowed.
- A noise report should be submitted to demonstrate that design measures can satisfactorily be implemented to mitigate for noise and disturbance from adjoining commercial operations.

3.15. Transport

- The level of car parking was generally considered to be appropriate for this location although it would need to be demonstrated that the development would not result in harmful overspill car parking to the north,
- It should be clearly set out how the car parking spaces would be split between the office and residential.

3.16. Viability / Affordable Housing

- It was noted that the proposal would not be providing the policy compliant level of affordable housing and a viability assessment would need to be submitted demonstrating that this could not be achieved.
- Members recommended that information is provided demonstrating that registered providers would take on the affordable rented units.

Pre-application advice from officers – August 2018

3.17. **PRE2018/00211** - Demolition of the existing buildings and the erection of 148 residential units, 1400 sqm of B1 floorspace and 30 sqm of A3 floorspace with associated landscaping.

3.18. The scheme has moved on positively from the previous pre-application proposals (PRE2018/00019 and PRE2018/00134) with a reduction in the overall scale of development, a more coherent design approach and is generally aligned with planning policy in regards to employment provision and housing mix. Notwithstanding the above there is still a challenging quantum of development on the site which is considered to negatively impact upon the overall form and appearance of the scheme and is likely to compromise living conditions for a number of the future occupiers.

4. REPRESENTATIONS

4.1. **Forty five (45)** letters has been received objecting to the proposed development for the following reasons:

Design / Appearance

- Excessive height,
- Out of keeping,
- Poor design,
- Lack of imagination,

- Falls well short of Brighton and Hove's proud tradition for architectural design,
- The design approach appears solely to be motivated by maximising developer profit,
- Overdevelopment of the site,
- Too high a density,
- Locals are not against change, but the built form must be appropriate for the area,
- Should be a maximum of 4 storeys,
- Proposal is unsympathetic and does not take into consideration the existing character of the area,
- Lack of green space built into the scheme,
- Insensitive design,
- The design is not compatible with the low-level housing which is the predominant built form in the area,
- Uninspiring, dull, ugly building,
- Does not contain a Tall buildings Statement or colour 3D visuals,
- Terraced housing with small gardens should be considered,
- Height should be restricted to the height of the adjoining New Wave development,
- Brighton and Hove is losing its individuality with bland high rise development proposed,
- Proposal looks like office blocks,
- The recent redevelopment of New England Quarter by Brighton station is predominantly 5-6 storeys. Development north of the railway in Hove should follow similar heights,
- Hove must be able to maintain its identity,
- Too bulky,
- Dominates views from adjacent buildings,
- Low level family housing would be more appropriate
- The proposal will completely dominate the landscape of the surrounding area,

Housing / standard of accommodation

- Lack of affordable homes,
- Lack of family homes in scheme,
- Not the sort of homes that the local population requires,
- Cramped dwellings with lack of storage,
- Too many smaller units,
- Unacceptably living conditions,
- Lack of decent gardens or green spaces,
- Inadequate children's play areas,
- New build developments of this sort have a track record for being of poor quality and poorly built,
- Too many units to provide a good standard of accommodation,
- High rise living does not promote social cohesion.

Transport

- Insufficient parking spaces for the residential or commercial,
- Concerns the proposal will add to traffic to the already congested and dangerous junction between Newtown Road and Fonthill Road,
- Traffic studies are inadequate,
- The proposal will increase congestion and traffic in the vicinity to the detriment of pedestrians and other road users,
- Will result in increased parking pressure,
- Cumulative traffic / parking considerations with other proposed developments have not been considered,
- The adjacent roads are already at capacity,
- Increased strain on the local train infrastructure,
- No parking for visitors will result in overspill parking,
- Goldstone Lane is already a rat run with speeding cars and the proposal will exacerbate these issues,
- Additional road users will endanger cyclists,
- The scheme should be doing more to reduce car use and attract cyclists,
- Parking is already a problem for those working near Hove Park in the schools and offices,
- The transport assessment is based on census data from 2011 and is out of date,
- Providing underground parking will encourage car use,
- Increased congestion,

Impact on neighbouring amenity

- Loss of daylight and sunlight to adjoining properties,
- Loss of privacy with views into adjoining properties and gardens,
- Totally disregards the impact on the existing low-level housing in the vicinity,
- The New Wave already harms the amenity of neighbouring properties and the proposal will worsen this,
- Overbearing,
- The proposal will result in overshadowing
- Will be detrimental in maintaining an amenable neighbourhood feel,
- Overconcentration of dwellings and offices,
- Noise pollution from increased traffic and also from future occupiers using external terraces,
- Will impact on 'ancient lights' deeds,
- Local area is already overpopulated,
- The greatest impact is on the adjoining New Wave block. This was largely unoccupied when the application was submitted and the new residents have not been adequately consulted,
- Health and wellbeing of neighbouring occupiers detrimentally impacted,
- The proposal is too tall and will block most of the sunlight to the development to the east, especially outside of the summer months.

Other Considerations

- Impact on air quality,
- Increased pressure on services, eg, school, colleges, doctors, dentists,

- Inadequate consultation,
- No green roofs or renewables,
- Inadequate consideration of sustainability - should be targeting zero carbon homes,
- The proposal does not provide community facilities such as affordable children's day care or community kitchen facilities,
- The area should be retained as commercial,
- The Risk Assessment Report refers to a 'high risk' of unexploded ordnance,
- The adjacent parks will not be able to support the additional residents of the proposed flats

4.2. **Councillor Vanessa Brown** objects to the application, a copy of the email is attached.

4.3. **Hove Civic Society:** objection

The Hove Civic Society supports the principle of a substantial residential development on this site, one which would be compatible with the ambition for this area within the emerging Hove Neighbourhood Plan, and which would raise the quality of the public realm in terms of landscaping and amenity.

4.4. That said, we are very disappointed with the proposed scheme presented in this application. The basic problem is the attempt to fit too much development into a site of this size and shape, alongside the new residential development now abutting the site.

4.5. Given such constraints with the site, this scale of development has resulted in a design in which the massing of buildings is very unsatisfactory. The issue of height within a new development need not be a problem if the massing of the scheme as a whole is well-managed, but in this case the degree of over-development being attempted has inevitably led to:

- A solid massing of the two main blocks with elevations which would be heavily overbearing in the streetscape.
- A heavy domination over the residential development in the neighbouring 'New Wave' buildings now nearly completed.
- Some undesirably deep layouts in some of the residential units within the two main blocks.
- An awkward overall layout within the site, which is not by any means the best response to the overall vision for this quarter being worked up in the Neighbourhood Plan.

4.6. **Brighton Society:** objection

The Brighton Society objects to this planning application on the following grounds:

1. Excessive height. The eleven storey and eight storey buildings will be far higher than any others in the vicinity and will change the character of this part of Hove between the railway and Hove Park and its surrounding low-rise residential areas in a detrimental way. It seems odd that the tallest building is located at the northern end – surely the height should be lower the nearer it reaches the northern edge of the Tall Buildings zone?
2. Poor visual design. The buildings conform to the current fashion for tall, characterless, impersonal boxes. Where is the elegance, where is the variety and diversity of style, where is the imagination that good design could bring to the city?

It is time we started insisting on better quality designs for all the major development proposals currently being proposed all over the city. Brighton has 34 Conservation areas, 1,233 listed buildings – the largest number of any English city outside London – and a magnificent architectural heritage.

Our new buildings should aspire to similar high standards. The buildings in this development wouldn't look out of place in Croydon.

3. Views from Hove Park. At the moment it is possible to see the sea from parts of the locally listed Hove Park. This development, particularly the eleven and eight storey buildings, will block those views and cut off the park from the sea, which will have a detrimental affect on the value and amenity of the park for local residents and all those of all other visitors to the park of whom there are many.

Brighton's heritage is closely associated with the sea and its views of the sea from the surrounding hills and is not something that should be lightly discarded in order to maximise the development value of private interests.

4. Relationship to the proposals for the Sackville Trading Estate
This development should be considered in relation to and in the context of the Moda planning application the adjacent Sackville Trading Estate to which we also objected on similar grounds. Together, these two massively scaled developments will represent an unacceptable conglomeration of tall buildings quite out of scale with this part of Hove and with locally listed Hove Park to the north and will have a severely detrimental effect on this part of Hove permanently changing its character considerably for the worse.

We acknowledge the need for more housing within the city but considerably more housing can be provided by low-rise high density accommodation.

This much more sympathetic design solution is rarely favoured by current developers who as a matter of course propose high blocks.

Over-concentration on high rise developments does little to help families – but it could help wealthy investors based overseas, prospective second home owners and landlords who want to charge high rents for wealthy tenants – very few if any of whom need that help. Developers of course prefer to sell to the high end of the market.

The traditional pattern of development in the central areas of Brighton and Hove is for high density, relatively low rise terrace type housing exemplified by its Regency terraces at one end of the spectrum or the tightly packed streets of Hanover at the other. Both of these housing types can create very high densities which would, if replicated in new developments, easily provide the numbers of extra dwellings required by the City Plan – but without building tall blocks.

Let's make an effort to preserve that tradition. From every point of view tall buildings are bad news. As well as the drawbacks referred to above, social commentators have highlighted loneliness and the lack of any real sense of community as all too common within tall buildings.

In fact Simon Jenkins, President of the Regency Society, recently described towers as *“the enemies of social vitality. They are silent stakes driven through a city's sense of community”*

- 4.7. **Two (2)** letters has been received supporting the proposed development for the following reasons:
- Acute housing shortage in the city,
 - Well located next to hove Station,
 - This is a brownfield site and the level of housing appears reasonable
 - The application should be designed so it can join a future heat network.

5. CONSULTATIONS

5.1. **Air Quality:** Comment

Monitoring suggests improving air quality in the area. The nearest monitor is adjacent with the Sackville Road and Old Shoreham Road junction.

- 5.2. A model test with 500 additional vehicles per day (24-hours) indicates a contribution to roadside pollution one metre from the kerb of Sackville Road. Following national guidance this is not significant at permanent residential dwellings set back from the road by three metres or more. The City Council's Air Quality Management Area will be reviewed in 2020. Confirmation and authority agreement on vehicle productions due to the development would be beneficial.

- 5.3. On full occupancy the developer shall seek ducting ready for electromotive charging points at least in line with City Council policy SPD14. Potentially 20% requirement will be surpassed by the year of occupation.
- 5.4. If CHP is the only viable energy option the developer shall seek the lowest possible NOx emission available on the market at the time of commissioning.
- 5.5. In recent years local air quality (within 1km of Newtown Road) is compliant with all standards set out with the ambient air quality directive.
- 5.6. There is some doubt relating to traffic production due to the development. This has not been agreed with the transport authority for inter peak service vehicles during the day and evening.
- 5.7. An increase of 500 vehicles a day is not significant for local air quality as nitrogen dioxide levels are compliant with the Air Quality Assessment Level across Hove.
- 5.8. The main bus services along Sackville Road from autumn 2019 have relatively low emissions. From 2022 it is probable there will be an increased percentage of regular vehicles with low emissions. The prediction with time is that road traffic emission will contribute less to roadside pollution.
- 5.9. Pollutants other than NO₂ including fine particulate matter have been screened out in the original assessment and Environmental Statement (ES).
- 5.10. The need for combustion on site will to some extent be reduced with photovoltaic array and modern design. If a Combined Heat and Power (CHP) plant is required. It is recommended that the developer seek ignition and combustion design for lowest available NOx emission rates.
- 5.11. **Arboriculture: Comment**
The site is currently used as a car sales showroom and forecourt and has no trees of any value either within or immediately adjacent to the boundaries. There are extensive areas of hard surfacing and no existing soft landscaping anywhere on the site. Consequently, there are no arboricultural issues associated with the proposals. There is an opportunity to increase the amenity of the local area by implementing appropriate soft landscaping within the scheme, and this has been proposed.
- 5.12. The inclusion of 10x *Amelanchier lamarckii* and 10x *Gleditsia tricanthos* along the frontage with Newtown Road and within the central portion of the site will create an attractive area and provide softening of the built form. The planting specification and methodology is acceptable to the arboricultural department. Aftercare has been considered and incorporated appropriately.

- 5.13. **Artistic Contribution: Comment**
Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 5.14. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.
- 5.15. The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 11,153 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.16. It is suggested that the Artistic Component element for this application is to the value of £62,500. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.17. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.18. **City Clean: No objection**
- 5.19. **Ecology: Comment**
Potential impacts on biodiversity
There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 5.20. The biodiversity checklist submitted with the application was negative, and from the information provided, as well as an assessment of maps, aerial photographs and local biodiversity records, the site is predominantly buildings and hard standing and is of relatively low ecological value.
- 5.21. The site is unlikely to support any protected species. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.

Mitigation Measures/Enhancement Opportunities

- 5.22. The development should also seek opportunities to enhance the site for biodiversity to help the Council address its duties and responsibilities under the NERC Act and NPPF, although no specific recommendations are included in the application. The sustainability checklist notes that no green walls or roofs will be provided, no semi-natural habitats will be created, and no bird, bat or insect boxes will be provided.
- 5.23. It is noted that a public open space is proposed to include soft and hard landscaping. The landscaping scheme should include locally native species and species of known value for wildlife. The planting plans do include some species listed on Annex 7 of SPD 11, but *Prunus laurocerasus* Cherry Laurel should be removed from the scheme as it provides relatively few benefits for wildlife in urban areas and its use is discouraged in landscaping schemes without specific justification. The proposed lawns should use a wildflower lawn mix, preferably one using chalk grassland species to help meet Biosphere objectives.
- 5.24. Green roofs and/or walls are strongly recommended as they provide multiple benefits in addition to enhancing biodiversity, including improving the efficiency of solar PVs, reducing the heat island effect and improving water quality. Green roofs should be biodiverse (chalk grassland) rather than sedum which offers minimal biodiversity opportunities.
- 5.25. Given the location of the proposed development and the heights of the buildings, the provision of swift boxes is strongly recommended.
- 5.26. In light of the above, and in line with BS42020:2013 *Biodiversity – code of practice for planning and development*, if the Council is minded to approve the application, it is recommended that a condition is applied to include an ecological design strategy (EDS) addressing ecological enhancement of the site.
- 5.27. In summary, the proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities to achieve net gains in biodiversity, and it is recommended that an Ecological Design Strategy is required by condition.
- 5.28. **Economic Development: Comment**
City Regeneration supports this application to provide 148 (C3) dwellings and 1,107sqm of (B1) office floor space with associated car parking, cycle parking and 22sqm of (A3) café floor space.

- 5.29. The current site is located within a designated employment zone. City Plan Part One DA6 – Hove Station area has acknowledged this area as a protected employment – led mixed use site. The development area policy encourages ‘regeneration of underused land and buildings that offers flexible employment space and high-quality design’. It is currently used as a Peugeot car dealership and employs 25 employees. The application states that the existing floor space under the heading of other is 1,350sqm and the new internal B1 floor space proposed will be 1,107sqm.
- 5.30. Using the latest OffPAT employment density guidance (Edition 3 – 2015) for class B1, would result in 92 FTEs and so the proposed figure of 140 FTE, whilst welcome, may be dependent on the nature of the business(es) occupying the space. It is noted that the application also states that 22sqm have also been designated for A3 (Restaurants and cafes) however using the latest OffPAT employment density guidance, would result in only 1 FTE. In terms of functional employment space this creates an overall loss of 221sqm however the application will offer high quality B1(a) office floorspace and with a better use of the space, as previously stated, will hopefully enable the proposed 140 FTEs.
- 5.31. The application also meets the local priority to continue to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace, protecting employment sites in accordance with CP3 Employment Land and undertaking measures to create employment opportunities for local communities. City Regeneration does cite that this is a welcome, albeit small in the overall scheme, addition to employment floor space within the city.
- 5.32. The Economic Development Team recognises that this scheme in addition to the much-needed high quality employment space, does contribute towards addressing the housing challenge facing the city. Should the application be approved, an Employment and Training Strategy will be required to be submitted for approval at least one month prior to commencement, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate taking into account the specialist nature of this work) and construction phases of the development.
- 5.33. In respect of the training commitment, industry guidelines (CITB) for KPIs based on the value of the development should be referenced.
- 5.34. Early contact with the council’s Local Employment Scheme Co-ordinator is recommended to gain advice and guidance on the development of the

Employment and Training Strategy, in order to avoid any delays in the planned commencement of the development.

- 5.35. Also, if approved, in accordance with the Technical Guidance for Developer Contributions, City Regeneration requests a contribution through a S106 agreement for the payment of £46,600 towards the council's Local Employment Scheme.

Revised comments

- 5.36. The revised employment floorspace to 954sqm is noted. Using the latest OffPAT employment density guidance (Edition 3 – 2015) for class B1, would result in (79 FTE compared to 92 FTEs in the original submission). The scheme is supported.

- 5.37. A revised payment of £46,200 is sought.

5.38. **Education:** Comment

The Education Team is not requesting a contribution in respect of primary school places. This is because primary school roles are now falling in this part of the city and there is no justification for seeking a contribution. We will however still be seeking a contribution in respect of secondary and sixth form education of £116,128.00 if this development was to proceed as secondary numbers are continuing to rise in this phase of education. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect.

5.39. **Environment Agency:** Comment

The previous use of the proposed development site as Railway/Industrial Site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 & is located upon a principal aquifer.

- 5.40. The application's phase 1 site investigation demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

- 5.41. We have no objection to the proposed development as submitted, subject to the inclusion of the following 6 conditions, in any permission granted. We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as

set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

5.42. **Environmental Health:** Comment

Noise, vibration and dust from construction activities may be controlled using a Construction Environment Management Plan.

5.43. The main concerns are:

- potentially contaminated land due the previous commercial use of the site and surrounding area;
- noise to the prospective users of the site from transportation and the activities of neighbouring commercial units;
- the potential for restriction of the activities of surrounding businesses due to noise complaints from new residents. The report contains no information about current restrictions on the delivery times for existing units.

5.44. In detail the noise issues are:

- a. mitigation to produce a tolerable noise climate inside the dwellings;
- b. sound insulation between the residential and commercial, including plant and rubbish areas;
- c. Siting and shielding of balconies to make them suitable for relaxation.

5.45. The Syntegra acoustic report (September 2018, 18-4509B) refers to various standards, including the ProPGuide, Planning and Noise: New Residential Development, in order to demonstrate all methods have been considered in meeting this standard mitigation must be evaluated. Firstly, separation; layout and orientation, barriers, glazing and finally façade insulation/additional ventilation, so that internal comfort can be maintained with windows closed.

5.46. Almost all of Block B and the north facades of block A and C are said to need enhanced glazing plus MVHR to make the internal noise climate acceptable. However, Blocks A & C west facades are subject to similar noise as block B and therefore should also be considered for enhanced mitigation measures. This will mean relying on closed windows to keep out noise. Corresponding ventilation measures are required to make sure that there are adequate air changes and air cooling to avoid overheating. It is expected that the balconies will be provided with shielding construction and communal amenity areas screened, so that they attain as close to below the 55dB(A) standard and are usable for relaxation, etc.

5.47. It should be noted that the Environmental Protection Act 1990 sections 79/80 does not apply to traffic noise and therefore design mistakes cannot be corrected later using this legislation, it is therefore critically important that all steps are taken to mitigate transportation noise before the scheme is built.

- 5.48. The noisy plant and equipment e.g. extractor fans, air conditioning units and so on, are not yet known and have not been considered.
- 5.49. A lighting plan is required so that light nuisance is not caused to neighbours or those on the site.
- 5.50. **Heritage: No objection**
The Proposal and Potential Impacts
The site falls within the Hove Station tall building node as set out on policy CP12 of City Plan Part 1 and SPGBH15 and is therefore suitable for development of over 6 storeys in height, although SPGBH15 states that tall buildings here “*may represent an opportunity to contribute to the delivery of the council’s employment policies*”. The proposed density of development substantially exceeds the minimum density required by policy CP14.
- 5.51. As identified above, the site itself does not contain any heritage assets but potentially impacts on the settings of some designated and non-designated heritage assets. Regrettably there is no mention or assessment of these potential impacts in the submitted documents.
- 5.52. It is not clear from the application whether there would be any impact on the setting of Hove Station and the Hove Station conservation area. The 11-storey building could potentially be visible from Station Approach looking north-west over the original 1865-6 Station building, but the application does not include a view from this location. The potential impacts on the settings of the listed building and on the Hove Station conservation area cannot therefore be assessed at this stage.
- 5.53. With regard to the Dubarry building, its architectural significance and townscape interest lies largely in its southern elevation and roofline, particularly as viewed from within Hove Station and from the Station’s car park but also as seen, looking westwards, from the bridge over the railway line on The Drive. In current views it acts a local landmark due to its scale and distinctive mosaic panels. Again, no views have been submitted from relevant viewpoints to enable a full assessment of impacts, it would seem very likely that from the west footway on The Drive bridge the development would rise up directly behind the Dubarry Building. The scale of the new development would to some degree diminish the scale of the Dubarry building and its role as a local landmark. There would, therefore, be some harm to the building’s setting. However, it must be noted that development on the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would have a similar impact on the building’s setting.
- 5.54. With regard to the impact on the locally designated Hove Park, the submitted view images suggest that the development would sit comfortably within the

height of the tree canopy and respect the shallow bowl of the park at its southern end, However, the accuracy of these images is questioned in comparison with the verified views submitted for BH2018/03697, the Sackville Trading Estate and Goods Yard site. It will also be important to consider the combined and cumulative impact of these developments on these views.

- 5.55. The proposal can be seen from View C in the Design and Access Statement to impact on the silhouette of the locally listed 101 Conway Street. Its townscape interest – and setting – have already been diminished by past redevelopment to the south and development and therefore the harm to the building’s setting would be minor. Again too, development on the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would have an impact on the building’s setting in this view.
- 5.56. It is not considered that there would be any impact on the setting of the locally listed Fonthill Road Railway Bridge.

Revised comments

- 5.57. A set of Accurate Visual Representations has been submitted to address the issues raised in the previous Heritage comments. This document shows that the proposed development would not be visible from the east end of Station Approach and would have no impact on the silhouette of the listed buildings of Hove Station. It would be visible beneath the Station forecourt canopy from close in front of the Station above the recent cycle store building, but it is not considered that this would have any significant impact on the way in which the Station is viewed or experienced. Therefore, it is concluded that the proposed development would cause no harm to the setting of the listed Hove Station or to the setting of the Hove Station conservation area.
- 5.58. In the submitted view from the locally listed Hove Park to the north the development would sit comfortably within the bowl of the park and the rolling height of the tree canopy. It would not greatly change the existing view and would cause no harm to the Park’s setting. However, it would have a potential cumulative impact with future development of the Sackville Trading Estate (as envisaged by policy DA6) that would potentially cause some harm to the setting of the Park arising from an erosion of the Park’s secluded suburban character. This could be mitigated through future tree planting at the southern end of the Park.
- 5.59. **Housing Strategy: Comment**
The application proposes 32 affordable homes to be provided which represents 22% of the overall units and is not therefore compliant with Policy CP20. To be compliant with Policy CP20 the scheme would provide 59 affordable homes (with a tenure split of 32 Affordable Rent/27 Shared Ownership). A Financial

Viability report has been provided to support the proposed position. This will now be independently assessed.

- 5.60. Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. Wheelchair accessible housing does not appear to be identified in this application.

Tenure

- 5.61. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective. A position compliant with City Plan Part 1 Policy CP20 Affordable Housing of 40% affordable homes would equate to 59 homes as Affordable Housing, split provided as 32 for Affordable Rent and 27 for Shared Ownership sale.
- 5.62. At present the developer has offered 32 units (22%) as Affordable Housing with the tenure unspecified. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing Development. At present, Registered Provider partners cap the rents payable at Local Housing Allowance and the council can nominate people from the Housing Register to Affordable Rented properties. Shared ownership housing is an accepted way to allow those who could not afford a home outright to get a foot on the ownership ladder.
- 5.63. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale).
- 5.64. There should be 5% wheelchair accessible homes provided across the whole development and 10% within the affordable housing development. This equates to 6 homes within the affordable element of this scheme at a 40% provision and 7 units on the site overall. The schedule of accommodation does not seem to identify and wheelchair housing. Affordable Rent is the preferred tenure for wheelchair accessible homes.

Design and Size of units

- 5.65. Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards. The current accommodation schedule lists that the units all meet the minimum space standards. Wheelchair accessible units have

required living space areas defined within the Building Regulations which should also be met.

Unit mix

- 5.66. Assessment of housing needs shows that although greatest need numerically, is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the affordable housing brief scheme mix is based on this, requiring a balance of unit sizes. This would generally require a scheme with a mix of one bed, two bed and three bed homes.
- 5.67. The council's affordable housing brief currently asks for a mix of 30% 1 beds, 45% 2 beds and 25% 3 beds. This development overall has a higher proportion of smaller units and the affordable housing element can be adjusted to reflect the scheme mix.

Revised comments

- 5.68. The application proposes 32 affordable homes which equates to 22% of the total homes to be provided. These were offered as shared ownership homes for sale as the only viable option for the development. The council accepts that developments must be viable and seeks independent confirmation of viability proposals in order to assess this.
- 5.69. The Financial Viability provided by the applicant to support the proposal has now been independently assessed by the DVS who conclude that it is financially viable to provide a scheme with both Affordable Rent and Shared Ownership.
- 5.70. Affordable rented housing is the council's priority and we welcome the chance to agree a suitable allocation of affordable housing that includes housing for rent.
- 5.71. Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. This would equate to 3 units within the affordable housing and 7 units on the site overall. Plans currently identify 10 units of wheelchair accessible housing.
- 5.72. Supported by Housing subject to provision of Affordable Rent within the overall affordable housing.
- 5.73. **Hove Station Neighbourhood Forum: Object**
The Hove Station Neighbourhood Forum supports the principle of a mixed-use redevelopment of the KAP site, but objects to this application, on the grounds of overdevelopment, which includes unacceptably high 8 and 11 storey blocks, and very limited provision of 'affordable' housing, However, the project includes

many of the features of an appropriate mixed use development which should be included in a revised submission.

1. The Draft Hove Station Neighbourhood Plan and the KAP application

- 5.74. The Forum was authorized by the City Council in December 2014 to prepare a statutory Neighbourhood Plan (NP) for an area which focuses on the City Plan Hove Station Development Area 6 (DA6) and includes this site. The Plan aims to guide the comprehensive redevelopment of the run-down areas around the station so that it creates a new Hove Station Quarter, which will straddle the railway, and bring positive benefits for current residents, whilst minimizing adverse impacts of large-scale redevelopment which helps to meet the city's urgent need for housing and employment space.
- 5.75. The Forum's preparation of the Hove Station Neighbourhood Plan, which includes this site, has now reached the stage of a published Regulation 14 Pre-Submission Draft Plan for public consultation from March 23rd to May 15th. Therefore, the applicant's statement that the NP '...is currently in the early stage of preparation' (Planning Statement para 5.42) is significantly out of date. Nonetheless, it is still the case that the Draft Plan is not yet a part of the City's Development Plan and thus, in strictly legal terms, the applicant can state that 'it carries no weight in the determination of the application'.
- 5.76. But the Draft Plan has emerged from an unprecedented level of community engagement, sustained over four years, which identified residents' concerns about redevelopment and support for its emerging policies. This has included 8 Have Your Say Days (average 70 residents attending), many smaller group meetings with local stakeholder organisations, newsletters and the development of a web-site with associated social media platforms - www.hovestationforum.co.uk. This participatory process has shaped this submission and the 240 Forum members were consulted on the draft text.
- 5.77. Thus, the Forum's submission should carry significant weight, as it articulates the local community's view of the KAP proposal.

2. The Hove Station Quarter Concept Plan and the KAP application

- 5.78. In February 2018 the official Design Review Panel considered the initial project design on behalf of the Council and its report gave the project consultants the following advice;
- 5.79. Although the Neighbourhood Plan has not yet been adopted, we suggest that there is a wealth of research and information provided that could help inform how this scheme could better respond to the wider area and that reference to this could be beneficial (Planning Statement Appendix 1 pp 3/4)

- 5.80. The 'research and information' referred was the draft Neighbourhood Plan, available on the Forum website, which includes the Hove Station Quarter Concept Plan, developed to illustrate how the vision of the wider area of a Hove Station Quarter could be delivered. The applicant refers to this as a '...speculative Master Plan strategy' (Design and Access Statement para 3.1). But having dismissed the Draft Plan as having 'no weight' the applicant then explains (para 3.2) the 'pointers from the Hove Station Masterplan' which they took to '... at least inform some elements' of their design.
- 5.81. The Forum welcomes the fact that the consultants eventually took key design elements from the Concept Plan, including high quality public open space and the pedestrian routes and links which create pedestrian friendly environment. These elements help to join up their proposal with neighbouring existing and possible future housing.
- 5.82. Unfortunately, the applicant used an early and out of date version of the Concept Plan to justify the location of a 'signature height building' in the north-west corner of their site. Informed by our on-going community engagement work (including the July 2018 Have Your Say Day which the KAP did not attend) the current July 2018 version of the Concept Plan reduced the number of signature buildings to two – one at each of the entrance points to the Concept Plan Area - at the Old Shoreham Road and Fonthill Road junctions with Newtown Road,
- 5.83. Thus, the Concept Plan included in the current Regulation 14 Consultation Draft Plan cannot be used as a justification for including a very high signature building within the KAP project.

3. Building height, scale and design

- 5.84. The Council informed the applicant that this site had been identified as having the capacity to deliver 60 residential units as part of a mixed-use scheme. But they state that 'the submitted proposals demonstrate that the site is capable of delivering a significantly greater quantum of development without having a detrimental effect upon the surrounding area or upon neighbouring amenity' (Planning Statement (para 6.14)
- 5.85. The Forum and the local residents reject this assertion. The 'greater quantum' of 148 residential units and 1,107 sqm of office floor space on a small 0.4 hectare site is substantial over-development which will have serious detrimental impacts on the character and amenity of the adjacent New Wave development and neighbouring streets to the east.

- 5.86. A great majority of the 45 objectors to the scheme to date have voiced this concern, including the ward Cllr. Vanessa Brown. Only one respondent has supported the application.
- 5.87. The location of the 11-storey building is not suitable for a signature high building. Although it is the furthest away from nearby residential properties this building will stick up like the proverbial sore thumb, when viewed from both the four storey housing in Goldstone Lane and the 3-4 storey housing up the hill to the east in Fonthill Road and also when viewed from Hove Park.
- 5.88. To varying degrees it will have significant negative impacts on the daylight and privacy currently enjoyed by longstanding neighbouring residents and the (as yet mainly prospective) occupants of the adjacent recently constructed New Wave development. Moreover, it will hugely overshadow and visually dominate any future redevelopment of the adjacent Goldstone Retail Park, such as that which is illustrated in our Concept Plan. It is for these reasons that this location is inappropriate for a landmark building.
- 5.89. The proposed 8 storey block will also have these negative impacts, albeit to a lesser extent. This block will be much taller than the adjacent 6 storey New Wave development. The 6 storey limit was imposed by the Council Planning Committee to align the New Wave block with the height of the adjacent former church building and should be regarded as a precedent. This decision informed the development of the Draft Neighbourhood Plan Tall Buildings Policy 11 which states
- 5.90. In the DA6 part of the Neighbourhood Plan Area, building heights will generally be limited to six storeys with the following exceptions. To the north of the railway taller buildings may be acceptable with in locations that allow them to act as Hove Station Quarter landmarks and aid wayfinding. Potential locations include the junctions of Shoreham Road/Newtown Road and the south eastern part of the area closest to the railway.
- 5.91. Reducing the height and bulk of the two big blocks would significantly improve the design quality of the development by enabling the evolving Newtown streetscape to be less overbearing and much more coherent and attractive, whilst minimizing its negative impacts.
- 5.92. Thus, the Council should require the 8-storey block to be reduced to 6 storeys and the 11 storey block to be reduced to 9 storeys.
4. Affordable Housing
- 5.93. The Draft Neighbourhood Plan adopts the City Plan target of securing 40% 'affordable' housing in all developments of more than 15 dwelling units. This has been fully supported in all our community engagement work. But local

residents have increasingly voiced their dismay that the government imposes a definition of 'affordable' as 80% of market rent or sale price. They point to the New Wave development as an example of housing provision which attract purchasers from outside the city, be they commuters or second home owners and thus does very little, if anything, to meet local housing needs.

- 5.94. The proposed provision of 22% of affordable housing in the form of shared ownership is not compliant with Council policy and therefore not acceptable to the Forum.
- 5.95. The applicant commissioned a viability assessment which demonstrated that the project is not financially viable, even at 0% affordable housing provision But '...in order to achieve a satisfactory planning permission.....the applicant has agreed to offer a degree of affordable housing. The applicant already owns the site and therefore is able to agree a reduced return from the development which would allow for the provision of 32 affordable units on site' (Planning Statement para 3.13)
- 5.96. The statement goes on to say that more affordable housing could be provided by one of two options - reducing the office space or increasing the amount of development on site. But as the Council would not support either option, the proposed project 'appears to be a suitable compromise between the various competing interests' (para 3.14).
- 5.97. But shared ownership is the version of 'affordable' housing which is nearest to full market value. So the 'reduced return' (meaning the reduced profitability of the project) is very modest. A third option of a further reduction in the return would deliver more 'affordable' housing and be a better compromise in terms of housing provision.
- 5.98. Thus the Council should require the developer to deliver 40% 'affordable' shared ownership properties to meet the target of both the City Plan and the Draft Neighbourhood Plan.

5. Employment space and jobs

- 5.99. The proposal includes the provision of 1,107 sqm of office space located in the ground floor of the two big blocks, thus creating 'an active frontage' - i.e. people moving in and out of the buildings and using the park/café. This is slightly less than the existing office space but will have the capacity (assessed by using the national standard of 85 sqm per employee) to provide 140 jobs on site compared with the current 25 jobs.
- 5.100. This approach is fully supported as it is consistent with that which Forum representatives have taken with council officers during the development of the Draft Plan proposals for mixed use sites i.e. the balance between employment

space and space for housing provision in mixed use development in DA6 should be determined by job creation capacity, rather than simply by the quantity of employment space.

6. Traffic generation

- 5.101. The applicant provides technical evidence to support the proposition that the additional traffic generated by this development will have no adverse impacts. However, this does not take full account of the impact of the traffic it will generate in combination with that now being generated by the New Wave development.
- 5.102. This combined impact will worsen the already stressful everyday experience of pedestrians, cyclists and motorists at the uncontrolled junction of Fonthill Road and Newtown Road. The inadequacy of the current design of this junction is demonstrated the frequency with which the traffic bollards are destroyed by cars.
- 5.103. The technical appraisal of this application by council officers should assess the combined impact of the New Wave development and this proposal and establish whether there will be a need to improve this already dangerous junction.
- 5.104. Furthermore, this assessment should be part of a wider assessment by the Council of the combined impact on traffic movement on the local road network (especially the Sackville Road/Old Shoreham Road junction) of the New Wave development (65 dwellings) and the KAP proposal, the recently approved Hove Gardens project in Conway Street (188 dwellings), the currently proposed Sackville Trading Estate/Goods Yard development (some 600 apartment units plus a 200 unit care facility) and the major Toads Hole development (some 700 dwelling units).

7. Parking provision

- 5.105. The basement car will provide 93 car parking spaces and 238 cycle spaces for the occupants of 148 dwellings and the anticipated 140 workers in the new office jobs. The provision of cycle spaces is generous and welcome as it anticipates and will help to promote the increase in cycling which the Neighbourhood Plan aims to achieve over the next few years as the new Hove Station emerges.
- 5.106. However, the project is outside the Council's car parking zones (CPZs). In the continued absence of parking control, this level of on-site parking provision will inevitably increase overspill on-street parking in Newtown Road and the narrow Goldstone Lane.

- 5.107. This adverse impact of the project should be minimized by Council including the Newtown Road area in a CPZ and refusing on street parking permits for the occupants of the new dwellings and the employees of the new businesses.
- 5.108. Additionally, given the proximity of public transport options at Hove Station the Council should also impose a planning condition which requires office employers to require their employees, by employment contract, to travel to work by public transport, or by cycling or walking.

8. Community Engagement

- 5.109. In preparing a statutory Neighbourhood Plan the Forum is required to engage with landowners and developers to ensure that residents' concerns, ideas and priorities are fully taken account of. Thus, when Matsim submitted their Hove Gardens project the Forum's Technical Team had a series of joint meetings with Matsim's consultants and their evolving scheme was presented at two of our Have Your Say Days, attended by a total of 170 local residents. As a result, their final planning application included substantial improvements to Conway Street east of Fonthill Road and this very high profile project generated only 23 objections. Moreover, Matsim agreed to express support for our proposal that some of their Section 106 funds they have to pay to the Council are invested in improve the Honeycroft and Vallance Centre Community facilities. The Forum has had a similar joint working arrangement with MODA as their proposals for the regeneration of the Sackville Trading Estate/Goods Yard have evolved since June 2018.
- 5.110. In sharp contrast, the Forum has had much less success in engaging with the KAP consultants. Our team had a joint introductory meeting and individual members participated in the informal discussions at their two public exhibitions in May and June which attracted 14 and 30 attendees respectively (KAP Community Engagement Statement). But the KAP team were not able to participate in our July 2018 Have Your Say Day.
- 5.111. In the context of increasing concerns about the final proposed scheme being voiced by our members and their neighbours, the Forum wrote to KAP in early February asking for a joint team meeting on the final proposal. But this has yet to happen. We recently re-iterated this request and invited KAP to participate in our next Have Your Say Day on March 23rd. To date there has been no response. Yet the Community Engagement Statement submitted with the planning application states that 'Tudor Holding is committed to engaging with the local community and, following the submission of the application, will ensure that interested parties and key stakeholders remain informed and updated regarding the proposals'

5.112. Rather than delivering on this commitment the evidence is that KAP are continuing with their minimalist and token approach to engaging with the local community. A revised proposal should be developed through a process which includes effective engagement with the local community.

8. Conclusion

5.113. For the reasons set out above, the Hove Station Neighbourhood Forum requests the Council to refuse this application.

5.114. However, the early mixed-use redevelopment of the site would make a significant contribution to meeting the city's housing needs and to the delivery of the Neighbourhood Plan vision of a joined up and vibrant mixed use Hove Station Quarter.

5.115. Thus, the Forum would welcome the opportunity to work with the applicants to develop a revised project which would have the support of the local community.

5.116. Such a revision would include a reduction in the density of the development and the height of the blocks, provide a higher proportion of 'affordable' housing, and include improved proposals for dealing with traffic and parking, whilst maintaining the provision of office space, a public park and high-quality landscaping in a pedestrian friendly environment.

5.117. **Hove Park Neighbourhood Forum:** No comment

5.118. **Planning Policy:** Comment

The development site lies within development area DA6 Hove Station area. The strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The City Plan Part One is guided by City Council's Employment Land Study Review 2012, which identified growth requirements of 112,240m² of office (B1a, B1b) floorspace over the City Plan period. The city is ambitious in terms of its strategic growth objectives and commitment to ensure sufficient quantities of high-quality modern premises to meet economic output and jobs target (Employment Land Study, 2012).

5.119. Whilst it is regretful that the redevelopment proposal is not an employment-led scheme as per CP3.4 and policy DA6, it is accepted that the proposed B1a floorspace could generate a much higher job density than the existing Sui Generis use on the site. The views of the BHCC Economic Development should be sought in respect of the employment element of the proposed scheme. The café use is considered acceptable as a small ancillary use.

- 5.120. The proposed 148 units are considered to make a valuable contribution to the city's housing supply, and this is welcomed in principle. The Council's latest housing supply figures in the SHLAA Update 2018 (published in February 2019) show a five-year housing shortfall of 576 dwellings (equivalent to only 4.5 years supply). Therefore, when considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 5.121. In relation to the proposed housing on site, the following points should be clarified:
- 5.122. Housing Mix (CP19) - it is concerning that the scheme is proposing only 7% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and is proposing only 1 affordable 3-bed unit.
- 5.123. Affordable Housing (CP20) - The application proposes 32 units which represents 22% of the overall scheme which is considered to be significantly less than the policy requirement of 40%. It is also noted that the applicant is proposing that the affordable housing should be 100% shared ownership. This would not meet the standard affordable housing mix specified in the council's Affordable Housing Brief (55% social/affordable rent and 45% shared ownership). In terms of the affordable housing unit size mix, the preferred mix to be achieved across the city is 30% one-bedroom units; 45% two bedroom units and 25% 3+ bedroom units. The scheme is significantly underproviding 3+ affordable units. The applicant's viability evidence should be subject to independent assessment before an affordable housing offer at this level can be considered.
- 5.124. In relation to waste management policies WMP3d & e need to be given sufficient consideration.

Revised scheme November 2019

- 5.125. It is understood that the scheme has been amended to address concerns raised regarding the design of the proposal. This has resulted in the reduction of employment floorspace from 1,107sqm to 954sqm along with the mix of residential units proposed. Additional policy comments in respect to these specific changes are therefore provided below:

Amended Employment Floorspace

- 5.126. Whilst the small reduction in employment floorspace is unfortunate, the loss of 154sqm in the amended scheme is considered marginal in terms of the overall delivery of usable employment space for the development.

Amended Housing Mix

- 5.127. The housing mix of the proposed 148 x C3 residential is now as follows;
- 80 x one-bedroom units (54%) = 60 market (52%) and 20 (14%) affordable
 - 59 x two-bedroom units (40%) = 34 market (32%) and 8 (8%) affordable
 - 9 x three-bedroom units (6%) = 9 market (1%) and 0 affordable
- 5.128. In terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 64% of the total scheme and only 6% of units being of three bedrooms. There are no larger units proposed.
- 5.129. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. In this case, a higher proportion of smaller units would be expected given the development format and location. However, it is concerning that the scheme is proposing only 6% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and the scheme is not proposing any affordable 3 beds.
- 5.130. In terms of the affordable housing unit size mix, the preferred mix to be achieved across the city is 30% one-bedroom units; 45% two-bedroom units and 25% 3+ bedroom units. The amended scheme is underproviding in all these categories with no affordable three bed units provided.
- 5.131. Policy CP20 allows flexibility for a lower proportion of affordable housing/different tenure mix where this is supported by viability evidence. It is understood that the applicant is proposing 22% affordable units which would be 100% shared ownership. This does not meet the 40% affordable housing target in Policy CP20 of the City Plan Part One or the preferred tenure mix sought in the council's Affordable Housing Brief. The Brief states that assessments of housing need indicate that the greatest need in the city is for additional rented affordable housing. The following broad tenure split remains a citywide objective; 55% rented (social or affordable rented) and 45% intermediate (e.g. shared ownership). The DVS report received November 2019 indicates that the 55:45 split on 22% affordable units may be a viable option for this development and suggests that the developer is invited to provide this split or an alternative mix that lies nearer to a policy compliant scheme. The applicant is therefore invited to review their offer or affordable housing based upon this evidence. The views of the Housing Strategy team should also inform the preferred tenure and unit size mix for the affordable housing.

- 5.132. In addition, since the affordable provision falls short of the Policy CP20 requirement, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future uplift in development values will provide for an improved affordable housing contribution.
- 5.133. Policy CP20 states that where feasible, the affordable housing units should be appropriately integrated throughout the development. Whilst the integration of affordable and private units in Block B of the development is welcomed comments are welcomed from Housing Strategy around the likely management of these units by likely affordable housing providers.
- 5.134. **SGN: Comment**
On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.
- 5.135. **Southern Water: Comment**
Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.136. Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.
- 5.137. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:
- a. Adequate soakaway or infiltration system
 - b. Water course
 - c. Where neither of the above is practicable sewer
- 5.138. Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

5.139. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- The detailed design for the proposed basement should consider the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:
- The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

5.140. **Sussex Police:** Comment

Secure By Design (SBD) is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products.

5.141. The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

5.142. The applicant should refer to the SBD Homes 2019 and the SBD Commercial Development 2015 documents. These provide the applicant with in-depth crime prevention advice pertinent to the design and layout.

- 5.143. It is unclear if the basement parking is solely for the residential development, if this is so it is supported, but there would be concerns if the space was shared without strict separation and control measures being implemented to remove any unauthorised access into the residential areas from the basement.
- 5.144. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD asks for compartmentalisation.
- 5.145. **Sustainable Urban Drainage: Comment**
Flood risk from surface water runoff is a particular concern at site particularly because a basement car park is proposed.
- 5.146. Our GIS data indicates the area to have groundwater levels between 0.5m and 5m below the ground surface. Applicant should be made aware of Sustainable Drainage Systems Supplementary Planning Document (Nov 2018). Given a basement is proposed, further investigation is required to determine depth of groundwater at site before any work commences. Calculations are acceptable given the stage of design however it is recommended the applicant use at least a 30% climate change factor as per LLFA guidance. Applicant has used 20% factor. No maintenance plan for attenuation tank (with pumped connection) is referenced.
- 5.147. The applicant will need to provide the following to discharge the condition: Conduct an appropriate ground investigation to determine the groundwater level to ascertain flood risk at site given a basement carpark is proposed by the applicant.
- 5.148. Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.
- 5.149. The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- 5.150. The applicant will also need to provide a comprehensive maintenance plan for the drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained, and the frequency needed to monitor and maintain the system for the lifetime of the development.

- 5.151. Examples of suitable maintenance plans can be found at www.susdrain.org.
- 5.152. **Sunlight and Daylight (BRE): Comment**
Comments 5 February 2019:
The Point 2 report accompanying the application evaluated loss of daylight and sunlight to existing properties using the BRE Report BR209, Site Layout Planning for Daylight and Sunlight, a guide to good practice.
- 5.153. To assess the impact on the amount of diffuse daylighting entering existing buildings, the BRE Report uses the vertical sky component (VSC) on the window wall.
- 5.154. The BRE report sets out two guidelines for vertical sky component:
- 1) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window
 - 2) If the vertical sky component with the new development is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear more gloomy and electric lighting will be needed for more of the time.
- 5.155. The BRE report also gives guidance on the distribution of light in the existing buildings, based on the areas of the working plane which can receive direct skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected and more of the room will appear poorly lit. This guideline has also been addressed in the Point 2 report. The areas receiving direct skylight will depend on room layout, and the BRE report does state that where room layouts are not known, which may be the case for the houses in Goldstone Lane, the calculation cannot be carried out. Point 2 have given results for the existing buildings analysed. Where these are based on assumed room layouts, the results may be unreliable.
- 5.156. Point 2 have also used the average daylight factor (ADF) method and tabulated ADFs for all of the affected rooms. Normally, this is not recommended in the BRE report. The guidance states that 'the use of the ADF for loss of light to existing buildings is not generally recommended. The use of the ADF as a criterion tends to penalise well daylighted existing buildings, because they can take a much bigger and close obstruction and still remain above the minimum ADFs recommended in BS 8206-2. Because BS 8206-2 quotes a number of recommended ADF values for different qualities of daylight provision, such a reduction in light would still constitute a loss of amenity to the room. Conversely if the ADF in an existing building were only just over the recommended minimum, even a tiny reduction in light from a new development would cause it to go below the minimum, restricting what could be built nearby.

5.157. However, Appendix F of the BRE report states that the ADF approach can be used 'i) where the existing building is one of a series of new buildings that are being built one after another and each building has been designed as part of the larger group' or ii) where the existing building is proposed but not built. A typical situation might be where the neighbouring building has received planning permission but not yet been constructed.'

5.158. It is not clear whether either statement applies to the New Wave Hove development on the adjoining site. At the time of the site visit in December 2018, this development appeared to have been fully constructed but not yet occupied.

5.159. If the average daylight factor approach is used, it should be carried out for the development as built, including balconies and overhangs. The average daylight factor calculation needs to be carried out for the development as actually constructed not how it might have been if it had been designed differently.

5.160. The BRE report recommends that in existing buildings sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south.

1 – 19 Goldstone Lane:

5.161. This is a row of houses, facing the proposed development, but some distance away behind New Wave Hove and across Goldstone Lane.

5.162. Loss of daylight to all these windows would be small and well within the guidelines and classed as negligible.

5.163. Loss of sunlight would not be an issue for numbers 1 – 17 as the windows in question face slightly north of due west. Loss of sunlight to number 19 would be very small, well within the guidelines, and classed as negligible.

New Wave Hove:

5.164. This is a newly built block of flats with a row of new townhouses. West facing windows in the side of the flats and at the rear of the houses would be impacted by the proposed development.

5.165. The worst affected flats on each floor are in the middle of the building. Living room R8 is already poorly lit (average daylight factor around 1%) because it is in the internal corner of the building with limited window area and a balcony above it. On the first, second, third and fourth floors these rooms would have a substantial reduction in daylight and be left with very little light (there is no habitable room in this position on the ground floor). For the living room

windows the vertical sky components are currently 13 – 15% and they would be reduced to 5 – 10% with the new development in place. On floors 1 – 3 there would also be a significant worsening of the daylight distribution in these rooms. The bedrooms in these flats would be less affected as they do not directly face the development site, though on the ground, first and second floors the room in position R7 in figure 5 would have a loss of light marginally outside the guidelines. This is partly due to the balcony and projecting wall that already obstruct this bedroom. The impact on the flat as a whole is tentatively classified as moderate adverse, because although the living room would lose a large proportion of its light, it is already poorly daylighted anyway.

- 5.166. The other substantially affected flat contains (on floors 1 – 4) living room R11 and bedrooms R9, R10 and R12. On the ground floor the corresponding flat contains living room R7/610 and two bedrooms, R6/610 and R8/610. On the ground, first and second floors there would be a substantial loss of light. For the living room windows the vertical sky components would drop from 20-21% currently, down to 13-23% with the new development in place. There would also be substantial worsening of the daylight distribution in these rooms. This would count as a major adverse impact on daylight to these flats.
- 5.167. Point 3 mention that the living room windows are already obstructed by overhangs which reduce their access to daylight. In such cases, the BRE guidelines suggest additional modelling of the daylight received by the window without the overhang in place. Point 2 have down this, by the results show that there would still be a substantial reduction in daylight and sunlight even without the effect of the overhang.
- 5.168. On the third floor in this location, the loss of light would either be within or only marginally outside the guidelines, and the impact would be minor adverse.
- 5.169. The other flats, at the western end of the building, would be less affected as their main windows face south towards Newtown Road. There are windows in the end wall which would have very large losses of light, but they are secondary windows, the main windows to each space do not directly face the new development. Loss of daylight to these main windows would be within the BRE guidelines, except for one window at ground floor level (this lights a bedroom). The impact to these flats would be classified as minor adverse.
- 5.170. In the townhouse element of the scheme, windows at the rear of each house face towards the new development. Loss of vertical sky component would be outside the BRE guidelines for five of the ground floor living rooms and three of the first-floor bedrooms. According to Point 2's average daylight factor calculations, the rooms would still be reasonably well lit, and the impact is assessed as minor adverse.

- 5.171. Loss of sunlight to all applicable windows in the New Wave Hove development would be within the BRE guidelines.
- 5.172. Point 2 have not analysed daylight or sunlight provision to rooms in the new development. This is recommended as the development will contain new dwellings.
- 5.173. Sunlight provision has not been assessed to surrounding open spaces.

Comments 8 August 2019:

- 5.174. The February review identified three main areas where additional material should be provided. These were an assessment of daylight and sunlight provision with the new development itself, sun on ground data to assess overshadowing of nearby gardens and similar data to assess sunlight within the development's own open spaces. Point 2's further letter has addressed the issues of daylight in the new dwellings and sunlight in open spaces and provided the data required. However, although it says that an internal sunlight assessment to proposed residential units has been undertaken, no sunlight data have been provided and it has not been possible to review this.
- 5.175. For daylight in new dwellings, the main criticism is the average daylight factor (ADF) which is a measure of the amount of daylight within a room. The ADF depends on the room and window dimensions, the reflectance's of interior surfaces and the type of glass, as well as the obstructions outside.
- 5.176. The British Standard recommends the following minimum values for ADF
- Bedrooms 1.0%
 - Living rooms 1.5%
 - Kitchens 2.0%
- 5.177. These are minimum values. The standard states that if a space has an ADF of 5% it will not normally need supplementary electric lighting provided the uniformity is satisfactory and that a space with an ADF of 2-5% will normally need supplementary electric lighting.
- 5.178. Where a room has a shared use, the British Standard states that the higher minimum value should apply. However, local authorities frequently accept the living room standard for a shared kitchen/living room, as a small kitchen would not be considered as a habitable room. This is a practical approach, as it is seldom in the final resident's interest to have a closed off, small kitchen which is completely artificially lit in order to force compliance with the Standard for the living room. In this case an average daylight factor of 1.5% or more might be acceptable.

- 5.179. Point 2 have analysed a subset of the flats in the development comprising all those on the lowest two floors in each block. This is a reasonable approach. Flats on the upper floors would be expected to receive more light.
- 5.180. Looking at the results in more detail, all the rooms in Block C would meet the recommendations and this building would be well daylit. In Block A, two bedrooms on each floor would be below the recommendations, these have balconies above them which restrict the light they get. It might be possible to enlarge the windows so that they receive more light. Finally, one living/kitchen/dining in Block A is just below the kitchen standard for ADF but does meet the lower living room standard.
- 5.181. The main problems would occur in Block B. One LKD on each floor would not meet the minimum ADF for a living room and would have low levels of light (0.8% on the first floor, 1.0% on the second floor). This is a very deep room with a balcony above it. Another three LKDs on each floor would have ADFs below the higher minimum for a kitchen. Four bedrooms on each floor would be below the minimum recommendations. Two of them could be improved by enlarging the windows but the other two are very close to the flank wall of the New Wave Hove development and would have poor outlook as well as very little light (0.0% ADF in one room per floor).

Overshadowing of existing external amenity spaces:

- 5.182. These amenity spaces comprise the outdoor communal area to New Wave Hove and individual gardens to the six townhouses that form part of the same development. Guidance recommends that no more than half of such an area should be prevented by buildings from receiving two hours of sunlight on 21 March. Sunlight at an altitude of 10 degrees or less does not count. If as a result of new development, the area receiving two hours sunlight is less than this and less than 0.8 times the previous area, the loss of sunlight is significant.
- 5.183. The BRE guidelines would not be met for the communal amenity space and two of the gardens. The communal amenity space is not well sunlit currently because of its position to the north of the New Wave Hove building and would have a substantial loss of afternoon sunlight as a result of the new development. The two gardens that would not meet BRE guidelines would also have a substantial loss of afternoon sunlight, being overshadowed by Block B. This would make a significant difference to the amenity of these gardens.
- 5.184. Point 2 state that 'the other gardens experience no reduction whatsoever as a result of the proposed development.' Although the areas receiving two hours sun on March 21 are the same before and after, the gardens would be

overshadowed by the new development in the afternoon. So, they would experience some reduction in sunlight, while meeting the BRE guidelines.

Sunlight in proposed amenity spaces:

5.185. Point 2 have also assessed sunlight in the proposed amenity spaces. The information shows that most of the proposed amenity space could receive two hours sunlight on March 21. This includes the seating areas and table tennis area between blocks A and B, and most of the private gardens to Block C but not the lawned area between blocks A and C. Overall the proposed amenity space would be adequately sunlit.

5.186. **Sustainable Transport:** Object

Final comments

As Local Highway Authority, the application for major mixed-use development is a concern because of its location in an employment area that is accessed from a classified road and the lack of on-site facilities for deliveries and servicing. The site is on the inside of a bend so inappropriate kerb-side parking or other activity could obstruct forward visibility for drivers/riders. Newtown Road also isn't part of a CPZ which makes controlling on-street parking, servicing and other kerb-side activity much more difficult in the absence of suitable on-site provision. Key risks include the following:

- In the immediate vicinity of the site – currently parking is permitted along the opposing side of Newtown Road to this development only. This is necessary to retain two-way access for commercial traffic serving the various employment sites in the area. All parking is restricted along the development's side – amongst other things to maintain forward visibility. Given the need to retain access and visibility this is generally well observed whilst little loading is attempted from this side either for the same reasons. (Here it is important to note that unlike the existing development – the proposed much more intensive development will not provide any on-site servicing). In the absence of appropriate design, overspill parking activity relates to this development may occur along the restricted side. This could obstruct access along and into Newtown Road and displace existing parking/servicing demand from other commercial premises. It also may promote errant pavement parking/loading. Such congestion from commercial traffic outside the site could pose a potential risk to the new residents who will be introduced into the area by this development, as well as discouraging them from walking and cycling.
- In the surrounding local area: Overspill parking could also lead to parking and other kerb-side activity being displaced into surrounding residential streets, noting that some of these are not within CPZs. This may again obstruct traffic and lead to vehicles parking in inappropriate places and obstruct visibility splays at junctions.

5.187. The latest TA does not contain enough information to assess the likely impact on the highway of a key matters of interest mentioned above. The information is lacking in the following areas:

- 5.188. Parking overspill: whilst the applicant's parking demand forecast has been updated, this still fails to address some of our concerns and it cannot be accepted. The LHA's own assessment suggests a significantly higher demand than the applicant predicts and overspill of around 39 spaces. The applicant has declines to provide a parking survey to demonstrate that there is sufficient spare capacity on-street to accommodate this overspill with impacting unacceptably on the highway – even though Newtown Road and some other streets within a reasonable walking distance are not within CPZs (meaning that overspill there cannot be managed). Even with nearby CPZs, overspill from visitors to the proposed residential units and short-term parking associated with the B1 and A5 uses has the potential to displace day-time resident permit holders from shared-use bays.
- 5.189. The LHA raise a number of objections to the proposed development, including:
- In the absence of satisfactory assessment information to demonstrate otherwise it is considered that the concern listed above are sufficient to meet the test for refusal on highway grounds specified in NPPF para 109. Similarly, the proposals must be deemed non-compliant with range of other policies including road safety, residential amenity, reducing negative impact of vehicle traffic and parking and various aspects of NPPF paragraphs 108 and 110.
- 5.190. Though not necessarily reasons for refusal individually, there are a range of other issues:
- 5.191. The non-compliance of various aspects of cycle parking proposals with policy TR14, SPD14 and NPPF paragraphs 108a and 110b. For development in such a sustainable location this is very disappointing. Key concerns include the following:
- Long stay parking for the office use appears to be provided in external shelters in publicly accessible areas rather than in stores within buildings. It is not clear how these could be made secure whilst it seems that visitor parking for the different uses would also be collocated in them, increasing this concern.
 - Access for disabled cyclists will be difficult, as the ramped access to the basement cycle stores is too steep for use and they would otherwise have to negotiate a number of doors and narrow corridors to reach lifts. It should be recalled that disabled cyclists are likely to be using larger, specially adapted bikes and the lifts and other features appear to be too small for these. The proposals therefore don't yet comply with policy TR14 requirements for cycle parking to be "readily accessible at ground level" and NPPF para 110b requirements to "address the needs of people with disabilities and reduced mobility in relation to transport".
 - Visitor cycle parking is located far back at the rear of the site, out of sight of the main entrances. This also means that users are likely to cycle through intended pedestrian-only parts of the site to meet them

(noting that internal areas have not been designed for shared use). This will create conflict with various vulnerable pedestrians who aren't able or comfortable sharing space with vehicles (e.g. visually impaired people and older people). Unfortunately, we are unable to see appropriate alternative locations that might be secured via condition.

5.192. There are further aspects of the application where we do have enough information to assess impacts/compliance and where we mind them to be unacceptable. However, these are distinguished from the above by the fact that we are comfortable that our concerns could be addressed by securing appropriate conditions and obligations. The arrangements for car parking allocation, can be managed though securing a car parking management plan, however this will not resolve our concerns relating to overspill parking.

5.193. Other aspects of the development would be satisfactory and acceptable. Examples include the following

- Sufficient electric charging points are proposed.
- Enough parking bays for blue-badge holders have been provided, and the layouts of these are reasonable.
- A high proportion of cycle parking is provided as universally-accessible Sheffield stands, which is welcomed. However, this does not overcome our other concerns about the proposed cycle parking arrangements.

5.194. **Viability (District Valuation Service): Comment**

Initial Report – March 2019:

“Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

(National Planning Policy Framework)

5.195. BHCC City Plan Part One (Policy CP20) requires the provision of Affordable Housing on all sites of 5 or more dwellings with a target of 40% onsite Affordable Housing on a site such as this. For all applications where the proposal does not meet policy compliant requirements or developer contributions and this is being justified on viability grounds, a detailed Viability Assessment is required to be submitted with the planning application, which will be published on the Local Authority website.

5.196. The recommended approach is to assess viability based on a residual valuation basis. This means assessing the Gross Development Value (GDV) of the proposed scheme and deducting from this the costs of the development, including profit and planning obligations, to leave a residual value. This residual site value is then compared to a Benchmark Site Value.

5.197. BHCC guidance and the NPPF has stated a preference for using the Existing Use Value of the site when establishing the Benchmark Site Value. If the residual site value is in excess of the Benchmark Land Value the scheme is considered able to viably provide planning contributions, up to an amount equal to the difference between the two figures. If it falls below the Benchmark Site Value it could be considered unviable although a later review should be undertaken, particularly in large schemes or those with high abnormal cost or a long development timescale.

5.198. The applicant outlines in their report the following:

- the proposed scheme with no Affordable Housing provision produces a residual land value of **£2,195,370**;
- the Benchmark Site Value, adopting an EUV+ approach, is **£3,600,000** (£3,000,000 plus premium of 20%)
- a deficit of **£1,404,630** below the Benchmark Site Value exists.

5.199. The agent concludes that the site cannot viably provide Affordable Housing as the Existing Use Value of the site exceeds the residual land value of the proposed scheme.

5.200. In the agent’s report, it is stated that the developer intends to provide some on-site Affordable Housing anyway. Paragraph 64 of the recent NPPF 2018 states:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.”

5.201. At present the proposed all Private provision would not comply with this statement in the NPPF.

5.202. Having reviewed the inputs of the agent’s appraisal, it is not agreed that no Affordable Housing can be viably provided. The proposed office values are too low and the profit levels too high. Adjusting for this, the proposed scheme has a higher value than the amended Benchmark Land Value. The surplus available between the residual land value and the Benchmark Land Value can be viably provided as a contribution to Affordable Housing. The DVS conclusion is as follows:

| Appraisal | Benchmark Land Value | Residual Land Value | Surplus/ Deficit |
|----------------------|----------------------|---------------------|------------------|
| 100% Private (Agent) | £3,600,000 | £2,195,370 | -£1,404,630 |
| 100% Private (DVS) | £2,850,000 | £5,601,711 | +£2,751,711 |

5.203. Given the available surplus, the DVS modelled what was considered to be viably provided, using the approximate tenure split of 55% Affordable Rent,

45% Shared Ownership. On this basis, it is considered 32 units on the lower levels of Block B could be viably provided as Affordable Housing (17 units of Affordable Rent and 15 units of Shared Ownership. For the Affordable Housing, I have adopted a lower profit level of 6% profit on cost and I have shortened the timescale of the Private sales period by 3 months to reflect the lower number of units to sell. I arrive at a valuation of **£2,836,283** which is broadly in line with the Benchmark Land Value. This is a notional unit mix, based on the assumption that the lower levels of Block B would be Affordable Housing, with Affordable Rent on the first and second floors and the Shared Ownership units on the third and fourth floors. This is also assuming a notional s106 payment of £500,000 which may change once all BHCC consultees have confirmed the contribution.

- 5.204. The main areas of difference in our report are the office values, profit levels and the Benchmark Land Value. This leads me to conclude that the proposed scheme is more viable than the applicant's appraisal suggests.

Additional Addendum – July 2019:

- 5.205. Following receipt of further information:
- 5.206. In the original reports Savills valued the site at £3m (194.83/sf) in its existing use based on a rent of £13.29/sf (overall) and a 6% (net) yield with a 1-year deferment to reflect voids and incentives. DVS adopted a rent of £11.35/sf (overall) and a yield of 6.5% (net) which totalled £2,371,552 (£153/sqft).
- 5.207. In regard to the rent on the site it is agreed that £11.35/sf may be too low when considering the new evidence provided and the valuation is adjusted, and the overall rate is now £12.19/sf based on the below calculation.
- 5.208. Based on the yield evidence, the applicant has provided sufficient new evidence to support a 6% (net) yield.
- 5.209. Based on the new evidence provided by Savills regarding the Benchmark Land Value, and having considered the other inputs discussed in the Savills review of our report, I agree with Savills that the scheme cannot viably provide a policy compliant scheme and also cannot provide DVS' previously proposed 32 units of affordable housing.
- 5.210. I have tested the applicants proposed offer of a 22% shared ownership scheme and consider that while it is marginally in deficit that a developer would be prepared to move forward on this basis and is therefore viable.
- 5.211. Consideration should be given to whether a review mechanism should be included within the S.106 agreement to review the various inputs at a later date

to see if the property could viably provide more Affordable Housing above the offered 22% or provide a better mix of affordable tenure types.

Final comments on Amended scheme

- 5.212. Appraisals based on the information provided in November 2019 as the scheme was amended:
1. A revised 100% market sales appraisal
 2. A revised mixed shared ownership (45%) and affordable rent (55%) appraisal based on the 22% of units propose by the applicant
 3. A revised scheme offering 22% shared ownership units, based on the number of units proposed by the applicant.
- 5.213. Based on the appraisal results a scheme offering 22% Shared Ownership is viable with a healthy surplus over the Benchmark Land Value of £3.3m.
- 5.214. 22% Affordable housing units split on the basis of 45% shared Ownership and 55% Affordable Rent results in a shortfall of £236,222 against the Benchmark Land Value.
- 5.215. On this basis it is suggested that the developer is invited to provide the 45:55 split on 22% or to propose an alternative mix that lies nearer a policy compliant scheme.
- 5.216. While it may seem unusual that a scheme that has been decreased in size and has smaller units might be more viable, this change is the result of greater intensification of the site. The units themselves are now worth a higher £/sf and there is now a lower build cost because the building is smaller resulting in a better return.
- 5.217. **UK Power Networks:** No objection

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| DA6 | Hove Station Area |
| SA6 | Sustainable Neighbourhoods |
| CP1 | Housing delivery |
| CP2 | Sustainable economic development |
| CP3 | Employment land |
| CP7 | Infrastructure and developer contributions |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP11 | Flood risk |
| CP12 | Urban design |
| CP13 | Public streets and spaces |
| CP14 | Housing density |
| CP15 | Heritage |
| CP16 | Open space |
| CP17 | Sports provision |
| CP18 | Healthy city |
| CP19 | Housing mix |
| CP20 | Affordable housing |

Brighton and Hove Local Plan (retained policies March 2016):

| | |
|------|---|
| TR4 | Travel plans |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU9 | Pollution and nuisance control |
| SU10 | Noise Nuisance |
| QD5 | Design - street frontages |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |

| | |
|------|---|
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

| | |
|-------|-----------------------------------|
| SPD03 | Construction & Demolition Waste |
| SPD11 | Nature Conservation & Development |
| SPD14 | Parking Standards |

Developer Contributions Technical Guidance (March 2017).

Affordable Housing Brief (December 2016)

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to:
- The principle of re-development of the site, and type and scale of uses proposed in this location,
 - Housing: layout, mix, viability and affordable housing provision,
 - Impact on the amenity of neighbouring occupiers,
 - Standard of accommodation including provision of private and communal amenity space,
 - Design: including scale, form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
 - Sustainable transport: parking, access and highway safety,
 - Air Quality,
 - Sustainability, biodiversity, ecology and flood risk,
 - Accessibility,
 - Infrastructure and developer contributions.

Planning Policy Context and Principle of Development

- 8.2. The site is set within the DA6 Hove Station Area which consists predominantly of land to the east of Hove Station and extends both to the north and south of the railway line. DA6 is one of eight development areas allocated in City Plan Part One adopted in March 2016 and contains a large number of commercial uses. The regeneration and redevelopment of this area of the City is strongly supported by policy and represents a prime location to increase the density of development supported by the sustainable transport hub of Hove Station.

DA6 Hove Station Area

8.3. The site is set within the Hove Station Development Area. The strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high-quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

- Ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Enhancing the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area, improving permeability within the area, encouraging accessibility improvements over the railway at the station, strengthening north-south connections across the railway and beyond the area and east-west connections along Old Shoreham Road;
- Continuing to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace,
- Maintaining and strengthening the creative industries business cluster in the area,
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;
- Consideration of low and zero carbon decentralised energy and in particular heat networks.

8.4. Over the plan period a minimum of 525 additional residential units are sought. Outside the Conway Street Industrial Area, the existing employment floorspace shall be retained/replaced with an additional 1,000sqm employment floorspace to be provided.

Hove Station Neighbourhood Forum

8.5. The site also sits within the designated Hove Station Neighbourhood Area, which is the subject of an emerging Neighbourhood Plan being prepared by the Hove Station Neighbourhood Forum (HSNF). A draft Neighbourhood Plan is being prepared by HSNF which includes an intention to promote the site for a mixed-use redevelopment and a policy supporting comprehensive and integrated approach to development in the DA6 area. The Regulation 14 Pre-Submission Draft Hove Station Neighbourhood Plan was published for public consultation from 23 March to 15 May 2019.

Employment provision

- 8.6. The existing site is in a 'sui generis' use as a car sales dealership. The floor area of the existing building is 1,350sqm. The proposed scheme as revised would provide for 954sqm of flexible office space (B1).
- 8.7. The site is located within a specific site 'Land of Newtown Road' allocated for employment led (residential and employment) mixed-used development in CP3.4.
- 8.8. The site is identified by the council as suitable for employment led mixed use (residential and employment) development where the twin benefits of high-quality modern business floorspace and additional housing units can be achieved through a more effective and efficient use of the sites. The starting position is that there should be no net loss of employment floorspace.
- 8.9. In considering proposals where a net loss of employment floorspace is being proposed the council will take into consideration the following factors:
- Site constraints (current site coverage and opportunities for more
 - effective and efficient use of the site)
 - The need for environmental and townscape improvements
 - Access arrangements (improved access/circulation space)
 - Safeguarding the amenity of surrounding users and occupiers
 - The quality of the employment offer in terms of the type of employment and density of jobs
 - Viability
- 8.10. Whilst the proposed floorspace being created is less than existing it must be acknowledged that the existing lawful use is a car sales dealership and whilst there are car repair / MOT elements which would be classed as B2 in isolation the overall site is a sui generis use (and not a B class employment use) and as such is not specifically protected by policy CP3.
- 8.11. Notwithstanding the above, whilst the proposed employment floorspace is less than the existing provision on the site it is acknowledged that the modern, flexible floorspace to be provided would be a significant upgrade in quality and usability in comparison to the existing offer. Furthermore, the proposed B class floorspace of 954sqm could provide for approximately 79 FTE jobs (based on 10.5m² per job) which would be a significant increase in employment density and in the number of jobs on site and this is welcomed.
- 8.12. Whilst the improved density, quality and flexibility of the employment floorspace to be provided weighs in favour of the scheme it is acknowledged that the proposed scheme is not 'employment led' as set out in CP3.4 and this does weigh against the proposal to a degree.

- 8.13. Similarly, the scheme would not fully accord with the wider policy for the development area (DA6) which states that the “strategy for the development area is to... enable its development as an attractive and sustainable mixed-use area focussed on employment.”
- 8.14. Whilst the proposed scheme is clearly housing led, it is also acknowledged that a more employment focussed scheme would likely further reduce the viability of the scheme with residential floorspace generally more profitable and therefore this would likely impact upon the deliverability of the scheme and also the level of affordable housing that could be provided.
- 8.15. Whilst the overall employment floorspace is less than the existing provision on the site it is acknowledged that the modern, flexible floorspace to be provided would be a significant upgrade in quality and usability in comparison to the existing offer. The proposed spaces all have the potential to cater for different employment uses and as such this does accord with the DA6 criteria of maintaining and strengthening the creative industries business cluster in the area.
- 8.16. City Regeneration support the scheme stating that it meets the local priority to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace and does cite that this is a welcome, albeit small addition to B Class employment floor space within the city.
- 8.17. Whilst it is disappointing that the employment potential of the site has not been fully maximised, the modern and flexible employment provision is welcomed as is the increase in employment density.
- 8.18. Overall, whilst the proposal is not an employment- led scheme in accordance with the thrust of policies CP3.4 and DA6 any under provision of B class employment floorspace is weighed against the other positive benefits of the scheme, which include the need to provide a deliverable redevelopment proposal with significant levels of housing and as such the proposed employment provision is accepted in this instance.

Housing provision:

- 8.19. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.20. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five-year housing land supply position is assessed annually.

8.21. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.22. In the context of Brighton & Hove, this is considered a large scale C3 residential development proposal. The provision of 148 C3 residential units represents a significant proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle. The proposed amount of C3 development also makes a significant contribution towards the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole.

Affordable Housing and Viability:

8.23. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, in accordance with the specific criteria set out in the policy. Of consideration specifically is the financial viability of developing the site, as demonstrated through the submission of a verified Financial Viability Assessment (FVA).

8.24. The applicant's FVA set out that the overall Residual Land Value generated by the scheme would result in a deficit against the Site Value Benchmark and as such the scheme is not considered commercially viable in development viability terms. Notwithstanding this, the FVA set out that the applicant was prepared to take a financial decision to proceed with the scheme and to provide some affordable housing on-site. The affordable housing originally proposed by the applicant is made up of 32 units (20 x one bed and 12 x two bed) all of which would be shared ownership.

8.25. A scheme that solely provides for shared ownership units is not considered to accord with policy. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective.

- 8.26. In respect of the councils identified housing need, affordable housing for rent remains the council's key priority. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing List. At present, Registered Provider partners cap the rents payable at Local Housing Allowance and the council can nominate people from the Housing Register to Affordable Rented properties. Shared ownership is an accepted way to allow those who could not afford a home outright to get a foot on the ownership ladder but there is currently no local connection condition attached to purchase of shared ownership homes.
- 8.27. The District Valuer Service (DVS) appraised the development as originally submitted and due to a number of different viability assumptions (compared to the applicant) whilst finding a policy compliant split of 40% affordable housing was not viable, they broadly considered that 22% affordable housing as shared ownership was viable. They also tested a policy compliant 55/45 split of affordable rent / shared ownership model and considered that 14% affordable housing was viable.
- 8.28. Whilst the revised scheme (to improve design and amenity outcomes) resulted in a reduction in floor area, the number of units at 148 remained the same due to alterations to the mix which provided an increased number of smaller units. When the DVS re-evaluated the scheme, the increased number of one-bedroom flats which have higher value per square metre (than larger flats) resulted in a more viable development and they agreed that 22% of affordable housing was achievable with the councils preferred 55/45 split.
- 8.29. This would work out as 18 affordable rent units and 14 shared ownership units. The applicant has agreed to provide this mix with the precise details to be set out in the s106 legal agreement.
- 8.30. In addition, since the affordable provision falls short of the Policy CP20 requirement, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future improvement in the viability of the scheme will provide for an improved affordable housing contribution.
- 8.31. The proposal would provide for 22% affordable housing in accordance with split set out in AHB and the proposal is considered to be in accordance with policy CP20.

Design, Scale and Appearance and impact on wider townscape:

- 8.32. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 and the Supplementary

Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).

- 8.33. Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive, adaptable and accessible;
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 8.34. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape.
- 8.35. The design of the current scheme has been progressed through two Design Review Panels, a number of pre-application meetings and further revisions post submission.
- 8.36. The character of the immediate area consists of predominantly low-rise retail, or commercial sheds along Newtown Road and also to the west on Sackville Trading Estate and to the north on the Goldstone Retail Park. Immediately to the east of the site fronting Newtown Road is a recently constructed 6 storey residential block and a also number of associated townhouses which front Goldstone Lane. Existing development on Old Shoreham Road to the north is also predominantly a mix of low rise residential and commercial buildings. The wider commercial area is flanked by a more traditional suburban built form which includes terraced properties along Sackville Road to the west and Goldstone Lane to the east. To the south of the railway line there are four 10 storey residential towers which are currently the most prominent buildings in close vicinity of the site.

- 8.37. The site itself has very limited townscape merit with a low-rise functional car showroom building and ancillary workshop / garage facilities and an expanse of hardstanding for car parking fronting the street.
- 8.38. Whilst it is acknowledged that the application site, as set out in policies CP12 and DA6 is suitable for higher density development and tall buildings (over 6 storeys) the proposed built form is required to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.
- 8.39. The proposed scheme comprises of an eleven storey block to the north west of the site (Block A), an 8 storey block with an inset top storey to the south of the site (Block B), adjoining the New Wave residential block and a 4 storey split-level town house block to the north east of the site backing onto the rear gardens of the existing newly built townhouses fronting Goldstone Lane (Block C). The top floor of Block B is finished in metal and is set away from the existing 6 storey residential block to the east to provide a transition in heights. The ground floor of Blocks A and B is proposed as office floorspace.
- 8.40. A central landscaped area has been provided adjacent to the highway, separating the two main blocks and contains a café of a simple and contemporary flat-roofed design.
- 8.41. The architectural language is similar throughout with angled elevations with protruding balconies set within the angled spaces created. The buildings are to be finished in light coloured buff brick with a mix of glazed and perforated bronze coloured metal balconies. The ground floor office is to be predominantly glazed with metal panelling.
- 8.42. A document titled Accurate Visual Representations has been submitted with the application which has assessed the scheme from a number of key views including from Hove Park to the north and from Station Approach to the south west. The view from Hove Park shows a proposed image of the scheme whilst all other views include a line drawing showing the outline of the proposed scheme.
- 8.43. The proposed scheme as originally submitted broadly followed the approach of the final pre-application scheme. The tallest part of the scheme is sited to the north west of the site, away from the existing residential development to the east to order to limit negative amenity impacts as much as possible. The Design Review Panel agreed this could be an appropriate approach with the tallest part of the development providing a termination to Newtown Road as it turns the corner and changes alignment to the north.

- 8.44. A number of design and amenity concerns were initially raised by officers in respect of the scale of the eleven-storey block, its close proximity to the other two blocks and also to the impact on the street frontage. Further issues were raised in relation to squat nature of the ground floor office and the lack of defined entrances throughout which lacked legibility.
- 8.45. During the life of the application revised proposals were submitted that set blocks A and B back further from the highway between 2 and 3m and reduced the overall depth of Block A by 6m which increased the separation distance between blocks.
- 8.46. Whilst the massing of the scheme has been reduced this is still a development of significant scale that will inevitably alter the character of the immediate locality. The alterations to Block A have reduced the horizontal massing of the building and it has taken on more of a slender form. Notwithstanding the improvements in form, Block A will still appear as an imposing building when viewed from Hove Park, although it is noted that the proposal would still sit within the tree canopy in this view which does provide mitigation.
- 8.47. In more localised views the proposal is considered to have an acceptable impact on the Newtown Road street scene. The development is set further away from the existing built form on Goldstone Lane and St Agnes Church than the adjoining 6 storey New Wave development to the east and such it is considered that the site can accommodate a stepping up in height to a maximum of 8 storeys at the adjacent block B. The revised scheme has been set between 2 and 3m further back from the pavement and as such allows for increased breathing space with the street frontage and allows more opportunity for landscaping. The tallest building (Block A) presents a narrower elevation to Newtown Road and this in conjunction with the proposed central amenity space which breaks up the mass on the street frontage ensures that despite the height of this block it does not result in a significantly overbearing impact on the immediate locality.
- 8.48. The angled facades to blocks A and B provide visual interest and help to break up the mass of the elevations. To the front elevation the balconies are either inset or in the case of the protruding balconies set within the junction of the angled facades and the proposal is considered to present a consistent and coherent design to the public realm.
- 8.49. Alterations to the ground floor office included increasing the floor to ceiling height by 1m. These revisions ensure that the ground floor has more generous proportions which clearly distinguish it from the residential accommodation above. Further alterations have created more defined entrances which more

clearly signposts visitors and future occupiers to both the office and residential accesses.

- 8.50. Whilst the proposal is for a very high-density scheme and contains buildings of significant massing, it is acknowledged that further reductions in the built form would erode the viability of the scheme further and would result in compromises on other important aspects of the development, reducing the level of affordable housing and could jeopardise the deliverability of the scheme.
- 8.51. In summary, the design of the scheme has improved significantly throughout the application process and whilst some concerns remain, considering the public benefits of the scheme that will accrue with the redevelopment of the site, the overall design, scale and appearance of the scheme and its impact on the character of the surrounding area is considered acceptable and any concern is not considered so significant as to warrant refusal.
- 8.52. Conditions requiring details / samples of materials and detailed large-scale drawings / sections of elevational details are proposed to ensure a high-quality build is maintained through to completion.
- 8.53. During the application process details were provided as to how potential development could come forward to the north. Whilst the height and form of future development on adjoining sites to the north may be restricted to a degree by the proposed scheme, it is considered that subject to sufficient spacing this would enable a satisfactory level of built form on these sites without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

Heritage

- 8.54. The site itself does not contain any heritage assets but due to the height and scale of the proposals there are potentially impacts on the settings of some designated and non-designated heritage assets and these impacts are required to be assessed in accordance with national and local planning policy and in accordance with the relevant Acts of Parliament. At national level this is the National Planning Policy Framework (NPPF) and locally under policy CP12 of CPP1 and policies HE3, HE6 and HE10 of the saved Local Plan.
- 8.55. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.56. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.

- 8.57. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.58. Furthermore, it is pertinent to set out that paragraph 197 of the Framework sets out that there is a lower level of protection for non-designated heritage assets stating, *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*
- 8.59. The grade II listed Hove Station and the Hove Station Conservation Area are both sited to the south east of the site.
- 8.60. A document titled Accurate Visual Representations (AVR) was submitted during the life of the application to address the issues raised in the original Heritage comments in respect of the quality of the visuals. This document shows that the proposed development would not be visible from the east end of Station Approach and would have no impact on the silhouette of the listed buildings of Hove Station. It would be visible beneath the Station forecourt canopy from close in front of the Station above the recent cycle store building, but it is not considered that this would have any significant impact on the way in which the Station is viewed or experienced. Therefore, it is concluded that the proposed development would cause no harm to the setting of the listed Hove Station or to the setting of the Hove Station Conservation Area and the Heritage Team is satisfied with the application in this regard.
- 8.61. The Heritage Team state that in the submitted view from the locally listed Hove Park to the north that the development would sit comfortably within the bowl of the park and the rolling height of the tree canopy. It would not greatly change the existing view and would cause no harm to the Park's setting. The Heritage Team do identify however, that there was the potential for a cumulative impact with future development of the Sackville Trading Estate (as envisaged by policy DA6) which could potentially cause some harm to the setting of the Park arising from an erosion of the Park's secluded suburban character.
- 8.62. The Heritage Team have identified that the scale of the proposals is likely to result in some harm to the setting of the locally listed Dubarry Building when viewed from the bridge over the railway line on the Drive and there would also be some minor harm to the setting of the locally listed 101 Conway Street to the south of the railway line. However, it must be noted that development on

the Sackville Trading Estate and Goods Yard site as envisaged in the City Plan would also likely impact on both of these building's settings to a degree.

- 8.63. Overall all, the Heritage Team do not object to the proposal on conservation grounds and the proposal is considered to accord with relevant local and national planning policy.

Landscaping / public realm

- 8.64. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;
 5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.65. The general layout of the site and public realm was progressed through the pre-application process including two Design Review Panels. Initial pre-application proposals included a solid building line on Newtown Road with amenity space set further into the site. This layout would have provided for a poorly lit and enclosed amenity area with little sun penetration. The application layout provides for a landscaped wedge-shaped amenity area facing south west with a café in the centre and pedestrian routes through from west to east and will provide both an amenity space for the future residents and the public. The proposed amenity areas will generally achieve good levels of sunlight and whilst the height and siting of the built form will impact upon the sunlight penetration into the north eastern amenity space, especially in the winter months it is acknowledged that the nature of a high-density scheme will invariably result in some compromises in this regard. The proposed café use has the potential to help enliven the public realm and this is welcomed. Whilst further details of materials and planting will be secured by condition the overall approach to the landscaping is considered acceptable.

- 8.66. Whilst ideally the layout of the site would have included a greater level of public and private amenity space, subject to further details in respect of the materials and the proposed trees and planting the development is considered to provide a good quality of landscaping and public realm.

Artistic Component

- 8.67. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.68. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £62,500. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 8.69. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 8.70. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

Open Space and amenity / sports provision

- 8.71. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and / or contributions towards off-site provision will be required.

- 8.72. All new provision should optimise accessibility to all users (including the local community and visitors), reflect the open space requirements, facilitate sustainable means of access, provide measures to improve public safety within and around the respective spaces and seek to improve the variety and quality of safe provision in the city.
- 8.73. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot all be feasibly accommodated on site in most instances and as such contributions will be sought.
- 8.74. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer and a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity.
- 8.75. It is acknowledged that to ensure an efficient use of the site that this has resulted in limited space on site for amenity greenspace, and no designated children's play or any indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.76. It is welcomed that the applicant has agreed to fully meet the financial contribution of £369,278.66 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

Impact on Neighbouring Amenity

- 8.77. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.78. The main impacts will be to the properties immediately to the east in the recently constructed residential block and associated townhouses
- 8.79. A sunlight and daylight assessments by Point 2 Surveyors was included with the original application which assessed the impact of the scheme on neighbouring properties. Additional information was also submitted assessing the internal layouts of the proposal and further supplementary addendums were later submitted, which considered later alterations to the scheme and also the impact on the scheme on the external spaces of the neighbouring properties.

- 8.80. In respect of the methodology, it is noted that for the neighbouring New Wave flats a revised Annual Daylight Factor (ADF) figure has been calculated. It is noted that this methodology is generally used to calculate the daylight in newbuild schemes or phased schemes and not to assess changes to existing homes. Notwithstanding the above, whilst the current scheme is not linked to the development of the New Wave scheme it is noted that the assessment was undertaken prior to the full occupation of this building and the BRE are satisfied with the approach taken.
- 8.81. The Council has commissioned an independent review of the applicant's daylight assessment which was completed by the Building Research Establishment (BRE). In respect of the impact on neighbouring properties the BRE sets out,

Loss of daylight and sunlight to 1-17 Goldstone Lane would be well within the BRE guidelines and classified as negligible.

There would be loss of daylight to newly constructed flats in New Wave Hove. The worst affected flats would be in the side directly facing the new development, on the ground, first and second floors.

These have a living room and three bedrooms (two on the ground floor), all of which would have substantial losses of light, which would count as a major adverse impact. On the third floor in this location, the loss of light would either be within or only marginally outside the guidelines, and the impact would be minor adverse.

Another column of flats in the internal corner of the building would also be affected. On the first, second, third and fourth floors the living rooms would have a substantial reduction in daylight and be left with very little light (there is no habitable room in this position on the ground floor). On the ground, first and second floors one of the bedrooms would have a loss of light marginally outside the guidelines. The impact on these flats is tentatively classified as moderate adverse, because although the living room would lose a large proportion of its light, it is already poorly daylit anyway.

Other flats, at the western end of the building, would be less affected as their main windows do not directly face the new development. There are windows in the end wall which would have very large losses of light, but they are secondary windows. The impact to these flats would be classified as minor adverse.

In the townhouse element of the scheme, windows at the rear of each house face towards the new development. Loss of vertical sky component would be

outside the BRE guidelines for five of the ground floor living rooms and three of the first floor bedrooms. According to Point 2's average daylight factor calculations, the rooms would still be reasonably well lit with the new development in place. The impact is assessed as minor adverse.

- 8.82. The applicant updated its daylight assessment in respect of the neighbouring property after the design of the block were revised. This showed a negligible change in the impact on daylighting in neighbouring properties and as such the BRE response is considered robust.
- 8.83. It is agreed that the main impact to the New Wave development is to the flats in the west facing side return of the main block. The west facing ground, first and second floor flats would all have substantial losses of light, although only the Kitchen/Living area/diners (LKD) windows would be below the BRE target for ADF. It must be noted the greatest impediment to light in these flats is actually the existing balconies above these windows which block significant amounts of light.
- 8.84. The four corner flats (first to fourth floor) are poorly lit as existing and are single aspect with small windows that are also impacted by the existing balcony treatments. Whilst the situation worsens with the proposed development it must be acknowledged that it is the design of the existing layouts which is the main contributing factor to the poor daylight in these units rather than the proposed development as these flats need to be artificially lit in their current situation before any future impact is considered.
- 8.85. Whilst the west facing side windows immediately adjacent the proposed development would be significantly affected, these are secondary windows with most of the light received from the front windows (south facing) of these units and as such any loss of light is not considered too significant.
- 8.86. The New Wave townhouses would be impacted to a lesser degree than the main block. Whilst there would be a reduction in light to rooms to the rear of these units they would all retain reasonable levels of daylight and the BRE states there would be a minor adverse impact.
- 8.87. Overall, whilst the proposed development does reduce light significantly to a number of units in the New Wave development, only 7 rooms of the adjoining development would have light levels below the specified ADF target. Four of these rooms are below this target as existing.
- 8.88. It is acknowledged that any high-density development on the application site would likely have some detrimental impact on daylight and sunlight of the New Wave development, due to the existing design, siting and internal layout of this scheme.

- 8.89. As such, it would not likely be possible to maximise the development on the application site and provide a deliverable whilst providing an acceptable design and standard of accommodation for future occupants without some loss of daylight.
- 8.90. The BRE set out in respect of sunlight,
- Loss of sunlight to all applicable windows in the New Wave Hove development would be within the BRE guidelines. The most affected windows face north of due west and would therefore not be covered by the guidelines.*
- 8.91. The loss of sunlight to the New Wave block units is considered to be acceptable.
- 8.92. The proposal would also result in some loss of sunlight to the rear gardens of the town houses and a communal space which is sited close to the western boundary of the site. It is noted that the main affected areas of the gardens are predominantly the western ends. The western ends of the gardens currently have sheds in this location which also overshadow parts of their gardens as existing and as such any detrimental impact is not considered to significantly harm the occupiers of these units.
- 8.93. The 'communal space' area of New Wave which is impacted in respect of overshadowing is the roof area, covering the underground car park. It is modest in size and appears to have limited benefit as an amenity area. Whilst this area would have increased overshadowing with the proposed development in place it is not considered that there would be significantly harmful impact on the adjoining development in respect of a loss of amenity.
- 8.94. The properties on the east of Goldstone Road have been assessed with the impact of the proposed development on these properties in respect of sunlight and daylight considered to be negligible by the BRE.
- 8.95. Overall, in respect of sunlight and daylighting, whilst acknowledging that there would be a detrimental impact to some of the adjoining occupiers in the New Wave development this is weighed against the need to maximise the development on the site to ensure that a viable and deliverable mixed-use scheme providing much needed housing with can come forward. In this context, the negative impacts on neighbouring amenity in respect of sunlight and daylight are not considered so significant to warrant the refusal of the application.
- 8.96. Given the close proximity of all three proposed blocks to the new build flats and townhouses there will be a degree of overlooking towards the existing New

Wave Development. Notwithstanding the above there is existing mutual overlooking within the properties of this development. Whilst the proposed development will result in additional overlooking to New Wave development, the proposal has been designed in such a way with angled facades and the use of screening, balconies and the siting of fenestration to minimise views towards the existing properties. Sufficient screening to the external balconies and terraces will be secured by condition and overall any overlooking is deemed acceptable within an area which has been allocated for higher density development and overall the proposal is considered to have an acceptable impact on the adjoining development in respect of privacy.

- 8.97. The separation distances between the proposed development and neighbouring residential properties to the east on Goldstone Lane are such that there is not considered to be any significant loss of amenity as a result of the proposed development.
- 8.98. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Delivery and Servicing Management Plan and a Noise Management Plan to be secured via the legal agreement or relevant condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.99. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.100. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers have not been assessed by the applicant. Due to the height, massing and siting of the proposed built form and its proximity to neighbouring commercial properties there is likely to be some level of detrimental impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.101. Furthermore, consideration must be given to the council's future aspirations for the site, which is for a higher density mixed use scheme. It is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential development in relatively close proximity to adjoining commercial occupiers and as such the proposed arrangement is considered acceptable in this regard.

Standard of accommodation

- 8.102. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out

recommended space standards for new dwellings. The proposed units have all been designed to meet or exceed the Nationally Described Space Standards. It is noted that a large proportion of the two-bedroom units contain a smaller second single bedroom which reduces the usability of the spaces. Due to the staggered design of the elevations some of the rooms are slightly contrived with angled partitions which has comprised layouts to a degree but overall the proposal provides acceptable standards in respect of size, layout and circulation space.

- 8.103. The originally submitted daylight and sunlight report reviewed the lower floors of the scheme to assess the daylighting with the results extrapolated which set out that approximately 87% of the units would be achieving the required Annual Daylight Factor (ADF). The information has been reviewed by the BRE who are satisfied that the modelling is robust. The BRE set out that whilst Block C had good daylighting throughout and Block A was generally satisfactory there were some concerns with a Block B where several units failed to meet the minimum ADF.
- 8.104. The final revised scheme provides greater separation distances between the blocks, a number of revised layouts and increased size window openings in some of the flats on the lower floors. The revised sunlight and daylight report assessing the proposed units set out that only one room within the 96 habitable rooms tested failed to meet the required ADF target which was a significant improvement on the originally submitted scheme and as such results for the scheme would be close to 100% compliance and overall the development is considered to perform very well in terms of daylight for a scheme of this high density.
- 8.105. Of the living rooms which have at least one window orientated within 90 degrees due south and therefore material for sunlight provision the Annual Probable Sunlight Hours (APSH) assessment, only two rooms achieve marginally below the winter APSH target of 5; these achieve 2 and 4 WPSH. All rooms do, however, achieve greater than 25 APSH which is fully BRE compliant. This is considered a good level of sunlight provision for the relevant units.
- 8.106. It must be noted though there are a significant proportion of units which face north, or within 90 degrees of due north and as such these will get limited sunlight.
- 8.107. The proposal is considered in compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development with only a very limited number of units without good sized balconies. The communal amenity spaces provided at ground floor will not be private spaces

in accordance with HO5 though nevertheless will provide an alternative amenity offer for residents.

- 8.108. Considering the scale and density of the scheme and the need to provide public amenity space at ground floor level the overall quantum of private amenity space provision is considered acceptable.
- 8.109. Whilst the revised scheme provides greater separation distances between the buildings than the original submission there will still be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal areas and also some views from the existing residential occupiers to the east. The angled facades, balcony planters and screening will though provide a degree of mitigation. Whilst this will impact the privacy of future residents there will inevitably be a certain degree of overlooking in a scheme of this density and overall the scheme is considered acceptable in this regard.

Noise Impacts for future occupiers

- 8.110. There are a number of potential noise sources in close proximity to the site. This includes traffic noise from Newtown Road and also operational noise from nearby commercial / industrial units. The closest of these commercial noise sources would be the retail units abutting the northern boundary of the site.
- 8.111. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.112. An Acoustic Report (September 2018, 18-4509B) has been submitted by Syntegra Consulting. This report outlines that in a number of locations in the proposed development that enhanced glazing (over and above standard double glazing) will be required to ensure satisfactory noise levels for future occupiers.
- 8.113. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment considering the potential noise sources within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.
- 8.114. A condition requiring a noise management plan is proposed which would clearly set out how the differing uses, and related external amenity areas will be effectively managed to ensure the amenity of future occupiers is safeguarded.

8.115. Further conditions are required in respect of deliveries / servicing, hours of use for specific commercial operations, soundproofing and noise and odour measures for any relevant plant.

8.116. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

Housing Mix:

8.117. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.

8.118. The scheme as originally submitted had the following housing mix;

- 55 x one-bedroom units (37%)
- 82 x two-bedroom units (56%)
- 11 x three-bedroom units (7%)

8.119. The revised scheme contains the following:

- 80 x one-bedroom units (54%)
- 59 x two-bedroom units (40%)
- 9 x three-bedroom units (6%)

8.120. The applicant has set out that the nature of flatted developments in general are such that a mix more in favour of smaller units is required.

8.121. Policy CP19 does not set specific requirements for housing mix but does expect developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.

8.122. The revised Planning Policy response sets out that in terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 64% of the total scheme and only 6% of units being of three bedrooms. There are no larger units (4 or more bedrooms) proposed.

8.123. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35%

each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes.

- 8.124. In this case, a higher proportion of smaller units would be expected given the development format and location, though there is a concern that the scheme is proposing only 6% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213) and the scheme is not proposing any affordable 3 beds.
- 8.125. Notwithstanding the above, it is acknowledged that the location of the site, close to transport hubs, and the nature of flatted developments does not necessarily lend itself as well to larger family sized units. Furthermore, the smallest units are all one-bedroom units (not studios) and as such are able to provide accommodation for couples and thus do provide some flexibility for future occupiers.
- 8.126. It must be further noted that whilst the revision of the scheme to improve design and amenity outcomes also resulted in an increased percentage of smaller units, these revisions also resulted in an increase in affordable housing (from 14 to 22% as assessed as viable by the DVS) which does weigh in favour of the scheme and does provide some mitigation for the deficiencies in the housing mix.
- 8.127. Overall, whilst the proposed residential housing mix, which is skewed towards smaller dwellings weighs against the scheme, when the proposal is assessed in its totality, with the benefits of a significant provision of housing units and the viability implications of a higher percentage of larger units which would result in reduced affordable housing provision, the policy conflict is not so significant as to warrant refusal of the scheme and as such the proposed housing mix is considered acceptable in this instance.

Sustainable Transport:

- 8.128. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.129. It is noted that a significant proportion of the objections received from local residents are in the respect of increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns.
- 8.130. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Hove Station.

- 8.131. The scheme has been designed with a basement car park with the development built above on a podium above. The centre of the site contains a publicly assessable landscaped space with a link from Newtown Road through the New Wave Development to the east to join with Goldstone Lane.
- 8.132. A Transport Assessment (TA) was submitted with the original application with further transport information submitted by the applicant as the application progressed.
- 8.133. There has been significant input from the LHA Transport Team on this application who provided comments on the initial proposals and further comments during the life of the application as the scheme was revised and more information was provided by the applicant.
- 8.134. Early responses from the LHA Transport Team raised a number of issues and asked for further information in some key areas. The main concerns raised in respect of the originally submitted application are set out below:
- Additional assessment and design consideration of proposed public space,
 - Alterations and additional information was required on the cycle parking provision and arrangements,
 - Servicing demand forecasts were insufficient, as they did not reveal the full mix of vehicles or cover the full operating times of the site.
 - An acceptable servicing capacity analysis had not been provided to show that proposed facilities could meet demand
 - Poisson Assessment of vehicle access ramp,
 - Details of basement parking allocation and management of the space,
 - Swept path assessment of proposed access and car park,
 - Trip generation (that provided is insufficient),
 - Parking demand/overspill assessment,
 - Road Safety Audit required.
- 8.135. Further information during the life of the application was provided which have satisfactorily addressed a significant number of the concerns. The key issues outstanding relate to overspill parking and the provision of fully policy compliant cycle parking.
- 8.136. In respect of the potential for overspill parking the LHA Transport Team is objecting to the application. Their response sets out that there is likely to be an overspill of 39 vehicles from the proposed development which cannot be accommodated on site. This is made up of 16 from the office and 23 from residential visitors. The applicant does not agree with the above assessment in respect of the residential overspill which they consider would be a lower amount.
- 8.137. The LHA Transport Team comments set out that there is a concern that this overspill could result in illegal parking in close vicinity to the site on Newtown

Road, restricting access and posing a highway safety risk as well as parking being displaced into surrounding residential streets, some of which are not within Controlled Parking Zones (CPZ). This may also obstruct traffic and lead to vehicles parking in inappropriate places and obstruct visibility splays at junctions.

- 8.138. In the absence of an agreed Lambeth Method parking audit to show whether the overspill could be accommodated on the street then the LHA Transport Team consider that the applicant has failed to demonstrate that there would not be a severe impact on the highway as set out in paragraph 109 of the NPPF.
- 8.139. Notwithstanding the concerns of the LHA Transport Team in respect of overspill, even if it were demonstrated by a parking audit that there was no spare capacity in the surrounding area it is noted that the overspill from the office (16) and the residential (23) would likely be during different times of the day which would likely spread the overall impact of any increased parking stress. It is also noted that parking by commercial vehicles in Newtown Road would likely be replaced by residential vehicles from the early evening. The presence of CPZs in the immediate vicinity which would further limit the potential for overspill parking. Whilst the negative impacts of overspill parking weigh against the scheme to a degree, it must be noted that the scheme is providing 103 parking spaces on site (10 for the office and 93 for the residential) in the basement car park. This is the maximum parking allowed in accordance with SPD14 Parking Standards, the aim of which is to reduce the use of private vehicles, especially in assessable and sustainable locations such as the Hove Station Area. Travel Plan measures will further promote a shift to sustainable modes and this could reasonably be expected to further reduce overspill parking in the longer term.
- 8.140. Furthermore, it is noted that the thrust of policy DA6 (Hove Station Area) is to promote employment-led regeneration. Solely reducing the commercial floorspace would be contrary to the aims of DA6 which is to provide employment focussed redevelopment. To reduce the level of development overall significantly in order prevent overspill parking would erode the viability and deliverability of the scheme. Increasing basement parking provision, contrary to SPD14 has a significant cost implication and would also impact negatively on viability. Overall the public benefits of the scheme, which includes modern office floorspace and significant levels of housing is considered to outweigh any potential detrimental impact relating to overspill parking. It is considered that the scheme strikes an acceptable balance between minimising overspill parking and an over reliance on private vehicular parking on site.

- 8.141. Revisions during the life of the application to overcome concerns in respect of deliveries capacity have resulted in the provision of two inset delivery bays off Newtown Road. These are satisfactorily sited and are sufficient in length to cater for the expected number of deliveries and the application is acceptable in this regard. A Delivery and Servicing Management Plan will be secured by condition.
- 8.142. The applicant has submitted (11/03/20) an acceptable independent Road Safety Audit that looks at all aspects of the highway impacted by the proposed development. The LHA Transport Team are satisfied that these designs can be implemented safely without adverse impact on the highways,
- 8.143. The LHA Transport Team are satisfied with the information submitted in respect of the general trip generation, distribution and modelling.
- 8.144. The likely impact of the development on various local road junctions has been modelled within the TA (and subsequent additional information) and is considered acceptable.
- 8.145. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed. These will be secured in the legal agreement.
- 8.146. Disabled parking provision is in accordance with the standards set out in SPD14.
- 8.147. Cycle parking provision has been provided for residents in stores either at basement level with further visitor cycle parking provision and resident parking at ground floor level within the public realm. A number of concerns with the proposed cycle parking provision have been raised by the LHA Transport Team in respect of the siting, access and type of provision. These were set out in their final response. Notwithstanding these concerns it is considered that there is sufficient space on the site to achieve acceptable policy compliant cycle parking provision. To help demonstrate this, the applicant has provided some illustrative plans (basement and ground) which show how alterations could be made to overcome the LHA Transport Team concerns. As such the Local Planning Authority has comfort that there is sufficient capacity on site to achieve policy compliant cycle storage provision and a condition will be attached to secure the necessary revisions.
- 8.148. A sustainable transport contribution has been calculated based on the 868 total trip increase (including sustainable modes) of £130,200. Any contribution would be allocated towards the following improvements, in order of priority:

- Bus stop infrastructure improvements to existing stops on Old Shoreham Road.
- Pedestrian access improvements between Newtown Road and Hove Station, and other public transport infrastructure, including potential lighting improvement to the viaduct tunnel on Fonthill Rd.
- Improvements to Local cycling infrastructure to enhance access between the site and local facilities for cyclists.
- Implementing additional BTN bike share docks/bikes in surrounding streets to encourage greater uptake of cycling for trips to/from the development.

8.149. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.

8.150. Overall, notwithstanding the concern over overspill parking and subject to the proposed conditions and the s106 agreement obligations the scheme is broadly in accordance with the development plan in respect of transport impacts. It is considered that acceptable cycle parking can be achieved by revisions to the scheme that can be secured by carefully worded conditions. The objection from the LHA Transport Team in respect of overspill parking has been carefully considered and in this case the scheme is considered to strike an acceptable balance between competing highways aims and weighed against the many public benefits of the scheme the potential impact of overspill parking is not considered so significant as to warrant the refusal of the application of highways grounds.

Sustainability:

8.151. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.

8.152. Relevant local priorities in policy DA6 include;

8.153. Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives and for development to consider low and zero carbon decentralised energy and in particular heat networks.

8.154. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to

secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.

- 8.155. A number of green roofs are proposed, and further details will be secured by condition.
- 8.156. Photovoltaic panels are proposed for a number of the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.157. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.158. The applicant has indicated that the proposed development is designed in such a way that it will be able to integrate into a future district heating system and these details will be conditioned.
- 8.159. Each balcony is provided with a separate planter which could be used for food growing.
- 8.160. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

Ecology

- 8.161. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.162. The site is currently covered in buildings and hardstanding and has very little biodiversity value.
- 8.163. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.164. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and subject to compliance with conditions the overall proposal is in accordance with development plan policies in respect of ecology.

Arboriculture:

- 8.165. The existing site is currently used as a car sales showroom and forecourt and has no trees of any value either within or immediately adjacent to the boundaries. There are extensive areas of hard surfacing and no existing soft landscaping anywhere on the site and as such there are no existing arboricultural issues associated with the proposals. There is an opportunity to

increase the amenity of the local area by implementing appropriate soft landscaping within the scheme, and this has been proposed.

- 8.166. The Arboriculture department consider that the inclusion of 10 *Amelanchier lamarckii* and 10 *Gleditsia tricanthos* along the frontage with Newtown Road and within the central portion of the site will create an attractive area and provide softening of the built form. The Arboriculture department are satisfied with the planting specification and methodology and that aftercare has been considered and incorporated appropriately. Overall, in respect of arboriculture the application is considered acceptable.

Contaminated Land

- 8.167. A desk study Preliminary Risk Assessment Report (ref 18-4509) by Syntegra Consulting, dated August 2018 has been submitted as part of the application. This study highlights that there are a number of previous industrial uses on the site and as such there is a risk of contamination. In addition, a risk of unexploded ordnance has been highlighted. This report forms a desk-top study and sets out that further work is required to fully evaluate potential contaminants. The Environmental Health Team is satisfied with the information submitted at this stage. A full land contamination condition is required should planning permission be granted.

Sustainable Urban Drainage / Flood Risk

- 8.168. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.169. A Drainage Impact Assessment by Nolan Associates was submitted in support of the application. In addition, further information was submitted during the life of the application in response to consultation responses by relevant internal and external consultees.
- 8.170. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition requiring a management and maintenance plan for surface water and further information detailing how the coal yard currently infiltrates do not object to the proposal.
- 8.171. Southern Water has now confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.

- 8.172. Southern Water do not object subject to satisfactory measures for the proposed means of surface water run off disposal to ensure that there is not an increased risk of flooding and as such a specific condition is proposed.
- 8.173. Due to the previous industrial uses on the site there is considered to be a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 & is located upon a principal aquifer.
- 8.174. The site is situated on head deposits underlain by the Tarrant Chalk, which is considered a principal aquifer by the Environment Agency. Groundwater levels are highly variable in the area and can come close to ground level during periods of high recharge.
- 8.175. The site is located down hydraulic gradient from a major public groundwater abstraction (Goldstone), however, during pumping periods, groundwater can flow preferentially toward abstractions. These variables combine to produce a high risk to groundwater beneath site.
- 8.176. The Environment Agency response sets out that further information is required before they are satisfied that development can commence in order to protect the integrity of the aquifer from potential contamination. The Environment Agency has not objected to the proposed development subject to this further information being submitted and agreed prior to commencement and as such relevant conditions are proposed to be attached to any grant of planning permission.

Air Quality

- 8.177. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.178. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove. The AQMA takes in Sackville Road and part of Old Shoreham Road, including the junction between these roads.
- 8.179. Since 2018 Hove's ambient air quality is within national limits and complies with the Air Quality Assessment Levels (AQAL) for nitrogen dioxide (NO₂) and particulate matter (PM). This includes the receptor at Hove Park Tavern at the

northern end of Sackville Road. Sustained improvement in NO₂ levels at this site is required in order to revoke the Air Quality Management Area (AQMA) across Hove.

- 8.180. Given the proposed size of the development with potential to introduce road traffic emissions and residential emissions in an extant AQMA, the applicant has submitted an Air Quality Report (Syntegra Consulting, dated September 2018) with their planning application. The report assesses air quality at the development site and potential impacts on the nearest Air Quality Management Area (AQMA) and concludes that based on the traffic generation figures supplied by the applicant's Transport Assessment, that the air quality consultant predicts that the developments contribution to NO₂ and particulate across the local area are negligible.
- 8.181. Whilst the Highway Authority has not agreed all of the traffic numbers (in respect of some of the delivery totals) the Air Quality Officer has model tested the scheme and following national guidance does not consider that the proposal would result in any significant contribution to road side pollution.
- 8.182. Subject to suggested conditions in respect of boiler emissions, further details of the Combined Heat and Power (CHP) system, electric charging points for car parking and a CEMP that includes measures in relation to air quality the proposal is considered acceptable in respect of air quality.

Wind Microclimate

- 8.183. The application includes a desk top Wind Assessment study by Arup which has assessed the existing and proposed wind conditions at the site.
- 8.184. The wind study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.
- 8.185. The study sets out that the proposed development without mitigation would result in a deterioration of the wind microclimate, with several assessment locations failing to meet the criteria for comfort around the site. The key areas which will experience higher wind speeds are the corners of the main frontage elevations on Blocks A and B and close to the facing elevations of Block A and B and through to the access of Block C. A number of areas of mitigation are proposed to ensure a safe environment and improved comfort levels for the amenity area. The submitted plans have been revised in accordance with the recommendations to either move entrances from the most exposed corners or provide further wind mitigation in respect of side screens / canopies. Further

mitigation is proposed in respect of a screen to the west of the café and additional hard / soft landscaping at the closest point between A and B.

- 8.186. It is noted that whilst the proposed mitigation would ensure a safe development some areas of the outdoor amenity space have relatively poor comfort levels for occupiers wishing to spend longer periods sitting outside. Given the importance of the outdoor amenity areas a condition is required to revisit the landscaping / screening with a view of achieving the highest comfort levels reasonably possible in this location.

Other Considerations:

- 8.187. There have objections from local residents setting out concerns that the existing local infrastructure and services (eg. Schools, doctors, dentists) are not sufficient to cope with the additional residents / occupiers of the development.
- 8.188. It is noted that the development will be providing for significant contributions to employment training, sustainable transport, education and open space (including parks, amenity areas and indoor and sports) all of which will provide mitigation for the impact of the development. In addition, it is noted that the Clinal Commissioning Group which manages local GP provision has not objected to the scheme. Overall, any impact on such services is not considered so significant as to warrant the refusal of the application.

Conclusion and planning balance

- 8.189. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.190. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 much be applied.
- 8.191. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.192. As set out previously, whilst the application does provide for modern and flexible office floorspace the proposed development is not an employment focussed scheme which would be fully in accordance with the thrust of policy DA6. Notwithstanding this shortfall it is recognised that increased employment floorspace provision would likely have to come at the expense of residential floorspace, thus further eroding the viability of the scheme and impacting on

affordable housing provision and potentially the deliverability of the scheme. Furthermore, it is noted the modern floorspace proposed is of a significantly higher employment density and quality than existing.

- 8.193. Other factors which weigh against the scheme to varying degrees is a loss of light and sunlight for a number of properties in the adjoining Newtown Road scheme, the impact of overspill parking in the immediate vicinity and the proposed housing mix which is skewed towards smaller units.
- 8.194. Whilst it is disappointing that the scheme will result in some harm to the amenity of neighbouring residents, the LPA is mindful of the need for a certain quantum of development to achieve a viable and deliverable scheme and any impact must also be weighed against the positive benefits of the scheme which are set out later in the conclusion. In respect of the housing mix, whilst the scheme is somewhat skewed towards smaller units it is noted that there are no studios proposed and that the provision of a greater proportion of larger flats would negatively impact on the viability of the scheme and would further reduce the amount of affordable housing that could be provided. In respect of any overspill parking this must be viewed in the context that the scheme is already providing 103 parking spaces which is the maximum permitted under SPD14 guidance and providing further parking would be contrary to the wider aims of the development plan which is to promote sustainable modes of transport, especially in this location which is well located close to existing transport hubs. Reducing the quantum of development to alleviate overspill parking would negatively impact on viability and deliverability. It must be noted that robust travel plan measures are proposed which will promote sustainable modes which will further help incentivise a shift away from private vehicle use.
- 8.195. Outlining the positives of the scheme, the public benefits include the contribution of 148 residential units towards the City's housing target of 13,200 new homes over the plan period within a development area (DA6) that has been allocated through CPP1 for higher density, mixed use development. It is further acknowledged that the Council is currently unable to demonstrate a 5-year housing land supply and as such the proposed housing (which also included 22% affordable provision) would make a significant contribution towards this shortfall and this weighs strongly in favour of the scheme.
- 8.196. The redevelopment of the site will also result in the creation of active frontages along Newtown Road and an improved public realm with tree planting and landscaping and this is considered a further positive benefit of the scheme.
- 8.197. The design of the scheme has evolved positively during pre-application discussions, including external design review and also with further alterations during the life of the application. Whilst it is acknowledged that the scheme is

of a great height and massing than the when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing, the overall design approach is found to be acceptable and would not ha

- 8.198. Other factors including impacts relating to ecology, heritage, sustainability, arboriculture, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 8.199. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a significant amount of housing are such that they outweigh any planning policy conflicts, the impact of overspill parking and the harm to the amenity of neighbouring occupiers.
- 8.200. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

9. EQUALITIES

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. Wheelchair accessible housing (minimum of 5%) and disabled car parking is to be incorporated throughout.

10. S106 AGREEMENT

- 10.1. 10.1 In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
 3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will

provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

4. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required to meet the demand for education created by the development, contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

Cllr. Vanessa Brown
BH2018/03356 - Kap Ltd, Newtown Road

18/02/2020:

As a Ward Councillor for this site I am writing to place my objections on record.

I do not object to this site being redeveloped sympathetically but although there has been revisions to the original scheme it is still an overdevelopment of the site.

Three large blocks are proposed, one of four storeys, one of eight storeys and one of eleven storeys. The taller blocks are much too high for this area, are very bulky and would be detrimental to the street scene. The previous building was just a double height single storey workshop and sales building. To the North is the Goldstone Retail Park which again has buildings of a similar height to that of the garage. To the East is a new residential development which is much higher than neighbouring properties at six storeys.

As well as the residential part of the scheme there is proposed office space of 1,107 sq. m. with the capacity to provide 140 jobs. With just 94 car parking spaces overall this will cause displacement to the already congested local streets.

None of the other major applications have been assessed for the traffic implications when considering the extra traffic that will be generated by this site. The huge Hove Station development has now been approved and the nearby Sackville Trading Estate is due to come before the committee. These sites should all be considered together. The Sackville Road/ Old Shoreham Road junction is already full to capacity and the junction of Newtown Road with Fonthill Road is already a very dangerous junction due to the excessive build outs.

There will be overshadowing to nearby buildings and some of these units. The height of the towers will restrict the Southerly views from Hove Park which are classed as a heritage asset. The public space will not afford an appropriate level of amenity. The development is set too close to the pavement which means there is no opportunity to even put in street trees which could at least help to soften the appearance of the buildings.

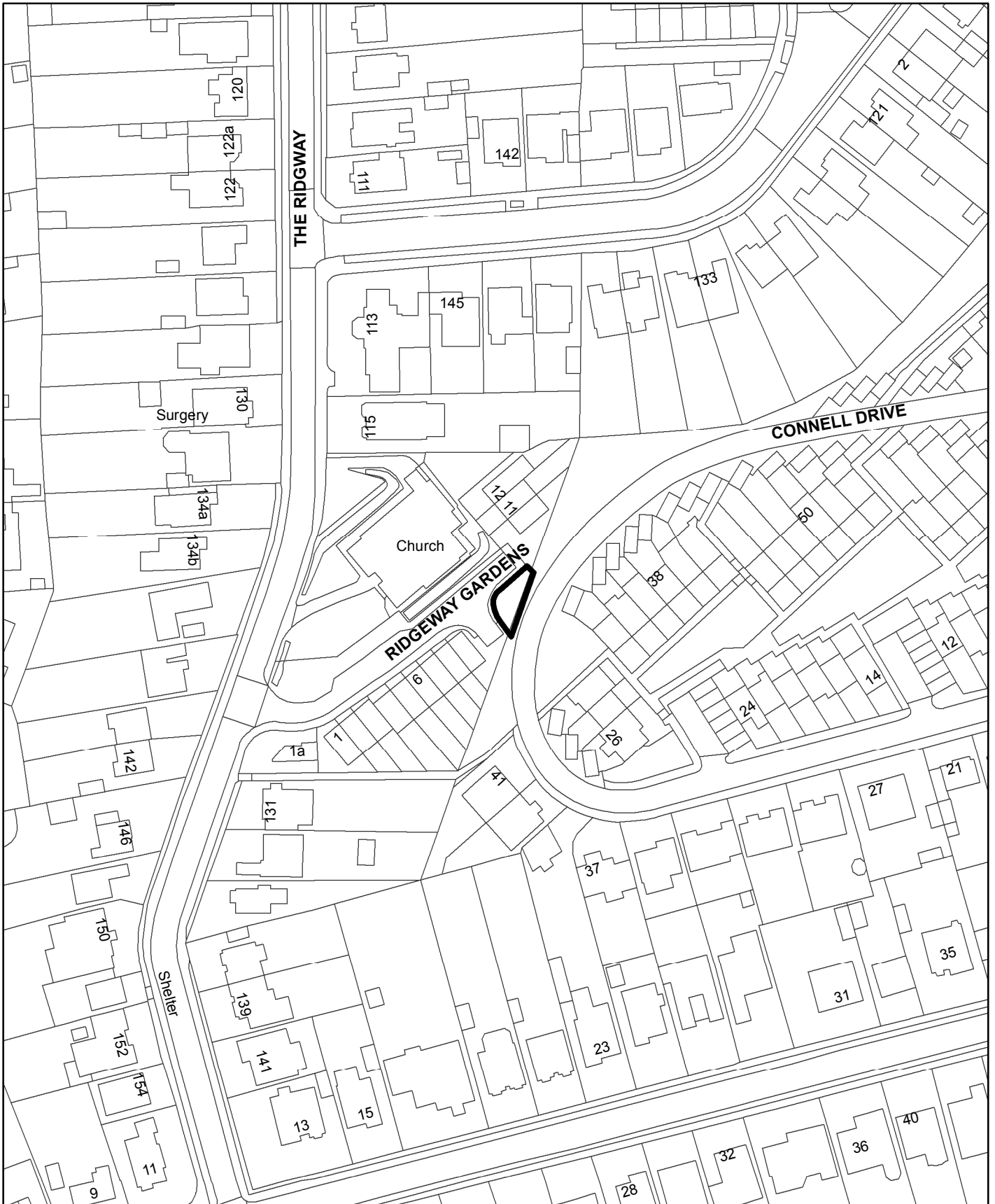
I therefore believe that as this application stands it should be refused.

ITEM

**Land Adjoining 9 Ridgeway Gardens
BH2019/03819
Full Planning**

DATE OF COMMITTEE: 22 April 2020

BH2019 03819 - Land Adjoining 9 Ridgeway Gardens



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|--------------------------------|-------------------------|
| <u>No:</u> | BH2019/03819 | <u>Ward:</u> | Woodingdean Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land Adjoining 9 Ridgeway Gardens Brighton BN2 6PL | | |
| <u>Proposal:</u> | Erection of 1no three storey dwelling house (C3). | | |
| <u>Officer:</u> | Emily Stanbridge, 293311 | tel: <u>Valid Date:</u> | 24.12.2019 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 18.02.2020 |
| <u>Listed Building Grade:</u> | <u>EOT:</u> | | |
| <u>Agent:</u> | JDRM Architectural Design LLP Brighton BN1 1UT | Otherspace Lofts | 11 Jew Street |
| <u>Applicant:</u> | Ms Paige Chipper Newhaven BN9 9EL | Flat 4 Harbourside Inn | 124 Fort Road |

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Proposed Drawing | 2147(21)1000 B | | 24 December 2019 |
| Proposed Drawing | 2147(21)1001 C | | 11 March 2020 |
| Proposed Drawing | 2147(31)0000 C | | 11 March 2020 |
| Proposed Drawing | 2147(31)0001 C | | 11 March 2020 |
| Proposed Drawing | 2147(31)0002 C | | 11 March 2020 |
| Proposed Drawing | 2147(31)0003 C | | 11 March 2020 |
| Location and block plan | 2147(10)1000 A | | 24 December 2019 |

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

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

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan and policies CP12 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all new hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) samples 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

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

7. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 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.

8. Prior to first occupation the planters and metal balustrading to the second floor roof terrace shall be installed and shall thereafter be retained at all times.

Reason: In order to protect adjoining properties from overlooking and to comply with policy and QD27 of the Brighton & Hove Local Plan.

9. None of the residential units hereby approved shall be occupied until each residential unit built 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.

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

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

11. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.
3. The water efficiency standard required under condition 10 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.

4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to an area of land to the north eastern end of Ridgeway Gardens. The site comprises of a private hardstanding for two vehicles and vegetation to the rear. Immediately adjacent to the site is a turning head for vehicles and beyond a terrace group of properties which are finished in brick with some timber or hanging tile feature panels. Three additional terraced properties are located to the far end of Ridgeway Gardens.
- 2.2. Planning permission is sought for the erection of a three storey property on an existing hardstanding within Ridgeway Gardens. The new dwelling would provide under croft parking at ground floor with living accommodation to the storeys above. The rear of the proposal would also be visible from within Connell Drive.

3. RELEVANT HISTORY

None identified.

4. REPRESENTATIONS

- 4.1. **Six (6)** letters of representation have been received objecting to the proposed development on the following grounds:
 - Restricted access to neighbouring parking spaces
 - Already to many cars in the street
 - Loss of land for wildlife
 - Loss of daylight
 - Loss of view
 - Overlooking
 - Loss of privacy
 - Loss of parking space
 - Increase in noise
 - Impact on the accessibility of ridgeway gardens for residents
 - Site provides storage of neighbouring bins
 - The design sticks out and doesn't blend in

- Due to land levels the house will be more prominent than existing neighbours
- The removal of the verge will mean there is nowhere for pedestrians to walk on Connell Drive
- Not enough space for construction works
- The site provides needed spacing between buildings
- Overshadowing
- The site is unsuitable for a dwelling

5. CONSULTATIONS

5.1. **Sustainable Transport** No objection subject to condition

5.2. **Urban Design Officer** Received 05.03.2020 Seek modifications
Scale and massing

The three-storey + roof height of the proposal is equivalent to the adjacent terrace on Ridgeway Gardens. However, the perceived height of this terrace is reduced by its horizontal proportions and, by comparison; the proposed single dwelling appears as tall in isolation. The effort made to break down the overall mass of the proposal is noted and is considered to be successful in some ways.

5.3. Though the actual height and mass of the proposed dwelling is considered to be acceptable, amendments are sought to reduce the verticality and thus the perceived height of the proposed dwelling.

Internal layout

5.4. The proposed plans are well considered and do well to generate a spacious family home on what is an awkward infill site. The external terrace would better serve living accommodation to facilitate family living as a 3b6p home, rather than the master bedroom. The applicant should consider relocating the living accommodation at second floor level, with the potential for additional access from Connell Drive. Repositioning the stair in the northern corner of the site would facilitate a generous living accommodation at second floor as well as reconfiguration of first floor level to accommodate two generous double bedrooms and a family bathroom.

Architectural form

5.5. The innovative design approach to the proposal should be commended and presents an exciting opportunity on the site.

5.6. Whilst the angled eaves present an interesting and unusual architectural form, and respond to the tapered plan arrangement, they contribute towards the increased perceived height of the proposals. The applicant is encouraged to consider how elevational and fenestration composition could help to alleviate this.

- 5.7. The proposed materials palette to match existing adjacent properties, whilst appropriate to context, would benefit from more contemporary detailing and textures.

Further comments received 11.03.2020 following the submission of amendments

- 5.8. The scheme has been improved through a number of amendments and the dwelling presents a high quality of design.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing delivery |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP14 | Housing density |
| CP19 | Housing mix |

Brighton and Hove Local Plan (retained policies March 2016):

| | |
|------|--------------------------|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| QD27 | Protection of amenity |

Supplementary Planning Documents:

SPD11 Nature conservation and development

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the character and appearance of the dwelling and its impact on the wider streetscene, the standard of accommodation provided, impact on neighbouring amenity, highways issues and sustainability issues.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Design and Appearance:

- 8.4. Planning permission is sought for the erection of a three storey property on Ridgeway Gardens providing under croft parking at ground floor with living accommodation to the storeys above. The rear of the proposal would also be visible from within Connell Drive.
- 8.5. The Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 8.6. It is acknowledged that the site is very constrained and that as a result this has dictated many aspects of the design and layout of the property. It is though noted that the scheme forms an innovative design approach to the proposal and presents an exciting opportunity on the site.
- 8.7. The proposed three storey dwelling is equivalent in height to the adjacent terrace to the south west on Ridgeway Gardens. It is noted that the perceived height of the terraced properties by comparison is reduced by its horizontal proportions.
- 8.8. The scheme has been amended during the lifetime of the application to reduce the verticality of the proposed dwelling. The architect has followed

several suggestions by the Design Officer to add horizontal emphasis to the build and to break down the mass of the proposal to be more in keeping with the surrounding context, as set out below. The scheme now proposes an inset metal balustrade to provide necessary safety provisions but it set back from the main parapet by planters which will further soften the appearance of this element of the scheme.

- 8.9. The amendments have resulted in a slight reduction in height of the overall property and a reduction in height of the parapet wall to the terrace area. This reduction in height reduces the area of brickwork above the fenestration to the kitchen/living area. In addition, amendments to the fenestration proportions ensure a consistent appearance across the property.
- 8.10. The scheme now features a distinct concrete plinth between the ground and first floor which is successful in referencing the change in land levels on the site as well as reducing the perceived height of the proposals.
- 8.11. The proposals result in a contemporary dwelling which incorporates the use of lighter tones to enhance the appearance of the property from within the street scene. The proposals now include a dark grey brick at ground level with a lighter brick to the floors above. In addition, as suggested by the Design Officer the proposed timber -cladding will be untreated and allowed to weather to a light grey finish. It is considered that these compositional amendments result in a dwelling with lighter materials which on the upper floors reduces the visual heaviness of the property and as such these materials are to be sought by condition.
- 8.12. In order to break up the rear elevation and to add interest to the property when viewed from within Connell Drive the scheme proposes fenestration with feature timber panels whilst retaining the privacy of future occupiers. In addition to both the front and rear elevation 3 courses of brick headers are proposed to break up the verticality of the façade. These amendments to the original scheme are considered to reduce the perceived prominence of the property from within Connell Drive.
- 8.13. It is considered necessary to seek a condition to remove permitted development rights from the property as it is considered that any additional fenestration or roof alterations may have a detrimental impact upon the visual amenities of the streetscene and also to the clean lines of the dwelling proposed.
- 8.14. It is considered that the proposed development would result in suitable addition to the site and is in accordance with Policy CP12 of the Brighton and Hove City Plan Part One.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.16. The proposed dwelling would be positioned between two groups of terrace properties on Ridgeway Gardens. The larger of the existing terrace groups No's 1-9 have views to the north-west towards the Methodist church and to the rear over Connells Drive. The smaller terrace group forming No's 10-12 are orientated so that they have views from the front to the west, along Ridgeway Gardens.
- 8.17. Both No's 9 and 10 which form the end property of each terrace group have flank walls which face the site.
- 8.18. With regards to No.9 Ridgeway Gardens, given the flank wall to this neighbouring property, the separation distance of the application property to this neighbour (8.4m) and the front building line of the new development, no significant impact would be had to the outlook or light received by windows to this neighbouring property.
- 8.19. Two large windows are positioned at first floor level towards this neighbouring property, given the height of the properties and that no fenestration is present to this side elevation of No.9, the windows would not cause a loss of privacy to this neighbouring occupier.
- 8.20. It is acknowledged that the proposed external terrace would be positioned towards No.9 Ridgeway however future occupiers would be prevented from standing at the outermost parameters of the terrace given that the scheme proposes a balustrade set back from the main parapet by a raised planter.
- 8.21. Due to the topography of the surrounding street scenes, the rear garden of No.9 is set at a higher land level than Ridgeway Gardens. The garden to this neighbouring property is screened from the street by a high timber fence and trellising. Given this arrangement whilst the propose terrace would have the potential to provide some views to this neighbouring property these would be limited. Furthermore, given that No.9 forms a terraced property, these buildings already have mutual overlooking and therefore any impact would not be significant.
- 8.22. The proposed dwelling would be sufficiently set away from No.10 to the North and retains appropriate spacing to this property. The agent has provided information to demonstrate the impact of the proposed dwelling upon the sunlight levels received by the occupiers of this neighbouring property. The information provided demonstrates that whilst there may be a small increase in overshadowing to the occupiers of this neighbouring property this is limited to a short time frame, approximately between 10-12pm and most likely to occur during winter time. The level of overshadowing likely to occur is not considered to be so significant as to warrant the refusal of this application.
- 8.23. The rear of the proposed development would front Connell Drive. Connell Drive features two storey properties on higher land with front garages to the

east and a grazed embankment to the west. The proposed dwelling would front this grassed area.

- 8.24. The dwelling would maintain an appropriate height when viewed from Connell Drive and would not impact upon the amenities of the opposite occupiers due to the separation distance between the site and the nearest residential properties. Furthermore the property opposite the site (No.32) forms an end of terrace property and a grass embankment is present to the west of this and as a result forms an open space within the streetscene, further reducing adverse amenity impact to these neighbouring properties.
- 8.25. The rear elevation of the property features several window openings; however these comprise narrow slot windows which feature timber panelling adjacent. In addition the windows are to be obscurely glazed and fixed shut. In addition there is a single high level window to the North East which is fixed shut. The inclusion of these windows is not considered to alter the level of privacy currently enjoyed by neighbouring properties to the north or east of the site.
- 8.26. It is however not considered necessary to secure this by condition given that the measures proposed are to protect the privacy of future occupiers. Given the separation distance to the properties on Connell Drive, were the windows to be clear glazed this would not give rise to unacceptable levels of overlooking to neighbouring occupiers.
- 8.27. It is considered that the proposed development would not significantly impact upon the amenities of neighbouring properties and is considered acceptable in accordance with Policy QD27 of the Local Plan.

Standard of accommodation

- 8.28. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm and a double bedroom as measuring 11.5sqm.
- 8.29. Amendments were suggested by the Design officer as to how the internal layout of the property could be re-worked to improve the accommodation provided. The agent has however presented robust justification of the original proposed layout and demonstrated that the original scheme offers the best design solution.
- 8.30. The proposed development provides 1no. three bedroom dwelling suitable for 6 persons with accommodation set over three floors. The proposed unit

would provide 108sqm which would meet the stated requirements as set out within the Nationally described space standards.

- 8.31. The property would provide a useable floor area with sufficient circulation space after the placing of likely furniture items. In addition each of the bedrooms proposed would exceed the minimum space standard for double occupancy. Furthermore each habitable room within the property is considered to benefit from sufficient light, outlook and ventilation.
- 8.32. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed development provides private external amenity space by way of a terrace area at second floor level. The external terrace would provide approximately 33sqm of amenity space. This level of external amenity space is comparable to the rear gardens of properties 8, 9 and 10 Ridgeway Gardens and therefore is deemed acceptable. Furthermore the site is within close proximity to Happy Valley Park which comprises open public green space.
- 8.33. The proposed standard of accommodation provided is therefore considered acceptable and in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport

Cycle Parking

- 8.34. The proposed cycle store location is deemed acceptable in principle and in line with parking standards SPD14. Further spacing and specification details are requested to ensure the store is secure and large enough to accommodate two cycles. These details are sought by condition.

Vehicular Access

- 8.35. The proposed crossover and hardstand are as existing. Whilst they are not standard in dimensions they are deemed to be acceptable for this proposal, and in this location.

Car Parking

- 8.36. The application site is not located within a Controlled Parking Zone. The applicant indicates 2 car parking spaces on the existing hard stand for the proposed house. This is one space above the maximum required by Parking Standards SPD14. However in this instance, no objection is raised as residents could park on the adjacent unrestricted turning head if they do own a second car which would not be desirable and in addition if a reduction in parking space was requested it would require amendments to the retained crossover and this is deemed to be excessive in this instance.
- 8.37. The location of the proposed house does result in the removal of the two existing private parking spaces. It is unclear if these are used by nearby existing residents; however there appears to be adequate alternative space on-street in the local area if this was the case and therefore there is no objection.

Sustainability

- 8.38. The applicant has indicated that the new dwelling would incorporate a number of carbon reduction improvements to achieve 32% against part L for energy efficiency.
- 8.39. However in line with Policy CP8 of the Brighton and Hove City Plan Part One which requires new development to demonstrate a high level of efficiency in the use of water and energy, a condition is sought to ensure the development achieves 19% above Part L for energy efficiency, and to meet the optional standard for water consumption.

Biodiversity

- 8.40. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. EQUALITIES

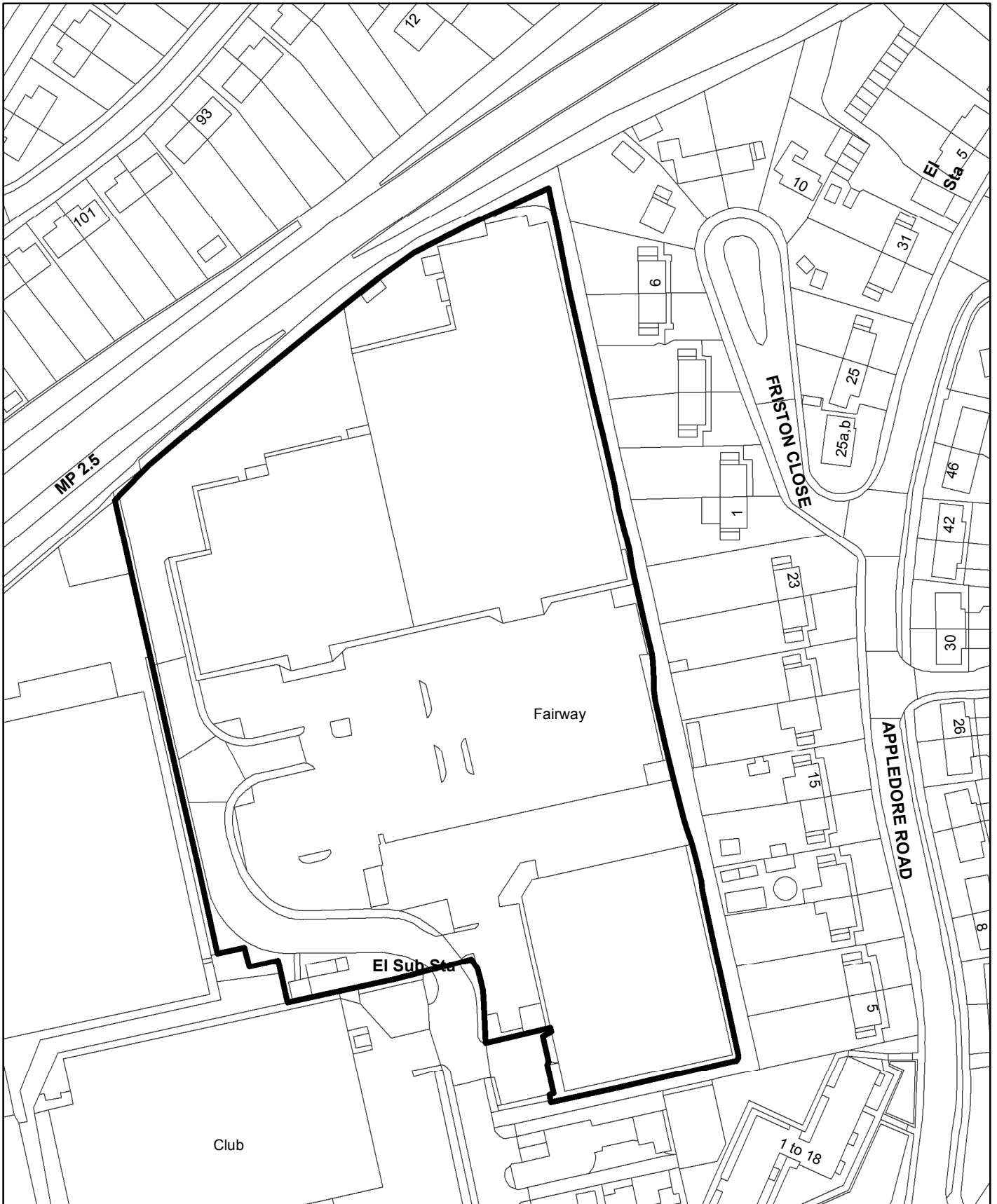
- 9.1. In this instance compliance with Policy HO13 is not secured by condition. Whilst street level access is proposed the primary living accommodation is located on an upper floor, accessed by a narrow staircase. It is considered unlikely that a stairlift would be feasible given the layout proposed.

ITEM E

**Fairway Trading Estate, Eastergate Road
BH2019/02862
Full Planning**

DATE OF COMMITTEE: 22 April 2020

BH2019 02862 - Fairway Trading Estate



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|--------------------------------|---|
| <u>No:</u> | BH2019/02862 | <u>Ward:</u> | Moulsecoomb And Bevendean Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Fairway Trading Estate Eastergate Road Brighton BN2 4QL | | |
| <u>Proposal:</u> | Repositioning of existing security hut and installation of 2no air conditioning units and extraction grille on Unit 2 (retrospective). | | |
| <u>Officer:</u> | Michael Tucker, 292359 | tel: <u>Valid Date:</u> | 23.10.2019 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 18.12.2019 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | Grumitt Wade Unit 3 Tungsten Building George Street Portslade Brighton BN41 1RA | | |
| <u>Applicant:</u> | Custom Pharma Services Unit 2 Fairway Trading Estate Eastergate Road Brighton BN2 4QL | | |

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|------------------|------------------------|----------------|----------------------|
| Other | Air Con Units Brochure | - | 22 October 2019 |
| Report/Statement | Acoustic Report | - | 8 January 2020 |
| Location Plan | SMM/01 | - | 25 September 2019 |
| Block Plan | SMM/02 | - | 25 September 2019 |
| Block Plan | SMM/03 | - | 25 September 2019 |
| Proposed Drawing | SMM/04 | Rev A | 23 October 2019 |
| Proposed Drawing | SMM/05 | - | 22 October 2019 |
| Proposed Drawing | SMM/06 | - | 23 October 2019 |

2. Within three months of the date of this decision, the pre-existing security hut shall be removed from the site, and any necessary remediation works to make good the underlying surface shall be completed.

Reason: In the interests of the appearance of the site and the wider area and to comply with policy CP12 of the Brighton and 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to the Fairway Trading Estate, accessed from Moulsecoomb Way via Eastergate Road.
- 2.2. Retrospective planning permission is sought for the erection of a new security hut and removal of the existing security hut, and the installation of 2no air conditioning units and 1no extraction grille on the side elevation of Unit 2.

3. RELEVANT HISTORY

- 3.1. **BH2015/02410** - Installation of 4no evaporative cooling units and 2no extract fans to roof. **Approved**

4. REPRESENTATIONS

- 4.1. **Nine (9)** representations have been received, objecting to the proposal for the following reason:
 - Noise disturbance

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection
An Acoustic Report has been submitted which demonstrates that the noise levels including the 2no additional plant do not amount to a statutory nuisance.
- 5.2. There are no complaints about noise from the site currently registered with the Environmental Protection Team.
- 5.3. **Sustainable Transport:** Verbal comments: No objection
The proposed security hut location would not negatively impact the highway.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Action Area Plan (adopted October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP9 | Sustainable transport |
| CP12 | Urban design |

Brighton and Hove Local Plan (retained policies March 2016):

| | |
|------|-----------------------|
| TR7 | Safe Development |
| SU10 | Noise Nuisance |
| QD27 | Protection of amenity |

Supplementary Planning Documents:

| | |
|-------|---------------------------------|
| SPD03 | Construction & Demolition Waste |
|-------|---------------------------------|

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development, the impact of the proposal on neighbouring amenity and sustainable transport matters.

Design and Appearance:

- 8.2. The plant and grille are located to the side (east) elevation of the building, adjacent to an existing larger bank of plant of a similar design. The high retaining wall immediately to the east obscures views of this elevation of the building from the public realm, and as such the plant and grille is considered to have no significant impact on the appearance of the building or the wider area and is not objectionable in design terms.
- 8.3. The new security hut is equally functional in appearance compared to the pre-existing security hut, with a similar footprint, height and materiality. The new location is considered not to be significantly more prominent than the

pre-existing location and as such this element of the scheme is considered to be of a neutral visual impact.

Impact on Amenity:

- 8.4. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.5. The 2no new plant units that are the subject of this application are located nearby to the residential properties on the western side of Friston Close, albeit at a distance of approx. 15m from the rear elevation of the properties and on significantly lower ground. Public representations have been received that raise concerns over the potential for the 2no additional plant to result in increased noise distance for occupiers of these properties.
- 8.6. There is a pre-existing bank of 12no similar-sized plant units in this location, in addition to several roof-mounted plant units approved under BH2015/02410. An Acoustic Report by Acoustic Associates has been submitted, which monitored sound levels in the rear garden of no. 6 Friston Close, and included both the pre-existing 12no units, the 2no new units and the roof-mounted units.
- 8.7. The Acoustic Report found that the plant at ground floor level on the eastern elevation (which includes the 2no plant which are the subject of this application) did not cause noise amounting to a statutory nuisance, and indicated that the roof-mounted units were the most likely to be the cause of any noise disturbance for occupiers of Friston Close.
- 8.8. The Environmental Health team have reviewed the Acoustic Report and have raised no objection to the proposal, and have also confirmed that there are no complaints about noise from the site currently registered with the Environmental Protection team.
- 8.9. The repositioned security hut is considered not to have a significant impact on the amenity of neighbouring uses in terms of overshadowing, overbearing impact or noise disturbance.
- 8.10. As such, it is considered that the 2no additional plant, the extract grille and the repositioned security hut do not have a significant detrimental impact on neighbouring amenity.

Sustainable Transport:

- 8.11. The plant and grille would have no significant transport implications.
- 8.12. The new security hut location would have no negative impact on the operation or use of the highway and as such is considered acceptable in transport terms.

Other Considerations:

- 8.13. No planning history has been identified for the existing 12no units on the east elevation, however based on photographs from the site visit for BH2015/02410 it appears that these plant units have been in place for more than four years and as such are immune to enforcement action.

9. EQUALITIES

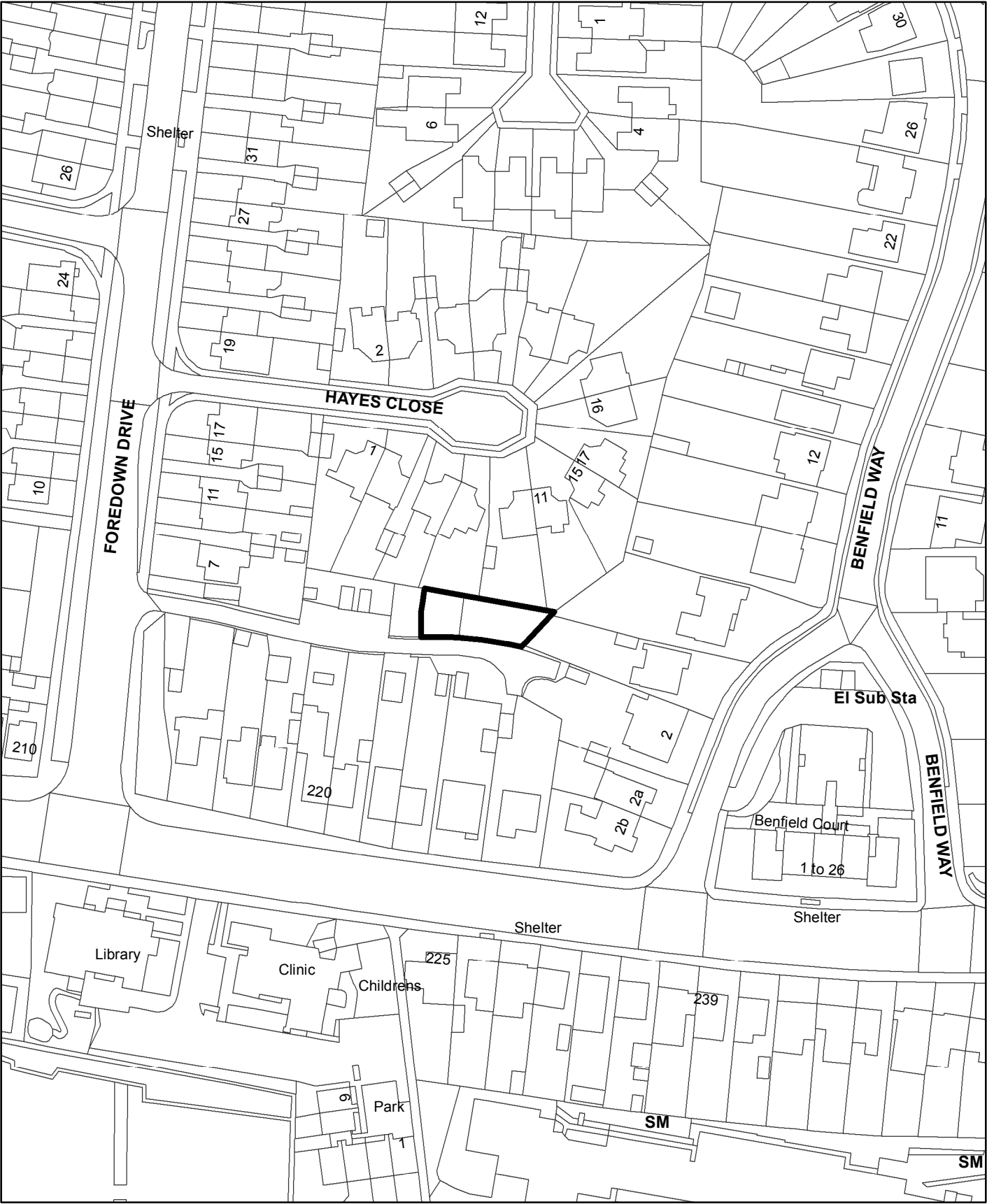
None identified.

ITEM F

**Land Rear Of 9 Hayes Close
BH2020/00538
Full Planning**

DATE OF COMMITTEE: 22 April 2020

BH2020 00538 - Land Rear Of 9 Hayes Close



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|-----------------------------|
| <u>No:</u> | BH2020/00538 | <u>Ward:</u> | South Portslade Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land Rear Of 9 Hayes Close Portslade BN41 2BQ | | |
| <u>Proposal:</u> | Erection of 2no two storey detached dwelling houses (C3) including landscaping, car & cycle parking. | | |
| <u>Officer:</u> | Nick Salt, tel: | <u>Valid Date:</u> | 20.02.2020 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 16.04.2020 |
| <u>Listed Building Grade:</u> | <u>EOT:</u> | | |
| <u>Agent:</u> | Turner Associates 19A Wilbury Avenue Hove BN3 6HS | | |
| <u>Applicant:</u> | GS Investments Ltd C/o Turner Associates Ltd 19A Wilbury Avenue Hove BN3 6HS | | |

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | TA1251/01 | | 20 February 2020 |
| Proposed Drawing | TA1251/10 | A | 6 April 2020 |
| Proposed Drawing | TA1251/11 | A | 6 April 2020 |
| Proposed Drawing | TA1251/12 | A | 6 April 2020 |
| Proposed Drawing | TA1251/13 | A | 6 April 2020 |
| Proposed Drawing | TA1251/14 | A | 6 April 2020 |
| Proposed Drawing | TA1251/15 | A | 6 April 2020 |

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) samples 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, 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. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. planting should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by planting hedges.

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 CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning

Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. None of the residential units hereby approved shall be occupied until each residential unit built 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.
8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One
9. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 1 number bird boxes per dwelling. The scheme shall then be carried out in strict accordance with the approved details 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.
10. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
11. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
12. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 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.

13. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

15. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.

16. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 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. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.
3. The water efficiency standard required under condition 8 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.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
6. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges.
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a small plot of land to the rear of Hayes Close and accessed via the access road (Highlands Close) to the rear of Old Shoreham Road. Highlands Close is characterised by smaller garage and storage structures and open space. The plot currently stores building materials and is fenced off from the road. The site sits lower in terms of topography than the Hayes Close houses to the north and there is a retaining wall to the site's northern boundary.
- 2.2. The application seeks planning approval for the erection of 2no. two bedroom detached dwellings each with 2 storeys.
- 2.3. The dwellings themselves would be identical with a hipped tiled roof, tile hanging finish on the elevations and painted timber windows. A gap would be retained between the dwellings and to the rear boundary, with garden areas and a car parking space surrounding.

3. RELEVANT HISTORY

- 3.1. BH2018/02626 - Erection of 2no two bedroom houses (C3). Refused 11.04.2019 for the following reasons:
 1. The proposed scheme by virtue of the proximity of the proposed dwellings to the rear boundary, the scale and height of the dwellings and the dormer windows on the rear elevation represents an unneighbourly and overshadowing form of development that will harm the amenity and privacy of the neighbouring properties at 7 & 9 Hayes Close. The proposal is therefore considered contrary to policy QD27 of the Brighton and Hove Local Plan.
 2. The height of the proposed dwellings together with the bulk and design of the roof form would result in an incongruous form of development which would over dominate the adjoining bungalows and fail to respect the prevailing style of the area. The proposed scheme is therefore considered contrary to policies CP12 and CP14 of the Brighton & Hove City Plan.

The above decision was upheld at appeal on 03.10.2019, with the inspector broadly agreeing with the reasons for refusal.

- 3.2. BH2018/00288 - Erection of 3no 3 storey dwelling houses (C3). Refused 11.10.2018 for the following reasons:
 1. The proposed scheme by virtue of its height, design and materials would have an overly bulky appearance that would fail to reflect or enhance the characteristics and appearance of the surrounding area and is therefore

considered to be contrary to policies CP12 and CP14 of the Brighton & Hove City Plan.

2. The proposed scheme would provide insufficient internal space for each four bedroom dwellinghouse. The small front gardens are also considered too small for a family sized dwelling, and would be subject to much disturbance and would have no privacy. The proposed scheme is therefore considered to represent an unacceptable form of overdevelopment that will provide a poor standard of living accommodation for future occupants, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.
3. The proposed scheme would result in increased overlooking and loss of privacy to the occupants of 5-9 Hayes Close and 222-230 Old Shoreham Road, and increased overshadowing of the rear gardens and a loss of outlook to the occupants of 5-9 Hayes Close and 4 Benfield Way. The proposal therefore poses an unacceptable level of harm to neighbouring amenity and is considered contrary to policy QD27 of the Brighton and Hove Local Plan.

3.3. PRE2017/00159 - Pre-application advice for current site for a proposal for three storey terrace housing (13.09.2017)

- Would appear to be overdevelopment, leaving little green space and out of character with surroundings;
- Roof form at odds with surrounding dwellings;
- Lack of detailing on elevations and use of metal cladding - bulk;
- Disjointed internal layout;
- Unacceptable cycle facilities;
- Insufficient amenity space;
- Loss of privacy and increased shadowing and sense of enclosure.
- Advice was given on what would be needed to overcome these issues in any planning application.

4. REPRESENTATIONS

4.1. **Eleven (11)** letters have been received objecting to the proposed development for the following reasons:

- Impact on trees
- Impact on wildlife
- Overlooking
- Too close to boundary
- Scale of dwelling
- Overshadowing
- Noise
- Increase in parking/traffic
- Design out of keeping with area
- Dominance and overbearing
- Impact of construction on parking etc.
- Restriction of view
- Impact on property value

- Poor access arrangements
- Insufficient detail on plans

4.2. **Councillor Hamilton** objects to the proposal, a copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. **Southern Water:** No objection

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.2. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

5.3. Informative requested re. connection to public foul sewer.

5.4. **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary conditions relating to the crossovers, car parking retention and cycle parking provision.

5.5. Highways note that the two new dwellings are not expected to result in a significant uplift in trips. Whilst the pedestrian access (alongside the vehicle access) is acceptable in principle, Highways have requested that it be widened though do not object on this basis.

5.6. **Arboriculture:** No objection

Relevant comments from previous scheme BH2018/00288

5.7. There is one sycamore tree on the site, marked T1 on the plans and this is in a healthy condition. It is not of the best form due to the previous management of it, however, it does have some amenity value and will certainly help as a visual and sonic screen to the busy old Shoreham Road to the south. There are other trees within neighbouring gardens but these are not of a size that will be severely affected by the proposed development.

5.8. The sycamore T1 grows upon this embankment and its stem is at approximately 1.8m above the ground level. The majority of its root protection area will not be affected by the development due to this change in levels, with facilitation pruning on its western aspect it could be retained whilst construction is taking place. However, its long term retention will not be possible due to the close proximity of the building and post development pressure to remove it. The tree is not worthy of a tree preservation order, and there is an additional sycamore tree T3 behind this so the arboricultural team will not recommend refusal for this application.

- 5.9. There is no landscape plan with the application and there is room to plant small trees and shrubs within the three front gardens. The arboricultural team will recommend approval subject to condition.
- 5.10. **Ecology: No objection**
Relevant comments from previous scheme BH2018/00288
- 5.11. The site has been cleared and is currently being used for storage of building materials. The majority of the ground is bare and/or covered in boards. There is some ruderal vegetation/scrub at the top of the retaining wall along the northern boundary, with a tree in the north east corner. There are two piles of soil in the south west corner, one of which is bare and the other is covered in tall ruderal vegetation/scrub. Could see no badger setts or fox dens, and no sign of mammals on site; there were no push-throughs, latrines, hairs, mammal paths or footprints, although the ground was hard and dry so the latter would be hard to see. The site is within an urban setting and is relatively isolated.
- 5.12. In light of the above, in its current state there are no ecological constraints to the proposed development. If the Council is minded to approve the application, the site should be enhanced for biodiversity to address the NERC Act and NPPF. A sensitive landscape scheme should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by either planting hedges or providing holes in gravel boards, and bird boxes should be installed. These should target species of local conservation concern such as starling, house sparrow and swift.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted Oct 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing delivery |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP14 | Housing density |

Brighton & Hove Local Plan (retained policies March 2016):

| | |
|------|---|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| QD16 | Trees and hedgerows |
| QD18 | Species protection |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |

Supplementary Planning Documents:

| | |
|-------|-----------------------------------|
| SPD03 | Construction & Demolition Waste |
| SPD06 | Trees & Development Sites |
| SPD11 | Nature Conservation & Development |
| SPD14 | Parking Standards |

8. CONSIDERATIONS & ASSESSMENT

- 8.1. Concerns have been raised regarding impact on property value and impact during construction works are noted as objections set forward in the representation section of this report. These are not however, material planning considerations and accordingly have not been considered in the above assessment.
- 8.2. The main considerations in the determination of this application relate to:
- Principle of development;
 - History of the site and evolution of proposed schemes;
 - Design and appearance;
 - Impact on the amenity of occupants of adjacent properties;
 - Highways and transport considerations;
 - Standard of accommodation;
 - Ecological impact;
 - Arboriculture;
 - Sustainability.

Principle of Development and Site History:

- 8.3. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this

minimum housing requirement that the City's five year housing land supply position is assessed annually.

- 8.4. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5. The creation of 2 dwelling houses would be a useful contribution towards the City's housing targets and this must be given due weight in the balancing of the considerations.
- 8.6. The principle of residential development on this site was considered acceptable in the previous schemes and was not questioned by the Inspector, when the previous appeal was dismissed. A pre application response from 2017 agreed that residential was the most suitable form of any future development on this site but raised specific concerns regarding the proposal.

Site History and Background:

- 8.7. Previous refusals for schemes on this site have raised concerns with the design and appearance of the proposed buildings and the impact on the wider character of the area, as well as impact on the amenity of the neighbouring dwellings. This further application for 2 detached dwellings has been submitted in an attempt to address previous shortfalls in proposals and this is a material consideration.
- 8.8. As previously outlined in the report, the previous two schemes on the site were both refused. The most recent scheme was refused on two grounds, firstly due to the proximity of the proposed dwellings to the boundary with 7 & 9 Hayes Close, and secondly as a result of overshadowing and loss of privacy. The Appeal Inspector in dismissing the appeal concurred with this view. The Inspector, did not rule out the principle of development of the site.
- 8.9. The proposal has been significantly revised and reduced from the large three storey semi-detached pair to a smaller pair of detached two-storey dwellings. The new dwellings would be 7m to the ridge from ground level, approximately 5m to the eaves (south elevation) and 4.25m to the eaves (north elevation) from ground level, 7m wide and 6.5m deep. The ridge height has been reduced from the previous scheme by 1.5m, eaves reduced by 2m, and the dwellings have been designed as separate units, compared to the previous semi-detached design which had a width of 12.75m. The depth has been reduced by 1.2m, providing a greater distance to the northern boundary of approx. 2.7m. This is most evident in drawing no.12 which shows a section comparison between the scale of the current scheme and the previously refused scheme - as is discussed below.

- 8.10. The second reason for refusal was the impact of the bulk and scale of the previous proposal on the character and appearance of the surrounding area. Again, with the height and size reduction and the splitting of the dwellings into smaller detached units, the current scheme is fundamentally different in appearance.
- 8.11. Proposed materials to be used have been amended to better reflect the prevailing design of the surrounding area, this will also be discussed below. To summarise:
- The current proposal has been set further back from the boundary;
 - The northern roof pitch has been reduced;
 - Rear elevation windows above ground floor level have been removed;
 - Ridge height has been reduced by 1.5m and is now 5.5m above garden ground level of houses to the rear;
 - Eaves height on the northern elevation is now 0.75m higher than the boundary fence to the rear of 9 Hayes Close;
 - Distances to 7 and 9 Hayes Close south elevations are 17.2m and 17.45m respectively.
 - Change in design and materials.

Design and Appearance:

- 8.12. Brighton & Hove City Plan Policy CP12 requires new developments to be of a high standard of design that would make a positive contribution to the surrounding area, that emphasises and enhances the positive characteristics of the local neighbourhood. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. Policies CP12 and CP14 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area.
- 8.13. The application site backs onto the rear of Hayes Close which is predominantly comprised of single story semi-detached bungalows. The development site faces onto the rear of residential houses on Old Shoreham Road, which are two storey semi-detached houses.
- 8.14. Although external design is not required to copy the prevailing housing in terms of appearance and contemporary design is welcomed, there is an expectation that new development demonstrate a clear design rationale for the building in relation to its context/neighbours.
- 8.15. The reduction in build to plot ratio relative to the previous 2 schemes is noted. The current proposal is for two detached dwellings rather than 2 or 3 semi-detached/terraced dwellings. The two dwellings would be 5.8m apart. The overall bulk and height of the buildings is therefore reduced, the ridge height of the two dwellings would be 1.5m lower than that of the previous scheme. This is demonstrated in drawing TA1251/12 (sections) submitted with the application. The hipped roof design and lower, smaller form of the dwellings would be more in keeping with the Hayes Close bungalows to the north and would sit more comfortably between those bungalows and the larger dwellings to the south on Old Shoreham Road.

- 8.16. The ridge height of the dwellings would sit lower than that of the Hayes Close bungalows by approximately 1.5m, and the properties to the south by a similar level, due to the lower hipped roof design, the 1.5m lower ground level (relative to Hayes Road) and the existing topography. As outlined in the previous section, the dwellings would sit approximately 5.5m above the garden level of the properties to the rear/north (Hayes Close), with a total 7m height to the ridge. The overall scale and form of the dwellings would not be out of keeping with the surrounding context, despite the constricted and backland nature of the site. The existing openness which was identified by the appeal inspector in the previous appeal decision would not be unacceptably reduced. Further detail on dimensions of the proposed dwellings, compared to the neighbouring dwellings and the previous scheme is outlined in the previous section of this report.
- 8.17. The design of the dwellings in terms of finish would also provide an appropriate mix of contemporary styling through the use of modern multi-level fenestration design and a first floor bay window, and the more modest traditional design of the surrounding area. The use of tile hanging and brick would follow more closely the materiality of the surrounding residential properties and would help to further reduce the visual impact and bulk of the proposals, relative to the metal cladding etc. as previously proposed. The tiled hipped roof and modestly sized timber windows would also sit comfortably in the site without jarring with the surroundings. Further material detail is subject to further approval through recommended conditions. The northern (Hayes Close) side would be exposed to a longer, shallower roof slope with an eaves height of less than 1 metre above the rear boundary fencing, and distance to the boundary has been increased to nearly 3m, reducing any overbearing visual impact.
- 8.18. Overall, the design and appearance of the dwellings would address previous issues with schemes on this site through a significant reduction in siting, bulk and height and through careful design which would allow the buildings to tie in appropriately with their built and natural contexts in accordance with policy CP12 and CP14.

Impact on Amenity:

- 8.19. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.20. The properties considered at most risk of being impacted by the proposed development are 5, 7 and 9 Hayes Close, 4 Benfield Way, 222 - 230 Old Shoreham Road.
- 8.21. With regard to the Hayes Close properties to the north (rear), previous issues were raised concerning overshadowing and the resulting impact on amenity due to the height of the proposed dwellings and the siting of the dwellings as a

pair of semi-detached properties, relative to Hayes Close and the proximity of the boundary with those properties.

- 8.22. In the previous scheme, shading diagrams were provided which demonstrated that shadowing would be minor from March to September but would be more significant during the winter months due to the natural alignment of sunlight. The appeal inspector previously did not make a final comment of the risk of shadowing but considered that overlooking remained unacceptable and therefore the previous application refusal on the basis of neighbour amenity impact was upheld.
- 8.23. The larger previous proposal was considered to result in greater bulk that would have had an overbearing impact, reducing outlook for neighbouring occupiers. The section drawings submitted with the current scheme are useful in establishing whether the scheme would result in a detrimental impact on amenity and whether this would be significant to warrant refusal of the application. It is noted, the redesigned scheme, introducing two detached properties breaks the bulk that would have resulted from the semi-detached pair in the previous scheme. This together with the shallower roof pitch at the northern end of the dwellings would allow for a clearer path for sunlight into the rear garden of the Hayes Close properties. The northern roof slope has been designed at a shallower pitch to further limit impact, and the hipped design of the roof will also reduce any such impact. The design changes incorporated, namely the introduction of two smaller detached dwellings is considered to have overcome the previous concerns raised in respect of amenity to the occupiers of Hayes Close.
- 8.24. Due to the distances to the Old Shoreham Road properties (approx. 5m from the rear boundaries, and over 9m from the rear elevation of garages), as well as the height and positioning of the proposed dwellings, together with the outbuildings that provides some relief, it is not considered that the proposal would have a detrimental impact in terms of overshadowing, loss of daylight on those properties or their gardens.
- 8.25. In relation to overlooking and loss of privacy, the current proposal features no first floor windows on the rear (north) elevations or the east side elevations which would prevent any significant overlooking into or onto the Hayes Road properties, between the two proposed dwellings, or towards 4 Benfield Way. Overlooking from the front (south) elevations onto the rear of the Old Shoreham Road properties would be limited due to fencing and garages to the rear of those properties and a separation distance between elevations of over 30 metres. These garages to the rear of the Old Shoreham Road dwellings would continue to be prominent in the northern outlook due to the topography of the area sloping upwards to the north. From the rear windows of the Old Shoreham Road properties, mainly the top half of the new dwellings including the roofs would be visible, and dominance would be reduced relative the previous taller, bulkier scheme. The existing garages would therefore have some screening effect, further diminishing the impact of the new dwellings which would sit some 35m to the north of the rear elevation of the Old Shoreham Road properties.

- 8.26. There would be an increase in comings and goings associated with the use of the two dwellings which would generate some degree of noise. This noise would not be likely to exceed or differ from that expected in a residential area and therefore its impact is not considered likely to have an unacceptable detrimental effect on the amenity of the neighbours.
- 8.27. In summary, the potential impact of the proposed development on the residential amenity of the occupants of the neighbouring dwellings has been considered fully and the scheme is in accordance with policies CP14 of the City Plan and QD27 of the Local Plan in that amenity will not be unacceptably impacted inasmuch as to warrant the refusal of this application.

Standard of Accommodation:

- 8.28. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.29. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sq metres, and a double bedroom should measure at least 11.5sq metres. The minimum floor space requires a head height of above 1.5m.
- 8.30. The ground floor accommodation would comprise an entrance hallway and downstairs cloakroom/W.C, an open plan kitchen/diner/lounge.
- 8.31. The first floor accommodation would comprise bedroom 1 measuring 12.4sq metres plus en-suite, and a single bedroom with 10sq metres floorspace. Interior ceiling heights of 2.3-2.35m are considered acceptable and overall the layout would be acceptable in terms of floorspace. The total interior floorspace would be just over 70sq metres (excluding stairs), which would meet the NDSS guide of 70sq metres for a 2 storey dwelling with 2 bedrooms and 3 occupants. The overall layout is considered good, with adequate access to natural light, ventilation and outlook.
- 8.32. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The ground floor has level access, a W.C and kitchen facilities and could be adapted to meet the needs of people with disabilities.

- 8.33. Policy HO5 of the Brighton and Hove Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development.
- 8.34. A narrow garden is located across the rear of the dwellings, with a small patio to the eastern side. Dwelling 1 (eastern) would have a larger garden and patio space. The garden of the eastern plot measures 4sq metres and the garden to the western plot measures 32 sq metres (excluding the car parking spaces and the stepped retaining walls). The garden area will be secluded from the road by fences. While it is noted that the garden area may be subject to some noise disturbance from other residents using the access road, the narrowness of the site means that the gardens can only be located to the side and is a consequence of the scale of development proposed. This is not a large area in either case but would be acceptable for a dwelling with 3 person occupancy and would accord with HO5.

Sustainable Transport:

- 8.35. The proposal would result in a modest increase in demand on local pedestrian and road routes relative to the additional dwelling. The Highway Authority do not object to the application. The two new 3-person dwellings are not expected to result in a significant uplift in trips. Whilst the pedestrian access (alongside the vehicle access) is acceptable in principle, Highways have requested that it be widened though do not object on this basis. To widen the access, the level of outdoor amenity space would need to be reduced at the eastern sides of the dwellings. It is considered that the 3.2m wide access to the car parking space would provide enough width for an average sized car and pedestrian/wheelchair access.
- 8.36. The site is not located in a controlled parking area of the city. SPD14 states that the maximum car parking standard for 2-bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per dwellings for visitors. The applicant proposes 1 car parking space for each 2-bedroom property. It is expected that any visitor car parking will be able to use the on-street parking available on the nearby Foredown Drive. Car parking provision on site would meet the requirements of the SPD14 standards subject to a condition securing the retention of the parking spaces.
- 8.37. In terms of cycle parking, 4 spaces have been proposed to serve the development. SPD14 guidance states that for a 2-bedroom dwelling, 1 cycle parking space (long stay) should be provided. Having reviewed the submitted plans, the Highways team note that it would appear that the cycle store is constrained with regard to access, with it being difficult to manoeuvre bikes out of the store. Further details are therefore required which can be secured by condition.
- 8.38. Overall, subject to the necessary conditions, the development would not have an unacceptable or significant impact on the local highway system, on traffic and pedestrian safety or in terms of access an parking for the future occupants in accordance with policies TR7 and TR14 of the Local Plan.

Arboriculture:

- 8.39. Arboriculture comments were provided for one of the previous larger schemes and are relatively recent and considered relevant to this scheme.
- 8.40. There is one sycamore tree on the site, marked T1 on the plans and this is in a healthy condition. There are other trees within neighbouring gardens but these are not of a size that will be severely affected by the proposed development.
- 8.41. The sycamore T1 grows upon an embankment and its stem is at approximately 1.8m above the ground level. The long term retention of this tree would not be possible due to the close proximity of the building and post development pressure to remove it. The tree is not worthy of a tree preservation order, and there is an additional sycamore tree T3 behind this so the arboricultural team has not recommend refusal for this application.
- 8.42. There is no landscape plan with the application and there is room to plant small trees and shrubs within the gardens. A landscaping plan shall be secured via condition if overall the proposal is considered acceptable.

Ecology:

- 8.43. Ecology comments were provided for a previous larger scheme on this site and are also considered relevant to this one.
- 8.44. They previously noted that there were no ecological constraints to the proposed development. Enhanced biodiversity to address the NERC Act and NPPF could be secured by condition. A sensitive landscape scheme would be required and should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by either planting hedges or providing holes in gravel boards, and bird boxes should be installed. These should target species of local conservation concern such as starling, house sparrow and swift.
- 8.45. Furthermore a condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Sustainability:

- 8.46. Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures could be secured via a suitably worded condition if the development were to be approved.

Other Matters

- 8.47. Recycling/waste storage has been shown adjacent to the cycle parking to the western side of the dwellings. This should be implemented prior to occupation and this shall be secured via condition.

9. CONCLUSION:

- 9.1. To summarise the above assessment, it is acknowledged that the site is constricted and in a potentially sensitive backland location between existing sets of dwellings. The original intended use of Highlands Close was evidently for access to the rear of Old Shoreham Road houses and not for new residential dwellings. The level of objection to these proposed dwellings is also noted.
- 9.2. However, the current proposal is considered to overcome the concerns raised with previously refused schemes, is an efficient and effective use of a site and is not regarded as overdevelopment of what is an underused site. This is particularly achieved through the height reductions of 1.5m at the ridge, 3m at the eaves, the setback from the boundary by a further 1m, the splitting of the development into two smaller units spaced 5.8m apart and the more sensitive use of materials. The effective use of the site and the principle of the redevelopment for residential purposes makes a contribution towards the housing shortfall in the City and carries weight in favour of the developments acceptability. There are no issues with this scheme which have been identified as so significant or unacceptable as to tip the planning balance of the scheme towards a refusal.

10. EQUALITIES

- 10.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Cllr. Leslie Hamilton
BH2020/00538 – Land Rear Of 9 Hayes Close

12th March 2020

I am writing to object to the above application, where two similar applications have already been refused. I am very concerned that the application is devoid of measurements. Size has been a material consideration in both previous applications and is still a crucial consideration. How would anybody know if the building complied with plans if no measurements are given? When the previous Application BH2018/02626 was refused on appeal the inspector made it clear that the character and appearance of the area would suffer and that the living conditions of the occupiers of 7 and 9 Hayes Close would suffer from overshadowing, outlook and privacy and that the application was contrary to QD27 of the Brighton and Hove Local Plan. In addition while the access road belongs to the council all other relevant land is privately owned as the access road runs through what were the back gardens of the Old Shoreham Road properties, reaching right up to the Hayes Close boundary wall. There is no room for a pavement to access the proposed properties. The development site is part of the rear garden of two of the houses. The new plan does not address the issues raised by the inspector and I ask that it is rejected on the same grounds, I would like this application to come to committee if approval is recommended in which case I request a site visit and I will come to oppose the application at committee.

PLANNING COMMITTEE

Agenda Item 122

Brighton & Hove City Council

NEW APPEALS RECEIVED (05/03/20 – 01/04/20)

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2019/01466

28 Church Road Hove BN3 2FN

[Retrospective] Change of use from large house in multiple occupation (Sui generis) to 2no. self contained one bed flats and 1no. self contained three bed maisonette (C3).

APPEAL IN PROGRESS

11/03/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2019/03162

23 Lansdowne Road Hove BN3 1FE

Extension of existing building and erection of adjoining new dwelling to form 2no semi-detached units (C3) and associated works.

APPEAL IN PROGRESS

20/03/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER AND ELM GROVE

BH2019/02541

185 Elm Grove Brighton BN2 3EL

Display of 1no internally illuminated digital LED poster to replace existing poster and paste billboard.

APPEAL IN PROGRESS

17/03/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HOLLINGDEAN AND STANMER

BH2019/02674

12 Standean Close Brighton BN1 9EU

Change of use from three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part-Retrospective).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 10/03/2020
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2019/03365
ADDRESS Land Rear Of 43 Rushlake Road Brighton BN1 9AE
DEVELOPMENT DESCRIPTION Demolition of existing garage and erection of two storey dwelling house (C3) fronting Rushlake Close with landscaping and other associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2019/03551
ADDRESS 4 Barrow Hill Brighton BN1 7FF
DEVELOPMENT DESCRIPTION Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (retrospective).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2019/03849
ADDRESS 1 Walton Bank Brighton BN1 9AT
DEVELOPMENT DESCRIPTION Change of Use of existing residential dwelling (C3) to flexible use 5no bedroom residential dwelling/ small House in Multiple Occupation (C3/C4) incorporating single storey front and side extensions, installation of cycling storage and associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **HOVE PARK**
APPEALAPPNUMBER BH2019/02758
ADDRESS 7 Elrington Road Hove BN3 6LG
DEVELOPMENT DESCRIPTION Erection of five bedroom dwelling to replace existing property incorporating formation of lower ground floor with garage and associated works.
APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 18/03/2020
APPLICATION DECISION LEVEL Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEALAPPNUMBER

BH2019/03231

ADDRESS

44 Heath Hill Avenue Brighton BN2 4FH

DEVELOPMENT DESCRIPTION

[Retrospective] Change of use from 7 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

10/03/2020

APPLICATION DECISION LEVEL

Delegated

WARD

NORTH PORTSLADE

APPEALAPPNUMBER

BH2019/01409

ADDRESS

Henge Way Portslade BN41 2ES

DEVELOPMENT DESCRIPTION

Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

20/03/2020

APPLICATION DECISION LEVEL

Delegated

WARD

PATCHAM

APPEALAPPNUMBER

BH2019/03346

ADDRESS

134A Carden Hill Brighton BN1 8DD

DEVELOPMENT DESCRIPTION

Erection of single storey rear extension and two storey side extension, revisions to fenestration, replacement of render with cladding, painting brickwork.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

26/03/2020

APPLICATION DECISION LEVEL

Delegated

WARD

PRESTON PARK

APPEALAPPNUMBER

BH2019/02406

ADDRESS

64 Chester Terrace Brighton BN1 6GD

DEVELOPMENT DESCRIPTION

Erection of single storey rear extension to replace existing conservatory.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/03/2020

APPLICATION DECISION LEVEL

Delegated

WARD

QUEEN'S PARK

APPEALAPPNUMBER

BH2019/02933

ADDRESS

78 St James's Street Brighton BN2 1PA

DEVELOPMENT DESCRIPTION Installation of extraction ductwork and flue outlet to east elevation. (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 17/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2019/03515
ADDRESS Albion Court 44-47 George Street Brighton BN2 1RJ
DEVELOPMENT DESCRIPTION Application for variation of condition 2 of BH2016/01151 to allow amendments to approved drawings to retain existing brickwork to rear façade.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2019/03568
ADDRESS 32 George Street Brighton BN2 1RH
DEVELOPMENT DESCRIPTION Erection of part one, part two storey rear extension to facilitate a studio flat (C3) to the lower ground floor with installation of front door for access and retention of upper floors as 4 bedroom small HMO (C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 16/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2019/01194
ADDRESS 41 Westfield Avenue North Saltdean Brighton BN2 8HS
DEVELOPMENT DESCRIPTION Certificate of lawfulness for proposed loft conversion incorporating alterations to existing rear dormer.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 19/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2019/01937
ADDRESS Junction Of Roedean Road And Marine Drive Rottingdean Brighton

DEVELOPMENT DESCRIPTION Replacement of existing 12m telecommunications monopole and all redundant equipment and the installation of a 20m telecommunications monopole, with 12 apertures, 9 cabinets, ancillary equipment and associated works.

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 17/03/2020

APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**

APPEALAPPNUMBER BH2019/02645

ADDRESS 1A South Street Portslade BN41 2LE

DEVELOPMENT DESCRIPTION Erection of two storey one bedroom maisonette to side of existing property.

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 18/03/2020

APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**

APPEALAPPNUMBER BH2019/03369

ADDRESS 10 Over Street Brighton BN1 4EE

DEVELOPMENT DESCRIPTION Replacement of existing timber/metal framed casement windows on front elevation with uPVC casement windows (Retrospective).

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 25/03/2020

APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**

APPEALAPPNUMBER BH2019/02751

ADDRESS Garages Between 88 Portland Road And 91 Westbourne Street Hove

DEVELOPMENT DESCRIPTION Demolition of existing garages and erection of 1no one bedroom two storey dwelling (C3).

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 10/03/2020

APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**

APPEALAPPNUMBER BH2019/03448

ADDRESS 4-6 Pembroke Gardens Hove BN3 5DY

DEVELOPMENT DESCRIPTION Roof alterations incorporating raising of ridge height, rear dormer and rooflights, installation of first floor front balcony and removal of side projection at ground floor level to facilitate conversion of property from 2no flats (C3) to 2no one bedroom, 1no two bedroom and 1no four bedroom flats (C3).

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**
APPEALAPPNUMBER BH2019/03648
ADDRESS 13 And 14 Sheridan Terrace Hove BN3 5AE
DEVELOPMENT DESCRIPTION Change of use of no13 from Sui Generis to form 9no residential flats (C3) incorporating creation of additional second floor with front terrace. Change of use of no14 from Sui Generis to B1(a) office space incorporating part demolition of rear and creation of additional first floor. Alterations to fenestration to both properties and associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/03/2020
APPLICATION DECISION LEVEL Not Assigned

WARD **WISH**
APPEALAPPNUMBER BH2019/00894
ADDRESS 15 Saxon Road Hove BN3 4LE
DEVELOPMENT DESCRIPTION Erection of two storey dwellinghouse (C3).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/03/2020
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEALAPPNUMBER BH2019/02236
ADDRESS 56 Surrenden Road Brighton BN1 6PS
DEVELOPMENT DESCRIPTION Alterations to front boundary incorporating creation of hardstanding and crossover, revised fenestration to the gable balcony and any associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 17/03/2020
APPLICATION DECISION LEVEL Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 18/03/2020 AND 06/04/2020

WARD**HANGLETON AND KNOLL****APPEAL APPLICATION NUMBER**

APL2020/00008

ADDRESS

16 Clarke Avenue Hove BN3 8GA

DEVELOPMENT DESCRIPTION

Erection of single storey outbuilding in rear garden. Erection of retaining wall and fence, landscaping including creation of decking.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/01402

APPLICATION DECISION LEVEL

Delegated

WARD**HANGLETON AND KNOLL****APPEAL APPLICATION NUMBER**

APL2020/00012

ADDRESS

Land To The Rear Of 77 Hallyburton Road Hove BN3 7GN

DEVELOPMENT DESCRIPTION

Erection of a 2no. storey residential dwelling (C3) with 3no. bedrooms, and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02855

APPLICATION DECISION LEVEL

Delegated

WARD**MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2019/00191

ADDRESS

148 Bevendean Crescent Brighton BN2 4RD

DEVELOPMENT DESCRIPTION

Application for removal of conditions 3 & 4 of BH2018/00802 (Change of Use from residential dwelling (C3) to 4no bedroom small house in multiple occupation. (C4)) relating to future extensions, enlargements, alterations and maximum occupancy.

APPEAL TYPE

Against Non-determination

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/00428

APPLICATION DECISION LEVEL

Delegated

WARD**MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2019/00275

ADDRESS

25 Auckland Drive Brighton BN2 4JD

| | |
|------------------------------------|--|
| <u>DEVELOPMENT DESCRIPTION</u> | Change of use from 4 bedroom dwellinghouse (C3) to 6 bedroom small house in multiple occupation (C4) with associated works including blocking of windows to side elevation and installation of cycle storage to front. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/01687 |
| <u>APPLICATION DECISION LEVEL</u> | Planning (Applications) Committee |
| <u>WARD</u> | MOULSECOOMB AND BEVENDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00013 |
| <u>ADDRESS</u> | 21 Coombe Terrace Brighton BN2 4AD |
| <u>DEVELOPMENT DESCRIPTION</u> | Change of use from three bedroom single dwelling house (C3) to four bedroom small house in multiple occupation (C4). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/02235 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | QUEEN'S PARK |
| <u>APPEAL APPLICATION NUMBER</u> | APL2019/00270 |
| <u>ADDRESS</u> | 19 West Drive Brighton BN2 0GD |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of part single storey and part 2no storey rear extension with enlargement of existing roof above, replacement of a rooflight with a rear dormer, and insertion obscurely glazed timber sash window to side elevation. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2018/03867 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | ROTTINGDEAN COASTAL |
| <u>APPEAL APPLICATION NUMBER</u> | APL2019/00276 |
| <u>ADDRESS</u> | 5 Dean Court Road Rottingdean Brighton BN2 7DE |
| <u>DEVELOPMENT DESCRIPTION</u> | Roof alterations incorporating raising of ridge height to east and west elevations, insertion of rooflights to rear with associated alterations. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/02283 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | WISH |

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| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00009 |
| <u>ADDRESS</u> | Wickenden Garage Scott Road Hove BN3 5HN |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of first floor extension with pitched roof to create 1no two bedroom flat (C3) above existing auto garage (B2). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/01600 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | WITHDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2019/00259 |
| <u>ADDRESS</u> | 15 Withdean Crescent Brighton BN1 6WG |
| <u>DEVELOPMENT DESCRIPTION</u> | Certificate of lawfulness for proposed loft conversion incorporating rear dormer, 3no front rooflights and 1no side rooflight. Erection of detached garage and covered side passageway. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/00288 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

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| <u>WARD</u> | WOODINGDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2019/00274 |
| <u>ADDRESS</u> | 46 - 48 Warren Road Woodingdean Brighton BN2 6BA |
| <u>DEVELOPMENT DESCRIPTION</u> | Installation of roller shutter to front elevation over window and entrance way. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/01399 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
